

Community Policing and Governance.

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Introduction

South Africa's transition to democracy requires a radical transformation of all state institutions. In restructuring itself, the police institution adopted community policing as its new vision of policing in South Africa. This vision was, inter alia, to be introduced by setting up community police forums at police stations throughout the country. The implementation of community policing, through community police forums, has brought to bear the complexity, dynamics and diversity of this process and of social and political relationships at both the provincial and local levels, particularly in Gauteng. The mammoth task undertaken to establish community police forums (CPFs) at each police station, has resulted in the re-conceptualisation and reorganisation of governance¹ at the provincial and local levels.

This has had a bearing on similar processes that are or have already taken place in other provinces. It also has engendered a new approach to local governance. However, this process is not the sole factor that has led to the developments mentioned above. The context and environment in which policing takes place has changed and still continues to change, at an alarming rate. This has also impacted on the role of non-governmental organisations and their relations to the state and communities.

Most NGOs are facing major challenges in the post-apartheid society, these ranging from lack of human capacity (owing to the gravy train) to lack of funding which threaten their existence. Most foreign funders direct most of their funds to the democratically elected Government of National Unity and very little funding is allocated to NGOs which then compete for these funds.

Community Policing as a Concept

Community policing is a new philosophy, a new set of ethos which form the basis for policing in post-apartheid South Africa. It requires a radical shift in the mind-set as well as the transformation of the police institutions. It brings with it some of the human rights

instruments and debates which dominated the agendas of most civil society institutions, which have persistently opposed apartheid. As a new philosophy of the police, community policing replaces an illegitimate, highly militarized police force by a more humane and people-orientated police *service*.

It seeks to protect the fundamental human rights of all South African citizens rather than to enforce a particular political ideology as it had been the case with the successive apartheid regimes. The primary objective of enforcing *law and order* has been replaced by the provision of *safety and security* to all communities that the South African Police Services (SAPS) serve. This represents a fundamental shift in policing in South Africa. However, the maintenance of law and order still remains a crucial function of the police.

Community policing could be seen as a working partnership between the police and the community to prevent crime, arrest offenders, find solutions to recurring problems and to enhance the quality of life of the community.² This partnership should ensure that the lives and properties of all citizens are protected; that the dignity of each individual is respected; and that the police service is rendered with courtesy.

Through this positive working relationship, the police will come into closer, more positive contact with the community³ and thus foster effective communication with the entire community it serves. The close cooperation between the police and the community has a positive spin-off in that it also fosters police professionalism and police accountability to the community being served.⁴

Furthermore, it should also be seen as a cooperative effort involving all interested and affected stakeholder groups from the communities, police, government and civil society. The community and the police exist in a broader social context and often come into contact with a variety of role players, interest groups, especially the government and civil society. The partnership between the police and the community plays itself out in the community police forum, which are enshrined in the Constitution.

The Interim Constitution

Section 221 (2) of the Interim Constitution provides for the establishment of community police forums, at a police station level, which seek to promote accountability of the Service and co-operation of communities with the services; to monitor the effectiveness and efficiency of the police service; to determine police priorities and advise the police service on policing matters affecting their local community; to evaluate the provision of visible police services; and to request enquiries into policing matters in the locality concerned.

The Interim Constitution stipulates the powers and functions of the CPFs. However, there has been large scale controversy regarding some of the powers and functions. Central to the controversy has been the clause which gives the CPF the powers "to determine police

priorities ...". This has been interpreted, certain instances, as giving the community the right to dictate to the police on how the police should carry out their duties. Subsequent debates and discussions in and outside of the forums have clarified the limitations to the powers and functions of the CPFs.

Another contentious issue relates to the advisory role of the CPFs. The word "advise" has some negative connotations because what the communities wanted was to participate actively in the policing of their areas rather than merely provide information to the police and thus be seen to be police informers or spies. The historical relationship between the police and the black communities in particular has been characterised by mistrust and hostility. Anyone who collaborated with the police was severely punished by the respective community because such people (police informers) were perceived to have contributed to large scale repression and the suppression of political activity, especially in the eighties.

It became apparent that clear guidelines were necessary in order to deal effectively with the expectations of both the police and the community. The MEC for Safety and Security in Gauteng has, in collaboration with non-governmental organisations (NGOs), subsequently developed a set of guidelines on how CPFs could be formed and what their powers and functions actually are. These guidelines were presented at a provincial workshop which sought to, inter alia, clarify issues and address problems that are encountered by some CPFs (see Provincial Guidelines, April 1995).

The Role of Civil Society

The Constitution has provided a basic framework on which community policing could take off. The non-governmental organisations have played and still continue to play a crucial and an indispensable role in the setting up of CPFs as mechanisms through which community policing can be implemented at a local level. The role of civil society, in the process of facilitating the establishment of CPFs, should be seen against the background of its protracted involvement with communities through various projects and programmes which, in the main, sought to empower the disadvantaged communities. They are sensitive to local conditions and culture. Thus, civil society institutions have a wealth of experience in dealing with communities.

Again, the Constitution, through its provisions on community policing, ensures community participations in matters pertaining to policing. For the community police forums to function effectively, the community needs to be empowered to be able to participate effectively in these forums. Apartheid has dealt a heavy blow to the social fabric of the historically disadvantaged communities. This has resulted in most communities being less organised and lacking the capacity to meet their needs and to solve their problems in an efficient and effective manner.

Most communities do not have the institutional (organisational) capacity to effectively support community outreach projects. These communities have poorly developed infrastructural capacities, scarce resources and skills, inadequate infrastructural support, and are often isolated from national initiatives. Nonetheless, it is acknowledged that communities differ in regard to the extent of their organisation and sophistication. Some are better organised and have more resources than others. The main concern of NGOs has been to assist the poor and disadvantaged communities because that is where the need for assistance is the greatest.

Therefore, the role of non-governmental organisations goes far beyond the mere establishment of community police forums. Once these forums are established they need to be sustained in order to carry out their duties and to fulfil the Constitutional mandate. When left to their own devices most community police forums are more likely to collapse. Civil society has the obligation, due to being funded by "public" funds, to ensure that this does not occur, especially after energies and efforts have been put to facilitate their establishment.

Civil society can play a significant role in the empowerment of both the community and the police, through the CPFs, by providing resources such as skills and information. Conflict management and resolution, mediation and facilitation skills are, inter alia, of great importance to the survival of most CPFs. These skills are in short supply in most community police forums.

For example, a community police forum in the Vaal, in Gauteng, devised what seemed to be a simple and straight forward formula to ensure equitable representation of all role players in that community. It requested each organisation to send two representatives who will sit in the forum meeting once a month. It turned out that some organisations were "over-represented". Organisations such as the African National Congress (ANC) have different structures such as the youth and women's leagues. These various structures sought representation as entities which have their own programmes and which represent important constituencies.

Moreover, the ANC's alliance with the South African Communist Party (SACP) and support for the South African National Civic Association (SANCO) complicated the situation even further, because some organisations were concerned that members of the SACP and SANCO were in most instances also members of the ANC. NGOs played a meaningful role, through mediation, conflict management and resolution and facilitation, in the resolution of this highly contentious issue which had the potential of hampering the success of a much needed CPF, given the escalating crime rate and other social problems in that particular community.

Civil society has the resources (albeit limited funding) which are necessary to bolster the capacity of the CPFs. However, capacity building requires more resources, including

funding, and often lasts longer than the life span of a project. Therefore, it is imperative that the capacity of the CPFs be build so that they can be able to sustain their activities and projects or even enhance them when the direct involvement of funders and other stakeholders is withdrawn at some point. The costs, incurred in the elaborate process of capacity building, should be seen as a necessary step to meaningful participation to take place. Moreover, it is an invaluable investment in human resources development which forms the basis of the Reconstruction and Development Programme (RDP).

Most NGOs do not have sufficient funds to effectively engage themselves in capacity building endeavours. Moreover, most foreign governments, which have been the main sources of funding for the NGOs, have either reduced their funding to NGOs or have directed these funds to the government through and/or in support of the RDP. This situation has left most NGOs in a state of flux. Some of them are facing closure.

Non-governmental organisations have been creative and innovative in their response to this environment which, ironically, threaten their very existence. It is acknowledged that not all NGOs have a sound track record, particularly in relation to financial accountability. NGOs working in the policing field have, together with tertiary institutions and the SAPS, established networks, forums in attempts to maximise the impact of their work by sharing resources such as expertise and information, thus mitigating against overlap and circumventing duplication of work and unnecessary competition for already scarce resources. The establishment of a national Policing Research Network and a national Human Rights Education Forum in Policing, which subsequently decentralised its activities in order to ensure broader representation, and an effective and efficient delivery of services at a local level, bears testimony to the need and urgency to steer governance in policing at a national and more importantly at provincial and local levels.

These developments are not without their own problems. Some of the challenges which face the above initiatives include the ability to mobilise all stakeholder groups to agreeing to meeting dates and meeting places which often requires long distance travel and thus funding; the willingness of participants to assume certain responsibilities which often consumes one's time and energies; the ability to harness conflicting interests between stakeholder groups who may assume the role of competitors in other areas of work; the ability to reconcile one's organisations priorities and agendas with the continual involvement in these forums. Nevertheless, these developments are crucial to the survival of most NGOs in this current socio-economic and political climate, especially at the provincial and local levels.

The Role of the Provincial Government

The provincial government, particularly the MEC for Safety and Security, has the responsibility of ensuring that the community police forums are established in accordance

with the provisions of the Constitution. Moreover, the MEC, together with the provincial commissioner of the South African Police Service (SAPS), has the task of ensuring that community police forum are functioning efficiently and effectively and that these forums are sustained. These responsibilities brings the relevant MEC into direct contact with NGOs which could or have undertaken to facilitate the establishment of CPFs.

In most cases, the MECs would sanction and/or commission a consortium of NGOs to conduct research on the prospects of community policing and/or to facilitate the process of establishing CPFs. The MECs have limited budgets allocated to CPFs and limited capacity to undertake the task of setting up CPFs on their own. These budgets could be utilized to build the capacity of CPFs, to augment capacity building programmes that have already been set in place or to commission the relevant stakeholders (individual NGOs, tertiary institutions and/or forums or networks) to carry out the task of capacity building.

The Role of Local Government

The process of local government transition which took place at a local level predate the commencement of national negotiations and continues well beyond the election of a Government of National Unity. The early 1990s saw the mushrooming of local level negotiations which involved representatives from various local government structures, business, municipality, service providers, civic and residents associations, political parties, trade unions and community organisations.

The local forums, through which interactions between all stakeholder groups took place, became the academy of the new South African democracy. Through these forums, "networks and relationships were built, mutual learning took place and a new culture of governance and consensus building developed".⁷ However, these were and are still fraught with tensions and instabilities. Currently the main point of contention and intense debate is the redefinition of boundaries, particularly in the Greater Johannesburg area.

The debates and developments in local government will affect the functioning of community police forums at a local level. These forums could be an avenue where tensions in local government manifest because some of the stakeholder groups, especially political parties, in CPFs will contest the local government elections. The CPFs could also be hijacked to serve party political interests and aims.

Under such a situation, the CPFs could become vulnerable and even collapse due to conflicts between stakeholder groups. Some stakeholder groups may either suspend their involvement or threaten to withdraw from participating in such forums. The CPFs may become prone to abuse in the process leading to the local government elections. A great deal of effort and resources should be invested to ensure that CPFs survive and are sustained beyond these difficult and trying times. Civil society, I would argue, have a crucial role to play in this regard.

Symbiotic Relationship

A symbiotic relationship has begun to develop at provincial and local levels whereby all the key stakeholder groups in policing come together to share resources. It is important to nurture the process of consultation, networking and participation by all role players in policing. Such a process has the potential of increasing project efficiency and effectiveness through the use of local knowledge and resources; safeguarding greater project acceptability and community involvement; elevating the sustainability of the project as well as creating a basis for understanding affordability in terms of the feasibility of projects which are initiated by the CPFs; involving other role players outside of the policing arena such as the departments of correctional services, justice and public works; encouraging community and police responsibility in regard to problem-solving and decision-making processes, thus increasing the empowerment of CPFs; building CPFs' capacity and more specifically, organisational capacity; enhancing legitimacy and representation; coordinating processes where these are cumbersome or time consuming.⁸

The flip side of this consultative, participatory relationship is that it can be very time-consuming, and therefore costly; can delay project start-up and increase the demands on participants and those who are steering the process, especially when some of the main role players are unable to attend meetings due to other commitments or lack of funds for travel; can increase pressures to raise the levels and range of services, for example, by requesting more workshop sessions on a variety of issues some of which may be outside the scope of work of those involved in providing services; can bring latent conflicts to the surface and also runs the risk of the process being coopted or seized by certain groups or interests.

This relationship is often complicated by the different interests of the stakeholders and if these are not handled carefully they often result in the withdrawal of some key stakeholders which then have an adverse effect on the CPFs and eventually on the beneficiary communities. No particular stakeholder should assume the role of the gatekeeper or act as a "barbarian at the gate". Different stakeholders have different contributions to make to the long-term sustainability of community police forums.

Although participation (and networking) is expensive, it can be qualified by at least two considerations. First, the exclusion of key stakeholders can be very expensive. Secondly, participation is not really a cost, but a cost saver. It saves unnecessary expenses on planning and plans which will be resisted. It also encourages greater accountability. When it is conducted appropriately it is itself a source of energy – a process that helps to resolve problems and that brings about creative solutions.

Conclusion

The implementation of community policing is a complicated and long-term process. This process has given rise to a set of new social and political relationships at all levels of society. Moreover, the social context in which community policing occurs has had a major impact on the nature of these relationships, particularly in regard to the role of civil society in the process of transforming societal institutions.

Notes:

¹ Governance refers to a looser and wider distribution of both internal and external political and economic power, to a system of political and socio-economic relations or more loosely, a regime (see Leftwich, 1993).

² Brown, 1992, p.7.

³ The notion of what is the community and who constitutes the community has become elusive, romanticized and is, to say the least, misleading. It often assumes the notion of "common purpose and common good", thus not raising latent conflict or competing interests in a particular locality.

Community in this paper refers vaguely to a group of people living within a particular geographical locality. It is acknowledged that most boundaries are in a state of flux and are by their very nature artificial.

⁴ Brown, 1992.

⁵ Community participation is a social process whereby specific groups with shared needs living in a defined geographical area actively pursue identification of their needs, Take decisions and establish mechanisms to meet their needs (Rifkin et al, 1991, p.200).

⁶ Empowerment is a process whereby people gain both the will and the means to improve their conditions and quality of life.

⁷ Swilling, and Boya, 1994, p.6.

⁸ Bamberger, 1988.

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