

Chapter 12

BUILDING SAFER COMMUNITIES

“In our well designed community surroundings we feel safe everywhere... Each community has a police station with respected and upright police... The law enables us to live together fulfilling our mutual obligations and responsibilities.”

Introduction

Safety is a core human right. It is a necessary condition for human development, improving quality of life and enhancing productivity. When communities do not feel safe and live in fear, the country’s economic development and the people’s wellbeing is affected, hindering their ability to achieve their potential.

The National Planning Commission’s *Diagnostic Report* (2011) underlined the reality that high crime levels have slowed South Africa’s social and economic development. “Violent crime, contact crime and property crimes are so common that many South Africans live in fear. When people feel unsafe it makes it harder for them to pursue their personal goals, and to take part in social and economic activity.”

Although recent crime statistics released by the South African Police Service show a downward trend, especially in murder rates, the figures are still unacceptably high. While the police service is commended for the decline in murder rates, the cause of the overall trend needs to be analysed, and strategies that produce results in general, and specifically in contact crimes, should continue to be used. For people living in South Africa to feel safe, this trend needs to be escalated.

Safety and security are directly related to socioeconomic development and equality, affecting the development objectives of economic growth and transformation, employment creation, improved education and health outcomes, and strengthened social cohesion.

Although there are links between South Africa’s high poverty rate and high crime levels, crime is linked to more than poverty. Most poor people do not resort to crime. It is organised syndicates that launder money, deal in drugs and smuggle guns. These mob-like criminals are not necessarily from poor communities, as is evident from the Palazzolo, Agliotti and alleged fraudster Krejcir cases.

Vision 2030

In 2030, people living in South Africa feel safe and have no fear of crime. They are safe at home, at school, at work and they enjoy an active community life free of fear. Women can walk freely in the streets and children can play safely outside. The police service is a well resourced professional institution staffed by highly skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence and respect the rights of all to equality and justice.

How to achieve it

Achieving this vision requires a well functioning criminal justice system, in which the police, the judiciary and correctional services work together to ensure that suspects are caught, prosecuted, convicted if guilty, and securely incarcerated. There are five priorities to focus on to achieve a crime-free South Africa.

- Strengthen the criminal justice system – A safe South Africa will not be achieved without a strong criminal justice system. This requires cooperation between all departments in the justice crime prevention and security cluster. We believe the correct implementation of the recommendations in the *Review of the South African Criminal Justice System* will go far in dealing with the system’s current weaknesses.
- Make the police service professional – A professional police service is essential for a strong criminal justice system. We propose linking the police code of conduct and a code of professionalism to promotion and disciplinary regulations. Recruitment should attract competent, skilled professionals through a two-track system.
- Demilitarise the police service – The decision to demilitarise the police force, moving away from its history of brutality, was a key goal of transformation after 1994. The remilitarisation of the police in recent years has not garnered greater respect for police officers and higher conviction rates. If anything, it has boosted violence in the service and seen an increase in murders of police. The commission believes that the police should be demilitarised to turn the force into a civilian, professional service.
- Build safety using an integrated approach – Achieving long-term, sustainable safety requires an integrated approach focused on tackling the fundamental causes of criminality. This requires mobilising a wider range of state and non-state capacities and resources at all levels and active citizen involvement and co-responsibility.
- Build community participation in community safety – Civil society organisations and civic participation are critical elements of a safe and secure society. Local government legislation provides for establishing community safety centres to enable safe, healthy communities. Establishing these centres should be considered.

Strengthen the criminal justice system: The seven-point plan

Public confidence in the criminal justice system is a necessary and important step in preventing crime and increasing levels of safety. The likelihood of crimes being committed is increased if the system is regarded as inefficient. Confidence is eroded by perceptions that criminals escape the law, arrests will not lead to convictions, or prisoners escape easily from the courtroom or correctional facilities. The most effective deterrent to criminality is an efficient and effective criminal justice system.

The 2007 review of the criminal justice system, led by advocate Johnny de Lange (then Deputy Minister of Justice), recommended a seven-point plan that was adopted by Cabinet. The plan set out how to establish a new, modernised, efficient and transformed system. It included setting up a new coordinating and management structure at every level, from national to local; greater cooperation between the judiciary and the magistracy, the police, prosecutors, correctional services and the Legal Aid Board; and other initiatives such as empowering community police forums. The Office for Criminal Justice System Reform began implementing the plan as recommended. The plan contains seven fundamental and far-reaching transformative changes to the criminal justice system and requires full implementation in an integrated and holistic manner to achieve the stated outcomes. The plan contains seven critical change areas:

- Adopt a single vision and mission leading to a single set of objectives, priorities and performance measurement targets for the criminal justice system by the justice crime prevention and security cluster.
- Establish, through legislation or by protocol, a new and realigned single coordinating and management structure for the system, flowing seamlessly from cabinet to each court. Appoint a person from the executive as head of the structure with coordination and management functions, but not executive powers.
- Make substantial changes to the present court process in criminal matters through practical, short- and medium-term proposals to improve the performance of the courts, especially the regional courts.
- Put into operation key priorities identified for the component parts of the system, which are part of (or affect) the new court process, especially as it pertains to improving capacity.
- Establish an integrated and seamless national criminal justice system information and technology database or system, or both, containing all information relevant to the criminal justice system. Review and harmonise the template for gathering information relating to the criminal justice system.
- Modernise, in an integrated and holistic way, all aspects of systems and equipment. This would include fast-tracking the implementation of current projects and modernisation initiatives.
- Involve the public in the fight against crime by introducing changes to community policing, including expanding its role to deal with all matters in the system, such as policing and parole boards. According to the Department of Justice and

Constitutional Development in 2008, financial and administrative infrastructure should be provided to give community police forums “teeth”.

The de Lange review committee referred to the plan as a package that must be implemented as a whole. The Department of Justice and Constitutional Development has been reporting on the plan to Parliament as part of its annual performance plan report. The plan is included in the department’s strategic plan and the Medium Term Expenditure Framework. However, the South African Police Service, Correctional Services and Home Affairs did not make specific reference to the seven-point plan in their strategic objectives, although they referred to some aspects of it. The police service highlighted enhancing information systems and information and communication technology (ICT), including integration of systems across the justice, crime prevention and security cluster. This partial implementation does not give effect to the strategy as intended by the de Lange review. The seven-point plan cannot be left to one department to put into action. It must be coordinated, with dedicated budgets and an implementation plan involving all departments in the cluster. It needs to be executed in tandem with stipulated timeframes and intended outcomes. Without coherence, the seven-point plan’s purpose will be defeated and resources wasted.

The commission therefore recommends the following:

- Departments in the justice, crime prevention and security cluster align their strategic plans with the seven-point plan immediately.
- A project manager is appointed urgently to the Office for Criminal Justice System Reform to coordinate the plan’s activities and programmes.
- Dedicated budgets for each participating department be established and outcomes reported on in relation to the plan.
- The cluster should monitor and report on the plan’s implementation.
- An evaluation of the implementation of the plan should be done annually and assessed against the overarching objectives of the plan.

A professional police service – a key component of the criminal justice system

The South African Police Service aims to develop professionalism and discipline among its members. This approach should be welcomed and supported. Professionalising requires very clear steps, some of which have already been taken, such as developing a code of conduct. This code should be integrated with police human resource systems and non-adherence should have consequences for police members. The professional obligations of the police should be spelt out more clearly to avoid blurring of roles and functions. For example, police perform functions that should be the responsibility of the Department of Social Development (mediating domestic disputes and relocating homeless people). While these social challenges have a security dimension, the primary responsibility for addressing them should lie with social workers, with police playing a supporting role.

Professional police conduct themselves in a way that upholds the integrity of the police service. They are knowledgeable about the law and their roles, carry out their functions competently and understand their responsibility to serve communities. In this way, they will earn the respect and support of South Africans.

The commission recommends the professionalisation of the police by enforcing the code of conduct and a professional police code of ethics, appointing highly trained and skilled personnel and establishing a professional body to set and regulate standards.

Code of conduct

- In the short term, the code of conduct should be included in the disciplinary regulations and performance appraisal system of the police. The police service and the metropolitan police authority provide all their members with a copy of the code of conduct. Members are required to sign a copy of the code, which is kept in their personal file.
- Disciplinary cases involving a breach or breaches of the code should be dealt with as a priority.
- Police service members charged with misconduct under the code should be required to leave their station immediately until allegations are tested and cases finalised.
- A professional police code of ethics dealing with police functions should be developed and prescribed through regulations. The South African Police Service and metropolitan police should be viewed as professionals, working in a skilled occupational group with a prime function to protect the public. They are the only agencies mandated to use necessary coercive force. Ethics and ethical conduct should play an important role in maintaining the public perception of policing as a professional institution.
- The ethics code should state that the officer's fundamental duties are to the Constitution, to serve the community, safeguard lives and property without discrimination, protect the peaceful against violence and the weak against intimidation, and respect the constitutional rights of all to equality and justice.
- The code should also prescribe the off-duty obligation of police officials to honour the badge as a symbol of public trust. Internal and external oversight bodies can request a review of the professional ethics of an individual, unit or section of police and law enforcement agency. Sanctions could be imposed, including the withdrawal of commission.
- Mandated oversight bodies will monitor adherence to professional ethics and recommend appropriate sanctions where necessary. The Independent Police Investigative Directorate and the policing board would also play a role.
- Police officials and law enforcement members should be trained and tested in applying professional ethics.

National policing board

A national policing board should be established, with multi-sectoral and multidisciplinary expertise. It will set standards for recruiting, selecting, appointing and promoting police officials and police officers. The board will also develop a professional code of ethics and analyse the professional standing of policing, based on international norms and standards.

Selecting for excellence and professionalism

A professional police service conforms to minimum standards, set by a professional body, for recruitment, selection, appointment and promotion. Provision can be made for a two-stream system of recruitment.

- As soon as possible, all officers should undergo a competency assessment and be rated accordingly. This rating differs from police rank. For example, if you are a captain, you remain a captain, but the competency test determines if you meet the competency standard for a captain. Officers who do not meet the standard should not be promoted or appointed to a higher level until they meet the required level of competence.
- A two-stream system should be developed in the next five years to create a high calibre of officers and recruits who are capable of being trained for effective professional policing. The basic police stream would allow for the recruitment and selection of non-commissioned officers, who could progress through training and competence gained from experience to a warrant officer or inspector, or any level below a commissioned officer. There should be objective testing against set standards to reward experience and competence. Non-commissioned members should be supported and mentored by commissioned officers. Peer sanction will promote professional norms and standards, and is an effective counter to corruption and unprofessional behaviour. Such outcomes are possible only if officers are respected and command mutual respect. In the officer stream, commissioned officers are selected on criteria and standards set by a professional body. Direct recruitment to the officer's stream is based on set criteria, followed by further training and testing for candidate officers. Officers are commissioned when all criteria are met. The basic stream and officers' stream can be flexible to allow aspiring officers to work towards meeting the criteria for consideration to the officers' corps. Similarly, officers can lose their commissions if they fail to live up to standards.
- The National Commissioner of Police and deputies should be appointed on a competitive basis. A selection panel, established by the President, would select and interview candidates for these posts. Clear and objective criteria should be established to ensure that the incumbents are respected and held in high esteem by the police service and the community.

“The whole thrust of my suggestion is to turn the SAPS into a successful organisation that is an employer of choice among South Africans (aim for recognition as number one sought after employer amongst South Africans). People need to aspire and study/work hard to achieve a place in the SAPS and then be richly rewarded for their good service and sacrifice as an SAPS member.” – NPC Jam

Training for professionalism

- Renew focus on strengthening the capacity and standing of detectives and specialised investigators, particularly in the fields of forensics, ballistics and crime-scene investigations. These specialised units should be deployed when and where they are most needed – during peak crime periods and in high-risk areas.
- Re-establish specialised units, staffed with highly trained and professional police officers, to respond to changing crime trends (cyber crime, human trafficking, crimes against women and children, international crime syndicates and so on). Technology development has greatly influenced crime patterns and the commission of crime. Bank robberies can now also be committed using computers anywhere in the world. Social networks lure victims and people are drawn into Ponzi schemes through intricate and sophisticated international schemes. Police training needs to keep abreast of these developments. Superior instruction standards and partnerships with the private sector and universities will increase police competence.
- Deploy officers according to crime patterns and trends. Officers should be available to direct operations, investigate crime and supervise staff outside office hours. Office hours should not apply to policing to ensure that senior staff are always available to resolve crime matters with speed and efficiency.

Civilianising the police

Civilianising a highly militarised and politicised police force was a key objective of transformation immediately after the 1994 elections. It was considered necessary to professionalise the police, establish a rapport with communities, develop confidence and trust in the police and promote positive community-police relations. Civilianisation of the police required the changing of police insignia, military ranks and force orders.

From 2000, the police service gradually started reverting to a semblance of a paramilitary force. This process was formalised with the reintroduction of military ranks in 2010. This took place against the backdrop of increasing violent crime, high levels of community frustration and fear, and a police perception that they would command greater respect from communities if they had military ranks. However, not only are these arguments inconsistent with the case for professionalising the police service, but they are also undermined by evidence of an increase in murders of police since the remilitarisation of the service.

The police will earn the respect of communities if they are efficient and effective. Military ranks might create fear, but they do not instil respect. Critically, they do not lead to a greater rate of arrests and convictions. Instead, militarisation can contribute to increased violence by police and undue heavy-handed conduct, deterring effective investigations. This was evident in the Independent Complaints Directorate 2011 report, which showed an 800 percent increase in torture by the police. The police should not be conflated with the army. They should discharge their functions with confidence and with regard for civil and criminal law and, above all, the Constitution.

The commission recommends that the police are re-civilianised. Demilitarising the police should be done immediately. Police culture should be assessed to increase a professional response to the public. Competence, not military ranks, will command respect.

An integrated approach to building safety

The commission's diagnostic made it clear that "an effective, integrated strategy is needed to address the pervasive problem of violence". It added that, "in discussing crime, there is always the danger of focusing too much on policing as the only solution. There is no doubt that more visible policing gives citizens a sense of protection, but reducing crime will require a combination of interventions, including those originating from outside the criminal justice system."

"We need an integrated solution to achieve safety and security in South Africa. All agencies should be part of a national working group to identify impact areas, plan, implement, and monitor innovative responsive solutions." – NPC Jam

It is necessary to move from a narrow law enforcement approach to crime and safety to a focus on identifying and resolving the root causes of crime. To achieve this, a wider range of state and non-state capacities will need to be mobilised at all levels, which requires shifting to an integrated approach, with active citizen involvement and co-responsibility.

A holistic view of safety and security

Crime results from several interrelated societal elements that predispose some individuals or groups to certain types of crime. A study by the World Bank in 2010 confirms that "there has been a growing consensus among policy-makers that violence is not simply a security issue but that it has deep social and economic roots and consequences". An effective and efficient response to violent crime requires a holistic approach to community safety that takes the causes of crime into consideration and responds to specific triggers or causal factors. This approach is often considered too complex, time consuming and long term. There is no known quick fix, however, because sustainable community safety is long term, it requires coordinated efforts, high levels of analysis of crime patterns and trends using crime intelligence and leadership to

command and direct policing responses. Other departments, local government and civil society also need to intervene.

Crime prevention and community safety are demanding – the temptation always exists to fall back on a “more police, bigger guns” approach. Short-term results are neither sufficient nor sustainable in the long term. To develop a framework for community safety and crime prevention, the interrelated factors set out below need to be considered:

- Underlying root causes, such as poverty, inequality, unemployment, and a variety of temptations and motivations to engage in criminal activity. Although research has shown the complex relationship between these factors, it is clear that the higher their confluence, the more likely people are to be motivated to commit criminal offences.
- Lack of social cohesion, inadequate care of children, and a failure to accept and internalise “good” societal norms.
- Crime and victimisation often arise when there is opportunity and motive. For example, the availability of targets (vulnerable people or properties), the availability of weapons (tools of criminal trades), situational factors (such as spatial or environmental design) and the availability of accomplices (organisational requirements).

An effective safety strategy will need to take a systems view of all these factors and pinpoint the interventions that will have the greatest impact in improving safety, with the best return on human, technical and financial resources. Crucially, it is also necessary to identify which agencies and institutions across government departments, civil society and the private sector are best placed to lead and contribute to these interventions.

Integrated strategies and plans have been mooted before and several attempts have been made to implement a more holistic approach to community safety and crime prevention. This includes the National Crime Prevention Strategy of 1996 and its variations. Although this strategy incorporated cutting-edge international thinking and was widely recognised as sound, it was never fully institutionalised as a holistic and comprehensive strategy that focused on all factors that produce crime and insecurity. In March 2000, the National Crime Combating Strategy superseded this policy and advocated a very different approach, focusing more on criminal justice resources. As a result, police were inappropriately envisaged as an all-purpose agency, rather than a highly specialised resource to be deployed strategically. This has led to a police agency that is stretched beyond its capacity, with a mandate that is impossible to fulfil, and disenchanted police officers with fragile authority and legitimacy. The challenge is to ensure that an integrated strategy is followed from planning to consistent implementation, with monitoring by, and support from, all relevant role players. Leadership, coordination, monitoring, reporting and accountability are key elements for success. The criminal justice system is currently the primary focus, concentrating on existing and would-be offenders. It functions primarily through punishment, which aims

to deter future criminality and, in the case of imprisonment, prevent further criminality by putting offenders out of action.

The police play a vital role in protecting citizens by intervening, using reasonable coercive force where necessary, to stop harmful actions, support victims and bring offenders before court. An effective criminal justice system improves safety, while other departments address socioeconomic conditions of human development. This is emphasised in the commission's diagnostic, which points out that an effective criminal justice system is a necessary condition to effectively promote safety and security, but it is insufficient on its own. More is required for sustainable and effective solutions to crime and insecurity. The coordination of these multi-agencies is critical to sustain the gains of an integrated strategy. A significant decline in crime should be evaluated and the reasons examined, so that it can be sustained, repeated and increased.

The commission recommends the following:

- Community safety designs should address the safety of women, children and vulnerable groups. The police service should develop safety plans that deal with safety risks and account for the increase in safety and reduction of fear alongside crime statistics reports. Crime statistics will provide the quantitative basis for reporting by the police service and metropolitan police, and community safety levels will provide the qualitative safety indicators.
- Independent service providers need to conduct context studies and opinion surveys to gather information on perceptions of safety and fear of crime. These findings should be factored into policing plans, local government development plans and the criminal justice system as a whole.
- The relationship between drugs, alcohol and violence requires an in-depth study. Specific projects should be developed by the JCPS cluster to address these issues in a comprehensive and decisive way.

Implement strategies known to work

A coordinated and holistic approach to safety and security is achievable. Some aspects of this approach were seen during elections since 1994 and the 2010 soccer World Cup. Safety and security strategies for these events involved successfully aligning resources with appropriate solutions across the security spectrum. Furthermore, the roles of the agencies involved in safety and security were clearly defined and mandates and protocols understood. Equally important was the recourse given to citizens for inefficiencies or delivery gaps. Community cooperation and support for any safety strategy are extremely important.

Community participation in community safety

Civil society organisations and civic participation are critical elements of a safe and secure society. Community problem-solving during the xenophobic violence of 2008 is an example of non-state interventions and mobilisation resolving conflict and potential

criminality. At the time, the state police acted as the stabiliser, while civil society and other state departments were the problem-solvers. The partnership was negotiated through coordinating structures at various levels of the state, including community-based agencies (church organisations or civic associations). A sustainable strategy requires greater clarity on various roles and a resourced coordinating mechanism that will bring state and non-state policing agencies together to secure community safety and build community cohesion. The state is best placed to play this role and account to citizens.

The Municipal Systems Act (2000) provides for local government to promote a safe and healthy municipal environment. Community safety centres, promoted by the Secretariat for Police and provincial departments of community safety, should be revisited to give effect to this provision. Local municipalities need to work closely with all state and non-state bodies to establish their safety needs and, within their mandates, develop strategies to increase safety. Safety audits or safety barometers should be developed with communities, especially the vulnerable, to inform a local government response to safety. This could include better street lighting, removing rubbish dumps and hazardous waste, and municipal by-laws to increase community safety and wellness.

These initiatives should involve the youth and could be run by sectors, such as education, sports, arts and culture, and social welfare, coordinated by community safety centres. Local government should use its mandate more creatively and innovatively to achieve community safety. It is at local level that communities feel empowered to take part actively in making their environment safer and more secure. Spatial planning of the physical environment should be developed by consulting communities, and designing for safety and crime prevention should be regulated at local level. Specialised skills for safety design could be sourced where capacity is lacking.

*“We should be more involved as community in crime prevention!” – NPC
Jam*

Universities and technical colleges should develop courses to promote urban design that will take account of safety in future housing developments and carry out corrective designs in established housing developments.

The Community Safety Volunteer Programme has been implemented in Gauteng, the Western Cape and KwaZulu-Natal with some success. The programme uses volunteers as marshals at schools, clinics, railway stations and parking lots. In the Western Cape, volunteers were also highly effective in the Child Safety Programme. The programme developed a rapid response system to track missing children. When the Department of Community Safety in the Western Cape wanted to shut the School Safety Volunteer Programme, principals, teachers and learners protested because the community felt safer with the volunteers.

The commission recommends the following:

The police service and metropolitan police should further develop the Community Safety Volunteer Programme as part of a community empowerment programme for safety. Volunteers should be deployed to at-risk schools, health clinics, pension and grant payment points, taxi ranks, parking spaces and areas with poor street lighting, public congestion, open fields or generally unsafe areas. These volunteers are not substitutes for visible policing and they do not carry out any police functions. They only provide safety to the public through visibility and safety in numbers – and where they themselves are not put at risk. The volunteers are also contact-points for the police and other departments, providing up-to-date accounts of community needs, fears and feedback.

The programme should be included in the budgets of local governments, the metropolitan police and provincial departments of community safety. Existing capacity, skills and experience in some provinces like Gauteng, the Western Cape and KwaZulu-Natal should be extended. The capacity to deliver this programme needs to be developed in all nine provinces.

Conclusion

As part of an overall safety strategy, these proposals should be implemented alongside carefully considered and effective law enforcement interventions driven by the criminal justice system. Continuing to strengthen the cost-effectiveness of the system – including the police, prosecutors, courts and prisons – is a core part of any safety strategy.

Law enforcement provides the institutional mandate required to improve safety. However, it does not, and cannot, provide a total response. Communities need to be mobilised to play an active role in community safety. The private sector plays an important role, and already supports local initiatives, providing technological support with closed-circuit television cameras or information technology. Private security initiatives have been carrying out joint operations with police and taking part in joint patrols and check points with neighbourhood watches. These initiatives should be supported and extended.

The proposals will need dedicated budgets and regular cost-benefit analysis to ensure that the public get the necessary return on investment of public resources. Accountability checks should be undertaken by community police forums to ensure the police are accountable to the community they serve. The community forums should provide feedback to the police on public perception of safety and fear of crime.

The proposals to mobilise and integrate the knowledge and capacity needed to shape and implement safety solutions require overall leadership, which will allay public fears and increase perceptions of safety. Government will need to increase reporting on safety outcomes and progress to instil confidence in its ability to protect the public and

create conditions for everyone to enjoy freedom of movement and safety. Such initiatives, as part of an integrated strategy, can reverse the cycle of crime that has become such a constant feature in South Africa, skewing the narrative about our capabilities and our potential as a nation. Safety involves the criminal justice system, local government, the community, private sector and role players involved in economic and social development. Achieving a safe and secure society in 2030 will require an integrated approach to make safety and security a reality for all South Africans in 2030.

