



# COMMUNITY PROSECUTION

Developing a strategy for community prosecution in South Africa

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OPEN SOCIETY FOUNDATION FOR SOUTH AFRICA

Published by the Criminal Justice Initiative of Open Society Foundation for South Africa  
Colinton House, The Oval, 1 Oakdale Road, Newlands 7700, South Africa  
[www.osf.org.za](http://www.osf.org.za)

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First Published 2007

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ISBN 978-1-920051-77-8

Produced by Compress [www.compress.co.za](http://www.compress.co.za)

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## **Abstract**

This is the third in a series of OSF-SA occasional papers and explores the developing strategy of community prosecution in South Africa. It reflects on community policing introduced by the South African Police Service a decade earlier and identifies a number of important challenges that should be considered in any community prosecution strategy. The paper concludes by highlighting several issues for consideration as the National Prosecuting Authority establishes a community prosecution model for South Africa.

## Acknowledgements

Thanks are due to Martin Schoenteich, Senior Legal Officer at the Open Society Justice Initiative, and Zohra Dawood, Executive Director of the OSF-SA, for their insightful comments, suggestions and support in writing and editing the paper.

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*June 2007*

## INTRODUCTION

Two indicators are generally used to measure the state of crime and safety: (1) levels of recorded crime and (2) public perceptions of safety. These, in turn, influence policy, budgeting and planning across government, including the criminal justice system. In response to one of the highest rates of violent crime in the world,<sup>1</sup> the South African Government has, over the last decade, put considerable effort into making the criminal justice system operationally more efficient. To achieve this, government spending on the justice system rose after 1994, allowing for an increase in the number of prosecutors, courtrooms, police stations and (belatedly) police officers.<sup>2</sup>

The improved efficiency of the criminal justice system, as measured by outputs such as arrests and convictions, should therefore not come as a surprise. The number of arrests, prosecutions, convictions and custodial sentences has increased substantially over the last decade. For example, on one important measure – indicative of both improving investigative and prosecutorial skills – conviction rates are at record highs. Between 1996 and 2005, the national conviction rate rose from 75% to 86%.<sup>3</sup>

What is concerning though is that these successes have had little impact

on South Africans' fear and perception of crime (the second measure). This is important because it is as strong a driver in influencing behaviour and attitudes as crime rates themselves. It is also far more difficult to address South Africans' fear and perception of crime. In South Africa, general levels of fear of crime are high and rising. An Institute for Security Studies Victimisation Survey in 2003 found fear of crime had increased since an earlier survey conducted in 1998. In contrast to the improved efficiency of the criminal justice system mentioned above, the number of people feeling very unsafe at night more than doubled from 25% in 1998 to 58% in 2003.<sup>4</sup>

The reasons for rising public fear of crime are not hard to find. While the criminal justice system has become more *efficient*, it is not becoming more *effective* in its objective to control crime and ensure public feelings of safety and security. While the number of arrests and prosecutions has increased over the last decade, so have levels of recorded crime and the potential pool of offenders. The following data illustrate this point. The national number of cases prosecuted rose by 109 000 between 1996 and 2005. Over the same period, the number of cases referred by the South African Police Service (SAPS) to the National Prosecuting Authority (NPA) for prosecution, increased by a massive 545 000. Put another way, while the NPA has become more efficient at prosecuting offenders, the police have become even better at identifying and investigating an increasing number of suspected offenders.

The NPA is thus faced with a predicament. In spite of its largely successful efforts to increase the number of prosecutions (hiring additional prosecutors; opening reception, bail application and Saturday courts; and introducing electronic case-management tools), a diminishing proportion of arrests are resulting in prosecutions. In 1996, one in two cases referred to the NPA resulted in a prosecution. In 2005, only one in three did.<sup>5</sup> That is, the NPA is becoming more efficient by its own measure (i.e. increasing the annual number of prosecutions), but not more effective in furthering its own vision of contributing to a safer society – 'Justice in our society so that people can live in freedom and security.'<sup>6</sup>

The dilemma of efficiency versus effectiveness is common to institutions across the criminal justice system. The SAPS, for example, has seen significant budget increases over the past decade, increasing police numbers from 118 800 in 2001 to 156 000 in 2005.<sup>7</sup> However, a range of factors from



training, management and deployment, to shifting crime patterns play a role in how effectively these resources are used. The results have been mixed, with the rates of some crimes, like murder, stabilising (increasing slightly in 2006) but of others, such as housebreaking, increasing.<sup>8</sup> And, as mentioned above, the fear of crime has increased significantly.

The NPA has recognised that it is performing both well (e.g. number of cases prosecuted) and poorly (e.g. proportion of suspects who are prosecuted). This paradoxical state of affairs is largely caused by factors over which the NPA has no, or very little, control – the number of crimes recorded by the police; the number of cases investigated by the police; and the quality of the investigations by the police. Given this, it becomes clear that prosecutors pursuing their traditional role of processing cases is, on its own, not sufficient for the NPA to play a more significant role in preventing crime, reducing the fear of crime, and improving public trust and confidence in the NPA and the broader criminal justice system – all of which are key NPA strategic objectives.<sup>9</sup> Indeed, by focusing almost exclusively on the processing of cases, prosecutors may be doomed to fail as their success hinges primarily on their *reaction* to events over which they have little control.<sup>10</sup> It is in light of this dilemma – and to address the lack of public engagement in the criminal justice process – that the NPA leadership is introducing the concept of ‘community prosecution’ in South Africa.<sup>11</sup>

This paper explores the concept of community prosecution. It then reflects on the strategy of community policing introduced by the SAPS a decade earlier and identifies a number of important challenges that should be considered in any community prosecution strategy. Section 1 provides an explanation of community prosecution. It draws on international examples and the development of a local South African community prosecution pilot initiative. Section 2 examines a number of local partnerships between communities and criminal justice role-players, such as community policing forums and community courts. Some of the challenges these interventions have encountered are discussed. Section 3 draws out the lessons and challenges of the South Africa experience in local-level partnerships between criminal justice agencies and communities, and highlights several issues for consideration as the NPA establishes a community prosecution model for South Africa.

## SECTION 1

### Evolution of the National Prosecuting Authority (NPA)

In 1998, the South African parliament passed the National Prosecuting Authority Act to give effect to the constitutional provision, and to spell out the details, for a new prosecutorial system for the country.<sup>12</sup> The Act makes provision for the establishment of a single national prosecuting authority. The NPA is structured along a number of business units and employs some 2 500 prosecutors and state advocates. The core of the NPA is comprised of the National Prosecution Service (NPS) which is responsible for instituting criminal proceedings on behalf of the state. Other units include:

- the Sexual Offences and Community Affairs unit (SOCA), with the main objective of eradicating all forms of gender-based violence against women and sexual offences against children;
- the Asset Forfeiture Unit (AFU), created to ensure that the powers in the Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998), to seize criminal assets, are used to their maximum effect in the fight against crime, and particularly against organised crime; and
- the Directorate of Special Operations (DSO) or Scorpions, a special investigative unit established to investigate, gather, keep and analyse information and, where appropriate, institute criminal proceedings in relation to serious offences committed in an organised fashion.<sup>13</sup>

Since its inception, the NPA has sought to improve its relationship with the public generally, and state witnesses and crime victims in particular. The NPA's first National Director, Bulelani Ngcuka, spoke about 'a unique opportunity to carve out a new role and vision for ourselves [i.e. prosecutors]. This new dispensation requires a new breed of prosecutor. We can change institutions, and we can even change the faces, but what is required is a far more fundamental change in our operation. We need prosecutors who see themselves as "lawyers for the people".'<sup>14</sup>

In 2000, the NPA adopted a balanced score card approach as its operational strategy.<sup>15</sup> The balanced scorecard is a *management system* that provides feedback around both the internal business processes and external outcomes

of an organisation in order to continuously improve strategic performance and results.<sup>16</sup> The strategy highlights among the NPA's strategic objectives the desire to improve public confidence in the criminal justice system and to reduce crime rates. The NPA strategy, moreover, seeks to ensure 'customer' (i.e. state witness and victim) satisfaction, create mechanisms that prevent secondary victimisation, and assist customers in better understanding the services provided by the NPA and improve accessibility to these services.

In 2002, the NPA commissioned a study by the Vera Institute of Justice (a New York-based NGO) to assess the challenges the NPA faces in fulfilling its objective of promoting a peaceful, safe and just society. A key recommendation of the Vera study is that the NPA needs to improve the service prosecutors provide to victims, and to strengthen the support and guidance prosecutors provide to investigating officers in the police.<sup>17</sup> The authors of the study further argued that a stable and close relationship between the police and prosecutors at the local level could result in more strategic decisions on how to combat pockets of crime or groups of criminals, and provide needed support to investigators.<sup>18</sup>

These ideas fed into a broader NPA strategy review in 2003 to gauge progress being made on the strategic objectives identified in 2000. This strategy process highlighted the need for the NPA to become more outcome-focused, and the need to be adaptive and innovative in meeting the challenges ahead.<sup>19</sup>

The transformation process in the NPA took a massive step forward with the launch of its transformation programme – Serurubele – in 2004.<sup>20</sup> A series of extensive reviews of the NPA – its mission and the environment in which it operates – by the Serurubele team highlighted the limitations of the traditional 'case processing model', given the NPA's challenges and ambitions.<sup>21</sup>

By 2005, Serurubele had concluded that traditional case processing on its own was inadequate to deal with increasing crime levels. Community prosecution was identified as a part of the remedy to address this weakness. Case processing was seen as reactive and mainly an offender-focused strategy that had a number of inherent weaknesses. It generally failed to deal with victims' needs to feel safer and more secure, and was seemingly unable to keep pace with an ever-increasing workload. In response, a relatively new

approach of community prosecution, which had been gaining credence in the United States, was seen to hold out the promise of lower crime rates in targeted neighbourhoods, increased customer satisfaction, improved working relationships between the NPA and its government and non-governmental partners, and coordination of service delivery.<sup>22</sup> This new thinking is encapsulated in the NPA's 2005/06 annual report as follows:

The [Serurubele] analysis guided the NPA's new strategy and identified the opportunity gaps the organisation should harness to make a positive impact in society around justice and crime solutions, improved partner and stakeholder co-operation, closer engagement with communities and other stakeholders ... In a constitutional state such as South Africa, where a young democracy has dawned, all people should enjoy a better standard of living and quality of life free from crime and the fear of crime. However, sustained economic growth and social development is required in order to achieve a better life for all. The NPA acknowledges that it has a much broader role to play in society and is a key player in achieving these outcomes.<sup>23</sup>

By the time of the release of NPA's 'Strategy 2020' in March 2007, community prosecutions had become entrenched. Speaking about its vision the NPA noted 'international trends in public prosecution show a clear shift towards a higher reach in vision than just the normal/traditional case processing'.<sup>24</sup> In realising its vision the NPA recognised that it would need to position itself to 'add a new dimension to its traditional role' to become an 'advocate of proactive and alternative justice solutions' that would see it 'extend its role beyond that of prosecution to include caretaker, resolver, and preventer of victimisation'.<sup>25</sup> Community prosecution was established as an integral component of the NPA's delivery strategy to prevent and resolve crime and victimisation.

### **What is community prosecution?**

A basic definition of community prosecution is that it is 'a proactive approach to addressing crime and quality of life issues that brings prosecutors together with residents to identify problems and solutions'.<sup>26</sup> Central to this definition

is that any community prosecution strategy is heavily influenced by the local situation and context. This implies that no two community prosecution initiatives are exactly alike, and defining the meaning and activities of community prosecution is difficult. In the United States, which has the longest history of community prosecution, the concept's core characteristics are:

- a focus on problem-solving, public safety and quality of life issues;
- community input into the criminal justice system;
- partnerships with government agencies and communities;
- a defined geographical focus; and
- proactive strategies and an interactive approach.<sup>27</sup>

A report by the Kennedy School of Government at Harvard University defines community prosecution in terms of a strategic shift from a traditional 'case-processing' strategy, to a 'problem-solving/community prosecution' strategy.<sup>28</sup> The community prosecution strategy includes greater use of crime prevention, a problem-solving approach to public safety and partnerships with communities. This is in contrast to traditional approaches that focus on criminal investigations, trial preparation and arguing cases in court. According to the authors of the report, what most distinguishes community prosecutors from traditional prosecutors is the community prosecutors' focus on quality of life issues, and the social and environmental conditions that allow crime to flourish.<sup>29</sup>

An American Prosecutors Research Institute (APRI) report, however, finds that the shift between community prosecutions and traditional prosecutions does not necessarily represent a philosophical change. Both traditional prosecutors and community prosecutors see their role as prosecuting crime, punishing criminals and reducing and preventing crime. However, community prosecutors, unlike their traditional counterparts, use different strategies such as forming partnerships, adopting problem-solving approaches and encouraging more community involvement.<sup>30</sup>

## International examples of community prosecution

Several examples of community prosecution exist throughout the world. These illustrate the nature of community prosecutions but also begin to point

to the possible contribution community prosecutions can make to justice delivery in South Africa.

The United States provides several good examples of functioning community prosecution projects.<sup>31</sup> City attorneys in Dallas, Texas, began with a community prosecution project in 1999. (In the United States, a city attorney is responsible for defending the city against civil suits and prosecuting low-level criminal cases.) Dallas city attorneys focused their community prosecution efforts on low-level criminal cases. They established partnerships with communities and other government agencies through ACTION (All Coming Together In Our Neighbourhood) Teams. These teams identify problems and devise strategies and projects by which to address low-level crimes. One such project is Safe Neighbourhood formed to reduce community gun violence. Raids are planned together with the police and community (although the community is often left out of the detailed planning to safeguard the secrecy of the operation). This allows community prosecutors to prepare for the influx of new cases and explore other violations that may be used in support of the prosecution of gun-related offenders. Community prosecutors also play an awareness-raising and educational role.<sup>32</sup>

In Denver, Colorado, Community Justice Councils play the role of ACTION Teams and have been established to work with communities to identify priorities and devise strategies to address concerns. Among the projects undertaken by the Denver community prosecution project is the establishment of a community court to hear cases involving juvenile accused and which seeks to resolve matters using a problem-solving approach. Another project tackles issues of alcohol abuse by targeting problematic liquor outlets which are, for example, associated with selling alcohol to minors, being situated near schools, being associated with excessive noise or illicit drug use. The project targets the closure of these liquor outlets with prosecution-led strategies. These include helping the community with petitions against problematic liquor outlets, encouraging community members to attend violation hearings, conducting research into arguments for the revocation of licences, writing legal education handbooks on the liquor code for community members and sponsoring a community forum on new liquor licences.<sup>33</sup>

The community prosecution project in Kings County, Brooklyn, New

York, was inspired by efforts to strengthen crime prevention initiatives and increase collaboration between prosecutors, police, communities and local government. Prosecutors are assigned to specific geographic areas. This allows for improved practice in traditional case processing. The local relationships that are built encourage better collaboration between government agencies and between authorities and communities, and facilitate proactive work. In addition, a number of office-based programmes are also run under the community prosecution banner. These include drug treatment as an alternative to prison and participation in the Red Hook Community Justice Center. Here, prosecutors rely on creative sentencing options and non-traditional approaches to restore order in a high-crime area.<sup>34</sup>

Marion County, Indianapolis, utilises its community prosecution projects to build good relations with other law enforcement agencies. In the past, a high level of distrust existed between prosecutors and police officers over the dropping of cases. The county's community prosecution initiative places prosecutors and paralegals at police stations to assist the police in the preparation of cases. This has put prosecutors in daily, routine contact with police to encourage and focus efforts around problem-solving, a sharing of ideas and joint work on investigations.<sup>35</sup>

Community prosecution approaches are also active in other parts of the world. The Liverpool Community Justice Centre operates on a similar basis to the aforementioned Red Hook Community Justice Center. A dedicated team of prosecutors work with other role-players such as the police and judiciary to target anti-social behaviour, vandalism, petty theft and disorderly conduct.<sup>36</sup>

Sweden introduced a problem-solving dimension to prosecution in the early 1990s. In November 2002, 20 senior prosecutors were employed to serve as community prosecutors in cities around the country. They focused on repeat offenders working with police, social welfare and the correctional system.<sup>37</sup>

In the Netherlands, a system of 'Justice in the Neighbourhood' combines elements of community prosecution to facilitate partnerships, improve problem-solving, and the visibility and confidence in the criminal justice system. The structures focus on local problems and quality of life issues.<sup>38</sup>

## A South African community prosecution project

The launch, in March 2007, of the NPA's 2020 strategy introduced community prosecution as a mechanism to close the gap between prosecutors and communities. This would be achieved by adopting a more grassroots approach to law enforcement and by allowing both traditional and non-traditional initiatives to work with the community to solve and prevent crime in targeted geographical areas. Community prosecution was defined by the NPA as:

- an integrative approach involving reactive and proactive strategies;
- building long-term partnerships;
- using varied methods of prevention, intervention and enforcement, other than criminal prosecution to address problems; and
- encouraging community involvement.<sup>39</sup>

The NPA's 2020 strategy highlighted community prosecution as a mechanism through which to fulfil its role in respect of social crime prevention. Effective prevention strategies were seen to include early interventions for at-risk teens and school-based initiatives to teach social competency skills. Community prosecutors would 'work with communities, businesses and schools to reshape community conditions specific to local needs and to enhance the quality of their neighbourhood'.<sup>40</sup>

Shamila Batohi, the NPA's community prosecution project leader (and KwaZulu-Natal Director of Public Prosecutions) notes that, in practical terms, community prosecutions require asking prosecutors to involve the community in actively identifying public security problems and crafting creative solutions. It could also include assigning prosecutors to specific geographic zones.<sup>41</sup>

In 2006, the NPA had begun formally testing a South African community prosecution strategy.<sup>42</sup> Nine pilot sites were selected and the first set of community prosecutors were recruited in April 2006.

The competencies identified for a community prosecutor included an understanding of social crime prevention and the criminal justice system, negotiation, conflict management and facilitation skills, and an understanding of project management. The tasks of the community prosecutor included:



- establishing joint problem-solving mechanisms;
- developing partnerships and liaising with relevant stakeholders;
- participating in the establishment of community courts and justice centres where appropriate;
- initiating and supporting crime prevention initiatives;
- encouraging the establishment of diversion and alternative sentencing programmes; and
- ensuring identified cases are prioritised and processed effectively.<sup>43</sup>

Nine pilot sites for the community prosecution pilot were identified. The selection criteria included:

- The community is affected by high levels of crime or persistent levels of minor crimes.
- The potential exists to reduce crime.
- The target site is clearly defined geographically.
- To the extent possible, high-priority sites of the SAPS are included.<sup>44</sup>
- Senior public prosecutors are available.
- Access to the identified community by the community prosecutors is relatively easy.
- Court infrastructure is available so that prosecutions emanating from the pilot site can be finalised speedily.
- Support structures and services are available, and the NPA has a good working relationship with its key partners.
- The selected sites justify the cost and resources required to achieve success.
- There is potential for social and economic development.<sup>45</sup>

A guide for community prosecutors, developed by the NPA, identifies a number of steps in setting up a community prosecution project.<sup>46</sup> These are:

- Identifying of the community as the client. Communities may be identified geographically or along specific interests.
- Identifying relevant role-players. All potential stakeholder needs are to be identified and relationships to be established with each.
- Conducting a needs assessment within the specific community. The guide makes specific mention that community prosecutors guard against creating

the impression that they are there to solve all the community's problems, but are rather there to assist with safety and security issues.

- Building support for the concept of community prosecutions. Encouraging a spirit of volunteerism in the community is identified as an important indicator in building support for the concept.
- Establishing the infrastructure. Establishing the necessary infrastructure such as office space is noted. Where possible this should be resourced through donors in the community subject to authorisation from the NPA.

Based on the above criteria, community prosecution pilot sites were established in Mamelodi, Randburg, Mdantsane, Umtata, Bethlehem, Kimberley, Kuruman, Durban and Nyanga (Cape Town). Every provincial region of the NPA contains one pilot site. Two sites, Mamelodi and Nyanga, are among the SAPS' top national priority target areas owing to the high levels of crime present there. Of the nine sites, six are peri-urban, two are urban and one is rural.

Windsor East in Randburg is one of the nine community prosecution sites and rated as one of the most successful. The area is characterised by a high number of rental apartments attracting legal and illegal work-seekers. Drug dealing is a problem in the area. According to the Community Prosecutor, Raymond Mthenjwa, his office has been actively forging links with stakeholders, including community and criminal justice partners, and provincial and local government agencies, as well as non-criminal justice system departments such as health and social development. The community prosecution project has been involved in addressing some of the root causes of the problems affecting the community. Nearly 2 000 illegal migrants were deported from the area over a ten-month period and pressure has been placed on errant landlords to address problem properties. Recently the police conducted the first intelligence-led drug busts in the area.<sup>47</sup>

In the rural community of Kudumani, a major clampdown on cattle rustling in 2006 led to a significant reduction in stock theft. Along with the arrest of perpetrators, non-criminal justice interventions included among others fenced grazing camps, branding and veterinary services, all of which prevent cattle theft.<sup>48</sup>

## SECTION 2

### Lessons from the South African experience

The community prosecution project in South Africa can draw on the learning of a number of strategies. Some of these go back ten years and are designed to enhance partnership between government agencies and community groups, use problem-solving methods to address crime and promote public safety, and increase community involvement – all identified as key defining characteristics of a community prosecution approach.<sup>49</sup>

These South African experiences provide a number of important lessons for community prosecution. They have come up against ongoing challenges associated with community representation and participation, organisational re-alignment, allocation of resource issues, and the development and implementation of multi-agency crime prevention projects. Many of these challenges are particular to the South African context and they may not be prominent in the international literature. The experience garnered from these challenges has been documented and is available to criminal justice practitioners and policy-makers. Indeed, it will supplement the community prosecution assessment being undertaken at the nine mentioned pilot sites. Being mindful of these challenges from the outset can both strengthen the value of the pilot project and mitigate the difficulties that plague and undermine similar community-centred interventions.

The following section looks at several of these interventions, each of which contains elements generally found in a community prosecution strategy. It seeks to draw out key learning appropriate to a community prosecution project.

### Community police forums

Community policing was introduced early in the South African transition. It was primarily motivated by the need to establish a relationship of trust between the police and communities during the political negotiation process and the run-up to the country's first non-racial election in 1994. The 1991 National Peace Accord<sup>50</sup> established provincial and local Peace Forums to, *inter alia*,

provide the police and communities with the opportunity to resolve disputes in a non-violent manner. The Peace Forums were an important precursor to community policing which was introduced by the Interim Constitution that came into effect in April 1994. The Interim Constitution determined that the country's new police service should establish a Community Police Forum (CPF) at every police station. The South African Police Service Act of 1995 (SAPS Act) formally established CPFs.<sup>51</sup>

According to the SAPS Act, CPFs are primarily responsible for enabling improved police-community liaison and communication. Specifically, such liaison should focus on improving problem-solving, promoting greater cooperation, and improving police transparency and accountability. The SAPS Act sets out the functions of CPFs as follows:<sup>52</sup>

- establishing and maintaining a partnership between the community and the SAPS;
- promoting communication between the SAPS and the community;
- promoting cooperation between the SAPS and the community in fulfilling the needs of the community regarding policing;
- improving the rendering of police services to the community at national, provincial, area and local levels;
- improving transparency in the SAPS, and accountability of the SAPS to the community; and
- promoting joint problem identification and problem-solving by the SAPS and the community.

In early 1997, the Department for Safety and Security published a formal policy on community policing, the Community Policing Policy Framework and Guidelines. This framework provided the first explicit expression of community policing as a methodology for reducing crime by improving the service provided by the police. According to the new policy, community policing is comprised of five core elements:

1. Service orientation: the provision of a professional policing service, responsive to community needs and accountable for addressing these needs.
2. Partnership: the facilitation of a cooperative, consultative process of problem-solving.

3. Problem-solving: the joint identification and analysis of the causes of crime and conflict, and the development of innovative measures to address these.
4. Empowerment: the creation of joint responsibility and capacity for addressing crime.
5. Accountability: the creation of a culture of accountability for addressing the needs and concerns of communities.

Each police station area is charged with establishing a CPF. While this has generally been achieved, the extent to which the philosophy of community policing permeates both the SAPS and the community in general is debatable. Nine years into the new democracy less than half of South Africans (45%) knew what a CPF was.<sup>53</sup>

A 2002 Institute for Security Studies (ISS) study of CPFs in the SAPS priority areas found that generally CPFs had limited public reach and could not be considered representative of the communities in which they functioned. In their current form and functioning they were poorly placed to engage meaningfully in local safety, security and policing issues. The main reasons cited by respondents to the survey for their generally negative view of community police forums were:

- a lack of personnel and resources;
- a lack of support from supervisors;
- a view that community policing was only the function of a designated community police officer; and
- a lack of general community participation.<sup>54</sup>

According to a 2005 study by the Public Service Commission, the functioning of CPFs is affected by a range of factors, including the wealth and skills available in the community, the community's political influence, community enthusiasm and police expectations.<sup>55</sup>

These findings echoed those of commentators like Pelser, who identified a number of critical assumptions that influenced the evolution of community policing in South Africa and which provide important points of reflection when considering a community prosecution model.<sup>56</sup> For example, the notion of 'community' remains problematic, generally, but particularly in South

Africa where communities have been divided and fractured. The myriad of local political divisions and interest groups from churches to civics, youth and school groups, and sports clubs are difficult, if not impossible, to synthesise into a single consultative community forum. One result of these challenges has been the difficulty faced by many CPFs to grow beyond the handful of people constituting a CPF's executive and expanding into the broader community.

According to Pelser, implementing community policing placed additional capacity pressures on an already stretched police service; and police members received no training in the methodology of community policing.<sup>57</sup>

Responding to community demands presents another challenge often leading to increased frustration as innovations are blocked by the hierarchical and bureaucratic nature of the SAPS. Moreover, the manner in which community policing was operationalised in the SAPS, with the creation of a specific community policing functionary at station level, contributed to the fact that it was seen as the remit of a few officers only.<sup>58</sup>

It has also become increasingly apparent that the mandate of the CPFs is somewhat contradictory. CPFs are simultaneously tasked to provide an oversight and accountability function as well as fostering police partnerships with local communities. It was the latter that evolved more rapidly, being both in the interest of the police to utilise community partnership to access areas to which they had been previously barred, as well as by communities used to the idea of local neighbourhood patrolling and who found additional legitimacy being associated with the police. As a result, a critical accountability role of community policing was largely sidelined.<sup>59</sup>

Community policing continues as a feature of the South African policing landscape but its effectiveness and future remain contested and open to debate.<sup>60</sup>

## Sector policing

In 2001, the SAPS embarked on a sector policing approach, in addition to the established strategy of community policing and CPFs as required by the SAPS Act. In sector policing, precincts are subdivided into smaller areas called sectors, each of which is assigned dedicated personnel to work with

the local community.<sup>61</sup> Sector policing holds out the promise of:<sup>62</sup>

- increased visibility;
- improved quality of service;
- using resources effectively and efficiently;
- working closely with local communities; and
- applying problem-solving techniques.

While it is too early to evaluate the effectiveness of sector policing, the Public Service Commission has raised a number of concerns.<sup>63</sup> These include:

- lack of involvement of stakeholders outside of the SAPS in determining sector boundaries;
- vague criteria used for demarcating sectors;
- no uniformity in the development of the sector profiles;
- no uniform criteria for staffing sectors, and establishing and guiding sector crime forums;
- poorly defined relationship between the Sector Police Forums and the CPFs;
- a lack of appropriate training and guidelines for both SAPS and community members;
- confusion about roles and responsibilities.
- inadequate resources;
- inadequate staffing levels;
- a lack of commitment on the part of SAPS management at some stations; and
- a lack of effective and appropriate leadership in SAPS to drive sector policing.<sup>64</sup>

The last two points above resonate with an evaluation of sector policing in the United Kingdom which has had a longer history with the strategy. Overcoming police resistance was identified as the greatest challenge to the successful implementation of a sector policing strategy.<sup>65</sup>

### Crime prevention projects

In addition to participating in CPFs and Sector Police Forums, the SAPS

is also involved in numerous crime prevention initiatives.<sup>66</sup> For example, several school-based crime prevention initiatives exist. Here the local SAPS establishes a relationship with local schools and works with learners, educators and parents to identify and resolve crime-related problems. The Adopt-a-Cop programme is a joint initiative with the Department of Education, whereby a dedicated police officer is appointed to liaise with local schools, undertake regular visits and give awareness-raising talks and presentations at schools. Many youth initiatives are also undertaken. These include the initiation of, and support for, projects with youth and typically include sporting events held over the holiday season.

These initiatives are usually project based and are often located and managed in structures such as CPFs. Here, their project nature often has a positive affect on structures like the CPF, given that groups usually consolidate and progress when they are achieving specific goals. While a recent Public Service Commission study found community-based crime prevention projects were difficult to assess in the absence of clear indicators,<sup>67</sup> it did identify several factors which negatively affect the implementation of the projects. These included low levels of knowledge and understanding of crime prevention and the strategies embarked upon by both the community and also sometimes the SAPS, and a lack of resources. In many communities they found volunteers financed their participation through using their personal telephones to make calls. While this was found to be manageable in wealthier areas, it was unsustainable in poorer communities. In addition, skills sets varied from community to community and this particularly influenced the sophistication with which crime prevention projects were identified and funding support leveraged.<sup>68</sup>

Louw and Pelser, in their 2002 assessment of crime prevention partnerships in South Africa, identified the absence of local level accountability among the challenges for local crime prevention partnerships and projects.<sup>69</sup> Much of the South African policy on crime prevention borrows heavily from developed countries and is premised on an assumption of direct local accountability. In South Africa, nationally structured organisations, such as the NPA and the SAPS, mean there is limited opportunity for direct public input and locally elected officials have no formal powers of oversight over the SAPS and prosecutors as they do in the United States, for example.



## Community courts

Returning to Justice and Constitutional Development, the Ministry also responsible for the NPA, another mechanism for promoting problem-solving and closer cooperation with communities is being promoted, namely, community courts.

In his 2004 State of the Nation address, President Mbeki directed that two community courts be established in every province. These were to be modelled on a pilot community court which had been set up in the Pretoria suburb of Hatfield.<sup>70</sup> At the launch of the Western Cape community courts in 2005, the Deputy Minister of Justice, Advocate Johnny de Lange, described community courts as district courts that deal with the same cases as normal district magistrates' courts, with the difference lying in the way in which stakeholders work together in an integrated and cooperative manner.<sup>71</sup>

Community courts offer a number of lessons that can be considered by a community prosecution project. In 2005 the Open Society Foundation of South Africa (OSF-SA) conducted an evaluation of the community courts existing at the time. Although the courts were at an early stage of their development, the evaluation highlighted a number of issues to consider in promoting the work of the courts. These included:<sup>72</sup>

- The process of identification of the types of crimes to be dealt with by the courts needs to be carefully considered, if the courts are to meet their stated objectives.
- Commitment and participation of key role-players such as police, community, local authorities, magistrates and prosecutors need to be secured. Sufficient provision of appropriate effective diversion and alternative sentencing options, as well as the monitoring and evaluation of these options, is crucial to the success of these courts.
- Providing an integrated service delivery approach means that a range of government departments is required to ensure the success of the initiative. Roles and responsibilities need to be clearly identified and role-players need to be held accountable for compliance with these.
- A clear understanding of what exactly constitutes a community court should be developed. What are the core identifying characteristics of such a court?

- Public awareness campaigns extending beyond obvious community stakeholders such as CPFs should be conducted to apprise the public that certain actions are in fact crimes, although these may previously have escaped attention by the criminal justice system.
- A comprehensive independent survey of public opinion to gauge impact should follow public awareness campaigns.
- The roles of NGOs need to be clearly defined and accountability mechanisms need to be put in place to ensure coordination and adequate supervision.
- All role-players would benefit from increased understanding of the meaning, and means of implementation, of restorative justice principles, as well as the difference between diversion and alternative sentencing options.
- All role-players would benefit from a common understanding of the goals of the community court as manifest in their area.

## SECTION 3

### Some learnings for a community prosecution strategy

The exact nature, form and structure of the community prosecution project in South Africa are yet to be established. The project draws on the experience of similar initiatives elsewhere in the world. However, as Iole Matthews of the Independent Projects Trust<sup>73</sup> explains, ‘the precise form South Africa’s community prosecution strategy will take cannot be known in advance of an assessment of the nine community prosecution pilot sites and the learning this will yield’.<sup>74</sup>

These sentiments are echoed in preliminary guidelines for community prosecutions. The intention of the NPA community prosecution pilots is stated as an exploration of the role of the NPA in crime prevention with a view to defining it.<sup>75</sup>

There is thus an important opportunity available to take cognisance of the lessons provided by interventions such as community policing in the process of defining and implementing a community prosecution project in South Africa. Ultimately their core elements are similar, namely:

- an orientation to service provision;
- partnership;
- a problem-solving approach;
- empowerment and creating joint responsibilities for safety; and
- accountability.<sup>76</sup>

Some important learnings to bear in mind at the early stages of a community prosecution strategy relate to the levels of organisational support necessary to implement, sustain and succeed in the strategy.

The philosophy and operational implications of community prosecution need to infuse the NPA as a whole if community prosecution is to be the corner-stone of the 2020 strategy. While a pilot can produce important information to guide the development of the South African Community Prosecution project, ultimately, this project needs to be scoped, defined, resourced, constructed, marketed and led by the NPA. Detailed attention needs to be given to:

- human resources, including the development of job descriptions, performance measurement and management, career pathing and the necessary training support;
- identifying new cost drivers, budgeting and resourcing; and
- monitoring, evaluating and communicating.

This is not information that can solely be gleaned from the pilots.

### *Organisational clarity*

The conceptualisation of community prosecutions as an integral component of the NPA's 2020 strategy is an important first step, but this needs to be accompanied by clear organisational policy and guidelines.

These guidelines will be important in building synergy between the NPA and partners, and is best addressed at organisational level. The additional resources required from partner agencies, to contribute to the success of a community prosecution initiative, can be critical. Jurisdictional, cultural and organisational dynamics may make this more complex and time-consuming than initially thought. Currently there are several crime prevention initiatives involving multiple stakeholders, including Community

Safety Forums, Sector Forums and Integrated Development Committees. The capacity of the community or the state to participate in additional forums (should the community prosecution site establish its own structures for communication and interaction) needs to be considered when developing a community prosecution model. Ideally, a community prosecutor should at the outset decide whether to join these interventions and only as last resort set up an alternative structure. The absence of policy and clear guidelines in respect of multi-stakeholder forums focusing on safety and security issues can contribute to the possible duplication of actions.

This level of partnership should be distinguished from local-level partnerships which individual community prosecutors and their partners will need to define; ideally within a common framework established at organisational level.

#### *Human resource management*

The human resources of the NPA, the prosecutors and support staff, are the key to a successful community prosecution project. They can either embrace the new vision or resist it. The outcome is largely dependent on how people are managed during this transition. Putting in place the human resource policies to support a community prosecution strategy from the outset will provide clarity and direction. Without such policies there is the danger that community prosecution can remain on the fringes of the NPA, while leadership and status continue to be drawn from the realms of those performing more strongly in the traditional sphere. This, in turn, will discourage competent and ambitious prosecutors from working as community prosecutors.

A challenge with the implementation of community policing was its difficulty in taking root beyond the few officers that were directly tasked with community policing duties.<sup>77</sup>

#### *Training and development*

Policy and guidelines on community prosecutions is a prerequisite to the development of human resource management instruments as these are important in developing the training required to support the strategy. The introduction of a community prosecution strategy should be accompanied by training programmes on a range of new subjects. These should include

general subjects, such as understanding community dynamics and conflict resolution skills. Community prosecutors need to be able to resolve or be able to refer turf or jurisdictional issues with other agencies with diplomacy and expeditiously. Further, empowering communities through best practice ideas and legislation does not always translate into action. The community may have to be galvanised into action and this requires specific skills.<sup>78</sup>

More specific courses on the core functions of community prosecutors – why it is important for the future of the prosecution service and ethical issues community prosecutors may encounter – are critical.

The importance of training should not be underestimated. The skills required by a community prosecutor are not those of conventional prosecutors, and include being able to build and maintain relationships with a variety of stakeholders and being able to identify and solve public safety problems. Community prosecutors will place greater emphasis on restorative rather than adversarial approaches to justice, and on accountability and availability to local communities.

Mistry, reflecting on training in the implementation of community policing in its early years, identified a number of the difficulties police members encountered in transformation to community policing. She noted at the time, ‘Police officials in South Africa are not accustomed to using discretion in the course of their work. This is a result of the many standing orders and regulations designed to regulate the work of police officials. Police officials have to be empowered to use their individual discretion.’<sup>79</sup>

Once out in the field, the work of promoting local solutions to safety problems comes with its own challenges; a community prosecutor will need to be equipped to address these. These solutions can range from a focus on target hardening, including road closures, CCTV surveillance, private citizen patrols, youth activities and community gardens. These examples are illustrative of the variety of activities a community prosecutor may get involved in and how far removed they are from the traditional roles of a typical prosecutor.

Many crime prevention solutions will require the involvement of other stakeholders if they are to be implemented. A community prosecutor’s knowledge of this environment is therefore essential. A request for a neighbourhood watch to be established, for example, can be taken up with

the SAPS, the CPFs and the Provincial Department of Community Safety, whereas infrastructural developments, such as play parks for children need to be addressed with local government. One tool available at the local level is the Integrated Development Plan (IDP). According to legislation, municipalities must, in consultation with state and community role-players, draw up a developmental blueprint for their local government area.<sup>80</sup> This provides opportunities for local safety needs to be identified and incorporated into the planning process. The IDP development process, however, comes with its own bureaucratic hurdles. Community prosecutors will need to be familiar with the IDP development process, time-frames, structures and role-players. They will also need to foster good relationships with the local government IDP committee and the local ward committee to facilitate the introduction of important interventions at the appropriate time.

Project management skills and the ability to conceptualise and manage crime prevention projects are another important attribute community prosecutors should possess. A community prosecution site may identify multiple projects to address a particularly pressing need. Community support to help manage multiple projects will be essential – but not always available, especially if it is to be provided on a voluntary and ongoing basis.

South Africa has ten years of experience with local level crime prevention. Knowledge of the environment and its challenges as well as basic skills are essential prerequisites for a community prosecutor. Not having this basic understanding can see potential safety solutions being poorly conceptualised and unnecessarily delayed which, against a backdrop of general dissatisfaction with justice system performance, can undermine a community prosecution strategy from the outset.

### *Resourcing*

The resource requirements of a community prosecutor are likely to be different from that of a conventional prosecutor. Issues such as the location of an office, its general size and lay-out need to be considered. The community prosecutor's office is likely to serve as a meeting place for community members and needs to be furnished accordingly. Community prosecutors are likely to require a dedicated vehicle and increased travel allowances to cover out-of-office duties. These variances need to be accommodated in the standard operating

procedures and policies of the NPA. This is important to bear in mind as the present South African community prosecution sites are not well resourced. Many sites have no access to computers, none have budgets for catering at meetings, and all community prosecutors are using their own vehicles in high-crime areas.<sup>81</sup> It is unlikely that an initiative as bold as community prosecution, in an environment as challenging as the South African criminal justice sector, will succeed without significant support.

Also, once in the field, a community prosecutor working with a particular community, to identify and help implement a crime prevention solution to a safety concern, is likely to be confronted by a bureaucracy that is not suited to responding to such needs. Louw and Pelsers argue that among the obstacles to implementing crime prevention projects at local level in South Africa is the absence of mechanisms of local-level accountability. Local accountability is important in driving and maintaining crime prevention interventions in countries such as the United States.<sup>82</sup> In the United States a locally elected district attorney will put political weight and capital behind the successful implementation of community projects. In South Africa the absence of direct local accountability makes it more difficult for projects conceptualised at the local level to be implemented and sustained, especially if they require financial resources. Community prosecutors could find themselves having to manage the tensions between community enthusiasm on the one hand and bureaucratic indifference on the other. The absence of, at the very least, support within the NPA for seeding potential safety initiatives can see a community prosecution project frustrated from the outset.

## CONCLUSION

In South Africa today, effective interaction and collaboration between prosecutors, their partners in the criminal justice system and the community are limited. This exacerbates the potential for suspicion and distrust. It also limits the effectiveness of the prosecution service by increasing the danger of incorrect or poor case prioritisation, or by missing opportunities to promote innovative reforms such as restorative justice practices or diversion and alternative sentencing.<sup>83</sup>

A gap in the ongoing transformation of the NPA has been the absence of community participation. This transformation process has consistently placed high value on community relations – in particular for the NPA which sees itself as being the ‘lawyers for the people’.

Community prosecution holds the possibility of promoting a significant and necessary development in the interface between an often impersonal court process and ordinary citizens. It is, however, a challenging and complex terrain. The notion of working with the community to improve prosecutorial effectiveness, and to identify and resolve problems proactively seems deceptively simple. The implementation of a community prosecution strategy is likely to raise a number of critical challenges that will require careful consideration and planning. A decade of South African experience with community policing and local-level crime prevention initiatives provides important lessons to inform the development of a community prosecution strategy. In particular, they point to the complexity of the transformation process, the importance of involving the entire organisation and its partners, the importance of ongoing training and mentoring and careful planning. Notwithstanding the temptation to approach community prosecutions organically and learn lessons locally, substantial consideration should be given to planning and preparing the organisational framework within which community prosecution is to be located.

Community prosecution offers interesting possibilities to promote a variety of issues, ranging from access to justice to the development of restorative practices. Importantly, community prosecution can promote the accountability of the prosecution service in respect of the communities it serves. If the prosecutors of the NPA are to be the ‘lawyers for the people’, the organisation needs to listen to and engage with local communities on a more tangible basis. Community prosecution can also play an important crime prevention role, whereby the insight and strategies of a prosecutor can provide important expertise.

As the NPA develops its community prosecution strategy it is useful to reflect on what some commentators note as an increasing tendency to govern through crime.<sup>84</sup> Simon, reflecting on crime in Miami, Florida, in the US, notes that because crime occupies such a prominent place in daily life it has become ‘the framework through which urban problems are identified and



responded to'.<sup>85</sup> These are urban problems which ought to be seen to have merit in their own right.

Dixon, in an article on crime prevention and social policy, warns of conflating crime prevention and social policy.<sup>86</sup> Issues like safe schools or appropriate and adequate recreational facilities should be prioritised and addressed in their own right. They should not only receive attention because of a very tenuous link to their crime prevention utility. This skews social development policy and feeds crime as the dominant agenda driver – both of which could have serious consequences in a country of South Africa's history and legacy.

On the other side of the equation, the criminal justice system is increasingly drawn into engaging and addressing social issues under the rubric of crime prevention. An unintended result can be detracting from the core business of the criminal justice system. While interventions are desperately needed in South Africa to build social capital and local community dialogue, the current skills, training and location of, for example, a prosecutor within the criminal justice system might not make the prosecution service the best placed institution to undertake this task.

Nonetheless, working in an integrated manner and communicating effectively across departments and disciplines are recognised as important for a well-functioning criminal justice system. Moreover, community participation is central to fostering local accountability, trust and social cohesion. South African crime prevention initiatives and multi-sector approaches to combating crime have been in existence long enough to allow for reflection on some of the practices and seek solutions to the pressing crime and safety issues in the country.

## Endnotes

- 1 Close to 19 000 murders, 55 000 rapes and 120 000 serious robberies were recorded in South Africa in 2005/06, *Crime Statistics 2005/06*, South African Police Service. [www.saps.gov.za/statistics/reports/crimestats/2006/\\_pdf/provinces/rsa\\_total.pdf](http://www.saps.gov.za/statistics/reports/crimestats/2006/_pdf/provinces/rsa_total.pdf) (retrieved 4 January 2006).
- 2 See Altbeker, A., Paying for crime: South African spending on criminal justice, *ISS Paper 115*, July 2005, p.8.

- 3 Schönteich, M., Assessing the crime fighters. The ability of the criminal justice system to solve and prosecute crime, *ISS Paper 40*, September 1999. *Annual Report 2005/06*, National Prosecuting Authority, Pretoria, 2006, p.19. [www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005\\_2006.pdf](http://www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005_2006.pdf) (retrieved 4 January 2006). The 'conviction rate' being the number of convictions as a proportion of prosecutions.
- 4 Burton, P. et al., *National Victims of Crime Survey South Africa 2003*, ISS Monograph Series No. 101, July 2004, Pretoria, p.15.
- 5 *Annual Report 2005/06*, National Prosecuting Authority, Pretoria, 2006, p.19. [www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005\\_2006.pdf](http://www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005_2006.pdf) (retrieved 4 January 2006).
- 6 *Annual Report 2005/06*, National Prosecuting Authority, Pretoria, 2006, p.10. [www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005\\_2006.pdf](http://www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005_2006.pdf) (retrieved 4 January 2006).
- 7 Altbeker, A., Paying for crime: South African spending on criminal justice, *ISS Paper 115*, July 2005, p.24.
- 8 Crime Statistics 2005/06. [www.saps.gov.za/statistics/reports/crimestats/2006/\\_pdf/provinces/rsa\\_total.pdf](http://www.saps.gov.za/statistics/reports/crimestats/2006/_pdf/provinces/rsa_total.pdf) (retrieved 16 April 2007).
- 9 See, *Annual Report 2005/06*, National Prosecuting Authority, Pretoria, 2006, p.9. [www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005\\_2006.pdf](http://www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005_2006.pdf) (retrieved 4 January 2006).
- 10 Schönteich, M., *Developing a South African community-oriented prosecution model*. Discussion paper prepared for a National Prosecuting Authority / Open Society Justice Initiative workshop on community prosecution, Pretoria, 26 April 2004, p.2.
- 11 National Prosecuting Authority Strategy 2020. [www.npa.gov.za/UploadedFiles/Executive%20Summary%20final%20proof%2016%2003%2007.pdf](http://www.npa.gov.za/UploadedFiles/Executive%20Summary%20final%20proof%2016%2003%2007.pdf) (retrieved 16 April 2007).
- 12 National Prosecuting Authority Act, No. 32 of 1998.
- 13 National Prosecuting Authority Act 32 of 1998. [www.npa.gov.za/UploadedFiles/NPA%20ACT%2032%20OF%201998\\_revised.doc](http://www.npa.gov.za/UploadedFiles/NPA%20ACT%2032%20OF%201998_revised.doc) (retrieved 16 April 2007).
- 14 Bulelani Ngcuka, National Director of Public Prosecutions, speaking at South Africa's first national public prosecutors' conference, August 1998.
- 15 Setting the Strategic Direction of the NPA, NPA Balanced Scorecard (BSC) 2001 v1.0. [www.npa.gov.za/NPA/npa\\_strategy.asp](http://www.npa.gov.za/NPA/npa_strategy.asp) (retrieved 25 August 2006).
- 16 Paul Arveson, 1998. [www.balancedscorecard.org/basics/bsc1.html](http://www.balancedscorecard.org/basics/bsc1.html) (retrieved 9 January 2007).
- 17 Stone C. et al., *Prosecutors in the front line. Increasing the effectiveness of criminal justice in South Africa*, National Prosecuting Authority, 2003, [www.npa.gov.za](http://www.npa.gov.za) (retrieved 25 August 2006).

- 18 Stone C. et al., Prosecutors in the front line. Increasing the effectiveness of criminal justice in South Africa, National Prosecuting Authority, 2003, pp.39-40. [www.npa.gov.za](http://www.npa.gov.za) (retrieved 25 August 2006).
- 19 Executive Summary NPA Strategy 2020. [www.npa.gov.za/UploadedFiles/Executive%20Summary%20final%20proof%2016%2003%2007.pdf](http://www.npa.gov.za/UploadedFiles/Executive%20Summary%20final%20proof%2016%2003%2007.pdf) (retrieved 16 April 2007).
- 20 *Annual Report 2005/06*, National Prosecuting Authority, Pretoria, 2006, pp.7-9. [www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005\\_2006.pdf](http://www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005_2006.pdf) (retrieved 5 January 2006). The name *Serurubele*, the Sotho name for *butterfly*, was chosen to symbolise the kind of constant change and agility required of an organisation in a dynamic environment.
- 21 Rabaji, O., *Redefining community prosecution*. Paper presented at a workshop on 'Civil Society and the development of a South African community prosecution model', Pretoria, 10 February 2005.
- 22 Ibid.
- 23 *Annual Report 2005/06*, National Prosecuting Authority, Pretoria, 2006, p.10. [www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005\\_2006.pdf](http://www.npa.gov.za/UploadedFiles/NPA%20Annual%20Report%202005_2006.pdf) (retrieved 5 January 2006).
- 24 NPA Strategy 2020, p.7. [www.npa.gov.za/UploadedFiles/Executive%20Summary%20final%20proof%2016%2003%2007.pdf](http://www.npa.gov.za/UploadedFiles/Executive%20Summary%20final%20proof%2016%2003%2007.pdf) (retrieved 16 April 2007).
- 25 Ibid., p.8.
- 26 Nugent, M., *The changing nature of prosecutions. Community prosecution vs traditional prosecution approaches*, American Prosecutors Research Institute, February 2004, Alexandria, p.1.
- 27 Nugent, M., op cit.
- 28 Coles, C.M., *Community prosecution, problem solving, and public accountability: The evolving strategy of the American prosecutor*, Working Paper #00-02-04, John F. Kennedy School of Government, October 2000, p.2.
- 29 Ibid., p.21.
- 30 Nugent, M., op cit., p.2.
- 31 Wolf, R.V., and Worrall J., *Lessons from the field. Ten community prosecution leadership profiles*, Center for Court Innovation and American Prosecutors Research Institute, Alexandria, November 2004.
- 32 Ibid., p.1-7.
- 33 Ibid., p.12.
- 34 Ibid., p.37.
- 35 Ibid., p.50.
- 36 Wolf R., Community Justice Around the Globe, *Crime and Justice International*, Vol. 22 No. 93 July–August 2006, p.9.

- 37 Ibid., p.15.
- 38 Ibid., p.16.
- 39 Batohi, S., Community Prosecution and Restorative Justice, 28 March 2007, NPA Stakeholder Conference.
- 40 NPA Strategy 2020, pp.18-19. [www.npa.gov.za/UploadedFiles/Executive%20Summary%20final%20proof%2016%2003%2007.pdf](http://www.npa.gov.za/UploadedFiles/Executive%20Summary%20final%20proof%2016%2003%2007.pdf) (retrieved 16 April 2007).
- 41 Wolf, R.V., Community justice around the globe, *Crime and Justice International*, July-August 2006, Vol. 22, No. 98, 2006, p.8.
- 42 In the late 1990s SOCA did experiment with community prosecutions in Umtata.
- 43 Iole Matthews, Director: Independent Projects Trust, telephonic discussion and emailed notes on the community prosecution pilot project, 29 September 2006.
- 44 The SAPS has identified 169 police stations as priority stations. These generate a significant percentage of the country's recorded crime and have been targeted for focused attention.
- 45 NPA, Justice Forum Community Prosecution Guidelines, p.3. [www.justiceforum.co.za/community\\_prosecution.pdf](http://www.justiceforum.co.za/community_prosecution.pdf) 9 (retrieved 8 June 2007).
- 46 Ibid.
- 47 Honey, P., *Financial Mail*, 6 April 2007. [free.financialmail.co.za/07/0406/cover/coverstory.htm](http://free.financialmail.co.za/07/0406/cover/coverstory.htm).
- 48 [www.courtinnovation.org/index.cfm?fuseaction=Document.viewDocument&documentID=757&documentTopicID=26&documentTypeID=10](http://www.courtinnovation.org/index.cfm?fuseaction=Document.viewDocument&documentID=757&documentTopicID=26&documentTypeID=10) (retrieved 17 July 2007)
- 49 Nugent-Borakove E., Just look what you've done, Determining the effectiveness of community prosecutions, Bureau of Justice Assistance, Washington, February 2007.
- 50 The National Peace Accord was the product of the multi-party negotiations that heralded the South African transformation process.
- 51 South African Police Service Act, No. 68 of 1995.
- 52 Section 18(1), South African Police Service Act, No. 68 of 1995.
- 53 Burton, P. et al., *National Victims of Crime Survey South Africa 2003*, ISS Monograph Series, No. 101, July 2004, p.16.
- 54 Pelsler, E. et al., *Not Everybody's Business, Community Policing in the SAPS' Priority Areas*, ISS monograph 71, March 2002, ISS Pretoria. [www.issafrica.org/PUBS/MONOGRAPHS/No71/Chap5.html](http://www.issafrica.org/PUBS/MONOGRAPHS/No71/Chap5.html).
- 55 *The review of sector policing and the SAPS' role in community crime prevention initiatives*, Public Service Commission, Pretoria, 2005, pp.6-7, 17-18, 32-33.
- 56 Pelsler, E., The challenges of community policing in South Africa, *ISS Paper* 42, September 1999. [www.iss.org.za/Pubs/papaers/42/Papaer42.html](http://www.iss.org.za/Pubs/papaers/42/Papaer42.html) (retrieved 9 February 2005).

- 57 Ibid., p.5.
- 58 Ibid., p.7.
- 59 *Strengthening police oversight in South Africa*, Open Society Foundation for South Africa and Open Society Justice Initiative, Cape Town, 2005, pp.16-18.
- 60 Wannenburg, G., Community Police Forums Failed, *Sunday Times*, 14 August 2006.
- 61 A Sector Policing Policy was issued by the SAPS in 2003. The policy defined sector policing as “a method of policing used in smaller manageable geographical areas in a police area”. The policy mandated the appointment of a police official as a sector commander who, by acting as a crime prevention official, will involve all role-players in identifying the particular policing needs in each sector and addressing the root causes of crime as well as the enabling and contribution factors, in order to bring about effective crime prevention. See *The review of sector policing and the SAPS role in community crime prevention initiatives*, Public Service Commission, Pretoria, 2005, p.21.
- 62 *The review of sector policing and the SAPS role in community crime prevention initiatives*, Public Service Commission, Pretoria, 2005, p.21.
- 63 *The review of sector policing and the SAPS role in community crime prevention initiatives*, Public Service Commission, Pretoria, 2005.
- 64 Ibid., p.29.
- 65 Dixon, B. and Rauch, J., *Sector Policing: origins and prospects*, ISS Monograph 97, Institute for Security Studies, Pretoria, 2004, p.40.
- 66 *The review of sector policing and the SAPS role in community crime prevention initiatives*, Public Service Commission, Pretoria, 2005, pp.12-16.
- 67 *The review of sector policing and the SAPS role in community crime prevention initiatives*, Public Service Commission, Pretoria, 2005, p.7.
- 68 Ibid., pp.7, 17, 20.
- 69 Pelser, E. and Louw, A., *Lesson from practice in crime prevention partnerships*, Institute for Security Studies, Pretoria, 2002, p.138.
- 70 President Thabo Mbeki, State of the Nation Address, 2004, quoted in Dugmore, M., Redpath, J., Karth, V., *Evaluation of the Western Cape Community Courts*, OSF-SA, Cape Town, 2005, p.9.
- 71 Address by Deputy Minister of Justice, Adv Johnny de Lange, Launch of Western Cape Community Courts, 7 December 2004, quoted in Dugmore, M., Redpath, J., Karth, V., *Evaluation of the Western Cape Community Courts*, OSF-SA, Cape Town, 2005, p.9.
- 72 Dugmore, M., Redpath, J., Karth, V., *Evaluation of the Western Cape Community Courts*, OSF-SA, Cape Town, 2005.
- 73 Independent Projects Trust is a Durban-based organisation working in partnership with the NPA to coordinate, and help implement, the latter’s community prosecutions strategy.

- 74 Iole Matthews, Director: Independent Projects Trust, personal communication, 29 September 2006.
- 75 Preliminary guidelines for community prosecution. [www.justiceforum.co.za/community\\_prosecution.pdf](http://www.justiceforum.co.za/community_prosecution.pdf) (retrieved 26 June 2007).
- 76 Tait, S., Lesson from community policing, presented at Civil society and the development of a South African community prosecution model. Workshop report, Open Society Foundation for South Africa and Open Society Justice Initiative, Pretoria, April 2005, p.17.
- 77 Mistry, D., A review of community policing, Monograph 12, Policing the Transformation, April 1997. [www.issafrica.org/Pubs/Monographs/No12/Mistry.html](http://www.issafrica.org/Pubs/Monographs/No12/Mistry.html), (retrieved 8 June 2007).
- 78 Jossel, L., Morris, R., and Tait, S., *On community prosecutions. Towards the development of a handbook on community prosecutions*, OSF-SA, Cape Town, 2005, pp.8-9.
- 79 Ibid.
- 80 Local municipalities are obliged to compile IDPs (Municipal Systems Act, No. 32 of 2000) from which municipal budgets are derived, and which sets out the development framework for a five-year period. Among the objectives of the IDP is that of fostering cooperative governance and providing a mechanism for alignment and coordination between different spheres of government.
- 81 Iole Matthews, Director: Independent Projects Trust, personal communication, 29 September 2006.
- 82 Pelser, E. and Louw, A., *Lesson from practice in crime prevention partnerships*, Institute for Security Studies, Pretoria, 2002, pp.138-139.
- 83 Civil society and the development of a South African community prosecution model. Workshop report, Open Society Foundation for South Africa and Open Society Justice Initiative, Pretoria, April 2005, p.2.
- 84 Simon, J., Miami: Governing the city through crime, in: Polese, M. and Stern, R., (eds), *The social sustainability of cities*, University of Toronto Press, Toronto, 2000.
- 85 Ibid., p.115.
- 86 Dixon, B., Development, crime prevention and social policy in post-apartheid South Africa, *Critical Sociology*, Vol. 26(1), pp.169-191.