

FACT SHEET – COMMUNITY PROSECUTIONS PILOT STUDY

Pilot Study Sites

DIVISION	SITE	APPOINTED PROSECUTORS	TYPE OF AREA
PRETORIA	Mamelodi: <i>Mandela Extension</i>	Ron Mncwabe	Peri-urban
WLD (JOHANNESBURG)	Randburg: <i>Windsor East/Cresta</i>	Raymond Mathenjwa	Urban
EASTERN CAPE	Mdantsane: <i>NU1</i>	Gugulethu Mampofu	Peri-urban
EASTERN CAPE	Mthatha <i>Ngangelizwe</i>	Jongikhaya Busakwe	Peri-urban
FREE STATE	Bethlehem: <i>Bohlokong</i>	Ishmael T Motaung	Peri-urban
NORTHERN CAPE	Galeshewe: <i>Phutaneng</i>	Louis Heunis	Per-urban
NORTHWEST	Kuruman: <i>Kudumane</i>	Thaxx Matolong	Rural
KWAZULU-NATAL	Durban: <i>Point</i>	Sunil Prithipal	Urban
CAPE	Cape Town: <i>Siyahlala</i> (Part of Brown's Farm, Nyanga)	Fiona Cloete Machell Jacobs	Peri-urban

Some of the highlights from the study

The evaluation was primarily a geographically based study that offered detailed descriptions of many specific outcomes at each site and it is this detail that makes a very strong case for community prosecutions. For instance;

- **'Bundu Courts' were stopped in a high crime area of Nyanga called Siyahlala.** In April 2006, at the time of the baseline study, about 13 people had been murdered owing to high levels of vigilantism but the murder rate plummeted to zero from November 2006 to the end of piloting because the appointed senior prosecutor helped to develop a legitimate committee on crime prevention to replace the vigilante committee and this also greatly improved police-community relations.

- **Stock theft plummets in a rural area.** Empowering community members in the law and selective prosecutions of cattle rustlers in a remote rural area overlapping the Northern Cape and Northwest (Kudumane) led to a huge drop in stock theft (from about 40-50 a month to two or three a month) and so empowered an anti-stock theft organisation that membership is expanding rapidly across northern areas of the country.
- **Unregulated taverns in peri-urban areas became more regulated:** Educating tavern owners in the law at five peri-urban sites led to much better regulated taverns such that once notorious sites (e.g., in targeted sectors of Mdantsane, Bohlokong, Ngangelizwe, Mamelodi and Siyahlala) are now considered much safer by informants and an overall drop in crime levels occurred in three pilot sites (e.g., Siyahlala, Ngangelizwe and Mamelodi).
- **Illegal establishments shut down and fined in Point to fund the CPF:** At nearly all sites certain cases were selected to fast-track and prosecute in court, sending a warning that crime and breaking by-laws does not pay. For example, on 10 March 2007, CMP Melis of Durban worked with police to shut down seven different night clubs for breaking nuisance by-laws, holding inappropriate liquor licenses and not being in compliance with the conditions of that license (e.g., no liquor sales after 2 a.m.; food must be served). The CMP directed these cases to the community court and a financial penalty was imposed that was awarded to community projects to fight crime.
- **Drug-sellers removed from the streets of Windsor:** The community prosecutor worked with SAPS to create more pro-active policing such that drug sellers that were highly visible and loitering on the streets at the time of the baseline study were no longer evident at the time of the evaluation 18 months later while the streets appeared cleaner and more litter free.
- **A top hijacking hotspot removed from the SAPS priority list.** In Mamelodi, the worst hotspot for hijacking at the time of the baseline study was eventually dropped from the SAPS hotspot list because the prosecutor worked with a municipal councillor to see that the land was developed and better street lighting was installed.
- **Building community trust:** In Bohlokong, the community prosecutor teamed up with the Public Participation Officer from the Dihlabeng Municipality, to offer outreach activities on crime prevention that improved reporting levels and led to strategic partnerships to reduce crime in community-identified hotspots (e.g., open fields where rape was too common, the closure of the most notorious tavern)

The community prosecutor either drove these partnerships or participated on crime prevention bodies. This led to a huge variety of activities that were geographically based but might be categorised as these:

- Selective prosecutions of high profile or community identified crime problems and the fast-tracking of cases both help to send a message that crime does not pay
- Educating the public, members of government departments or targeted groups on the law (to improve reporting levels, service delivery or cooperation levels)
- Working hand-in-hand with the police, government departments and the municipality to use bylaw infractions to close down crime-generating establishments such as illegal taverns or houses of prostitution
- Developing partnership projects for crime prevention such as a vagrancy project in Durban involving many departments that find employment for those who are at high risk of turning to crime but still have a clean record
- NPA participation in both departmental and community based crime prevention activities (e.g., SAPS crime prevention, Community Policing Forums) to offer some expertise on the law to help resolve problems in a more efficient manner (e.g., using bylaws to shut down illegal traders)
- Ensuring that the community's concerns are represented to various government departments and reporting back to the community on how to work with government policy and plans

Of the nine pilot sites across the country, this was collectively identified:

- Seven target sites experienced a *visible* reduction in crime problems based on before and after site observations by the evaluator that included photographs and a baseline study.
- Upwards of 90% of the partners participating in research activities at eight pilot sites associated the project with improved safety programmes in round-table discussions, interviews and on questionnaires.
- Statistics for targeted crimes problems dropped in four sites—Siyahlala, Mamelodi, Ngangelizwe, and Windsor-- between the time of the May 2006 baseline study and the evaluation and this was attributed by informants (in focus group discussions, questionnaires and interviews) to CMP-led partnership activities.
- Questionnaires, testimony in round-table discussions with partners, interviews with community members indicated much greater feelings of safety owing to the project at six of eight sites (Siyahlala, Mdantsane, Bohlokong, Windsor, Point, Kudumane). This included two that were not

statistically safer and left out two that were safer based on statistics alone (feelings do not necessarily match statistics).

- Only one site showed no improvements (Phuthanang in Galeshewe outside Kimberley) but this owed to changes in personnel that delayed piloting activities.

While evidence of general improvements in safety owing to such activities was significant enough for the evaluator to recommend this model for crime prevention, this also came with certain provisos:

- The evaluator cautioned that owing to the small size of some pilot sites, crime was sometimes displaced from one sector to the next (e.g., drug related activities in Windsor)
- Success is dependent on the outcomes of negotiations between SAPS and the NPA about how to work together and enlist other partners
- Owing to both problems of displacement and since each crime type can have a different distribution across policing sectors the evaluator recommended a strategic focus on specific crime problems according to their distribution across one or more policing areas
- Monitoring and evaluation needs to continue since a minimum of six years was the requirement elsewhere in the world to direct activities toward maximum impact.

The recommendation that the targeted areas should be SAPS priority zones, (which can include more than one station) appeared appropriate in South Africa because: the NPA and SAPS can work together from national level; these are nationally-defined priority areas; and human resources are limited. However, this is different than in the United States where the model of community prosecutions originated. Police in the United States are *municipal* and 'community prosecutions' is municipally owned. Furthermore:

- In the United States many community prosecutors are in shopping centres, commercial areas and municipal offices but all these locations were deemed to be either unsafe or unsuitable by nearly all interviewees at the nine South African sites.
- A name change to something like crime prevention prosecutors might be required in South Africa since the recommended sites include more than one community and in round-table discussions with stakeholders at every site, the

majority of community informants said that their first reaction to the term community prosecutor was that the NPA was coming to prosecute them!

According to the findings, the *best* office location for these NPA specialists would be next to a community court *at* a SAPS station to distinguish the role, fast-track cases and to allow the prosecutor to make rapid progress owing the accessibility of critical partners. However, it is NOT accurate to say that a the prosecutors should *only* go where there is a community court since seven senior prosecutors appointed to the role without access to a community court made *significant* impact on preventing crime. Based on the piloting situation, other options include:

- A community court nearby a SAPS station
- An office at a SAPS station *without a community court* (preferably a mobile unit to distinguish the community prosecutor role).
- The Magistrate's Court (if nearby the target area)
- A multi-purpose centre or 'one-stop centre that would cluster different kinds of government and nongovernmental stakeholders.'¹