A RESEARCH PERSPECTIVE ON THE STATUS OF THE COMMUNITY POLICE FORA (CPF) IN THE REPUBLIC OF SOUTH AFRICA, responding to the its effectiveness in addressing crime at local level

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A POSITION PAPER PREPARED BY THE NATIONAL COMMUNITY POLICE BOARD FOR THE PRESENTATION AT THE RESEARCH COLLOQUIUM: TOWARDS THE DEVELOPMENT OF AN IDEAL AND SUITABLE POLICING MODEL FOR THE SOUTH AFRICAN POLICE SERVICE
1. INTRODUCTION

The CPFs are a legal entity that represents the policing interests of the community nationally (at local, cluster, provincial and national level). In terms of Legislation, the community, through the CPFs, has the power to monitor, evaluate, and advise the police, and to enquire into policing matters.

Around the world governance actors, analysts and activists are grappling with this issue; of exploring how best to engage citizens in government decision making, especially its policy-making processes. Ongoing participation and involvement of the people are central aspects of our governance system. This effort gives practical meaning to accessible and accountable government and breathes life to the declaration that:

“South Africa belongs to all who live in it, united in our diversity”.

2. THE CPF LEGISLATIVE AUTHORITY:

This perspective is guided by various peace and stability policy resolutions of the Ruling Party, the majority party in government. These policy resolutions include, amongst others, Ready to Govern, Reconstruction and Development Program and the National Development Plan.

They recognize the interdependence and shared responsibility between the police and the communities in an active partnership in the fight against crime. The ready to Govern document outlines that policing shall be based on community support and participation and that the police shall be accountable to society and the community it serves- “The Ruling Party declares that there will be no respect for institutions that enforce law and order unless
the people respect the law. This they will do if the laws are just and if they participate both in their making and enforcement”.

Aspects of the following laws (mentioned below) and other public policies that inform the CPFs’ mandate are:

<table>
<thead>
<tr>
<th>No.</th>
<th>Policy/legislation</th>
<th>Detail</th>
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<tbody>
<tr>
<td>1.</td>
<td>THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, ACT NO. 108 OF 1996,</td>
<td>It’s the highest law and thus also the highest public policy in the country. All other laws and policy documents of the country must comply with the standards set by the Constitution.</td>
</tr>
<tr>
<td>1.1</td>
<td>- Section 205 (1),</td>
<td>Requires that a “national police service” to be structured and to function on the National, Provincial and where appropriate, on the local spheres of government. It stipulates clearly that policing must be a “service”.</td>
</tr>
<tr>
<td>1.2</td>
<td>- Section 205 (2)</td>
<td>Is for a national law in to establish the powers and functions of the police services.</td>
</tr>
<tr>
<td>1.3</td>
<td>- Section 205 (3)</td>
<td>Contains the broad authorization to police. Each province may monitor the police service and promote good relations between the police and the community (Section 206).</td>
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<tr>
<td>2.</td>
<td>THE WHITE PAPER ON THE TRANSFORMATION OF THE PUBLIC SERVICE (BATHO PELE).</td>
<td>The Department of Safety and Security must implement the Batho-Pele principles of Consultation: Service standards, access, courtesy, information, openness and transparency, redress and value for money.</td>
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<tr>
<td><strong>3.</strong></td>
<td><strong>THE WHITE PAPER ON SAFETY AND SECURITY (1998). -1999 to 2004</strong></td>
<td>The White paper also talks about community policing it says the community, the local government and the police must meet in a forum. We call it a Community police Forum (CPF). The CPF is where we work together to prevent crime. Every police station should have a Community Police Forum. The White Paper places new emphasis on law enforcement and the involvement of a wider spectrum of new role players in crime prevention. It divides the efforts to address crime in two broad dimensions of law enforcement and crime prevention.</td>
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<tr>
<td><strong>4.</strong></td>
<td><strong>THE SOUTH AFRICAN POLICE SERVICE ACT (68/1995).</strong></td>
<td>SECTION 18; DEFINES OBJECTIVES OF THE CPFs: Establish partnerships between communities and the police; -Promote communication between the service (SAPS) and communities; -Promote co-operation between the service and communities with regards to policing; -Improve how police provide policing services at local, provincial and national levels; -Improve transparency and accountability of the police to communities; and to Promote joint problem identification and problem solving between the police and communities.</td>
</tr>
<tr>
<td><strong>5.</strong></td>
<td><strong>THE SAPS INTERIM REGULATIONS FOR COMMUNITY POLICE FORUMS AND BOARDS (2001).</strong></td>
<td>The SAPS Interim Regulations for Community Police Forums and Boards (2001) give us a lot more information than the SAPS Act in the mythology to be followed when CPFs are to be established.</td>
</tr>
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</table>
6. NDP: CHAPTER 12. FIVE PRIORITY AREAS: Vision 2030. prescribes five priorities to achieve a crime-free South Africa:

- Strengthen the criminal justice system;
- Make the police service professional;
- Demilitarize the police service;
- Build safety using an integrated approach; and
- Build community participation in safety.
  - Affirm Safety as a basic human right.

3. PRESENT STATUS OF CPFs NATIONALLY EXCLUDING SUB-FORUMS

<table>
<thead>
<tr>
<th>No.</th>
<th>Province</th>
<th>Number of SAPS Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Eastern Cape</td>
<td>196</td>
</tr>
<tr>
<td>2.</td>
<td>Kwa Zulu Natal</td>
<td>184</td>
</tr>
<tr>
<td>3.</td>
<td>Free State</td>
<td>110</td>
</tr>
<tr>
<td>4.</td>
<td>Northern Cape</td>
<td>91</td>
</tr>
<tr>
<td>5.</td>
<td>Western Cape</td>
<td>150</td>
</tr>
<tr>
<td>6.</td>
<td>Mpumalanga</td>
<td>86</td>
</tr>
<tr>
<td>7.</td>
<td>North West</td>
<td>82</td>
</tr>
<tr>
<td>8.</td>
<td>Gauteng</td>
<td>141</td>
</tr>
<tr>
<td>9.</td>
<td>Limpopo</td>
<td>102</td>
</tr>
<tr>
<td></td>
<td>TOTAL IS</td>
<td>1143</td>
</tr>
</tbody>
</table>

NB: By print this information was not ALL verified, but the total is correct.
It should be noted, when the above diagram is interrogated, cognizance should be taken about the absence of the sectors which average at four per station, which will be about 3393 sectors in the country except the street representatives which have not been quantified for now.

If a calculation of statutory individuals/Heads within the CPFs and BOARDs amounts to: 57 030 subscribed members to the CPFs and BOARDs. If these active members could be effectively utilized, SA could be a better place, as far as crime and the transformation are concerned.

The police being a national competency, the development of CPFs have been uneven resulting in some functioning more effectively, particularly those in more affluent areas where resources to communities are not a challenge.

4. POLICY FORMULATION PROCESSES

In the past, the CSP opened up processes for CPFs to input on policy with the sole purpose of seeking support for its pre-planned initiatives. Similarly, it sought legitimacy through such processes, by increasing ownership of or support for a pre-determined agenda: In such instances, CPFs may be given the opportunity to obtain information on a proposed secretariat intervention, and to air their views; but where participation is limited to a tokenistic process it will ‘lack the power to ensure that the views of CPFs are heeded by the powerful’ where there is no genuine empowerment. The participation process simply became an ‘instrument for managed intervention’.

Discussing the consequences of superficial or cosmetic processes, ‘the CPFs found that what at first appeared to be an opportunity for greater influence turned out, in practice, to be a cosmetic exercise – they gained little or no
new leverage –they felt conned and betrayed’. That is how the NCPB felt all along before the arrival of the present Minister of Police and the appointment of a new secretary for police.

There is a sense that the CPFs and BOARDs are often co-opted into participating in a process with a predetermined outcome and of being excluded from an ‘inner circle’ enjoying privileged access to decision makers. There is a tendency by CSPs to call for CPF’s input only in the advanced stages of policy formulation, largely done in an attempt to acquire political buy-in and implementation, rather than at the outset when problems and solutions were being developed, the White Paper is one amongst others.

Since the legislation of CPFs in 1995 and its establishment thereafter, CPFs were not resourced either through a budget for its programmes or provision of infrastructure e.g. office accommodation and transport to carry out its functions as prescribed in Chapter seven (7) of the South African Police Act. Due to the lack of support towards resourcing Community Police Forums, community support is dwindling and communities are losing interest in working with the police. This could result in either greater privatisation of the policing in wealthier areas or more self policing or vigilantism in poorer areas.

5. THE TOOL (CPF)

The Green/ White Paper on Safety and Security as complimented by the SAPS Act outlined CPF as a tool to operationalise Community Policing. The CPFs as a tool could not find a platform due to the absence of a strategy. The White Paper and NCPs hasn’t been translated into a strategic design, and it’s highly questionable as to why? Policy outputs in respect of outlined legislation were not fully defined for translation. There is a lack of understanding of relevant clear policies and legislative frameworks; examples are: the non alignment of MTEF, the war of priorities and the lack of policy/legislative alignment and collusion. This situation has been worsened.
by the absence of a strategic design and direction and the non cooperation and support by the JCPS Cluster and primary stakeholders to the Tool.

It has always been the contention by the National Community Police Board that the Civilian Secretariat of Police (CSP) has been, clutching at straws over the past years; concerning themselves with baseless issues that border on semantics - rather than substance. Their contention of the CPFs blurring the lines between an organization and a forum is baseless and mute: Whether the cat is black or white is immaterial for as long as it can catch the mice, which is crucial. The other factor that is a cause for concern is the flagrant disregard by the policy unit for community consultation and participation.

6. PHILOSOPHY OF POLICING IN SA

Community policing is the current policing strategy for South Africa. However this policing approach is being resisted and not optimally implemented. This can be validated through analysis of the quality of police participation which in most cases is still left to the Community Police Officer who is of a low rank. The capacitating and skills development of CPF members have been left, in most cases, to Provincial Secretariats for Safety and Security. The sustenance of the capacity within the CPFs’ regime is very imperative. This should be enhanced by introducing appreciative measures for the CPFs and Boards.
7. LOCATION

Where we come from has brought with it, not only its history, but elements for effecting changes that will have far reaching consequences within the CPF Regime. It should be noted that most of the initiatives were introduced before the establishment of the CSP as a fully fledged department; hence the CPF could not assume its rightful place as envisaged by the constitution. It is therefore imperative that the section partnership within the police should be revisited to determine whether it (CPF) is rightfully located within the police instead of the CSP. It stands to reason that the section partnership within the Division VISPOL should wrap up all the activities and hand over the running thereof to the police.

It’s therefore our humble submission that CPFs/Boards should be rightfully and urgently located within the CSP, as an extension of the oversight mandate.

8. CRITICAL ANALYSIS OF THE INTERIM REGULATIONS (IR), 2001

Although the IR has the authority of law, it does not engage either with explicit direction provided by the minister or the direction provided for the CPFs in the White Paper. Rather, the regulations direct the CPFs to fulfil the ambiguous and contradictory objectives laid down for them in the Act, and focus mainly on the procedural establishment of the CPFs and their Boards.

I. The IR either directly avoids or downgrades the issue of state support for the CPFs. They even specifically outlaw some practices of the CPFs that facilitate support for their activities.
II. At issue here is the contested status of the CPFs. The crux of the matter is whether they may be considered formal ‘organs of the state’ or not, and therefore whether or not the state has an obligation to sustain and support them. In fact, there is no doubt of this: the CPFs were created by legislation and exercise public functions in terms of that legislation. Therefore, South Africa’s Constitution (section239) obliges the state to ensure that these structures are able to meet their intended purpose.

III. This obligation has not been acknowledged in any practical or systematic manner. Thus, while the objectives of the policy guiding the implementation of community policing in South Africa have changed, government ambivalence towards providing meaningfully support to the structures created by this policy has remained inconsistent.

IV. Given such government aversion towards providing meaningful support to CPFs, how is it that these structures will be able to reach into and garner support from South Africa’s diverse and fragmented communities?

V. To put the question differently, in the absence of clear direction and systematic support, how plausible is it that these structures will be able to help make public safety and policing everybody’s business?

VI. This has also displayed the sheer ignorance by SAPS top management to assume statutory powers that are not accorded to SAPS by law; this is reflected in the IR, where the National commissioner assumed powers to introduce regulations over the CPFs, powers only accorded to the Minister of Police by the Constitution and the Act.
9. UTILISATION OF STATISTICS BY SAPS

The police service has extensive data and vast amounts of information in respect of a variety of problems. Unfortunately, the information is gathered for reasons other than problem solving. Statistics and other information are kept on record by police institutions for, inter-alia, the following purposes:-

- To respond to negative criticism when it is received;
- To give answers to politicians when the police are expected to justify themselves;
- To announce the success of the police actions;

The view of mass records in respect of sexual assaults, vehicle thefts or public violence may be an effective way to reveal related characteristics, the specific circumstances that distinguish them and that they are for policing purpose.

Community policing calls for a more sophisticated approach to evaluation, one that looks at how feedback information is used, not only how it measures outcomes. It should be noted that no monitoring, evaluation or evaluation can be done without the formulation of performance evaluation criteria and the development of evaluation instruments.

10. RECOMMENDATIONS BY THE NATIONAL COMMUNITY POLICE BOARD

Within the scope of the current legislation the following must be considered for short to medium term implementation:
• The review of the interim CPF regulations so as to ensure it responds to the objects of community policing as outlined in Chapter seven (7) of the SAPS Act.

• The review of the Civilian Secretariat Act so as to ensure it responds to the letter and spirit of the constitution of the country in accommodating the CPFs as an integral part of the secretariat.

• SAPS (VISPOL) and CSP must budget for all CPF programmes.

• The Civilian Secretariat for Police must lead a process for the implementation of payment of stipends to CPF structures and formalise the Expanded Public Works Programme for sub-forums. A medical assistance and severe circumstances resultant hereafter should cater for members of CPFs and Boards who get injured or involved in an accident during their scope of activities.

• A funding model should be developed and it must be inclusive of the non-state organs in the fight against crime.

• Focus must be given to the development of portable skills for the benefit of CPFs to building safer communities.

• A National Instruction must be issued on: improving the quality of SAPS participation.

• Guidelines must be developed by CSP for the establishment of street/village committees, neighbourhood watches and safety patrollers which must be accountable to the Community Police Fora.
• CPFs must be engaged on responding to and educating communities on the impact of protest action particularly where this protest action results in violence and destruction of community centres and infrastructure.

• The Community Policing Strategy 2015 to 2019, with its 5 focus areas, was developed by a broad stakeholder section but have not yet been launched and implemented as envisaged.

• A National Community Police Indaba should be urgently be convened for all CPFs.

• The CSP must develop a concept to engage CPFs on oversight of SAPS at station level. (This will assist the Civilian Secretariat for Police considering that there are 1137 police stations and will allow a footprint at each of these).

• An evaluation tool for functionality of CPFs is urgently concluded by CSP.

The Minister of Police is requested to endorse the prepared document on CPFs and Boards, which will be presented and refined by the INDABA. A further directive must be given to the South African Police Service and the CSP to ensure that all issues raised as per recommendations, herein, are complied with and must be implemented as early as on the 01st April 2017.