

CHAPTER NINE

KUDUMANE

9. KUDUMANE/GANYESA DISTRICT: GA-MORONA VILLAGE

9.1 DESCRIPTION OF THE PILOT SITE

CMP Thaxx Matolong's pilot site was described in the baseline study as Ga-Morona Village, an area of about 4 square kilometres that is 97 km north of Kuruman. However, the actual area that he addressed during piloting was much wider. It included the Moshaweng and Gasegonyae Municipalities where some 156 tribal villages are spread out over 1600 square kilometres of arid land. This traditional area includes two magisterial districts (Kudumane and Ganeyesa), seven police stations, and nine paramount chiefs of the Batswana. Its population is 90% Setswana-speaking and entirely dependent on livestock (no ploughed fields, no factories).

The crime prevention focus at this site was entirely on stock theft. This concerned the evaluator from the start of piloting since more than one crime prevention project at a site allows one to compare the value of each. Furthermore, this was the only rural site in the study. The evaluator discussed this concern with the CMP who said:

There are no other real crimes aside from stock theft in my area—we do not really have drug pushers. There is only one high school with few learners. We do not even have prostitution—it is unheard of here. So, there is not much to do in terms of crime prevention except to prevent cattle rustling. Even if I want to do more my hands are tied.¹

Rape and house-breaking were the next priority crimes at the local station (after cattle rustling) and for years this had amounted to no more than one or two *reported* cases a month.² This SAPS report matches a statement from the chairperson of Kgomo Modimo Wa Gae (the Anti-Stock Theft Forum) who told the evaluator that rape and

¹ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

² SAPS, Facilitated Discussion with Stakeholders, Ga-Morona Village, 18 July 2007. This viewpoint could be a problem of reporting levels, which are typically low in traditional areas (community members report their problems to the traditional structures and at this site relations with the police were very poor).

housebreaking were priorities for his organisation too but secondary ones to stock theft.³ The main goal of his organisation is to obtain a multi-purpose centre for controlling the livestock. He also mentioned that break-ins do occur and identified a shop in Ganyesa where this had occurred recently.⁴ Those assembled in round-table discussion also confirmed that stock theft was the largest crime problem but a CMP could also look into rape and housebreaking.⁵

A brief history of the cattle theft problem also helps to explain the exclusive focus. Cattle theft hit a peak of 35-50 cases a day in 2004 when community cattle were being sold to speculators for 'dirt-cheap' prices without the knowledge of the community. On 10 July 2004 the community organised a 'crime prevention group' (Kgomo Modimo Wa Gae or the Anti Stock Theft Forum). Then, on 30 July 2004, the forum identified the stock thieves and hundreds of them marched on the thieves and burned their houses to the ground. These vigilante activities led to the arrest, not of the stock theft syndicate, but of 93 community members of the Anti-Stock Theft Forum.

From November 2004 SPP Matolong started working with Ga-Morona and surrounding villages to learn about their concerns and to teach them about the law. This led him to help organise a sting operation that took place in December 2005. The result was the arrest of nine members of the stock theft syndicate, seven of whom were still on trial at the time of this evaluation study. After this, 'cattle rustling' was immediately reduced to a much smaller problem (perhaps 5 incidents in a week instead of 50 a day). At the time of the evaluation (July 2007) there were only two to five cases monthly.⁶

The chronology of events described above not only explains the exclusive focus on cattle theft but also reveals that SPP Matolong began working as a community prosecutor 18

³ The statistics on house-breaking also dropped according to the community prosecutor, Kgomo Modimo Wa Gae and SAPS (this occurred as early as August 2006 owing to patrols set up by Kgomo Modimo Wa Gae)

⁴ Sewedi, David (Kgomo Modimo Wa Gae Chairperson), Interview, Ga-Morona, 19 July 2007.

⁵ SAPS, (Inspectors L. M., Sonela, T. J. Galehouse and K. T. Tanke), Round-Table Discussion with Stakeholders, Ga-Morona Village, 19 July 2007

⁶ Tanke, K. T., SAPS Inspector (Stock Theft Unit), Survey Report, Ga-Morona Village, 19 July 2007

months *before* the formal onset of this pilot study. From late 2004, SPP Thaxx Matolong met regularly with the community and then throughout the pilot period under evaluation (April 2006-July 2007) to:

- Develop witnesses (building the case against the cattle rustlers)
- Improve community-police relations
- Teach the community about some key issues in crime prevention

This rural example (the only one in the study) also provides certain lessons that are important for the NPA to observe and contemplate:

- The situation whereby a prosecutor had already been involved in community prosecutions reveals that South Africa had its own indigenous brand of community prosecutions before observing this phenomenon elsewhere and attaching this label to it.
- This rural example may also call into question the name *community* prosecutions because the appropriate target area as described by stakeholders at the rural site extends well beyond a community to embrace an area of about 156 communities.

Should South Africa's version of community prosecutions be more geographically encompassing than models found elsewhere? Data suggesting that this *is* the case is not only found in this chapter but in the others as well because policing areas rather than communities were viewed across the country as the appropriate way to demarcate the target areas for community prosecutions. In the United States, most policing is municipal but not in South Africa. SAPS is nationally organised and has area-based demarcations. This may be such a critical distinction that a term other than 'community prosecutions' might be considered (see Sections 9.2.4 and 9.7.8 and 13.1).

9.2 THE IMPACT OF THE SITE ON PILOTING COMMUNITY PROSECUTIONS

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

9.2.1 Advantages to the site

The chief advantage to this site is that community prosecutions had a ‘head start.’ It began in October 2004 when the office of the Director of Public Prosecutions (Advocate Smit) first offered assistance to the Anti-Stock Theft Forum. Then, one year before piloting, on 31 May 2005, the NPA initiated a community outreach project in Ga-Morona Village. Advocate Smit opened the event with some 400 villagers present along with a number of prosecutors to address them on issues like the Stock Theft Act, marking cattle (branding) and bail. SPP Matolong was part of these early events and addressed the community on the importance of witnesses in criminal court.

These described events were a huge advantage because no trust-building was required at this site—the community held no suspicions and were very supportive of the CMP from the start of piloting.

These were some other advantages:

- Although the LOCAL SAPS station did not initially cooperate with the CMP and local community members (many were suspects in the stock theft ring), SAPS from PROVINCIAL level was seen to be very supportive: “Whenever there is a problem, I phone the Deputy Provincial Commissioner (Mpembe) or the Provincial Coordinator of the Stock Theft Unit (Supt Kgopodithata).”⁷
- The neighbouring commercial farmers supported project piloting and invited the CMP to address the issue of stock theft with them too.
- Chief Prosecutor Rachael Negovhela was reported by the CMP as very supportive of community prosecutions

9.2.2 Challenges to piloting at the site

There were some major challenges to piloting at this site that can be explained in terms of four impediments to partnership building (1) distance; (2) distrust between the local police

⁷ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

station and the community; (3) weak cooperation by stakeholders; and (4) new boundary delimitations. First, distance helps to explain these three challenges:

- Much time is consumed just getting to the site because SPP Thaxx Matolong is situated in Taung, which is 210 kilometres away from the pilot site.
- Partnership possibilities are also limited because it is difficult to get stakeholders together in one place owing to travel time and distances.
- Owing to distances, progress is exceedingly slow--“Everything works at the pace of a snail in my area,” said the CMP.

Secondly, the most severe challenge to successful community prosecutions appeared to be the distrust that had developed between the Ga-Morona community and the local SAPS station (Bothitong, about 15 km away). In evidence, all these viewpoints below were voiced by various stakeholders during interviews and round-table discussion with the evaluator:

- The Head of Sector Policing (Inspector Ntlhile) was viewed as ‘corrupt’ by certain Anti-stock Theft members who voiced this opinion in roundtable discussion with the evaluator—whether accurate or not this viewpoint undermines community-police relations.⁸
- Other allegations were made in informal interviews that the whole station is corrupt, uncooperative and intractable (another viewpoint indicating that community-police relations have completely soured)
- All members attending the evaluator’s research workshop including the police believed that the local community police forum was ‘inactive’
- Several members attending the evaluator’s research workshop said that police reservists only work from the police station and are not involved at all with the community
- It was stated by the CMP and others that the police would not recognise Kgomo Modimo Wa Gae as a CPF (even though they seem to constitute one in terms of their activities: night watches, patrols).⁹

⁸ Round-Table Discussion with Stakeholders, Ga-Morona Village, 19 July 2007

⁹ This is a complex matter because the Anti-Stock Theft Forum had engaged in vigilantism, an illegal activity. They were not organised by the police either and soon after their formation they were empowered by the NPA instead of the police leading to concerns about appropriate roles.

Further to the issue of poor relations between the community and the police, this appeared to have been so damaged by events (some police members had been involved in cattle theft) and perceptions regarding this that it might be useful for the NPA to discuss it at provincial or national level with SAPS. Provincial SAPS did respond to this situation by transferring a *few* police but many of the ones that had a poor relationship with the community remained.¹⁰ Most police members are local members of the community (many of whom have been at the station 10-15 years) and therefore this rift seems to run rather deep.

Third, the community had very few partners in government. These were the some critical challenges in terms of partnership building:

- Although there is some good local leadership, the bulk of the population consists of traditional people who are not well capacitated or situated to negotiate for government services (a CMP could help to empower them on this issue).
- Stakeholders like the Department of Agriculture or the Municipalities appeared to local residents to be reluctant to serve people who are so rural and traditional.¹¹
- Health is needed to visit butcheries and check on sanitation but did not appear to be operating in the area

Fourth, new boundary delimitations appeared to undermine many long efforts to build partnerships. This resulted in new administrative structures and partners:

- The administration of most of the pilot site area shifted from the Northwest Province to the Northern Cape (most of Kudumane was ceded to the Northern Cape on 1 April 2007).
- The administrative cession described above also split the territory of the pilot site since the CMP was also working in Ganyesa which remained part of the Northwest Province
- The SAPS Stock Theft Unit from Vryburg (Northwest) handed over all their dockets to the Postmasburg Stock Theft Unit (Northern Cape) such that the CMP

¹⁰ Sewedi, David (Chairman Kgomo Modimo Wa Gae) and Thaxx Matolong, Informal Interview, Kudumane (En route to Ga-Morona Village), 19 July 2007

¹¹ Round-Table Discussion with Stakeholders, Ga-Morona Village, 19 July 2007.

can no longer work with the Vryburg Stock Theft Unit with which he developed a close partnership.

“I must start over with new partners,” said the CMP. Under the new demarcations, only one investigating officer (SAPS Inspector Africa) was sent to the area from the Postmasburg Stock Theft Unit (previously the CMP had been working with ten such officers). “Now there is one man for this vast area,” said SPP Matolong. In July 2007, they also sent two reservists to assist but this is hardly enough. When people report stock theft cases, they must wait for long periods for the Stock Theft Unit to come from far away and take statements. According to CMP Matolong:

The distances are so big that these guys cannot get around. That is why we had ten before. Now we are back to square one.¹²

9.2.3 Size of the pilot site

The original site designated for piloting, Ga-Morona Village, was inappropriate for the problem being addressed: stock theft. The reasons why the target area was enlarged during piloting provide four lines of evidence as to why a large area is required to address this problem:

- Ga-Morona Village, the nominal pilot area where the CMP meetings were held, is just an assembly point for meetings and not the focus of the crime problem
- The CMP was invariably drawn into meetings outside of the pilot area to deal with the problem since he could not stay focused on a four square kilometre site to resolve a problem that stretches over a vast area.
- Many villagers (some from as far as 400 kilometres away) would come from outside the ‘pilot area’ to attend the CMP’s meetings in Ga-Morona Village such as Batlharos Village, Heuningvlei, Deewaard, Bothithong, Ganyesa, Monrokweng, Tlakgameng, Manyeding, and Camden
- Cattle were being stolen over a wide area and transported to auction kraals 300 or more kilometres away from the Ga-Morona Village Stolen cattle were being sold

¹² Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

(the first market from Ga-Morona is Kuruman, which is 100 km away but it is more likely that a thief will sell stolen cattle at the markets even further away).

In short, “Cattle theft is a continuous crime just like car hijacking,” said SPP Matolong.¹³ If the NPA wanted to avoid addressing such an expansive area, the organisation would have to dismiss stock theft as a crime prevention activity. This was raised with both the community prosecutor and participants in round-table discussion. All seemed to feel that this focus on cattle theft was appropriate and that the pilot site was just too small for addressing it.¹⁴

9.2.4 Analysis of the pilot site

Considering that the focus of CMP Matolong was on cattle theft, which was identified to be the biggest crime and one that moved over a large area, the pilot site was too small. *What would be the appropriate size of a pilot site for addressing this crime?* First, it was the consensus among the 16 partners who attended the 19 July 2007 round-table discussion with the evaluator that policing stations should form the basis of any division and this should include all seven police stations relevant to the area:

1. Bothitong
2. Mothibistad
3. Batlharos
4. Tsineng
5. Heinengsvlei
6. Morokwene
7. Ganyesa¹⁵

¹³ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

¹⁴ Round-Table Discussion with Stakeholders, Ga-Morona Village, 19 July 2007

¹⁵ Round-Table Discussion with Stakeholders, Ga-Morona Village, 19 July 2007.

Secondly, addressing more than one policing area appeared appropriate based on the data because:

- This fits with evidence from other sites that one or more policing areas is usually (but not always) the appropriate unit to utilise when mapping out a target site
- It avails the CMP of a number of immediate partnerships for making impact
- It makes impact measurable (crime statistics are available)
- It fits with the kind of areas that Stock Theft Units address (they are similarly organised)
- Large target areas reduce the problem of displacement
- The CMP stated in interview that working full time with a secretary and one to two more colleagues he could cover the described area and even develop additional focus areas in both peri-urban and rural sites.
- CMP Matolong has already been working over a broad area owing to the demand for it.
- The particular crime involved (stock theft) is widespread and preventing it requires similar outputs at many sites.
- The area is a sparsely populated one making it both necessary and possible to move between areas
- Thaxx Matolong already has access four courts—Taung, Kudumane/Mothibistadt, Ganyesa, Pampierstadt and with one to two junior CMPs he could work these areas including seven SAPS Stations.

It is recommended that the CMP work with the community on stock theft and with the SAPS stations on improved community-police relations (this latter would probably translate into improved SAPS operations too). Those two issues would be an ample agenda for such a wide area.

From an administrative point of view, working in a big area also presents challenges:

- The seven SAPS stations bulleted further above do not all fall into one magisterial district (the first five on the list are part of the Mothibistad Magisterial District and the last two are part of Ganyesa)
- SAPS station areas and magisterial districts are not aligned requiring that the CMP work in different magisterial districts and between different divisions of the NPA (Northwest and Northern Cape).

How would this be resolved? It would be difficult for a CMP to receive instructions from two different magisterial districts. One possibility is to organise a community prosecution unit (like the SOCA Unit) and then prosecutors might be able to move between areas and partner with other units in other branches of government (e.g., the Stock Theft Unit). Obviously cattle theft is an organised crime that moves freely between areas but this obtains for other types of crimes as well (e.g., drugs, organised crime). Of course, contractual agreements between directors of different divisions might also be feasible and even preferred such that the NPA is in the best position to decide on this. There is precedent for this. The original undercover operations were authorised in 2004 by three Directors of Public Prosecutions (Pretoria, Mafeking, and Kimberely).

If SPP Matolong were to work at a scale larger than one magisterial district, would he still be a *community* prosecutor? The evaluator would suggest that community prosecutions be re-titled and redefined to fit the South African situation (see Section 9.7.8 below for other evidence in support of this). Perhaps they are simply *public outreach prosecutors* and the title should not define their activities in terms of area.

The crime type that is the focus for prevention is what should define the target area. If the crime problem is defined as cattle theft, the range of target areas to be addressed might be quite large (156 communities in this case) and include a large number of police stations (7). This matter can be based upon consultations both with the public and between the NPA and SAPS since high priority crimes and

areas should also be a focus in a situation of limited resources. The NPA working together with SAPS at national level needs to specify and define the crime types that can be addressed by community prosecution and then determine the areas and available personnel accordingly.

Under the conditions of piloting, CMP Matolong did not appear to have the time to address a wide area adequately, being limited to just a few days per month. He said, “I might have been given a more manageable area like the Vryburg District because this is a peri-urban area with other types of crime problems.”¹⁶ This situation also suggests that any CMP needs to be full time on the job. If this were the case, the suggested target area could be addressed with one or two assistants.

9.3 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.

9.3.1 Suitability to the role

The CMP is from Taung, part of a cultural area to which the pilot site belongs--Tswana. Thus, he knows the area, culture, and people well. In fact, the place name of his town or residence was the same as his surname: Matolong. It is also an area where cattle are more than just stock but part of the rich cultural history. The CMP said, “I know just about everything there is to know about cattle.”¹⁷

9.3.2 Time available for piloting

CMP Matolong said, “I like being a community prosecutor but the area I am working at is a problem—I might have only two days a week available to cover a big area. Before the pilot started he had already been meeting weekly with the community to build a

¹⁶ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

¹⁷ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

relationship but he said, “Once this came right, this intense amount of work was no longer required. I now meet with them once a month.”¹⁸

The manner in which he divided his hours at the time of the evaluation was not routine but this indicates how it averages out in terms of a monthly norm:

- 30 minutes to one hour: organising meetings
- 3 hours: monthly meetings with the community
- 2 hours: ad hoc meetings with other stakeholders
- 8 hours: travelling to the meetings

In a rural area, time is related to distance and this is evident in the bulleted display (above). The CMP explained:

I must travel all the way from Taung, which is 90 minutes to 2 hours *one-way* to the site. On arrival, the meeting starts and goes on for perhaps three hours. We go over the minutes and approve these and then onto report-backs and discussions. The meeting might start at 10am and finish at one but then I must drive back two hours. The same happens for ad hoc meetings that we have with the municipality, the House of Chiefs, or others.¹⁹

Most of the ad hoc meetings were focused on obtaining support from the municipality for the development of the multipurpose centre. “I explain community prosecutions to them and lobby for this,” said CMP Matolong.²⁰ This can be time-consuming. For instance, just to meet with the municipality, one must first meet with committee members to design an agenda.

9.3.3 Analysis of the appointed CMP

The CMP appears suited to the area as explained in Section 9.3.1. However, the pilot site was seen by him and all informants as too small to address the issue of cattle rustling.

¹⁸ Matolong, Thaxx, Informal Interview, Kuruman, 19 July 2007

¹⁹ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

²⁰ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

The CMP said that of necessity, he had to cover a much larger area to make any impact on stock theft. This is a mobile crime that extends well beyond a community issue to involve organised crime syndicates and stock theft units. This returns the focus again to a major question raised by this pilot area: is stock theft a suitable issue for community prosecution? If so, how does ‘community’ in terms of community prosecution get defined? See Section 9.2.4 (above).

9.4 THE OFFICE LOCATION AND ITS IMPACT

This section pertains to the office site including: (1) impact of the office location; and (2) an analysis of the best site for community prosecutions.

9.4.1 Description of the office location

SPP Thaxx Matolong was situated in Taung, which was 210 kilometres away from Kudumane. The distances might call such a pilot site into question (and did—it was much debated) because theoretically a CMP should work close to a community. According to CMP Matolong this caused two problems: (1) he could not get to site quickly from 210 km away; and (2) it was difficult to obtain information *from* the site quickly. He gave one example:

There was a case in which cattle were stolen from one village and taken through to another one – they transported the cattle to the speculator’s place. This is 30 km from the tribal office and then onto the speculator’s place. Along the way, there were many squabbles—but owing to the distance, I could not get there in time to manage the conflict. The police came all the way from Potchefstroom to intervene and everyone was there except for me! I could not even communicate with the prosecutor there. People came from Postmasburg too. Owing to all this, the rustlers ended up getting bail! I could have opposed bail if at the court!²¹

Fourteen stakeholders in the community, mainly members of Kgomo Modimo Wa Gae (the Anti Stock Theft Forum) along with traditional authorities and SAPS members

²¹ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

completed a survey. Question 11 asked about the challenges that remained for improving community prosecutions and 12 of the 14 people who answered that question (86%) made reference to his office location as a major challenge. These five responses are quoted directly from the surveys:

- “He needs to be visited at any time by anyone”²²
- “He must be at the nearest village, not Taung”²³
- “The office of the community prosecutor must be situated at the nearest police station.”²⁴
- “He must be at the tribal office, the police station or the municipality”²⁵
- “He must be at the tribal office where he can be easily located”²⁶

9.4.2 Analysis: the impact of office location

The CMP was too far from the site. Could he have worked closer? It does seem that he could have been at Mothibistadt since there is a Magistrates office there but the CMP was situated in Taung instead, 210 km away.

What about a community court? A community court is not even applicable at a site like this—the population is too spread out, facilities such as SAPS stations are widespread, and a ‘moving crime’ is being addressed. For instance, Ga-Morona is just an assembly point for meetings in an area embracing hundreds of square kilometres. This reveals that rural areas *must be* distinguished from urban and peri-urban areas in terms of the appropriate location for a CMP, the size territory that he or she might address, the manner

²² Meewi, Ernest (member, Kgomo Modimo Wa Gae), Facilitated Survey, Ga-Morona Village, 19 July 2007.

²³ Mothowagae Ross Mefswi (member, Kgomo Modimo Wa Gae), Stakeholder Questionnaire, Ga-Morona Village, 19 July 2007.

²⁴ Tshwanelo Joseph Galekose, SAPS Detective Inspector, Facilitated Survey, Ga-Morona Village, 19 July 2007.

²⁵ Tshipa Moseged, Headman Baga-Bareki Tribal office, Facilitated Survey, Ga-Morona Village, 19 July 2007

²⁶ Selkanery, Oneboy, Farmer, Stakeholder Questionnaire, Ga-Morona Village, 19 July 2007.

in which these problems are addressed, and the types of partnerships engaged (rural developments, SAPS Stock theft unit, etc).

What about a SAPS station? The SAPS station 15 km from the site (Bothitong station) could not be considered for a CMP office at the start of piloting because this is precisely where the problem was situated: no trust existed between the community and the police because they had been involved in the cattle rustling. The problem could not be easily or quickly resolved either because so many of the corrupt members remained at the station (very few were transferred despite the history of cattle theft). Since police are critical partners of community prosecution everywhere, this situation made the partnership-building work in Kudumane very difficult.

Problems with cooperation between SAPS and the NPA were also encountered in: (1) Mamelodi with an uncooperative SAPS station and (2) Mdantsane when a new station commissioner arrived in early 2007 with little apparent interest in community prosecution. This suggests that working with only one SAPS station can become problematic. It is better to target more than one station area and the list of them at this site is given in Section 9.2.4 (above). Cooperation between SAPS and the NPA at national level is also critical.

Seven police stations serve the area and the CMP could locate at one of these in accordance with certain criteria (a supportive station commissioner, access to the community, and proximity to the court). From there, he could work with all of them. This factor might allow the CMP to widen his activities to include advice or advocacy that can have high impact for a low time investment (advising on ways to improve dockets, building partnerships, or working to improve reporting levels) while still retaining a primary focus on the prevention of stock theft.

9.5 DEFINING COMMUNITY PROSECUTIONS

At the time of the baseline study, CMP Matalong offered this definition:

A community prosecutor is someone who is appointed to work hand-in-hand with the community and who advises them and helps them to reduce crime.

When this definition was offered in May 2006 it appeared to be very accurate since the CMP worked directly with the community. “A CMP *should* work with people on the ground,” he said. He maintained this kind of focus throughout piloting although he refined the definition a little at the time of the evaluation:

A community prosecutor is someone who is appointed to help the community to identify their crime problems, the causes and how to prevent those crimes.²⁷

CMP Matolong was convinced that an important role is served by working closely with *this* particular community of Ga-Morona because they were virtually without partners until he arrived. He said,

When the community first came with hard evidence to the NPA, the prosecutor closed the door on them—they only want to see victims! Previously there was no link between the prosecutor and the community—this link was missing. The community turned to their own methods because they had no confidence in prosecutors.²⁸

9.5.1 Analysis: defining community prosecutions

SPP Thaxx Matolong stated that a community prosecutor should work close to the ground. That seems valid but his definition leaves out one vital part (that he tried to address in practice): building relationships between the community and other government departments. Often the community is best situated to identify the crime problems but they cannot solve the problem alone because they do not deliver government services. It is suggested that this link between the community and government departments be more explicit in the definition developed by the NPA.

²⁷ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

²⁸ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

9.6 CMP STRUCTURES FOR DELIVERY

CMP Matolong did not develop any new structures but structured his delivery through the pre-existing anti-stock theft forum and created certain strategic partnerships. Each will be discussed and analysed below as follows:

1. The anti-stock-theft forum: Kgomo Modimo Wa Gae
2. The SAPS Stock-Theft Unit (a strategic partnership)
3. Other Strategic Partnerships
4. Analysis: Structures for delivery

9.6.1 The anti-stock theft forum

The closest partner to the CMP was Kgomo Modimo Wa Gae, the anti-stock theft forum. The main function of the organisation is to stop people from stealing their cattle (patrols, putting out roadblocks at night, investigating stolen stock, filing reports with the police). However, they also serve the function of a neighbourhood watch.

The forum was created on 10 July 2004 with a few hundred members from all around Kudumane concerned with the surge in stock theft. Now, it has some 3000 members from all across the northern areas of the country and is growing fast. It also includes these regular participants in the monthly meetings:

- CMP
- Agricultural Extension Officer
- House of Chiefs
- The Chairperson of the Anti-stock Theft Forum and his secretary in every village (More than 20 villages come to the meetings at Batlharos)

The CMP was considered by Kgomo Modimo Wa Gae to have been a very important partner in the success of the organisation. It was only two months after the organisation

formed that the CMP began working with them. “He got us organised and met with us 2-3 times a month,” said Chairperson David Sewedi.²⁹

The Impact of the CMP’s partnership with Kgomo Modimo Wa Gae

CMP Matolong provided the information about the law that changed the organisation from a vigilante group into one that works within confines of the law. The CMP helped to capacitate them to such an extent that:

- They are now highly organised and operate entirely within the framework the law.
- Membership is growing so rapidly that it is now *the* biggest membership organisation in the Northern Cape and Northwest Province for villages to join in the effort to prevent stock theft.

9.6.2 SAPS Partnerships (Stock Theft Unit of the Police)

The main SAPS partnership was not with the local police station 15 km away but with the Stock Theft Unit based in Vryburg, 151 km northeast of Kuruman. The partnership was essential because there were huge problems when trying to obtain a response from the local station. According to CMP Matolong (who facilitated this partnership with the community):

We used to invite them and other police stations but they do not come and do not offer their reasons for not coming but the Stock Theft Unit always comes to the meetings. The Stock Theft Unit also responds immediately to reports of stock theft and recovers the stock rapidly.³⁰

Interviews and questionnaires undertaken at the time of the baseline study and again at the time of the evaluation suggest that this is the main problem with the local station: the police had been involved in cattle rustling making it very difficult for the community to respect them. It was also reported that SAPS Boithitong:

- Simply did not respond to incidents or invitations

²⁹ Sewedi, David, Chairman of Kgomo Modimo Wa Gae, Interview, Kudumane, 19 July 2007

³⁰ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

- Did not follow up on cases
- Was ill-disciplined: many police are seen be under the influence of alcohol while working³¹

Corruption was also apparent in the sense that some police officers were suspended for corruption and others resigned under corruption charges. “One of the SAPS members from Ganyesa committed suicide when he was about to be arrested for stock theft.”³² However, *most* of the former SAPS members remained in their posts following these events. In analysis of these facts, it seems likely that the police would be resentful of the community considering the severity of the charges, the ongoing prosecutions against their SAPS colleagues, and the loss of one life owing to the suicide described above.

There have also been some improvements:

- SAPS Ganyesa now responds more frequently to the local problems
- SAPS Boithitong has three or four new 4 X 4s which should make it easier to respond
- Members of SAPS Boithitong attended the evaluator’s workshop 19 July 2007

Analysis of SAPS partnerships

The partnership with the Stock Theft Unit led to the prosecution and arrest of cattle thieves and the return of many cattle and therefore this was a highly productive relationship.

Otherwise, there appeared to be an intractable problem at the SAPS Boithitong Station suggesting the need for a major change of staff owing to a long history of poor relations with the community. This seems beyond the capacity of the CMP unless he can advocate this through his director. Reassignments might lead to improved community-police

³¹ Griggs, Richard, Developing a Community Prosecution Model for South Africa: the Baseline Study for a Planned Evaluation, October 2006; Facilitated Survey and Round-Table Discussion with Stakeholders, Ga-Morona Village, 19 July 2007.

³² Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

relations but attempting to resolve the problem with the existing members seems like a challenge too big to overcome without transfers. Transferring members might help to:

- Remove the sources of conflict
- Reinvigorate community-police relations owing to the introduction of new members without a history of soured relationships
- Revitalise the CPF
- Lead to improved partnerships on sector policing.
- Provide better entry for the community prosecutor and other partners seeking to prevent crime

It was reported by the CMP that most of the police in the station had not been re-assigned for more than a decade! It might even benefit the police to ensure that individual members had the experience of other stations. More generally, transfers would create a fresh opportunity to re-build relations with the community, which would then lead to improved performance by the police.

9.6.3 Other Strategic partnerships

The CMP also developed two strategic partnerships other than those identified above. These include:

- Department of Agriculture, Conservation and the Environment (they helped to draft a plan for the multi-purpose centre)
- Traditional leaders (these stakeholders attend the Anti-Stock Forum and also support the CMP)

The CMP solicited the support of two municipalities (Kgalagadi and Moshawe) to enable the establishment a multipurpose centre at Kudumane. “We tried to involve them but they do not come aboard,” he said. He talked to the municipal managers and was referred to the Local Economic Development Officer who then consistently failed to commit to meetings.

On the questionnaires undertaken with CMP partners, it was also stated that the Moshaweng Municipality is a much needed partner but usually an absent one. The respondents also said in discussion that they usually fail to attend meetings because of the distances and bad roads. This municipality has 156 scattered villages and 11 wards! One respondent at the evaluator's workshop on 19 July 2007 suggested that there was competition between municipal representatives and traditional people over scarce resources (most plausible and not uncommon in South Africa).

Analysis of strategic partnerships:

There were relatively few strategic partners and most of the CMP's work concentrated on the community. His essential outside partner was the SAPS Stock Theft Unit and this resulted in the return of cattle and the arrest and trial of nine members of a syndicate.

The local police and the municipality were relatively weak partners. The situation with the local police was analysed in the context of section 9.6.2 (above).

The reluctance of the municipality to participate is problematic because this is the group at the centre of National Crime Prevention Strategy. However, this is a common situation in South Africa and often owes to competition over scarce funding or simply weak representation by traditional people on rural issues. The CMP might need to work with more structures at the provincial level to address the community's concerns. He achieved this with the Stock Theft Unit but no others.

9.6.4 Analysis: Structures for delivery

In review of all the structures it seemed that the greatest success and the central focus was on increasing community involvement in crime prevention. They were addressed most particularly by working with Kgomo Modimo Wa Gae. This was an obvious success since it increased reporting levels and led to a drop in cattle rustling. This might be the

central feature of this chapter in terms of evidence and does not need to be further underscored in this section (see Sections 9.7.1, 9.7.2, 9.7.3, and 9.7.5).

The weak point in the intervention (and much of this bears on the status of this site as deeply rural) was the dearth of governmental partnerships. There was no partnership structure to which the CMP could direct his findings from the site but this was seen as very important at most other sites. Wherever impact was less than optimal it owed to a lack of partners and where impact was highest, it owed to a good partnership between the community and a government department (particularly the NPA and the SAPS Stock Theft Unit). Other departmental stakeholders are needed and this may require some *forum* of the relevant or willing ones and perhaps some intervention at provincial and national level to increase participation in community prosecution.

9.7 CMP ACTIVITIES AND IMPACT

The partnership structures described above engaged the community prosecutor in certain activities, each of which is further described under these sub-headings:

1. Information campaigns with the community on the stock theft act
2. Witness development and community representation in the courts
3. Targeting stock thieves
4. An advocacy campaign to alter various sections of the stock theft act
5. Building community-police relations
6. Negotiating for improved cattle facilities
7. Analysis of CMP activities

9.7.1. INFORMATION CAMPAIGNS WITH THE COMMUNITY ON THE STOCK THEFT ACT

This might be described as the main and critical activity and the one with highest impact. It started on 10 July 2004 when the members of both Kgomo Modimo Wa Gae *and* the general community were called together for educational activities. For instance, the CMP provided an education on the Stock Theft Act 57 of 1959, particularly Section 2 of the

act, which says that any individual who sees someone else with stolen stock can legally stop them, hold them under citizen arrest, and call both the owner and the police. This led to many arrests.

Impact of information campaigns

This information campaign had a *major* impact:

- Together with the patrols, it brought stock theft down from 30-50 cases a day to a very few cases a week.
- Information campaigns made the patrols very effective: members of Kgomo Modimo Wa Gae now know now *how* to stop cattle thieves because they are more aware of the law.
- The CMP so capacitated the patrols that many arrests followed from 31 May 2005 up until the present day.

As an example of the above, during late June 2007, just two weeks before this evaluation study, one member of Kgomo Modimo Wa Gae stopped a well known thief at Ga-Marona who had a sheep carcass in his possession. Members of SAPS were called to the site and the man was arrested. His residence was also searched and four more stolen sheep were recovered. This procedure was learned through CMP Matolong's teachings on Section 2 of the Stock Theft Act

9.7.2. WITNESS DEVELOPMENT

The CMP has been developing witnesses for cases. Originally bi-monthly meetings were held with the community to teach them how to witness and report crimes. Later, they learned about the ways and rules of the courtroom. He told them:

Police cannot be placed on each and every corner and so community has to police itself. If you see someone stealing from the neighbour you must decide, I will testify to this.³³

³³Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

Impact of witness development

These were the impacts at the time of data collection for the evaluation:

- Community members were testifying at the trial of the accused cattle thieves and producing the hard evidence that might lead to convictions
- A man saw a well-known cattle thief at a cattle kraal and called the police (the suspect has been serving a four year sentence since the beginning of 2006)
- The CMP could say that people are now testifying in larger numbers in order to reduce crime problems (more now support this as ‘the backbone of the criminal justice system’ said SPP Matolong)

The community prosecutor said that witness development did not lead to a ‘perfect outcome’ since some witnesses are unwilling to testify. Often an individual will tell a victim about the person who stole their cattle but is unwilling to testify. This produces ‘hearsay evidence’ that usually ends in a dismissal. Furthermore, cases are still being lost owing to corrupt police in the area who go directly to the perpetrator after a case has been reported to tell them *who* reported.³⁴ This kind of corruption makes it very difficult to improve community-police relations and has impact on the effectiveness of community prosecutions as addressed in Section 9.7.5 below.

9.7.3 TARGETING SPECULATORS

As explained above, the CMP helped the community to report those who steal stock. There is also this second activity: reporting the buyers of stolen stock. This task is more complex because the speculators employ agents—even boys—who use cell phones to keep them informed. Of course, it looks suspicious to see a teenager selling cattle and therefore it is in this manner some speculators were tracked and arrested.

³⁴ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

9.7.4 ADVOCACY CAMPAIGN TO ALTER SPECIFIC SECTIONS OF THE STOCK THEFT ACT

The CMP identified three problems with the Stock Theft Act 57 of 1959 and in June 2007 petitioned the Director of Public Prosecutions to change these items underlined below:

SECTION 6 OF THE STOCK THEFT ACT

The act reads as follows:

Any person including any auctioneer, agent or market buyer who sells barter, gives or in any other manner dispose of any stock to any other person shall at the time of delivery to such other person of the stock so sold, barter, gives or disposed of, furnish such other person with documents (herein called a document of identification)

This effectively says that any person including the agent or market master can give out a document of identification. Therefore, a thief can issue such a document too and many have done so. The CMP said, “Speculators can take possession of stock and sell it to a market within 30 days—and then it is meat and gone. You can buy from anybody and transport to anywhere!”

SECTION 8—TRANSPORTATION PERMITS

The law says any person can issue a transportation certificate. So, thieves do not need a person with authority to issue these. They just write in the name of the thief. Since there are no rules as to how the form should appear, it seems that the Department of Agriculture needs to issue a proper form.

IDENTIFICATION ACT NUMBER 6 OF 2002:

Anyone can buy a brand without having stock and then use it on other people’s stock. Many people apply for registrations without being owners of stock! This facilitates the stealing of brand marks.

IMPACT OF THE CAMPAIGN:

This campaign had not yet led to an outcome at the time of the evaluation. However, the CMP received the official backing of the Northwest House of Traditional Leaders in Mafeking concerning his efforts to change the law. SPP Matolong addressed them on the subject on 22 November 2006.³⁵ The House of Traditional Leaders responded to him on 19 January 2007 with a letter of thanks for his “eye opening” talk.³⁶

9.7.5 IMPROVING COMMUNITY-POLICE RELATIONS

The lack of a response by the local police to the problem of stock theft is the critical factor that led to vigilantism beginning in 2005 (i.e., when the police did not respond, the community burned down the homes of suspected stock thieves). From late 2005, many people realised that the local police were corrupt and were not investigating the cattle rustling cases because they were part of it. From 20 November 2005, the CMP called meetings with the police and the anti-stock theft forum but despite the monthly meetings, “The police did not want to work with the people and the people did not like the police.”³⁷

To improve relations, the CMP negotiated with both sides and brought the two together. He has since also helped to plan patrols and initiated a bi-monthly meeting between the community and the police.

IMPACT: EFFORTS TO IMPROVE COMMUNITY-POLICE RELATIONS

The local SAPS station and community members remained suspicious of one another at the time of the evaluation. The community reports that the local police do not cooperate when people go to report cases. Often they are given case numbers that do not suit the crime.

³⁵ Mtolong, B T, Presentation to House of Traditional Leaders, Unpublished document, 22 November 2006

³⁶ Baikgaki, O L, “Your presentation to the Northwest House of Traditional Leaders,” Letter of Appreciation to Thaxx Matolong, Mmabatho, 19 January 2007

³⁷ Matolong, Thaxx, Formal Interview, May 2006, Kudumane

There is also confusion among the police about the community prosecutor. According SPP Matolong, “They charged that the NPA is trying to create a CPF when it is their role!” Thus, the CMP did not succeed in winning over the local station and they also remained resentful that the community went ‘over their heads’ to complain to the commissioner. The CMP said:

The police are doing their job since we reported them. So, now they take statements but not in a friendly way. They do a perfunctory performance. They do the minimum.³⁸

Owing to the above, the chief outcome is that SPP Matolong developed a relationship between the anti-stock theft forum and the SAPS stock theft unit and *they* became much better partners on stock theft and helped the community to make arrests. The relationship with the local station only improved in terms of better reporting to them by the community. Despite this, the recommendation of the evaluator is to extend the work with the police stations with the aim of improving these relationships and SAPS operations.

9.7.6 ADVOCATING IMPROVED CATTLE FACILITIES FOR THE COMMUNITY

Improved cattle facilities refers to the development of an area of about four square kilometres with high fence, electricity, boreholes, dipping tanks, veterinary services, kraals, buildings, an auctioneer ring, cafeterias and meeting facilities at the site to help prevent crime. The main problem with cattle theft was the lack of community control over their cattle owing to a lack of such facilities. Therefore one of the CMPs main activities today is to advocate a locally controlled environment that can help to prevent stock theft.

To illustrate this point, residents of Kudumane often fail to recover their stolen cattle because the pound is so far away (the nearest one 300+ kilometres away near Mafikeng). The police might go to the auction kraals where the thieves have taken the cattle but the thieves will abandon the cattle once they see the police. Afterwards, the police see the

³⁸ Matolong, Thaxx, Formal Interview with the Community Prosecutor, 18 July 2007, Kuruman.

owners are not present and therefore take the cattle to the pound (one far away near Mafiking). If no one comes, the stock might get sold by the pound master. He keeps them for a month to 21 days and then sells them to recover his money.

The lack of a market place (auction kraals) also creates the conditions for speculators. According to the CMP:

One of the main problems of stock theft is the lack of a market place. So, we need a multi-purpose centre for auction kraals in villages where these are accessible. People will go there because of competitive prices. Their prices would be *very* competitive and many buyers would come. It would be in the middle of many villages and they could even drive their cattle right to the kraals.³⁹

The provision of the described facilities is a major development issue that should be of concern to local government and the Department of Agriculture. The role of the NPA can only be limited to advocacy (the NPA cannot provide such facilities) and in fact the CMP so far has been trying to negotiate this provision through discussions with:

- The community
- The Department of Agriculture in Vryburg Region
- The municipality and LED officers

Regarding this, the CMP attended many community meetings with the chairmen of the various villages, met with government departments and helped to draft business plans. He said:

We have now covered all the villages with education campaigns but stock theft does go on. Now we just need a mechanism to stop this crime. People need: auction kraals—a closer market. A multi-purpose centre is needed here but none of this has gone in.

³⁹ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

The Department of Agriculture told the CMP that they are willing partners but there are channels to follow including a feasibility study. The LED officers and the municipality have so far ignored the proposal:

Mr Phiri is never there when we come to meetings—it is clear that they are not serious about cooperating. We approached the municipal manager too. Now we are stuck. We invite all stakeholders from the Moshawe Municipality but they never attend.⁴⁰

Owing to the new demarcations (Ga-Morona is now in the Northern Cape), the CMP was planning a journey to Kimberley at the time of the evaluation to negotiate with new stakeholders.

IMPACT AND ANALYSIS: NEGOTIATING IMPROVED CATTLE FACILITIES

This has had no impact as yet but it seems logical that locally controlled kraals and pounds would help to prevent crime. The disorganisation of the cattle business and the lack of facilities in Kudumane for selling cattle made the community vulnerable to crime. The planned multi-purpose centre(s) would minimise stock theft but also create jobs, develop skills, improve the local economy, reduce travelling distances, and eradicate speculation. However, it is a development issue that might take a long time to see to fruition.

Is it the role of the NPA to promote community development in this way? It only seems appropriate in terms of advocacy: identifying the appropriate government departments that can play a role in preventing crime and advocating their involvement owing to the NCPS and other legislation. The actual implementation and oversight of this would fall to other departments.

⁴⁰ Matolong, Thaxx, Formal Interview with the Community Prosecutor, 18 July 2007, Kuruman

9.7.7 ANALYSIS OF CMP ACTIVITIES

Many of the CMPs activities were focused on either (1) public education in the law directed *at* the community; or (2) building partnerships *for* the community. This was assisted by witness development, which assists in prosecutions (and therefore fits with the pattern of selective prosecutions as identified at other sites). First, public education in the law seemed like a powerful and high-impact activity. For example, it helped to:

- Change a vigilante organisation into a law-abiding membership organisation that is now spreading across the northern territories of the country
- Increase levels of reporting on stock theft
- Empower citizens to stop stock thieves

Public Education and Outreach on the law is one of the key activities that might be most appropriate to the NPA. However, owing to the concentration on stock theft, which does not occur at a ‘community’ level but over a much wider area, a major question arises: *does the NPA need to redefine ‘community prosecution’ to allow for activities like this?* Public outreach on the law, cattle rustling in this case, might fit elsewhere within the NPA or else *community* prosecutions needs to be re-defined. There are three four reasons for considering a different terminology (community outreach prosecutors?):

- The term ‘community prosecution’ originates in the United States where it might be user-friendly but in South Africa it is often seen as someone coming to prosecute the community! This initially slows down the trust-building process.
- To first identify the crime problems that require prevention and then to identify the exact areas over which this problem can be addressed seems like better strategy forcing all community prosecutors to target a similarly defined areas.
- On certain issues, like stock theft, a CMP can engage in a public outreach programme that can cover a very *wide area* to good effect
- There is so much crime displacement in South Africa that the widest continuous area that one can possibly address appears like a better start than a limited geographic focus

Advocacy efforts or strategic partnership building for identified crime prevention outcomes, certainly appear appropriate to the NPA, particularly those that promote adherence to National Crime Prevention Strategy as an interdepartmental activity. The CMP did negotiate with the Department of Agriculture and the Municipality in the provision of auction kraals and cattle facilities at the site. This had not succeeded at the time of the evaluation but one cannot argue that it is inappropriate.

There was also the attempt to change the Stock Theft Act that seemed to be a product of CMP Matolong's direct engagement with the community. The community-based experience led to a more nuanced and sophisticated understanding of the Stock Theft Act and its failings such that he could suggest amendments to the law. This may mean that *any* prosecutor's understanding of the law could be deepened by community-based experience and that such a programme might strengthen both the NPA as an organisation and the country's citizenry.

In review of these main activities, the public information campaigns seemed to have a more powerful impact than advocacy (or negotiating with government departments) and this appeared to owe to the limited availability of government partnerships. It seemed that some structure was required through which the CMP could work to focus government stakeholders on a rural and traditional site. This might already be available in terms of a development forum or group or perhaps it has to be structured. However, the lack of access to a structure of any kind slowed progress.

9.8 GENERAL IMPACTS

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

1. Impact on crime levels

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

9.8.1 Impact on crime levels

The CMP stated at the time of data collection for the evaluation (July 2007) “We cannot get these figures from SAPS--they will just *not* just give us these figures.”⁴¹ However, he persisted and certain SAPS figures were made available to the evaluator on 06 November 2007 just as the report was being finalised for submission. These offered monthly comparisons between May 2006 and April 2007 (the period of the pilot) but most of the impact on stock theft had been achieved *prior* to start of piloting. Thus, evidence of impact cannot be based on the statistics provided below since the appreciable drop in stock theft (from 30-50 a day to two to five cases monthly) had already occurred prior to the time of the baseline study.⁴² The statistics are provided for two reasons: (1) to indicate that the lower rate of stock theft persisted throughout piloting; and (2) to document the statistics in this report for future comparisons:

Cases of Reported Stock Theft at Kudumane (7 SAPS stations)⁴³ Comparing January-September 2006 with January-September 2007

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
2006	16	06	14	16	14	31	25	23	23
2007	22	10	21	25	20	21	17	22	22
CHANGE	+6	+4	+7	+9	+6	-10	-8	-1	-1

⁴¹ Matolong, Thaxx, Formal Interview, Kuruman, 18 July 2007

⁴² Tanke, K. T., SAPS Inspector (Stock Theft Unit), Survey Report, Ga-Morona Village, 19 July 2007

⁴³ Heuningsvlei, Morokweng, Bothito, Ganyesa, Batlharos, Tsineng, Mothibistad

Questionnaire responses

QUESTION ONE in the asked, “In your opinion, did the community prosecutor help to prevent or reduce crime at the pilot site between May 2006 and the present? These are the results:

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?	14 (100%)	0	0

All 14 respondents to the question replied ‘yes’ and were in a good position to answer this question since 12 of the respondents were directly from the community (tribal elders, the chief, the headman and members of Kgomo Modimo Wa Gae). The other two were from SAPS. The reasons for their responses were offered and included these (duplications eliminated)

- The rate of stock theft dropped dramatically
- Stock thieves were apprehended and prosecuted
- The community now brand their stock owing to awareness workshops
- The community now reports stock theft to the police, make statements and are willing to testify
- The relationship with the Department of Justice improved owing to the CMP
- He guided the organisation Kgomo Modimo Wa Gae toward working with the law
- The CMP helped to improve police response times
- Many suspects were arrested
- The CMP helped to establish the night patrols

9.8.2 Impact on the environment

This is not really applicable because there were no changes in environmental design even though CMP Matolong attempted to address this by negotiating with the municipality and the Department of Agriculture to locate facilities for cattle at the site. Had this occurred, it would have been photographed for the report.

Questionnaire responses

QUESTION TWO asked, “Did the community prosecutor help to change the environment at the target site to make it less conducive to crime?” These were 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 CONDUCTIVE TO CRIME?	10 (71%)	4 (29%)	0

Based on discussion with the community prosecutor the correct answer would be ‘no’ because no landscape changes were made or evident (e.g., new auction kraals).

Nonetheless, ten respondents said ‘yes’ and these responses were qualified and generated the same responses as seen in question one:

- Stock theft had dropped
- Suspects were arrested
- Animals were returned
- Community workshops were held
- Stock is now brand marked

Theses responses did not fit the question and can be viewed as ‘votes’ in support of the community prosecution project or the prosecutor. Many in the group apparently feared that a ‘no’ response would be seen as unsupportive of the project or the prosecutor because: (1) this question was not confused at other sites where changes in the

environment had occurred; and (2) four respondents appropriately marked the question as not applicable indicating some awareness of this fact among the group.

9.8.3 Impact on interagency cooperation and partnerships

It was established in Section 9.6.2 that cooperation between the Stock Theft Unit of SAPS and the community were greatly improved owing to the intervention. However, this was also discussed in the evaluator's workshop and on the questionnaire.

A. Workshop Discussion

The members attending the evaluator's workshop all testified to an improved partnership with the SAPS Stock Theft Unit and to some improvement in terms of the relationship between the community and both the local police and the municipality (although many problems remained).⁴⁴

B. Questionnaire with CMP partners

QUESTION 5 asked, "Did the community prosecutor help to build greater levels of stakeholder cooperation on crime prevention in the targeted community between May 2006 and the present?" QUESTION 6 asked, 'Did the CMP help individual government departments to address crime prevention more effectively at the target site? The results are given below:

QUESTIONS 5 AND 6	YES	NO	DO NOT KNOW
5. IN YOUR OPINION DID THE CMP HELP TO BUILD GREATER LEVELS OF STAKEHOLDER COOPERION IN CRIME PREVENTION?	14 (100%)	0	0
6. DID THE CMP HELP INDIVIDUAL GOVERNMENT DEPARTMENTS TO ADDRESS CRIMPE PREVENTION MORE EFFECTIVELY AT THE TARGET SITE?	14 (100%)	0	0

⁴⁴ Round-Table discussion with stakeholders on the role and impact of the community prosecutor, Ga-Morona Village, 19 July 2007

Out of 14 respondents, 100% answered ‘Yes’ to both questions. The reasons for the positive responses to QUESTION FIVE were these three (duplications in responses eliminated):

- Owing to the CMP, the SAPS Stock Theft Unit now cooperates with Kgomo Modimo Wa Gae
- The CMP helped to build a better relationship between the community, the police and the municipality
- The CMP helped to build cooperation within the community

To justify their responses to QUESTION SIX, the participants named the individual government departments that had improved owing to advocacy and partnership-building by the CMP. Thirteen out of 14 respondents (93%) named SAPS as the government department that the CMP helped to make more effective at the site. Of these 13 respondents:

- Nine (69%) justified this response by referring to the CMP’s close work with the SAPS Stock Theft Unit
- Five (38%) referred to the local SAPS station.

The nine respondents that identified that the CMP improved the performance of the SAPS Stock Theft Unit cited the following reasons (duplications eliminated):

- Guiding the unit in the investigation of stock theft
- Obtaining the statements of witnesses
- Reviewing dockets with them
- Preparing witnesses

The Five respondents (38%) that cited an improvement in the performance of the *local* SAPS station included the local SAPS member present (Inspector Seonela) and the chairperson of Kgomo Modimo Wa Gae (Mr Sewedi). These five all identified one

reason for this acknowledgement: the CMP had held ‘awareness workshops’ that brought the local police and the community together in discussion on how to reduce crime.

Some departments or groups other than SAPS (or in addition to SAPS) were identified by participants:

- 3 of 13 respondents (21%) identified the Department of Agriculture because the CMP brought departmental representatives to a workshop to explain brand marking
- One cited the municipality because they were ‘approached’ to help build a multi-purpose centre.
- One (7%) erroneously cited Kgomo Modimo Wa Gae, which is a community-based organisation and not a government department.

Analysis

The data above confirms earlier findings that: (1) the most beneficial partner to the CMP and crime prevention at the site was the SAPS Stock Theft Unit; and (2) that relations improved slightly with the local police and the Department of Agriculture.

9.8.4 Impact on community cooperation/involvement in crime prevention

At the time of the baseline study, the local SAPS Station representatives told the evaluator that community members did not want to give evidence. This apparently changed since reporting levels rose greatly owing to the CMP advising members to go to the SAPS station and report all crimes.⁴⁵ Reporting levels to the police were also reported as higher in the monthly minutes of the Anti-Stock Theft Forum.

The questionnaire for the CMP partners also included two questions that asked about improved cooperation and involvement in crime prevention. The results are given in the table below.

⁴⁵ This was reported in round-table discussion to the evaluator but no documentation was offered by SAPS on reporting levels.

SURVEY QUESTION 7 AND 8	YES	NO	BLANK	SPOILT
7. DID THE COMMUNITY PROSECUTOR HELP TO MAKE MORE EFFECTIVE ANY PUBLIC/CITIZEN GROUPS ON SAFETY?	12	0	1	1
8. DID THE COMMUNITY PROSECUTOR CREATE ANY NEW FORUMS OR BODIES TO HELP BUILD COOPERATION ON CRIME AT THE PILOT SITE?	10	0	3	1

Each response required a justification and this was the result for Question 7:

- Nine out of 14 respondents (65%) listed Kgomo Modimo Wa Gae
- Three out of 14 respondents (21%) listed the patrols (i.e., the neighbourhood watch).
- One left the question blank (7%)
- Another circled yes but gave a nonsensical answer (7%)

Based on the evaluator's site visit and the statements of the CMP, this was an accurate response: the CMP helped to empower Kgomo Modimo Wa Gae (the Anti-Stock Theft Forum) and the patrols (the neighbourhood watch). This accurate reading of the question by 86% of the survey respondents is important to note with reference to the next question.

Based on CMP testimony and analysis of the data, SPP Matolong did not create new forums or bodies but worked with existing structures. Nonetheless, 10 (71%) circled 'yes' in response to QUESTION 8 when the appropriate answer was 'no.' Each response was qualified and none of these justifications for the response referred to any new structures. Rather, these justifications referred to *attendance* at various meetings of Kgomo Modimo Wa Gae including branch chairpersons meetings, executive meetings and general meetings. Three left this question blank and one answer was spoilt (it said Yes--'Vryburg').

The inaccurate responses to the question were not related to a problem of translation because translators were on hand for every question and thoroughly utilised. It is more relevant to understand that all but two of the survey respondents were members of Kgomo Modimo Wa Gae, a politically organised body, with an agenda. It is evident in

the responses to both QUESTION TWO (Section 9.8.2) and QUESTION EIGHT, that the group wanted to use the survey to express a vote of appreciation and support for CMP Matolong. This might also send message to the NPA to continue support for a well appreciated project.

9.8.5 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?” QUESTION 10, asked, “Based on the experience of piloting, has your perception of the National Prosecuting Authority changed in any way?” These are the results:

QUESTIONS 9 AND 10	YES	NO	BLANK
9. CAN A PROSECUTOR APPOINTED BY THE NPA PLAY A ROLE IN PREVENTING CRIME?	12 (86%)	--	2 (14%)
10. HAS YOUR PERCEPTION OF THE NPA CHANGED?	11 (76%)	1 (7%)	2 (14%)

All those that replied to QUESTION 9 (12 respondents) believed a prosecutor could play a role in the community to prevent crime. These were the range of reasons cited for that positive response (duplications eliminated):

- The CMP can help improve the delivery of government services to a community
- He can help to reduce tensions in the community
- He can improve police performance and community-police relations
- He can explain to the community the procedures in court, how to make statements and give evidence so that prosecutions are more effective
- He can help to identify the causes of crime and then combat it in consultation with the community
- He can help the community to resolve their own crime problems
- He can inspect dockets before they are taken to court

QUESTION 10 was concerned with perceptions of the NPA and 11 of the 12 respondents answering this question (92%) stated that their perception of the NPA had improved owing to the project and cited clear reasons for this response as follows:

- The NPA is respected because of the decrease in crime within the area
- Kgomo Modimo Wa Gae followed the advice of the ‘national prosecutor’ and this worked to the benefit of the community
- The community would like more support from the NPA owing to the success of the project
- This project demonstrated to the community that the NPA can take a more ‘appealing approach by working closer to members of the community who were vulnerable to ‘stock poachers’⁴⁶
- “Before, my perception of the NPA was that they prosecute and take people to jail but now what they are doing to us community by placing a community prosecutor here is very important because they taught us that we have to prevent crime ourselves and be prepared to testify in court.”⁴⁷
- The NPA has won the confidence of the community that crime does not pay⁴⁸
- Yes-because this is “the first time” that there has been an impact on stock theft and “police officials are no longer running like headless chickens with dockets with no information”⁴⁹

This is an interesting result because 30-50% of the stakeholders at the peri-urban and urban sites did not understand QUESTION 10 because they were still unfamiliar with the term NPA. Yet nearly all the stakeholders at this deeply rural site understood the question well and the reasons for this seem to be these:

- The role of the NPA was well explained to them by the CMP

⁴⁶ Dioka, Issac S (the Nkosi or ‘Kgosi’ or chief), Facilitated Survey, Gamorona Village, 19 July 2007

⁴⁷ Tshipa, Moseged, Headman, Bala-Baleki Tribal Office, Loopeng Village, Kudumane, 19 July 2007

⁴⁸ Paraphrased from a statement by the CEO of Kgomo Modimo Wa Gae (Kwe Tsane P. Monnaemang), Gamorona Village, 19 July 2007.

⁴⁹ Tanke, K. T., SAPS Inspector (Stock Theft Unit), Facilitated Survey on Community Prosecutions, Gamorona Village, 19 July 2007.

- The interaction between the NPA and the community took place over a much longer period of time than at other sites: since 2005, other representatives of the NPA (besides the CMP) had visited the community and conducted workshops with them

This data helps to establish that a CMP not only needs the support of senior members of the NPA but it is beneficial if they also visit the project site to demonstrate that the commitment of the NPA to community prosecutions is serious.

There was also one ‘no’ response because a member of Kgomo Modimo Wa Gae suggested that the general public needs more explanation on the role of the NPA. In other words, the members of the Anti-stock Theft Forum are the community representatives that have had the most contact with the prosecutor but many ordinary community members do not know what is meant by the NPA.

9.8.6 Impact on community perceptions of safety at the site

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:

QUESTION 3	YES	NO	DO NOT KNOW	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?	12 (86%)		1 (7%)	1 (7%)

The ‘do not response’ was from the Field Training Officer at SAPS. The spoilt response owned to a vague answer (“help much”). Otherwise the 12 community members that replied ‘yes’ could justify their responses as follows (duplications eliminated):

- The CMP helped the community to brand mark their animals to prevent theft
- He taught the community to check on the animals daily
- He taught the community members how to testify in court

- He improved stock theft investigations in the community
- He created a culture of reporting crime
- He helped to develop the community patrols
- He engaged the community and police in meetings

9.9 LESSONS FROM THIS SITE FOR AN IMPLEMENTATION MODEL

The following are three critical lessons from this site that might be useful to consider when designing the national roll-out of the community prosecutions project:

9.9.1 The delivery mechanisms and requirements for community prosecution in rural areas can be different than in urban and peri-urban areas and while this does not present a different model, rural areas may require more help with partnering

Community Prosecutions in rural areas can be distinguished from peri-urban and urban ones as follows:

- A community court is not always applicable (i.e., not at this site) owing to the distances between people (access would be too limited)
- Stock theft, a major problem in rural areas, is seldom a priority in urban areas
- Distances create problems for establishing the CMP in just one office site (rather, the CMP must move between sites)
- Distances create major problem for facilitating partnerships and engaging certain partners such that provincial and national support may be required
- The types of partnerships that are engaged are different (e.g. a stock theft unit, rural development initiatives)
- At the other sites, which are urban and peri-urban, interdepartmental forums have been mooted as a feasible way to bring stakeholders together but that is nearly impossible in Kudumane owing to distances and bad roads

Since partnership building is a much bigger challenge at rural sites (owing to distances), it appeared to the evaluator that support from NPA seniors such as the DPP or the chief

prosecutor within the NPA is more critical than at peri-urban or urban sites. This seems required to:

- Build partnerships at a national or provincial level to address ideas like one-stop-centres or rural outreach programmes
- Support the prosecutor in developing partnerships with Labour, Health, Social Development, Agriculture, Education and other groups found at national and provincial level
- Take decisions on the appropriate partnership activities and how to get these activities under way (partnerships might be organised around ideas like road shows or perhaps one-stop-centres.)

Interdepartmental and multi-sector cooperation are not easy to achieve and the mechanisms to achieve this have been elusive nationally in terms of delivering effective crime prevention programmes. It seems that the municipality is a partner required for crime prevention activities (central in fact to National Crime Prevention Strategy) and yet the CMP faced a huge challenge in trying to partner with them and the local councillors. They were not well-rated on surveys and it was said that they do not come to meetings. There is also a clash in term of governance between traditional societies and municipal stakeholders.

Community Safety Forums have been tried across the country but these frequently suffer from irregular attendance (the changing faces syndrome) and the lack of a budget for joint projects.

Given the history and difficulty of creating effective forums for crime prevention, it appears unrealistic to expect the NPA to resolve the problem immediately and more effective to limit the immediate agenda to strategic partnerships focused on one or two critical and common crime problems in targeted rural areas. This would allow as CMP to develop consensus with strategic partners around certain critical matters and then deliver activities across a wider area without engaging a national conundrum.

Thus, it seems that a rural CMP will of necessity concentrate on a strategy of *available* partnerships for very specific crime problems, which is exactly what occurred in Kudumane. He worked in this manner to build trust between SAPS and the community and tried to do this with the municipality but could not succeed. Nonetheless, this was *the* most restricted site of them all in terms of partnerships and yet the crux of effective crime prevention is interdepartmental cooperation. Perhaps more could have been achieved by rigorously addressing the need for improved community-police relationships at the various SAPS stations in the area (this in addition to the cattle focus).

Interdepartmental workshops for the willing national, provincial and municipal partners *relevant to the target areas* might also be considered to help resolve partnerships problems at rural targets sites. This might lead to:

- Immediate partnerships with willing stakeholders (e.g., SAPS)
- Additional partnerships over time (departments establish their budgets about a year in advance of activities and cannot engage with the NPA on a moment's notice)
- The resolution of particular problems of interdepartmental cooperation (e.g., police and Home Affairs both work on IDs and Immigration matters but have different computer programming such that they cannot send files or information to each other on these matters).

9.9.2 It might be beneficial to engage regular prosecutors in some time-limited community prosecutions projects

This CMP seemed to be a better prosecutor as a result of piloting community prosecutions. He became so knowledgeable of the law on stock theft and its implications for a traditional community, that he used his expertise to locate flaws in the legislation and advocate changes. If all prosecutors or some number of them served as CMPs for even a short time, could this experience:

- Help to capacitate them such that they would have a better understanding of the impact of the law on *communities*?

- Might it also result in improved law-making nationwide?
- Would such community-based experience strengthen ordinary prosecutors such that they might become more familiar with the causal factors of crime and work toward their resolution?

In the evaluator's analysis, some time-limited experience as a CMP could help the NPA with transformation: moving members beyond the consciousness of 'victims and perpetrators' into pro-active participants in crime prevention. This seems to have precedent since community prosecutors in the United States evolved through stages (three to five years after implementation) whereby ordinary prosecutors started seeking out the authority to utilise some of the techniques of community prosecutors (identifying community based problems and solutions).⁵⁰ In fact, this has already happened in at some sites here (see the chapters on Point and Bohlokong).

9.9.3 A more specific focus on a crime type (e.g., cattle theft) allows for a wider area focus

It is perhaps fairly obvious that a more restricted crime prevention agenda allows for a wider target area for a community prosecutor (e.g., this CMP embraced 156 communities). On the other hand, the wider the crime prevention agenda, perhaps the more limited the geographic focus. In South Africa, where community prosecutors will not be supplied in abundance owing to the limited numbers of prosecutors, it may make sense to restrict the agenda to a degree that allows for a wider target area (e.g., one or two priority crimes in the rural area) than one might see in other countries. This wider focus is also possible in South Africa because the management of community prosecutions will fall to a national department whereas it is often a municipal activity in other countries. Should this occur as recommended, it may even call into question the term *community* prosecutor and a more fitting term like public outreach prosecutors or some other might be required (see also Section 13.1).

⁵⁰ Nugent, Elaine, American Prosecutor's Research Group, "What does it mean to practice community prosecution?" Office of Research and Evaluation, American Prosecutor's Research Group, February 2004, p.13.