Police and crime prevention in Africa: a brief appraisal of structures, policies and practices

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THEMATIC ANALYSIS REPORT

LIST OF ACRONYMS

BAC   Business Against Crime, South Africa
CCM   Chama Cha Mapinduzi Party, Uganda
CLEEN   Centre for Law Enforcement Education, Nigeria
CLOs   Community Liaison Officer, Uganda
CPF   Community Police Forum, Kenya and South Africa
CSIR   Centre for Scientific and Industrial Research
DFID   Department for International Development, UK
DPC   District Police Commander, Uganda
EU   European Union
GJLOS   Governance, Justice, Law and Order Sector, Kenya
J/LOS   Justice Law and Order Sector, Uganda
ICITAP   International Criminal Investigative Training Assistance
               Programme
ICPC   International Centre for Crime Prevention
KANU   Kenya African National Union
KPF   Kenya Police Force
LAP   Local Administration Police, Uganda
LCs   Local Councils, Uganda
MOPOL   Mobile Police, Nigeria
NPF   Nigeria Police Force
NRM   National Resistance Movement, Uganda
OFFLACK   The Oscar Foundation Free Legal Aid Clinic-Kenya
SADC   Southern African Development Community
SARPCCO Southern African Regional Police Chief Coordinating
               Organisation
SAP   Structural Adjustment Programmes
SAPS   South African Police Service
TANU   Tanganyika African National Union
NCPS   National Crime Prevention Strategy, South Africa
UPF   Uganda Police Force
VCS   Victim crime surveys

CONTENT

A   BACKGROUND TO THE REPORT

Terms of reference for the Report

The terms of reference for the report as set out by the International Centre for the Prevention of Crime (ICPC) were to provide 'a short appraisal of police services in a select number of sub-Saharan countries regarding their involvement in the prevention of crime'. The country case studies to be included were Kenya, Nigeria, South Africa, Tanzania and Uganda.

Purpose of the appraisal

The appraisal is to help inform ICPC's ongoing engagement with the role of police in crime prevention by situating the discussion within the challenging context of post-conflict reconstruction in Africa. This appraisal takes place in the aftermath of a two-day workshop held in May 2007 under the auspices of ICPC, in collaboration with SAPS and CSIR, which brought together about 80 delegates from various sub-Saharan countries to explore, through practical field examples, the specific role of police in the broader policy matrix of community police-partnerships for crime prevention. This appraisal is also meant to provide baseline data for the forthcoming deliberations of the 7th Annual ICPC Colloquium to be held in Oslo, Norway. The Oslo discussions are to be organised under three core themes:
- Strategies and mechanisms towards effective partnerships and cooperative alliances between police and other constituencies;
- Impact of organisational culture and structure of the police regarding crime prevention;
- Contribution of knowledge-based developments on the police and crime prevention.

Furthermore, three roundtable discussions will focus on police reform in post-conflict settings, with a view to examining the opportunities for mainstreaming crime prevention in reform policy and practices in support of the broader modernisation and democratisation agenda for Africa's public police agencies.

Research methodology

The research consisted of a desktop review, the success of which is predicated upon access to English-language electronically available material. The limitations inherent in desktop research of this nature need to be acknowledged but were inevitable given the time and budget constraints under which it was undertaken. The limitations of the desktop review were further compounded by the difficulties associated with a topic as steeped in controversy and as under-researched as the public police in Africa. The review was supplemented in small measure by interactions with UN Habitat Safer Cities staff in Nairobi, Kenya and Dar es Salaam, Tanzania and discussions with crime prevention experts and practitioners located at CSIR and SAPS in Pretoria.

Structure of the country-specific reports

Each of the country reports deals with the following six topics:

- **Context** which contains brief comments about the **political** context and the transition to democratic constitutional rule as well as an overview of the **crime context** within which the role of the police needs to be situated.

- **Police agencies** which describes the legal framework within which the police operate and its duties as defined by law; the key organisational features of the police agencies; and, a discussion of the policy documents pertaining to the crime prevention mandate of the police.

- **Organisational structure** of the police in which information about the size, ratio and structural divisions of the police organisation is contained**.**

- **Community policing** which provides information on the various ways in which ideas, practices and project interventions associated with the model/philosophy of community policing come into play.

- **Crime prevention** which comments on the ways in and extent to which an explicit engagement with the crime prevention role of police agencies is present in country-specific policies and field experimentations.

- **Challenges** that highlight very briefly some of the issues which, in our view, future discussions on the role of the police in crime prevention in each of the five case studies need to/could engage with.

The Concluding Section of the Report offers some broad, evaluative comments on the challenges confronting police reform more generally and the opportunities for, and constraints on, developing a crime prevention mandate for the police in the five countries profiled in this report.

B   COUNTRY CASE STUDIES

CASE STUDY: KENYA

I   CONTEXT

1   Political context of the country[1]

Kenya was placed under a state of emergency for the period 1952 to 1960, whilst under colonial rule. In 1961, due to immense pressure from opposition parties in Britain, Kenyans went to their first general election, which was won by the Kenya African National Union (KANU) headed by Jomo Kenyatta. This paved the way for the Lancaster House agreement that resulted in the 1963 Westminster-style Kenyan Constitution. Fresh elections were held, once again won by Kenyatta's KANU party, and Kenya gained full independence in December 1963.

The 1963 Constitution, however, was not to last. First the Westminister-style of governance was abolished in favour of a National Assembly. Amendments to the 1963 Constitution, in 1964, consolidated power into the hand of the President, who became both head of state and of the executive, and removed the autonomy that the police had enjoyed under the 1963 Constitution, placing them within the civil service. A steady erosion of constitutional checks and balances followed: the 1966 promulgation allowed for the reinstatement of emergency powers; the 1978 amendment – when Daniel arap Moi succeeded Kenyatta – ensured that the powers of the executive eclipsed those of parliament; the 1982 amendment formally abolished multi-party democracy; and the 1986 and 1988 amendments removed the Attorney General and judiciary's security of tenure. The decade of the 1980s to 1990s was characterized by harsh repression of growing civic resistance, resulting in the eventual repeal of the 1982 constitutional amendment and a return to a multi-party state in 1991.

The following year saw the first multi-party elections, which was won my KANU, but not without allegations of violence and intimidation. Multi-party democracy was, however, skin deep. It was only the lobbying of civil society that provided the political space for some checks and balances in support of civil liberties, such as the Standing Committee on Human Rights in 1996. KANU again won the 1997 elections, but was now under considerable pressure to effect radical constitutional reforms. In 2001 the Constitution of Kenya Review Committee commenced work on those reforms, publishing its draft in October 2002. Later that year elections resulted in a change of government. Despite a change of government, constitutional reforms stalled. The draft of the Review Committee was rejected, and the government put out its own (diminished) draft to a referendum. It was rejected. In December 2007, Kenyans will once again go to the polls without the guarantees of civil liberties and the full features of a democracy that a reformed constitution would provide.

Throughout these political evolutions, the Kenyan police have been part of the strong arm arsenal of the various governments, particularly during election years.

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[1] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Kenya*. Nairobi: Commonwealth Human Rights Initiative at 3-9.

2   Crime context

Kenya's total number of reported offences from 1995 to 2003 has climbed steadily and then oscillated wildly toward the end of the period, as best illustrated by Figure 1.[2]

Figure 1

Kenya: Total reported offences for the period 1995 to 2003
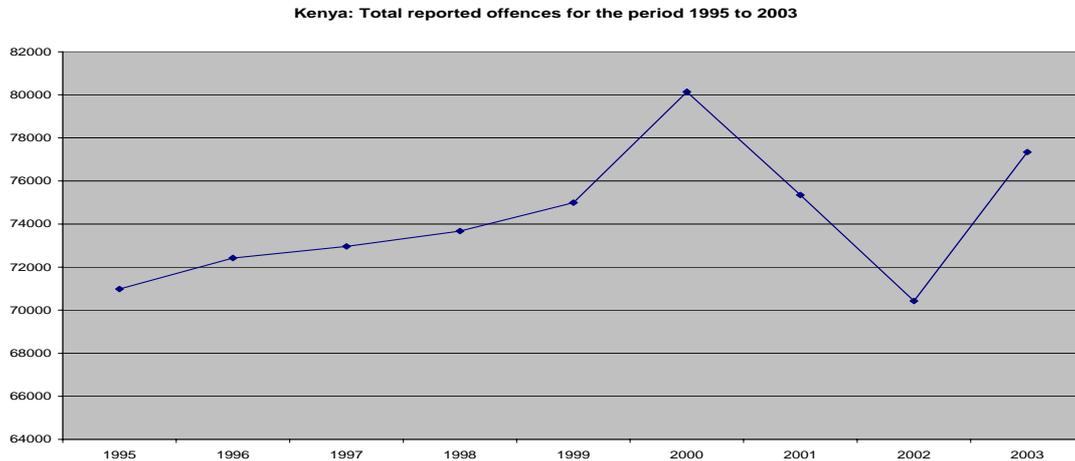
The crime trends for reported offences most commonly under the spotlight reveal that most of these crimes had followed the trend of the total reported offences during the same period, but with more moderate increases and decreases. The exception is the offence of Stealing: in 1999 there were 9 591 reports, in 2000 it increased to 10 129, and then was brought down sharply to 8 919 reported incidents in 2001. It dropped further in 2002 to 8 340, but then within 2003 rose back up to previous levels at 9 916 reported incidents. Only the murder rate – generally the most accurate of crime figures, and seldom under-reported – decreased toward the end of the period. Figure 2 illustrates these trends.

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[2] The raw crime statistics were obtained from the official Kenyan police website at www.kenyapolic.go.ke?resources/crime_fig1995_2003.pdf (accessed on 3 October 2007). Figure 1 was constructed by the author.

Figure 2[3]

Kenya: trends for certain reported offences: 1995-2003
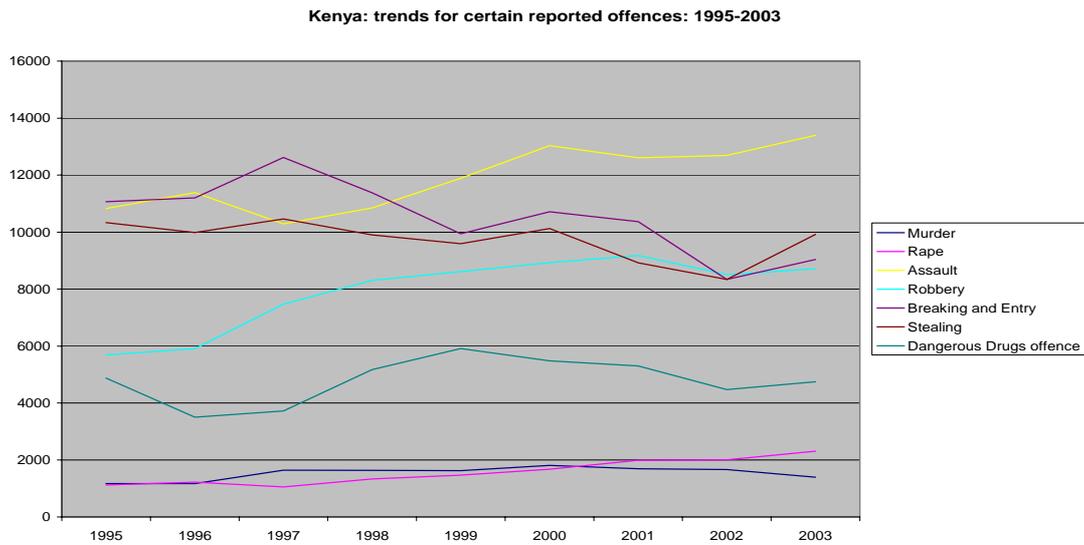
A 2002 victim of crime survey in Nairobi, under the auspices of the UN-HABITAT Safer City Nairobi, found that:

- High levels of insecurity and fear of crime were reported in Nairobi;
- Reporting levels are low because people do not believe that the police can assist them;
- The key crime problems that require attention in the city are violent crime and corruption;
- 37% of all Nairobi residents had been a victim of robbery during the previous year;
- 22% had been a victim of theft during the previous year;
- 18% had been a victim of assault during the previous year;
- 29% of all homes had fallen victim to a burglary during the previous year;
- 30% of all commercial enterprises had fallen victim to a burglary during the previous year;
- Most burglaries occur on Fridays and Saturdays, showing that people in the home is not a deterrent;
- Firearms tend not to be the weapons used against victims, but the perception is that firearms are linked to the increase in crime levels;
- A significant proportion of Nairobi citizens believed that there is 'nothing' they can do to help reduce crime in the city, and knowledge about alternative means of preventing crime or changing behaviour to reduce risk of victimisation is limited; and
- Most interviewees think that crime is caused by poverty and unemployment, thus underscoring the degree of "social paralysis" and civic inaction.[4]

Across Kenya, the 2005 Afrobarometer survey of national public attitudes on democracy shows that 41% of people surveyed felt that safety from crime compared

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[3] The raw crime statistics were obtained from the official Kenyan police website at www.kenyapolic.go.ke?resources/crime_fig1995_2003.pdf (accessed on 3 October 2007). Figure 1 was constructed by the author.

[4] A Stavrou (2002) *Crime in Nairobi: Results of a Citywide Victim Survey*. Nairobi: UN-Habitat Nairobi Safer City Programme at 4-6.

to a few years prior to the survey was "Better",[5] and that most (50%) felt that the government was handling the reduction of crime "Fairly well".[6] On the other hand 24% felt that the government was handling the reduction of crime "Fairly badly" and 18% "Very badly".[7] Bearing in mind that most persons in Nairobi thought that crime could be predominantly ascribed to poverty and unemployment, it is thus not surprising that most of the respondents felt that crime and security was not the most important problems facing the country that the government should address: Highest on the list of problems was Unemployment (20%); Poverty/destitution (10%); Managing the economy better (9%); Famine (8%); and then followed education, roads and crime at 6%.[8]

This notwithstanding, public attitudes regarding accessing help from the police were predominantly low: 41% (an almost even distribution between rural and urban respondents as well as male and female respondents) indicated that obtaining help from the police when needed was "Difficult", and 24% said that it was "Very difficult" – these being mostly urban males and females.[9]

Also over-ridingly poor were responses indicating levels of trust in the police: 32% trusted the police "Just a little"; 27% "Not at all" (mostly urban males); and only 23% said "Somewhat" (mostly urban females).[10]

Regarding police involvement in corruption, 39% of respondents said that "Most" police were involved in corruption, and 24% said that "All" police were involved in corruption. These responses were fairly evenly spread between urban and rural respondents, as well as male and female respondents.[11]

II   POLICE AGENCIES

1 Legal framework and policy documents, with specific emphasis on crime prevention

1.1   *Kenyan Police Force*

The Police Act of 1961 (as amended) establishes and governs the functioning of the Kenyan Police force. The Act must be read with the Police Regulation of 1961 and the Standing Orders, which have been revised several times, most recently in 2001. The Standing Orders deal with the "general control, direction and information of the Force" and are issued by the Commissioner of Police.[12]

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[5]   Afrobarometer (2005) *Summary of Results: Round 3 Afrobarometer Survey in Kenya*. Available at www.**afrobarometer**.org/**kenya**.htm (accessed on 11 October 2007) at 28.
[6]   Ibid at 40.
[7]   Ibid.
[8]   Ibid at 36-37.
[9]   Ibid at 45.
[10]   Ibid at 30.
[11]   Ibid at 32.
[12]   Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Kenya*. Nairobi: Commonwealth Human Rights Initiative at 12.

Section 14 of the Police Act of 1988 sets out the functions of the police as

- The maintenance of law and order;
- The preservation of the peace;
- The protection of life and property;
- The *prevention and detection of crime*;
- The apprehension of offenders; and
- The enforcement of all laws and regulations with which the Force is charged.

Sections 26 and 27 mandate the police to regulate traffic and section 16(1) charge it with the function of keeping public order. More disturbingly, section 45 of the Act and Part V of the Regulations provides that the police force may be privately hired.[13]

1.2   The Administration Police

The Administration of Police Act of 1958 is the primary piece of legislation that legitimates the Administration Police, but Cap 63, 75, 85 and 128 of the Laws of Kenya all have relevance. Section 2 of Chapter 75 of the Kenyan Criminal Procedure Code states that a "Police Officer" shall mean an officer of both the Kenyan Police Force and the Administration Police. In similar vein, Chapter 63 of the Kenyan Penal Code states that the "Police Force" shall include both the Kenyan Police and the Administration Police. Finally, the Chiefs Act – Cap 128 – also stipulates that the Administration Police are also law enforcement agents.

Together these laws mandate the Administration Police to:

- Assist all Government officers in the exercise of their lawful duties.
- Execute all orders and warrants lawfully issued by a competent authority.
- Preserve the public peace.
- Prevent the commission of offences and apprehend offenders
- Act as messengers in any matter connected with the Administration or public service, enforcement of executive/ administrative decisions.
- Act in defence of Kenya in the event of war or emergency.[14]

The Administration Police has its own Standing Orders.

Like the Kenyan Police, and equally disturbing, "certain categories of services offered for private purposes to either individuals or organisations are subject to charges".[15]

2   Vision

2.1   The Kenyan Police

> To be a world-class Police Service, with a people-friendly, responsive professional workforce.[16]

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[13] Ibid at 14.
[14] See http://www.administrationpolice.go.ke (accessed on 14 October 2007).
[15] Ibid.
[16] http://www.kenyapolice.go.ke/images/VISION.gif (accessed on 11 October 2007).

2.2   The Administration Police

To be the leading community safety provider with a focus on quality service to the public.[17]

3   Mission

3.1   The Kenyan Police

To provide quality Police service to the Kenyan Public; by upholding the rule of law and creating and maintaining strong community partnerships conducive to social, economic and political development in Kenya.[18]

3.2   The Administration Police

The Administration Police exists to contribute to National Development through provision of sustainable peace and tranquillity to all people in Kenya.[19]

III   ORGANISATIONAL STRUCTURE OF POLICE

1   Size

A desk-top search for the size of the Kenyan Police Force yielded no results.

There are approximately 18 000 *Administration Police* officers.[20]

2   Ratio

The police to population ratio has declined over the last 15 years: the ratio was 1 to 711 in 1991; 1 to 875 a decade later; and 1 to 1150 in the year 2004.[21] The low numbers of sub-ranks, being the ranks that carry out the routine daily duties of the police, is most keenly felt by the population in the Rift Valley.[22] Although it is unclear whether this ratio is calculated using the numbers of both the Kenyan Police and Administration Police, the ratio is cause for concern, as the Commonwealth Human Rights Initiative note:

It is estimated that even if the two forces merged, taking attrition into account, the country will need to recruit 3 999 recruits per year for ten years (2004-2014) to reach international policing population standards by 2014.[23]

3   Structure

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[17] http://www.administrationpolice.go.ke (accessed on 14 October 2007).
[18] http://www.kenyapolice.go.ke/images/VISION.gif (accessed on 11 October 2007)..
[19] http://www.administrationpolice.go.ke (accessed on 14 October 2007).
[20] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Kenya*. Nairobi: Commonwealth Human Rights Initiative at 13 and 14.
[21] Ibid at 14.
[22] Ibid.
[23] Ibid.

3.1   The Kenyan Police

Article 108(1) of the Kenyan Constitution stipulates that the Commissioner of Police is appointed and placed under the command of the President. Nor has the Commissioner of Police security of tenure. The same article empowers the Public Service Commission to appoint or dismiss persons in the ranks of Assistant Inspector and above. All appointees fall under the control of the Commissioner.[24]
The Commissioner is assisted by a secretariat, which is situated in Nairobi, along with the Special Branch, the Criminal Investigation Department, and two other more administrative departments.

Kenya's police is divided into nine policing provinces, which are subdivided into divisions. Most police stations are under the direct charge of a Chief Inspector or Inspector.[25] There are 14 posts in the rank system, from Commissioner of Police to Constable.

In all there are 26 departments and special units. In addition to the standard type of departments (CID, Flying Squad, Administration/human resources, a Traffic unit) there are also designated units that specialize in combating crimes such as stock theft, drug offences, rape, and motor vehicle theft, units that specialize in the protection of tourists and those securing transport hubs. And then there is an Anti-terrorist Unit and a Special Crimes Prevention Unit, the latter which *responds* to robberies and public disturbances.[26]

3.2   The Administrative Police

The Administration Police, called the Native Police during the colonial era, is a parallel force with the Kenyan Police. Established by the Administration Police Act of 1958, and subject to its own Standing Orders, its initial function was to give effect to the colonial power's control of the indigenous people via taxes, livestock control and labour. Upon the independence of Kenya, control of the Administration Police was moved to the Office of the Prime Minister, and later to the Office of the President.[27]
The Administrative Police report through local provincial heads to the Minister of Internal Security.[28]

The Administration Police is headed by a Police Commandant, and has three major Units and eight Provincial Commands. The three units are:
- The Administration Police Training College;
- The Security of Government Buildings Unit (SGB); and
- The Rapid Deployment Unit (RDU).[29]

At a conference in 2003, the Deputy Permanent Secretary in the Office of the President explained that the Administration Police acts a supplement to the KPF, and that in the past they were deployed to control incidents of banditry and stock theft. At the same conference the Administrative Police Commandant argued for the

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[24] Ibid at 27.

[25] Ibid at 14.

[26] Ibid at 13.

[27] See http://www.administrationpolice.go.ke (accessed on 14 October 2007).

[28] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Kenya*. Nairobi: Commonwealth Human Rights Initiative at 15.

[29] http://www.administrationpolice.go.ke (accessed on 14 October 2007).

continued maintenance of the Administrative Police, saying that they received specialized training for combat situations, for VIP protection, and that they can be deployed more flexibly than KPF members. Human rights groupings in Kenya – citing human rights abuses by the Administration Police, as well as a duplication of roles and functions – question the justification for the continued existence of this policing agency.[30]   Pulling no punches, Joshua Auerbach, former Project Officer of the Commonwealth Human Rights Initiative stated that the Administration Police

> … serves no identifiable purpose other than to bolster the coercive strength of the political executive, and whose functioning is, if anything, even more opaque than that of the Kenya Police Force.[31]

3.3   The Kenyan Police Reserve

This corps of volunteers, who enrol for a minimum of two years of part-time service, is established and mandated by Part IV of the Police Standing Orders. They are subject to the same disciplinary codes as the Kenyan Police, but have acquired a reputation for being involved in criminal activities, and were disbanded in 2004 by the Commissioner of Police.[32]

3.4   Municipal Law enforcement

The City Council Act establishes a City Inspectorate to enforce city by-laws.

A Kenyan NGO, The Oscar Foundation Free Legal Aid Clinic-Kenya (OFFLACK) writes as follows about this inspectorate in their 2006 Report:

> The city inspectorate department is currently faced with understaffing and lack of professionalism. This has forced it to utilize the services of 2 400 personnel from other departments in order to enforce it mandate. …This has made it necessary for the department to restructure and include artisans, sweepers and other subordinate staff to enforce the by-laws; especially conducting arrests contrary to the law and in violation of their appointment contracts.
> …
> This has led to complaints of arbitrary arrest, corruption, sexual violence, harassment and intimidation by officers from the city inspectorate department.[33]

4   Crime Prevention mandate of the police/various police

4.1   The Kenyan Police Force

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[30] Commonwealth Human Rights Initiative (2003) 'A report' of the Roundtable Conference on *Police Reform in East Africa*, Nairobi, 24-25 April, at 40-41.

[31] J Auerbach (1999) *Police Accountability in Kenya: Seize the moment* at 13, available at http://www.humanrightsinitiative.org/publications/police/ea_police_rtc_nairobi_2003.pdf (accessed on 13 October 2007).

[32] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Kenya*. Nairobi: Commonwealth Human Rights Initiative at 13.

[33] OFFLACK (2006) *Shielding Impunity: A Human Rights Accountability Report*, available at www.policeaccountability.co.za/File_uploads/Docs/**Shieldingimpunity**.pdf (accessed on 14 October 2007).

Section 14 of the Police Act of 1988 includes the prevention of crime as one of the functions of the Kenyan Police (see Legal Framework above).

4.2 The Administration Police

The Administration of Police Act of 1958 also includes crime prevention as a function of the Administration Police (see Legal Framework above). Furthermore, the official website of this policing agency detail the following as its core functions:

1. Community Based Policing (CBP) focusing on:

   i) Partnership working
   ii) Community safety
   iii) Crime Prevention
   iv) Peace-building and Conflict management

2. Border Security with emphasis on:

   i) Anti-terrorism measures
   ii) Arms control
   iii) Cross-border crime

3. Emergency Response that embrace:

   i) Protection of life and property
   ii) Support to other emergency services/ agencies
   iii) 24-hour response to designated incidents.

4. Protective Security with a focus on:

   i) VIP Protection
   ii) Safeguarding strategic installations.

5. Enforcement assistance to Government departments:

   i) Assisting officers with legal mandates
   ii) Agency status to all departments.

There is as yet no national crime prevention strategy that would both co-ordinate the crime prevention activities of these two policing agencies, as well as set out national strategies (see Police Reform Programmes below).

IV   COMMUNITY POLICING

> Since 2003, the Government of Kenya has embraced community policing as a core crime prevention strategy.[34]

Although community policing is more than a crime prevention strategy, it is clear that both the Kenyan Police and the Administrative Police have absorbed a version of community policing as a model of policing that includes crime prevention, as can be inferred from the websites of the two policing agencies. How do these two police agencies view community policing as a means of crime prevention? Very little documentation exists detailing that of the Administrative Police, and thus for convenience sake, its stance on community policing and crime prevention will be outlined first.

1   The Administrative Police

The official website of the Administrative Police[35] quotes the United Nations on aspects of community policing and democratic policing. It too emphasises the key role of creating partnerships and even specifies the "6 vital members of any community policing partnership", being:
- The Kenyan Police
- Local Government
- Community Police Forums
- Civil Society
- Business
- Media
- Religious bodies
- Drug enforcement agencies.

Although the website does not state their role or the role of any of these partners in such partnerships, it curiously states that what a "partnership MUST do" is to "share information about training content and delivery, and to co-ordinate its activities". The website then lists some ten dates when community policing workshops were held in various localities around Kenya, and lists the attendees as being members of the Administrative Police, of the Kenya Police, community representatives, Chiefs, NGOs and Business Associations. These workshops must have been training workshops, dealing with such aspects as "lessons learnt in crime management and reduction, small arms and light weapons, conflict management, effective communication and teambuilding, media and communication relations, and partnership policing".

In conclusion, the website makes no mention of crime prevention within the ambit of community policing (it seems to view each as separate core functions of the AP); and the information about community policing itself and about partnerships is limited.

2   The Kenya Police Force

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[34] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Kenya*. Nairobi: Commonwealth Human Rights Initiative at 63.
[35] See http://www.administrationpolice.go.ke/cbp.html (accessed on 12 October 2007).

The website of the Kenya Police[36] makes clear that community policing is an approach to policing that rests upon a partnership between the police and 'the community'. The website states that, among others, such partnerships should endeavour to:

- Arrive at the role of both the police and that of the community regarding crime prevention;
- Identify the safety needs of the community through consultation;
- Share both the decision-making and the responsibility of securing the community;
- Apply a problem-solving approach; and
- Educate and build the capacity of both parties to enable a problem-solving approach.

From this we deduce that for the Kenyan Police community policing and problem-solving policing are a means towards crime prevention.

The website goes on to broadly set out the roles and activities of each of the two parties in the implementation of community policing. Lifting out those roles pertaining to crime prevention it would appear as if the role of the Kenyan Police is to help create Community Police Forums (CPFs) and to maintain law and order in the execution of crime prevention strategies identified by the CPFs. The role of the community – according to the website – is for communities to supplement police patrols through private guards and neighbourhood watch schemes. A second role identified for the community is to work with the police through CPFs, and to be the eyes and ears of the police by becoming involved in informal community surveillance and by providing the police with criminal intelligence.

Thus the primary crime prevention activities of both parties are:
- Visible policing, informal community surveillance and neighbourhood watch activities; and
- Setting up CPFs, at which both parties will arrive at the needs of the community and construct crime prevention strategies. The role of the police in those strategies arrived at is to maintain law and order (crime combating).

Interestingly, the website alludes to the potential pitfalls of community policing:

- *Police* must be able to listen, communicate, give feedback, be problem solvers and be transparent, accountable and effective.
- *Communities* must be the primary mobilizers of CPFs and crime prevention strategies arrived in such Forums. They must be prepared to co-operate with the police (implying trust) and furthermore, must not have unrealistic expectations of the police.

Finally, in the parlance of business plans, the indicators of successful community policing are:

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[36] See http//www.kenyapolice.go.ke/community%20policing.asp (accessed on 12 October 2007).

- A check list of activities;
- Statistics that show that the strategies are working; and
- Signs of a healthy, mutually trusting and responsive partnership.

Another document of the Kenyan Police, *Kenyan Police Strategic Plan for 2003-2007*, also makes mention of community policing and of crime prevention. Table 4.1 of the document sets out a business action plan for the four core objectives of the Kenyan Police. The first of these four objectives – and which is relevant to crime prevention – is to "to prevent and detect crime, maintain law and order and bring offenders to justice" -- in other words, one of the objectives mandated by the Police Act.

It is important to note that, just as in the section of the Act, crime prevention is part and parcel of the other more traditional roles of the police. Under this objective, the business plan grid – tabulating Objective, Strategies, Activities, Outputs, Verifying Indicators, Responsibility, Time-frames and Budget – then lists 14 Strategies. This makes it very unclear which strategies (if not all) are in support of crime prevention.

The strategy of promoting "collaborative partnerships between the communities, local authorities and police service" is followed by, for example, strategies to improve intelligence gathering; strategies amounting to raids and rounding up street children to tackle anti-social behaviour; strategies to combat terrorism, to enhance police visibility and responsiveness, to enhance the capacities of specialized units such as the CID, Dog Unit and the Tourism Unit. Developing mechanisms to handle domestic violence and child abuse jostle with strategies to improve road traffic, control small arms proliferation, drug trafficking, stock theft and cross-border crime.

We have to go to the column that itemizes the Responsible Agencies for the Activities flowing from the individual Strategies for a clue as to which could be crime prevention strategies. Under this column (Responsible Agencies) the Kenyan Police are the *sole* agency in carrying out all the Strategies and their implementing Activities throughout the table, *except for the following Strategies*:

- Promote collaborative partnerships between the communities, local authorities and police service
- Develop mechanisms to handle domestic violence and child abuse;
- Establish Victims Support Unit;
- Control the proliferation of illicit small arms and light weapons;
- Control Drug trafficking.

(There are three other strategies, namely Controlling cross-border crime, Improving co-ordination between private and public security providers, and Improving road traffic. But the co-responsible agencies listed are other security providers (private security, police from neighbouring states or regional policing bodies, and bodies concerned with traffic by-laws. These we will then discount from our discussion).

For the five Strategies in bullet points above, the grid does not elaborate who the Responsible Agencies are: the possible and diverse agencies are simply lumped under the word "stakeholders". But at least we can isolate which Strategies envisage a partnership between police and other "stakeholders", other than other security providers.

To ascertain what the police aim to do in the implementation of these five Strategies, it is worthwhile reproducing here the relevant excerpts of the business plan:[37]

Objective	Strategies	Activities	Outputs
To prevent and detect crime, maintain law and order, and bring offenders to justice	Promote collaborative partnerships between the communities, local authorities and police service	Develop communities and local authorities partnership policy Train officers in community policing tenets Set up a co-ordinating office at the police HQ for crime and community policing Form local liaison security networks at Police Post, Stations and Divisional levels Plan and participate in joint police and community social activities Educate the public on security procedures Hold open days Educate officers to recognize and appreciate indigenous conflict resolution systems among the communities	▪ Partnership policy developed Officers knowledge enhanced Networks formed Public awareness increased Relationships built
	Develop mechanisms to handle domestic violence and child abuse	▪ Train officers in handling and counseling victims Develop a curriculum Pilot women-only facilities in major urban centres Provide appropriate lock-up for children at police stations Attach social workers from children departments to police stations	Improved service delivery to disadvantaged groups
	Establish Victims Support Unit	▪ Provide safe houses for witnesses Provide legal and counseling support Provide budgetary support to prisoners and witnesses	
	Control the proliferation of illicit small arms and light weapons	▪ Co-ordinate the National focal point Carry out mapping exercises Sensitize communities Collect and destroy weapons Regulate private shooting ranges	
	Control Drug Trafficking	▪ Train officers Acquire detecting equipment Identify and target the kingpins Carry out school education programmes Collaborate with other agencies	Reduced drug-related incidents.

When we look at the Activities and Outputs of these five Strategies we see that they – like the entire *Strategic Plan 2003 -2007* – are a mix between crime prevention activities and other policing functions. And even those that can be linked to crime prevention rather than standard policing functions are:

- ▪ Developing partnerships and building relationships;
- ▪ Educating the public on security procedures;
- ▪ Holding open days;
- ▪ Counselling victims of domestic violence;
- ▪ Sensitizing communities about the dangers of the proliferation of weapons and arms;

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[37] See Table 4.1 of the *Kenyan Police Strategic Plan for 2003-2007* at 33 to 42.

▪ Conduct education programmes at schools.

Perhaps it is unfair to expect a tabulated business plan - within a document that sets out the entire Strategic Plan for the Force over a three-year period - to be more fulsome. Nonetheless, the strategic plan - in its entirety – has been subject to criticisms from civil society that it includes too much emphasis on strengthening operational capabilities and underemphasizes the importance of engagement with civil society and the community.[38]

To arrive at a better idea of how the police have or plan to implement their role in crime prevention, particularly through the model of community policing, we will look at three safety and security programmes that have involved the Kenyan Police, namely,
- Community policing and the Nairobi business community;
- Community policing in an informal settlement in Nairobi, in partnership with the Kenya Human Rights Commission; and
- Community Policing in Kibera in partnership with Saferworld (Nairobi) and PeaceNet.

A scholarly critique of the first two programmes by Ruteere and Pommerolle[39] provide a neat analysis for our purposes. For these authors these two community projects

> raise the question as to whether community policing as it is currently implemented in Kenya may not be just a reproduction of the undemocratic order that defines the wider Kenyan society.[40]

To be sure, for big business in Nairobi, community policing has resulted in reduced crime, but for corner businesses, street traders and street children "the community police initiative has assumed the nature of an extortion racket operated by the police".[41]

In the informal settlement project, community policing has failed because the underlying causes for mistrust between community and police have not been removed or even tackled as part of the programme. The result has been that:

> the community is very suspicious of the police force and would prefer to patrol alone. So they only invite the police in as a back up. This kind of community policing, where the police are merely a back-up for the community is far more community-centred than the sector policing approach developed in Western countries. What it means, in other words, is the replacement of formal security by private or community initiatives.[42]

The authors conclude their analysis of the two programmes by stating that community policing stands little chance to succeed whilst "the basic interaction between the police and the people is one of confrontation".[43]

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[38] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Kenya*. Nairobi: Commonwealth Human Rights Initiative at 61.
[39] M Ruteere and M Pommerolle (2003) 'Democratizing Security or Decentralizing Repression? The ambiguities of community policing in Kenya.' *African Affairs* 102: 587-604.
[40] Ibid at 599.
[41] Ibid at 600.
[42] Ibid at 603.
[43] Ibid at 604.

That the need for the restoration of police legitimacy in Kenya is not confined to urban environments, is borne out by Suzette Heald's longitudinal study of the emergence of *sungusungu* in rural Kenya.[44] Here too a self-policing effort aimed at the reduction of cattle rustling resisted a 2005 attempt by the police to operate under the banner of community policing. Corruption, embedded in every aspect of the criminal justice system, ensured that the *sungusungu* rejected the community policing proposals "refusing to have any truck with the police in any form."[45]

The Kibera Community Policing Pilot Project, spearheaded by Saferworld (Nairobi) and PeaceNet, took the route of establishing a community police forum that included representatives of the national police and Administrative Police, Kibera-based organizations and Kibera-based traditional leaders. Consultations were held with the community to establish its needs, and objectives and priority initiatives were formulated. A progress report details the following achievements:

- Improved police/community relations;
- Improved trust in the police;
- An expansion of the pool of stakeholders;
- Crime prevention through environmental design such as improved street lighting, fencing estates and sealing estate corridors;
- Police patrols in previous 'no-go areas';
- The placing of information boxes around the area to allow for confidential intelligence from the community regarding crime.[46]

Although the report details successes, an independent impact evaluation is not available to assess the preventive components of the project and the specific role of the two police agencies therein, which simply highlights the need for a more scientific approach to the evaluation and monitoring of such pilot projects.

V CRIME PREVENTION IN CURRENT POLICE REFORM PROGRAMMES

1 The Police Reform Task Force

This government-appointed Task Force was charged with reviewing the *Kenya Police Strategic Plan 2003-2007*, taking forward police reforms and to act as a co-ordinating body with other on-going reforms. Its work culminated in a report entitled *Reforming Policing Services for the Social and Economic Development of Kenya*. The report champions community policing on the grounds that considerations should be given to approaches that more effectively utilize the limited resources of the Kenyan Police.[47]

It would seem as if the Constitution of Kenya Review Commission talks of 2002-2004 endorsed the continued autonomy and role of the Administration Police as a core provider of safety and security.[48]

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[44] S Heald (2007) 'Controlling Crime and Corruption from Below: *Sungusungu* in Kenya.' *International Relations* 21(2): 183-199.

[45] Ibid at 197.

[46] J Mbogo (n d) *Case study of Community Policing in Kibera*. Nairobi: Saferworld (Nairobi) at 5-6.

[47] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Kenya*. Nairobi: Commonwealth Human Rights Initiative at 62.

[48] See http://www.administrationpolice.go.ke (accessed on 14 October 2007).

2 Governance, Justice, Law and Order Sector (GJLOS) reforms

This sector-wide reform process was set in motion in 2003, when the new government came into power. The *Vision and Strategy* document of this programme, in Key Output Area 4, include the following two strategies:

- Developing a community policing strategy not only as part of the adoption of a new approach to policing, but also to complement police efforts to ensure safety and security; and
- Developing a national crime prevention strategy to provide a clearer picture of priorities and a performance monitoring and evaluation system.[49]

VI CHALLENGES

- First and foremost, the duality of state policing agencies should be confronted. If the two agencies are not to be amalgamated, their roles and functions should be separated and legislated.
- Crime prevention by the police, either through community policing or other programmes, will have very limited success until such time as trust in the police by all sectors of society has been restored. The restoration of police legitimacy will have to be – if not a precursor – then at least a tandem process with other programmes.
- Community policing *does* have a role to play in crime prevention: as a means to better intelligence gathering to prevent crime; as a means of drawing civilian bodies (formal community police forums, business associations, resident neighbourhood watch schemes etc.) into partnered crime prevention initiatives; or as visible policing that responds to community needs. But it presupposes a police that knows its local constituency well and has the credibility to draw it into partnerships. However, Steinberg[50] cautions that "community policing has also at times been offered as a general palliative to all problems", resulting in what he calls a "conflation of goals". As Steinberg points out: international literature has shown that community policing works when the partnership was "honed to a particular problem and in the search for an elegant solution". The *Strategic Plan 2003 -2007* of the Kenyan Police seems to indicate the use of community policing as just such a "general palliative to all problems".
- A national crime prevention strategy, as envisaged by the GJLOS reform programme, may have the value of making explicit the crime prevention role of the police, but such national policies too have their pitfalls and limitations. Lessons from South Africa in this regard would be useful.

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[49] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Kenya*. Nairobi: Commonwealth Human Rights Initiative at 60.

[50] J Steinberg (2004) *Sector Policing on the west Rand: Three case studies*. ISS Monograph Series no 110. Pretoria: Institute for Security Studies, at 15-16.

CASE STUDY: NIGERIA

I   CONTEXT

1   Political context of the country[51]

Nigeria is the most populous of all the states of West Africa. According to the 2005 Census results the population comprised of 128 771 988 people.[52] Large revenues from oil notwithstanding, the country remains poor, with an estimate in 2000 of 60% of the population below the poverty line. Ethnic and religious diversity makes for a very plural state which has, from the 1960s onwards exhibited a considerable propensity toward internecine violence. Gaining independence from Britain in 1960, with a federal Constitution comprising of three states, Nigerian politics has witnessed a series of military coups d'état, the first in 1966, and the most recent in 1993. Ethnic conflict and a civil war (which ended in 1971) had contributed to an enormous loss of human life.

In 1999, the military regime returned the country to constitutional democracy. The Nigerian People's Party received the most votes and its leader, former army General Olesogun Obasanjo, became President under a new constitution that makes provision for a relatively strong presidential regime. Obasanjo subsequently gained re-election for a second term. The third democratic elections were held in April 2007. Violence and election irregularities marred the process. The handling of the polls in particular was described as 'falling short of basic international standards'. The outcome of the elections was that the ruling People's Democratic Party remained in power with Umaru Yar'Adua as President.

The oil-producing Niger Delta region itself is one of the most unstable areas in a country characterised by many local - and violent - conflicts. The political system as a whole is notorious for its instability, corruption, inefficiency, and brutality. Economically, infrastructure is of a low quality, the political elites have squandered oil revenue, and, like many other African states, Nigeria too had to accept a series of structural adjustment programmes (SAPs). An over-reliance on the capital-intensive oil sector (which provides 20% of GDP, 95% of foreign exchange earnings, and about 65% of budgetary revenues) has gone hand in hand with little diversification of the economy.[53]

In terms of the Constitution of the country, Nigeria is a Federal Republic. Executive power is exercised by the President. The Republic consists of 36 states and the Federal Capital Territory. The states are further sub-divided into 774 Local Government Areas. Lack of co-ordination between federal, state and local government areas is widely perceived as a factor bedevilling government administration.[54] According to one commentator 'Nigeria's federal system and politics are deeply flawed, contributing to rising violence'.[55] Part of the problem is the failure

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[51] This section relies on J Rauch and E van der Spuy (2006) *Police reform in post-conflict Africa*. Unpublished Report, IDASA at 106-7.

[52] http://www.state.gov.r/pa/ei/bgn/2836.htm (accessed 26 October 2007).

[53] J Rauch and E van der Spuy (2006) *Police reform in post-conflict Africa*. Unpublished Report, IDASA at 106.

[54] http://www.state.gov.r/pa/ei/bgn/2836.htm (accessed 26 October 2007).

[55] International Crisis Group (2006) *Nigeria's Faltering Federal Experiment*. http://www.crisisgroup.org//home/index.cfm?1=1&id=4464 (accessed 26 October 2007).

to promote power sharing between the centre and the state and to address rivalries over economic resources. Public opinion on the economy has slumped in recent years and public satisfaction with democracy has declined considerably during the last phase of Obasanjo's second term. As elsewhere in Africa, Nigerian citizens also consider unemployment, health and education to be amongst *the* primary challenges confronting the polity.[56]

2   Crime context[57]

The regulation of social order in Nigeria is, by all informed accounts, a particularly challenging one. An almost endemic set of regional and local conflicts pose severe public order problems. Nationwide, social instability has become pervasive. The eruption of communal violence between Christians and Muslims since 1999[58] and the more recent ethnic conflicts have contributed to political tensions and public insecurity.[59] Further complicating the situation has been the growth of interpersonal violent crime as well as trans-national organised crime. The latter currently involves drugs, fraud, and human trafficking. In the Niger Delta, oil bunkering has become a major problem with criminal gangs stealing large amounts of crude oil from pipelines destined for offshore destinations.[60] The situation in the Niger Delta has over the years become altogether explosive, with crime and public disorder moving in tandem. The emergence of violent ethnically aligned militias ready to protect economic interests has further exacerbated the situation.

The dearth of (relatively) reliable crime data makes it extremely difficult to arrive at any composite of the crime situation in Nigeria. The gathering, collation and analysis of official crime statistics remain bedevilled by a range of problems, both political and administrative. To date, technological capacity to engage with crime date remains underdeveloped. Recommendations for the improvement of data collection and analysis indicate the challenges in this regard. The following Table however provides an indication of some of the crime trends from 1994 to 2003.

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[56] Afrobarometer (2006) *Where is Africa going? Views from below*. Working paper no. 60. http://www.Afrobarometer.org/papers/AfropaperNo60-trends.pdf (accessed 26 October 2007).
[57] Part of this section relies on information contained in J Rauch & E van der Spuy (2006) *Police reform in post-conflict Africa*. Unpublished Report, IDASA at 107-9.
[58] *CIA World Factbook: Nigeria* (Updated 10 January 2006). www.cia.gov/cia/publications/factbook/geos/ni.html (accessed 29 May 2006).
[59] In 2004, some 17,000 Nigerian refugees fleeing ethnic conflicts between pastoralists and farmers in 2002 still reside in Cameroon. *CIA World Factbook: Nigeria* (Updated 10 January 2006). www.cia.gov/cia/publications/factbook/geos/ni.html (accessed 29 May 2006).
[60] UNODC (2005) *Crime and Development in Africa*. Vienna: UNODC at 26.

Table 1: Crime trends in Nigeria: 1994-2003

Crime	1994	2003
Murder	1 629	2 136
Armed robbery	2 044	3 497
Rape/ Indecent Assault	2 364	2 253
Grievous Harm/Wounding	17 167	17 666
Assault	46 924	29 125
Theft	69 341	33 124
Burglary	7 858	2 769

Source: www.cleen.org/crime%20statistics%201994-2003_graphics.pdf

However, data extracted from opinion polls provides a view onto public perceptions of crime and police handling of crime. The 2005 Afrobarometer survey of public attitudes on democracy indicates that opinions about current levels of safety from crime and violence is more or less evenly divided between those (47%) who think that the situation has gotten 'worse/much worse' and those (48%) who indicate that the situation is 'the same or better' than five years ago.[61] When probing for opinions on service delivery on the part of police, Nigerian citizens report higher scores of dissatisfaction (51%) than the average for African citizens (45%). With regards to trust in security institutions, the police score even lower levels of trust than the military: whilst 44% of respondents indicated 'no trust at all' in the military, 59% recorded 'no trust at all' in the police.[62] Public perceptions of corruption amongst the Nigerian Police Force are rife. A massive three quarters (75%) of the Nigerian public consider 'most or all police to be corrupt,'[63] compared to 67% of Ugandans, 59% of Kenyans and 44% of Tanzanians. During the course of 2004 and 2005, public concern about extortion on the part of the police featured prominently. In 2004, 900 police officers involved in extortion were dismissed.[64] A steep decline over a five-year period in Nigerian citizens' approval of government's ability to control crime is evident too. By 2005 only 33% of those surveyed said that government's handling of crime was 'Fairly well' to 'Very well' – a sharp drop from the 62% who indicated such positive appraisals in 2000. [65]

For a proper contextualisation of the challenge confronting the NPF is it worth turning to a recent study by the CLEEN Foundation in which the institutional deficiencies of the police are highlighted.[66] So for example, it found that police are a barrier to change through inter alia, its inefficiency and ineffectiveness in crime prevention, control, detection and apprehension; poor rule of law record; the violation of rights; lack of accountability; incivility and wide-scale corruption. Generally speaking, the public continue to hold the police in low esteem, and are fearful of their brutality,

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[61] Afrobarometer (2005) *Summary of Results: Round 3 Afrobarometer Survey in Nigeria*. Available at www.**afrobarometer**.org/**kenya**.htm (accessed on 27 October 2007) at 20.

[62] Ibid at 22.

[63] Afrobarometer (2006) *Citizens and the State in Africa*. Working paper No.61. at.40.

[64] Human Rights Watch (2005) *Nigeria: "Rest in Pieces"*. Ch 5. Full text at http://www.hrw.org/reports/2005/nigeria0705/4.htm (accessed 16 May 2006).

[65] Afrobarometer (2006) *Where is Africa going? Views from below*. Working paper no. 60. http://www.Afrobarometer.org/papers/AfropaperNo60-trends.pdf (accessed 26 October 2007) at 37.

[66] Centre for Law Enforcement Education (CLEEN) (2003) *Analysis of Police and Policing in Nigeria: A Desk Study on the Role of Policing as a Barrier to Change or Driver of Change in Nigeria*. (Report prepared for DFID). Lagos: CLEEN.

extortion, and ineffectiveness.[67] This state of affairs is also confirmed by reports of international organisations which document the use of torture, excessive use of force, and extra-judicial killings amongst the Nigerian police.

Limited state capacity to provide safety and security has led to self-help responses on the part of citizens including vigilante activity. In a number of states the public has welcomed the decision by state politicians to institutionalise the role of vigilante groups, as with the famed 'Bakassi Boys' in eastern Nigeria. In addition to vigilantism, there has been a rapid growth in commercial security.[68] At present the private security industry is regulated and unionized but not truly monitored. The interaction between specialist divisions of the Nigerian Police Force Police and security companies operative in the oil sector is discussed in greater detail elsewhere. From such discussions it would seem that the police second members of MOPOL - who are armed with automatic rifles- to security companies in the Delta region.[69]

II   POLICE AGENCIES

Historically, the Nigerian system of policing has been based to a considerable extent on a quasi-military - or paramilitary - pattern. Training was similar to that of soldiers, with a great emphasis on drill.[70] The function of the police, many commentators have alleged, was in the first place the protection of the colonial order itself, with conventional crime-fighting a secondary priority. Given the relative underdevelopment of education and the economy, the rank-and-file police in Nigeria at independence were poorly educated and paid, and did not enjoy a secure status in the eyes of the general public. Matters did not improve after independence. As Hills put it, the NPF remained "an archetypal, urban force, inferior in status and resources to the military".[71]

1   Legal framework

Nigeria inherited a national police force (created in 1930 with national jurisdiction) and some local administration police forces on independence in 1960, albeit with marked regional decentralisation. The new government moved to complete Federal centralisation of the police, culminating in 1971 with the final establishment of a unitary Nigeria Police Force (NPF) and the dissolution of local police forces which existed in many parts of the country.

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[67] E Alemika and I Chukwuma (2005) Police Oversight Organisations in West Africa. Lagos: CLEEN.

[68]   R Abrahamsen and M Williams (2005) *The Globalisation of Private Security: Country Report: Nigeria*. Dept. of International Politics, University of Wales, Aberystwyth.

[69] Ibid at 11.

[70] A Hills (2000) *Policing Africa: Internal Security and the Limits of Liberalization*. Lynne Reiner: London at 46.

[71] Ibid at 41.

Currently, the Nigeria Police Force is centralised and federally administered. The overall operational control is vested in the President in accordance with the 1999 Constitution and the Police Act (a new Police Bill has been under consideration since 2004). **Section 214 of the 1999 Constitution** of the Federal Republic of Nigeria[72] states that:

> There shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof.

The *functions* of the Nigeria Police Force as outlined in **Section 4 of the Police Act** (which has been in existence since 1943) are as follows:

> The police shall be employed for the prevention and detection of crime, the apprehension of offenders; the preservation of law and order; the protection of life and property; the enforcement of all laws and regulations with which they are charged; and shall perform such military duties within or without Nigeria as may be required of them. [73]

Both the Police Act and Police Regulations contain rules which could have a bearing on police-community relations. Section 339 of the Police Act sets out the standard of conduct required of a police officer whilst section 340 of the Act discusses the attributes of a police officer with particular reference to efficiency and thoroughness, courtesy and helpfulness, tact, patience and tolerance, and so forth.[74]

Several laws in the country especially the Police Act, Criminal Procedure Act (CPA) and the Criminal Procedure Code (CPC) grant the police wide powers: to take measures to prevent crime; to investigate crime; to interrogate suspects; to prosecute suspects; to search properties and persons in order to prevent crimes, detect or investigate crimes, detect and apprehend offenders, and collect evidence for prosecution; to grant bail to suspects pending investigation or arraignment in court; to serve summons; to regulate processions and assemblies; and to disperse 'illegal' or 'unlawful' procession and assembly.

The Police Act has been under review since 2004. The proposed Act, "which seeks to provide a legal framework of modern policing in Nigeria" has been crafted by a ten-member 'Interagency Committee on the review of the Nigeria Police Act' on the basis of public input from a wide range of constituencies. At the time of the completion of this report it was not clear how far the review process has progressed.

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[72] http://www.waado.org/NigerDelta/ConstitutionalMatters/1999Constitution/TableOfContents.html (accessed 22 October 2007).

[73] E Alemika, and I Chukwuma, (2003) *Analysis of Police and Policing in Nigeria.* Lagos: CLEEN Foundation.

[74] http://www.waado.org/NigerDelta/ConstitutionalMatters/1999Constitution/TableOfContents.html (accessed 22 October 2007).

2   Mission

According to the official website of the Nigerian Police Force the Motto of the police organisation is: "to serve and protect with integrity."[75]

Its organisational philosophy is: "Policing with integrity where the notions of justice, fairness and the public will be the focus."[76]

III   ORGANISATIONAL STRUCTURE OF THE POLICE

1   Size and Ratio

Estimates of the size and police to population ratio vary quite considerably from one source to the other. Such variance may well be indicative of a wider problem concerning the absence of reliable data which complicates state administration.

In January 2001, according to one source, the Nigerian Police Force numbered 163 722.[77]   A more recent figure pegs the current Force size at 325 000 with a ratio of police to population of 1: 400.[78]   According to information contained on the Library of Congress website, the Nigerian Police Force currently 'ranks as the largest police force in Africa, with 300 000 officers, or one for every 430 citizens.' [79] These estimates however contrast very starkly with the 1:1 000 ratio reported by Nigerian scholar on security sector reform.[80]

2   Structure

The NPF comprises of six administrative departments, the Administration Division, the office of the Inspector-General, the Operations Office, Logistical and Supplies Department, the Investigation and Intelligence Division, the Training and Command Department. The Investigations and Intelligence Division is characterised by specialisation consisting of the criminal investigation and intelligence units, the Interpol liaison unit, as well as narcotics and forensic units. For purposes of this report the Central Intelligence Division is particularly important given its responsibility

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[75] Nigeria Police Force – *10 Point Programme*
http://www.police.gov.ng/index.php?option=com_content&task=view&id=52&itemid (accessed 10/16/2007).

[76] Commonwealth Police Watch
http://www.commmonweathpolicewatch.org/edition6/abt_police_force.htm
 (accessed 30 October 2007).

[77] E Alemika and I Chukwuma, (2003) *Analysis of Police and Policing in Nigeria*. Lagos: The CLEEN Foundation at 12.

[78] Human Rights Watch (2005) *Nigeria: "Rest in Pieces"*. Ch 5. Full text at
http://www.hrw.org/reports/2005/nigeria0705/4.htm (Accessed 16/5/2006).

[79] Library of Congress, Federal Research Division *Country Profile, Nigeria,* June 2006
http://lcweb2.loc.gov/frd/cs/profiles/Nigeria.pdf (accessed 30 October 2007).

[80] K Fayemi (2003) 'Governing the Security Sector in a Democratising Polity' In G Cawthra and R Luckham (eds) *Governing Insecurity*. London: Zed Books at 72.

for crime detection and prevention[81] but no further information could however, be extracted regarding the operational concerns of this Division.

According to the Constitution, the National Assembly may make provision for branches of the Nigeria Police Force forming part of the armed forces of the Federation or for the protection of harbours, waterways, railways and air fields. The head of the NPF is the Inspector-General of Police, whom the President appoints. Under the direction of the Inspector-General are 36 state commissioners of police, the executive heads of the NPF in each state. In principle, state police commissioners are responsible to the Inspector-General and the Assistant Inspector-Generals, not the state Governor, for operational decisions. The NPF comprises of five directorates, each under a Deputy Inspector-General:

- o The Criminal Investigation Division
- o Logistics
- o Supplies
- o Training
- o Operations.

A further layer of upward management consists of the grouping of three or four states into police zones, of which there are twelve. Each zone is under the command of an Assistant Inspector-General. As regards downward management, each state Command is divided into smaller Area Commands, which in turn control divisional police stations headed by a Divisional Police Officer.

Over the years since 1960, political leadership has created a number of Specialist Divisions within the NPF. They include a special public-order and anti-riot unit, the 30 000-strong Mobile Police (MOPOL), operating under a parallel, non-state authority structure and headed by a Commissioner of Police. The formation in 1989 of an Intervention Force is also mentioned by Hills.[82] Other Units within the NPF include the National Drug Law Enforcement Agency; the Customs and Immigration Service; the Economic and Financial Crimes Commission; and an intelligence agency. [83] The Nigerian Mobile Police (MOPOL) force is widely regarded as a paramilitary extension of the Nigerian Police operating under the command of the federal government. The Mobile Police have been widely reported as violators of human rights. The Mobile Police is also closely connected to the security apparatus of the oil corporation in the Niger Delta region. [84]

3   Crime prevention mandate of the police

Whilst both the Constitution and the Police Act contain references to the crime prevention role of the police, political commentators are in agreement that this function of the police remains underdeveloped and of negligible importance given the overriding thrust toward crime control.*[85]* Research into the nature and extent of contact between police and citizens as undertaken by the CLEEN foundation in 2000, indicates that the majority of police citizen contacts recorded in the survey

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[81] D Das (ed) *World Police Encyclopaedia*. London: Routledge at 621-2.

[82] A Hills (2000) *Policing in Africa: Internal Security and the Limits of Liberalization*. Boulder: Lynne Rienner at 42.

[83] K Osiwaju (n. d.) *Police Accountability in Nigeria*. Lagos: CLEEN Foundation at 3-4.

[84] R Abrahamsen and M Williams (2005) *The Globalisation of Private Security: Country Report: Nigeria*. Dept. of International Politics, University of Wales, Aberystwyth at 19.

[85] Discussion with Prof. E. Alemika (Jos University), Cape Town, 19 September 2007.

occurred mostly in pursuance of the law enforcement objectives by the police, particularly through stop and search actions (Chukwuma, 2005: 7).[86]

Recent developments of potential importance to inserting crime prevention more forcefully onto the police agenda include the Inspector General's 10-Point Programme of Action. Aimed at 'Developing Effective, Accountable and Responsible Policing' there is reference to the need for effective crime prevention and control, particularly through Intelligence-led policing.*[87]* In pursuit of greater effectiveness and accountability, the Programme proposes a number of strategic interventions. Such interventions are supposed to include the following:

- o improving the criminal record date base;

- o strengthening research, intelligence and investigative capacity through investment in police training and the provision of equipment;

- o building partnerships with the public and inter-security agency cooperation.

Foreign aid in support of various police reform ventures as outlined in the above-mentioned 10-Point Programme of Action, have been forthcoming. Amongst the community of donors, the technical and financial assistance provided by the United Kingdom in particular, stands central. Pockets of assistance from the United States of America too seemed to have responded to the terms of reference identified in the Programme of Action. So for example, assistance to be provided by the International Criminal Investigative Training Assistance Programme (ICITAP) will focus on the improvement of management capabilities, the development of an administrative data base, assistance to recruit training and the development of a model community–policing project.[88] Whilst various foreign-aided reform initiatives seem to have been forthcoming little is known about the impact of such reforms on building police capacity more generally, and/or boosting the crime prevention fortunes of the Nigerian Police Force more particularly.

IV   COMMUNITY POLICING

The need for addressing police-community relations was profiled explicitly in 2000 with the publication of research data (compiled by Nigeria's foremost NGO, the CLEEN Foundation) on the nature, extent and scope of contact between civilians and police.[89] The report highlighted in no uncertain terms the adversarial nature of police-community relations. Shortly after the release of the findings the Minister of Police, with support from the USA and the UK, introduced a five-year development

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[86]   I Chukwuma (2005) 'Improving Police Community Relations in Nigeria: issues at stake'. Paper delivered at the *Workshop on Prevention of Violation of Human Rights in Nigeria*, organised by the NPF, Abuja, 18-19 August.

[87]   http://www.police.gov.ng/index2.php?option=com_content&do_pdf=i&id=52 (accessed 21 October 2007).

[88]   ICITAP Project Overviews, Department of Justice.
http://www.usdoj.gov/criminal/icitap/TextOverview.html (accessed 24 October 2007).

[89]   E Alemika and I Chukwuma (2000) *Police-Community Violence in Nigeria*. Lagos: CLEEN Foundation. I Chukwuma (2005) 'Improving Police-Community Relations in Nigeria: Issues at Stake'. Paper presented at a *Workshop on Prevention of Violations of Human Rights in Nigeria*, in Abuja, August . Lagos: CLEEN Fundation.

plan[90] which contained six goals. Included in the list of overall project objectives were:

- o the introduction of community policing;
- o fostering a partnership with civil society;
- o improving inter- and intra-communications;
- o the provision of adequate resources and infrastructure;
- o an improvement of leadership and management capacities; and,
- o a reduction of violent crime and fear of crime.

In 2003 further measures were introduced with the view to addressing adversarial police-community relations. Such measures included the formation of a Police Complaints Bureau and Human Rights Desk and the introduction of a pilot community policing project in the Enugu federal state.[91] A further round of initiatives were also undertaken in 2004. This time round the media reported on a 'major community policing initiative' which was said to contain six components:

- 1) creating awareness of community policing in the force and society;
- 2) developing skills and leadership training at the local police level;
- 3) an overall examination of structures within the police organisation;
- 4) a review of the training curriculum;
- 5) developing intelligence-led policing and the use of new technology;
- 6) reviewing legislation and procedures.

At the time it was stated that the pilot programme would be extended to other federal states in 2005.[92]

In April 2004 the Nigeria Police Force launched a community policing programme. This initiative was to be guided by the Community Policing Plan 2004, which was compiled by members of the NPF Project Management Team with support from foreign policy advisers. Supported by the UK funded Security, Justice and Growth Programme the five-year programme (funded to the tune of $55 million) has been described as based on a "holistic approach" to police reform through the institutionalisation of community policing across six states.[93]   The programme was said to take a 'sector-wide' approach and include a focus on conflict prevention.[94] Key aspects of DFID's proposed intervention in institutionalising community policing included the following:

- The creation of a Community Policing Project Team;
- Conducting multi-rank sensitization workshops with 1,300 attendees;
- Training 50 Community Policing Developers.[95]

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[90] Human Rights Watch (2005) *Nigeria: "Rest in Pieces"*. Ch 5. Full text at
http://www.hrw.org/reports/2005/nigeria0705/4.htm (accessed 16 May 2006).
[91] Ibid.
[92] Ibid.
[93] Human Rights Watch (2005) *Nigeria: "Rest in Pieces"*. Ch 5. Full text at
http://www.hrw.org/reports/2005/nigeria0705/4.htm; also see British Council website:
http://www.britishcouncil.org/sjg-themes-safety-security (accessed 30 May 2006).
[94] C Stone et al (2005) *Supporting security, Justice and Development: Lessons for a New Era*. New
York: Vera Institute. (Report funded by DFID).
[95] Ibid.

Have the flurry of initiatives in pursuit of community policing made an impact on the form and content of policing in Nigeria? This question is not easily answered given the lack of assessments available through a desk-top review of this nature. However, in a recent commentary on the DFID donor funded initiative outlined above, CLEEN has pointed to the slow pace of progress on the one hand, and the lack of local ownership and control of the programme on the other.[96] Considerable challenges no doubt, confront the longer-term objective of entrenching community policing ideas and practices within the Nigerian police agency. Others familiar with the finer details of project implementation also allude to the difficulties of mainstreaming community policing when project initiatives are pursued in a few geographical location instead of across the organisation as a whole. Furthermore, the absence of Federal level engagement at the very centre of the police organisation and the absence of a strategic roll-out plan for wider implementation, have also been identified as shortcomings. On the positive side, however, various structures have been put in place to drive the community policing initiative (National Community Policing Project Committee chaired by an Assistant Inspector of Police; a Community Policing Project Co-ordination office at Police Head Quarters). Further encouraging signs relate to the holding of workshops on community policing amongst senior officers attached to the NPF.[97]

Foreign funded initiatives such as those mentioned above must have been instrumental in creating both space and providing resources for experimentation. Formidable challenges no doubt remain. In the view of one commentator there is a particular need for developing 'low-cost partnership crime reduction and community safety projects' which can be pursued by police-community groups. A more forceful engagement with crime prevention more generally, and the police role within that broader social pursuit more specifically, seems imperative.[98]

Looking beyond state-initiated initiatives in the realm of community policing, it is worth noting that leading civil society organisations - of which the CLEEN Foundation is a critical example - too have been spearheading community policing initiatives. Here the establishment of fourteen Police Community Partnership Forums in a number of local government areas has been an important development. On the basis of project experiences CLEEN claims to have developed a programme framework for implementation in Lagos state. This initiative is still underway and is meant to inform CLEEN's longer-term involvement in community policing initiatives in the near future.[99]

Any discussion on community policing in the context of Nigeria would be incomplete if some account is not also given of bottom-up community-based policing initiatives. As in other African countries, self-help in social ordering amongst poor communities has a long tradition. Informal efforts at regulating order have long predated the top-down state initiated forms of community policing so characteristic a feature of contemporary innovations in state-centred policing. An engagement with the perceptions and priorities from below is to be found in 'Safety, Security and Informal Policing' an article authored by Alemika and Chuckwuma.[100] Here qualitative research amongst urban poor in four states reveal the reliance on a wide range of

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[96] CLEEN Foundation (2006) *Memorandum to the Presidential Panel on Reform in Nigeria*. Lagos: CLEEN Foundation.

[97] Interview, DFID adviser, 20 March 2007.

[98] Ibid.

[99] http://www/cleen.org/community/html (accessed 20 October 2007).

[100] E Alemika and I Chukwuma (2003) *Safety, Security and Informal Policing*. Lagos: The CLEEN Foundation.

informal policing structures (neighbourhood watches, community guards and formations of vigilantes) to the delivery of a measure of safety and security. The challenge for crime prevention deliberations is to engage strategically with the ongoing reality of such self-reliance in resolving everyday disputes amongst Africa's poor.

V   CRIME PREVENTION IN CURRENT POLICE REFORM PROGRAMMES

Reform of the NPF has been a proclaimed aim of successive Nigerian regimes, both civilian and military. Little came of these proclaimed intentions. The transition to civilian rule in 1999 "marked the first real efforts or opportunity to undertake reform of the Nigerian Police Force."[101] The new government declared its intention to reorganize the NPF, to increase staff through a massive recruitment drive, to promote officers, to train and to increase salary scales.[102] Another round of attempts to expand the force and increase working conditions began in 2002. In 2002, under a new Inspector General, Tafa Balogun, reform efforts went hand-in-hand with a much more "belligerent policing strategy" that issued from an eight-point anti-crime campaign.[103] The agenda included a high profile Operation Fire-for-Fire (described as a 'massive onslaught against crimes of violence') *and* the development of community partnerships in policing. The latter argued, the Inspector General of Police, constituted a 'modern approach all over the world.' At the time the IG anticipated that this 'concept of community policing will ultimately permeate every aspect of our policing function, so as to achieve public confidence and satisfaction in the quality of service we deliver.' The controversial 'Operation Fire-for-Fire' however, which Balogun personally endorsed, appears to have merely confirmed the NPF in its lack of respect for civil rights and the use of deadly force. [104]

Violence against women and children: Police and their preventative role

As in other parts of the continent, gender-based crime constitute a sizeable problem in Nigeria. For domestic violence and rape, reporting levels remain low. Reasons for non-reporting to the police, as registered in a victim crime survey, include overall lack of sensitivity amongst the police and ridiculing of victims by the police.

As in South Africa, gender-based crime does present opportunities for clarifying the role of the police in assisting victims through responsive and effective delivery of service. CLEEN argues the point concerning the preventive role of the police cogently as follows:

> The police are very critical in preventing and dealing with case of gender based crime in Nigeria. Not only are they needed in arresting and bringing perpetrators to justice, they are also ideally placed to activate a chain of referral services and creating awareness about gender based crimes among the general population. It is therefore very important to train the police on gender sensitivity, provided with institutional capacity to respond to gender-based crimes and networked with other role players,

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[101] Human Rights Watch. (2005) *Nigeria: "Rest in Pieces"*. Section XI, 1. Full text at http://www.hrw.org/reports/2005/nigeria0705/4.htm (accessed 16 May 2006).

[102] Ibid. Ch 5.

[103] Human Rights Watch. (2005) *Nigeria: "Rest in Pieces"*. Section XI, 1. Full text at http://www.hrw.org/reports/2005/nigeria0705/4.htm (accessed 16 May 2006).

[104] T Balogun (2004) 'Welcome Address' E Alemika and I Chukwuma (eds) (2004) *Crime and Policing in Nigeria: Challenges and Options*. Lagos: CLEEN Foundation at10-12.

> especially civil society groups working on issues of gender-based violence and medical services.[105]

The argument in favour of developing policing strategies to address the needs of victims of domestic violence and child abuse, is also elaborated upon by Akin Abidapo-Obe in a presentation titled 'Policing Strategies for Tackling Crimes against Women and Children'. In such endeavours the police are to be guided:

> by a preventative orientation that is willing to use educational and community-interactive processes to reduce victimization. There might be some long term reduction in crime rates against women and children if the police were able to establish better relations with the public and increase public trust so that more crimes were reported.[106]

As in the case of community policing, foreign developmental aid has been instrumental in creating a resource base for creating awareness about gender-based violence amongst the police and for increasing service delivery capacity within the police organisation. Funding provided by the European Union for example to the CLEEN Foundation have aimed at improving access to support services in Lagos state to victims, increase reporting to the police and police management of cases, and reducing stigmatisation of victims.[107]

VI   CHALLENGES

The challenges confronting the Nigerian police and its organisational restructuring in pursuit of the *most basic levels* of accountability and effectiveness/responsiveness are, by any international standard, formidable. To a large extent the prospects for attaining a modicum of *trust* and *legitimacy* and basic organisational *efficiency* will be shaped by a configuration of wider political and economic forces. One critical issue here relates to the nature and degree of political influence over, and control of, the police as organisation. Future prospects for a model of non-partisan and even-handed policing remain ever dependent on the resolution of the vexed issue of political independence of the police. In resolving this dilemma, Nigeria may set an enviable example to other countries in the African region.

With regards to police reform significant progress has been made over the past few years. Currently, notions of good governance stand central to public discourse on the future of police and policing in Nigeria. Ideas and practices associated with *accountability* and *oversight* are inscribed into the deliberations on police reform amongst both civil society and the police organisation. Civil society engagement with the model of 'democratic policing' is increasingly robust. Advocacy at the national level is increasingly dovetailed with advocacy at the regional level. The strengthening of regional policy and advocacy networks seem to suggest new opportunities for

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[105] CLEEN Foundation (n d) *Memorandum to the Presidential Panel on Police Reform in Nigeria.*

[106]   A Ibidapo-Obe (2004) 'Policing Strategies for Tackling Crimes against Women and Children' In E Alemika & I Chukwuma (eds) (2004) *Crime and Policing in Nigeria: Challenges and Options.* Lagos: CLEEN Foundation at 93.

[107] European Union-Nigeria Project Sheet with an approximate budget of $75 152 for a one year period, November 2005 to November 2006. http:///www.delnga.ec.europa.ed/projects/operations2_project%20sheets/Project%20Sheet-%20CLEEN%20&%20Project%20Alert.pdf (accessed 25 October 2007).

engaging with the future of police in Africa including the prospects for engaging with its crime prevention mandate.

Clarification of the legal and administrative parameters and the broader social policy frameworks - within which the Nigerian Police Force will operate in future - is a prerequisite for moving forward. The Review of the Police Act of 1943 – which dates back to a colonial era – must have provided some opportunities for re-conceptualising the mandate and structure of the police. Hopefully *pragmatism* tempered the deliberations. For in the final instance the critical question seems to be how best to balance the scales between repressive crime control and more preventative models of interagency problem-solving policing. As long as crime itself remains conceptualised in simple security terms however, opportunities for engaging with crime as a social and developmental problem will be squandered.

The project of reform involving the public police needs to be framed in a broader institutional context which recognises that order maintenance, the provision of basic safety and the very prospects for social crime prevention will of necessity rely on the careful pooling of contributions from a wide variety of sectors (government, business and communities).

CASE STUDY: SOUTH AFRICA

I CONTEXT

1 Political context

Three hundred years of white colonial rule, and 30 years of a formal policy of apartheid that entrenched and legislated racial exclusion and economic exploitation for all citizens not classified as 'white' was brought to an end by a negotiated political settlement that culminated in the first democratic, multi-party, national elections in 1994.

South Africa is a democratic state with one of the most progressive Constitutions world-wide, with a Bill of Rights.

Since 1994, South Africa has held four-yearly elections that have been proclaimed free and fair by local and international monitors. It has also embarked upon large-scale legislative and other reforms that affect every facet of government and society. These include police reforms, which have been comprehensively documented elsewhere.[108]

2 Crime context

The advent of democracy in South Africa has been bedevilled by a steep rise in crime. During this 13-year period, the total for the 21 most serious reported crimes in South Africa started at 2 022 899 in 1994,[109] climbed steadily as the turn of the millennium approached, reached an apex of 2 629 137 in 2002/03 and then started a decline towards the latest available figure of 2 125 227, being the 2006/07 figure. Figure 1[110] depicts the national reported crime trend over this period.

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[108] For a useful synopsis, see J Rauch and E van der Spuy (2006) *Police Reform in post-conflict Africa: A Review*. Pretoria: Institute for Democracy in South Africa (IDASA).

[109] In 1994 the ten 'black homelands' with a then combined population of 17.8 million were reincorporated into South Africa and only since then were the crimes committed in those areas captured in the national South African Police Service statistics.

[110] The graph was constructed by the authors, utilising the new crime statistics available at www.saps.gov.za (accessed on 25 October 2007.)

Figure 1. Per annum totals of 21 most serious reported crimes: 1994-2006/2007

	1994/1995	1995/1996	1996/1997	1997/1998	1998/1999	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007
Series1	2022879	2056756	2024555	2085687	2203729	2359270	2501692	2525739	2629136	2553170	2385773	2168952	2125227
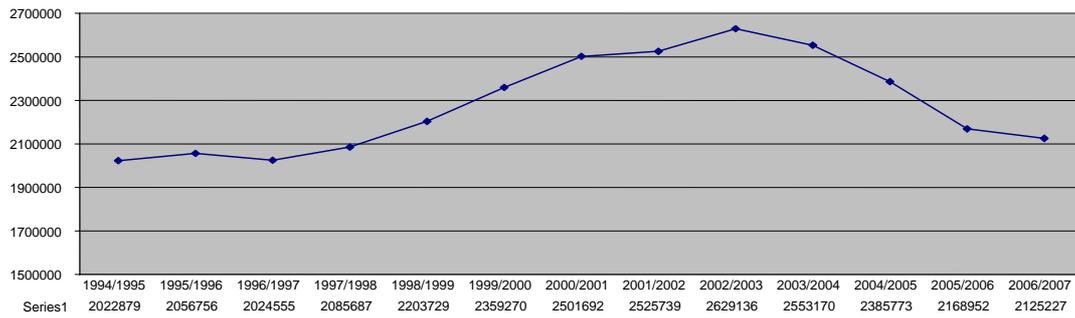
From Figure 2[111] below it can be noted that, year-on-year, property crimes are the most reported offences, but South Africa's violent crime rate (classed by the South African Police as 'Contact Crimes'), is one of the highest in the world.

Figure 2. Categories of Crime: 1994-2006/07
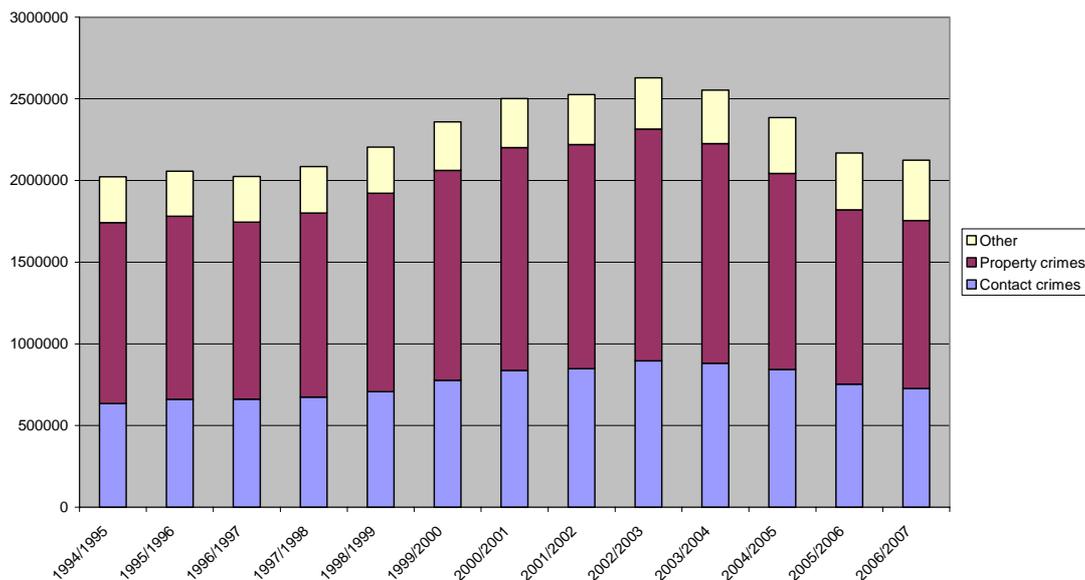
Victim crime surveys conducted in this country, particularly with under-reporting in mind, have generally confirmed national statistics, with the exception of crimes against women and children. With regard to the latter, victim surveys indicate that such crimes are still largely under-reported. In 2003 victim surveys were conducted by the Institute for Security Studies in the four largest cities of South Africa, nl Pretoria, Johannesburg, Durban and Cape Town. The most salient results of these surveys can be encapsulated in the following findings for each city:

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[111] The graph was compiled by the author, using the raw crime statistics available at www.saps.gov.za (accessed 25 October 2007).

- The percentage of residents of the city who had been victims of crime between 1993 and 1997:
  Pretoria: 54.6%[112]
  Johannesburg: 62%[113]
  Durban: 55%[114]
  Cape Town: 49.6%[115]

- The most common crime in all four cities was burglary, followed by muggings and robbery and assault, with the exception of Pretoria where the next most common crime was motor vehicle theft.[116]
- In all four cities previously disadvantaged groups (Africans, Coloureds and Asians) were disproportionately more affected by violent crime, and Whites by property crime.[117]
- In all four cities most crimes happened to men, ranging in age between 21 and 60 years of age.[118]
- With the exception of Cape Town, the inner city was identified by most respondents to be particularly unsafe.[119]

For a more national and up to date indication of South Africans' perceptions around crime and security we turn to the 2006 Afrobarometer national survey. It shows that perceptions of the crime rate are still mixed: 28% of respondents then said that safety from crime was "Better" than a few years ago, and only 12% said that it was "Much better". By contrast, 25% said that it was "Worse", 14% that it was "Much worse", and only 20% indicated that they thought it was "The same" as a few years ago.[120]

Asked how well or badly the government was handling the reduction of crime, the sentiment was overwhelmingly negative: 34% of respondents said "Very badly", 30% chose the category "Fairly badly", and only 26% said "Fairly well".[121]

When asked what are the most important issues that government should address, crime and security featured equally with AIDS and housing, each with a 6% response. Only unemployment (39%) and poverty (11%) eclipsed other concerns.[122] Interestingly, there was hardly any variation in the percentage of responses between males and females, urban dwellers and rural dwellers *for any of the mentioned percentages.*

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[112] A Louw (1998) *Crime in Pretoria: a victim survey*. Pretoria: Institute for Security Studies and IDASA at 12.

[113] A Louw et al (1998) *Crime in Johannesburg: a victim survey*. ISS Monograph Series no 118 at 14.

[114] R Robertshaw et al (2001) *Reducing Crime in Durban: A victim survey*. ISS Monograph Series no 58 at 55.

[115] L Camerer et al (1998) *Crime in Cape Town: a victim survey*. ISS Monograph Series no 23 at 24.

[116] See A Louw (1998) *Crime in Pretoria: a victim survey*. Pretoria: Institute for Security Studies and IDASA at 14; A Louw et al (1998) *Crime in Johannesburg: a victim survey*. ISS Monograph Series no 118 at 15; R Robertshaw et al (2001) *Reducing Crime in Durban: A victim survey*. ISS Monograph Series no 58 at 58; L Camerer et al (1998) *Crime in Cape Town: a victim survey*. ISS Monograph Series no 23 at 24.

[117] Ibid at 15, 15, 56 and 24 respectively.

[118] Ibid at 15, 15, 56 and 24 respectively.

[119] Ibid 71, 42 and 95.

[120] Afrobarometer (2006) *Summary of Results: Round 3 Afrobarometer Survey in South Africa* available at www.**afrobarometer**.org/**Summary**%20of%20**Results**/**Round**%20**3**/saf-R**3**SOR-5jan07-final.pdf (accessed 22 October 2007) at 27.

[121] Ibid at 39.

[122] Ibid at 36.

Asked how easy or difficult it was to obtain help from the police when needed, perceptions varied: 19% said "Very difficult", 30% said "Difficult", 31% said "Easy" and only 9% said "Very easily".[123] Again, there was hardly any variation in responses between males and females and urban and rural dwellers, indicating that responses were not only influenced by the proximity of police stations to their place of residence or work.

Levels of trust in the police, which may influence people's perception of how difficult or easy it is to obtain help from the police, are still not good. 23% indicated that they did not trust the police at all; 27% chose the category "Just a little", 29% indicated "Somewhat", and 19% chose "A lot".[124] The most damning indictment comes from the survey results regarding levels of corruption in the police: 40% of respondents indicated that "Some of them" were involved in corruption; 34% chose the category "Most of them" and 15% said "All of them" were involved in corruption.[125]

II   POLICE AGENCIES

1   Legal framework, with specific emphasis on crime prevention

1.1   The Constitution

The Constitution of the Republic of South Africa, Act 108 of 1996 is the supreme legislative framework for South Africa. All legislation is subordinate to and must be in compliance with its provisions. Chapter 11 sets out the countries security services, which include a police service. Under this chapter, s 205 establishes a national police service, stipulates that national legislation must establish the powers and functions of the police service, and sets out the objectives of the service as follows:

> The objects of the police service are to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.[126]

For the purposes of this discussion, s 206 of the Constitution is also noteworthy: it primarily deals with political responsibility for the police service, but s 206(1) stipulates that the member of Cabinet responsible for policing

> …must determine national policing policy after consulting the provincial governments and taking into account the policing needs and priorities of the provinces as determined by the provincial executives.

Establishing policing policy is thus an executive function at national level but through consultation with lower levels of government.

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[123] Ibid at 45.
[124] Ibid at 30.
[125] Ibid at 32.
[126] Section 205(3) of The Constitution of the Republic of South Africa, Act 108 of 1996.

Finally, in addition to the national police service, the Constitution makes provision for the establishment of municipal police services, stipulating in s 206(7)

> National legislation must provide a framework for the establishment, powers, functions and control of municipal police services.

1.2 The South African Police Service

The **South African Police Service Act, No. 68 of 1995** (as amended) (hereafter referred to as the SAPS Act) enacts and amplifies the provisions of the Constitution. But whereas s 205(3) of the Constitution specifies that the prevention of crime is one of the objects of the South African Police (hereafter referred to as SAPS), Chapter 5 of the SAPS Act, that sets out the powers, duties and functions of the Service, does not use this term explicitly. The National Commissioner of Police must perform duties and functions necessary to give effect to s 205 of the Constitution, as must Provincial Commissioners who report to the National Commissioner. Furthermore, s 11(2) stipulates that, among other powers, duties and functions, the National Commissioner must annually develop a plan "setting out the priorities and objectives of policing for the following financial year". The importance of this provision will become evident when discussing the vagaries of a crime prevention policy below.

Ordinary members of the police service are charged as follows:

> Subject to the Constitution and with due regard to the fundamental rights of every person, a member may exercise such powers and shall perform such duties and functions as are by law conferred on or assigned to a police official.

The provisions of s 11(2) of the Act entail that the operational work of the police is set out in the Annual Plan (and other strategy documents issued by the National Commissioner). These will perforce vary from time to time. However, as far back as 1994, the operational strategies included the identification of worrying crime tendencies and the development of particular strategies for each such crime type. Over the years these have included:

- Crimes involving firearms, e.g. hijacking of motor vehicles;
- Organised crime, including gang-related crimes;
- Drug-related crimes;
- White collar crime and corruption; and
- Violence against Women and Children.

This list is not exhaustive, but even such a shortened list involves the police in the application and implementation of a plethora of relevant legislation.[127] It could be argued that the application of such legislation amounts to a law enforcement only role for the police, on the other hand, aspects of these Acts demand from them a more preventive role, albeit in partnership with other roleplayers. One such Act, as a case in point, is the **Domestic Violence Act, 116 of 1998**, and considering that concerns regarding violence against women and children (vulnerable groups) have consistently featured in the Annual Plans of the police, it serves as a useful 'case study' for the preventive role of the police.

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[127] For instance: Firearms Control Act, 60 of 2000; Prevention of Organised Crime Act, 121 of 1998; Proceeds of Crime Act, 76 of 1996; Children's Act, 38 of 2005.

The Preamble of the Act already makes clear that its purpose is not only to respond reactively to domestic violence, but in fact to pre-empt its occurrence. The Act thus has a decidedly preventive aim. Three state departments are critical in the implementation of the objectives of the Act, namely the police, national prosecuting authority and justice departments.

Section 2 of the Act sets out the duties of the police at the scene of an incident of domestic violence or after it has been reported. The thrust of the section is to impose a positive duty on the police to provide the complainant with any assistance required, *both in response to her present circumstances* in consequence of the incidence (e.g. obtaining medical treatment) *as well as to prevent a re-occurrence of further violence.* To this end the police must help the complainant find suitable shelter and explain to her what legal remedies are at her disposal and how to go about making use of them.

Once a protection order has been issued by a magistrate and served upon all the parties, and should the complainant notify the police that the respondent is in breach of the protection order, the police *must* arrest the respondent[128] in the following circumstances:

> (b) If it appears to the member concerned that, subject to subsection (5), there are reasonable grounds to suspect that the complainant *may suffer imminent harm* as a result of the alleged breach of the protection order by the respondent, the member must forthwith arrest the respondent for allegedly committing the offence referred to in section 17(a).[129]

To establish "imminent harm", s 5(a) states that the police must consider "the risk to the safety, health and wellbeing of the complainant".

Section 8, once again, places both a reactive as well as a preventive mandate on the police. And to ensure that police do not hide behind the excuse that domestic violence occurs within the private domain, s 18(4) of the Act imposes an obligation on the police to comply with the provisions of the Act, failure to do so amounting to misconduct that demands the institution of formal complaint procedures.

But it is precisely in the preventive elements of the Act that response of the state roleplayers has been limited and variable. Artz and Smythe[130] point out:

> In many respects, police culture is results-orientated, with the ultimate aim being to solve (or resolve) crimes. Excessive workloads dictate that this must be done efficiently. Police are therefore not geared to deal with 'pervasive offences' (as opposed to once-off criminal events) or with messy interpersonal relations. They have emphasized this point to us on various occasions by pointing out that 'we are not social workers'.[131]

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[128] But see the findings of Artz and Smythe at 213, where police, baffled when both parties have a protection order against each other, end up mediating the current dispute - as they would any other 'neighbour' dispute – rather than make an arrest of either or both parties: L Artz and D Smythe (2005) 'Bridges and barriers: A five year retrospective on the Domestic Violence Act' *Acta Juridica* 200-227.

[129] Section 8(b) of the Domestic Violence Act, 116 of 1998 (emphasis added).

[130] L Artz and D Smythe (2005) 'Bridges and barriers: A five year retrospective on the Domestic Violence Act' *Acta Juridica* 200-227.

[131] Ibid at 220.

The question that perforce arises, is whether it is appropriate to place a preventive mandate on the police in instances where they do not have the resources to carry out this mandate, nor possibly the requisite skills.

1.3   *Municipal Police*

As already pointed out, the Constitution makes provision for the establishment of municipal police. So too does the **South African Police Service Amendment Act, 83 of 1998**.

Section 64E stipulates the functions of municipal police as follows:

> (a) traffic policing, subject to any legislation relating to road traffic;
> (b) the policing of municipal by-laws and regulations which are the
>   responsibility of the municipality in question; and
> (c) the prevention of crime.

It is also important to note that s 64F(3) of this Act delineates the power of municipal police by stating that a municipal police officer is a peace officer and "may exercise the powers conferred upon a peace officer by law". This in effect extends the ambit of a municipal officer's duties beyond that of traffic and by-law enforcement to include the enforcement of any national legislation that provide powers to peace officers. Although Annexure 6 of the Act sets out which legislation is directly applicable to a municipal police service, one of the key challenges facing municipal policing will be to determine the range of legislation that call upon the involvement of peace officers and to ensure that municipal police services are versed in all of these powers and duties.[132] An example of this conundrum would be the implementation of the Domestic Violence Act, 116 of 1998 (see above).

A further debate emanating from the provisions of s 64E lies in the meaning of the crime prevention role of municipal police. On the one hand it could be argued that the Act mandates them to become involved in all forms of crime prevention, while on the other hand it could be argued that their crime prevention function is mainly deterrence-focused prevention through visible policing. An argument for the latter is made out by Rauch, Shaw and Louw.[133]

Finally, although municipal police services are independent of the South African Police Service, the latter is compelled by s 64K of the Act to establish a co-ordinating mechanism with the relevant municipal police service.

2   The Vision and Mission of the South African Police Service.

The Vision of the SAPS is a reiteration of s 205(3) of the Constitution.

The Mission of the Police reads as follows:

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[132]   J Rauch et al (2001) *Municipal Policing in South Africa: Development and Challenges*. ISS Monograph Series No 67. Pretoria: Institute for Security Studies at 40.
[133]   Ibid at 24.

To fulfil in the Mission of the South African Police Service, all the members are subjected to a Code of Conduct.

The official Code of Conduct of the South African Police Service was introduced on 31 October 1997. The Code of Conduct is a written undertaking which each member of the South African Police Service is obliged to uphold, in order to bring about a safe and secure environment for all people of South Africa. Every member of the South African Police Service must make the Code of Conduct part of their code of life, principles and values.

3 Policy documents pertaining to crime prevention, and the role of the police

3.1 The 1996 National Crime Prevention Strategy

The official South African crime prevention policy is outlined in the 1996 National Crime Prevention Strategy (hereafter the NCPS).

The document is not without flaws,[134] but the main concerns are that within a year of its launch its co-ordinating and driving mechanism was closed down,[135] and in the ensuing years its implementation has been so limited that the document could be said to be dormant and of historical value only. The reasons for its dormancy, predominantly a political shift promoting short-term crime reduction measures coupled with an abandonment of the fiscal allocations in support thereof, have been comprehensively documented by Rauch.[136] But since there is no replacement national strategy and, if for historic reasons alone, its contents will be briefly outlined and analysed here.

At the outset it must be said that the NCPS recognized the causal relationship between crime in South Africa and the country's history and socio-economic realities.[137] Despite this, Rauch records that already prior to its finalization the government "expressed their unease with a strategy that was purely long-term in nature" and requested that the strategy should also reflect "current actions and the short-term plans of government departments involved in crime reduction".[138] The end result was a framework for the strategy that took the form of four 'pillars' of crime prevention, which are as follows:

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[134] See B Naude (2000) 'The Reviewed SA National Crime Prevention Strategy' *Acta Criminologica* 13(2) 4 - 6; G Simpson and J Rauch (1999) 'Reflections on the first year of the NCPS' in G Maharaj (ed) *Between unity and diversity: essays on nation-building in post-apartheid South Africa*. Cape Town: Idasa/David Philip; J Rauch (2002) 'Changing step: crime prevention policy in South Africa' in E Pelser (ed) *Crime Prevention Partnerships: Lessons from Practice*. Pretoria: Institute for Security Studies; and B Dixon (2004) 'Cosmetic Crime Prevention' in B Dixon and E van der Spuy (eds) *Justice Gained? Crime, Crime Control and Criminology in Transition*. Cape Town: UCT Press/Willan.

[135] See J Rauch (2002) 'Changing step: crime prevention policy in South Africa' in E Pelser (ed) *Crime Prevention Partnerships: Lessons from Practice*. Pretoria: Institute for Security Studies at 23.

[136] See J Rauch (2002) 'Changing step: crime prevention policy in South Africa' in E Pelser (ed) *Crime Prevention Partnerships: Lessons from Practice*. Pretoria: Institute for Security Studies and J Rauch (2002) *Justice and Security after Apartheid: Assessing Police and Criminal Justice Reform in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation.

[137] Department of Safety and Security (1996) *National Crime Prevention Strategy*. Pretoria: Dept. of Safety and Security at 13-22.

[138] J Rauch (2002) 'Changing step: crime prevention policy in South Africa' in E Pelser (ed) *Crime Prevention Partnerships: Lessons from Practice*. Pretoria: Institute for Security Studies at 11.

Pillar 1:   An effective and legitimate criminal justice system that provides certain and rapid deterrence and assists with the protection of human rights;

Pillar 2:   Reducing crime through environmental design;

Pillar 3:   Public values and education that would change "the prevailing moral climate within communities and the willingness of citizens and communities to take responsibility for crime"; and

Pillar 4:   Trans-national crime reduction.

A critical analysis of the four 'pillars' by Dixon[139] is so succinct and insightful that it merits being quoted at length:

> Of the four 'pillars' established under the strategy, two – 'the criminal justice process' and 'transnational crime'- are preventive only insofar as they seek to deter, rehabilitate or exclude potential offenders. Far from replacing control with prevention, the programmes detailed under these, the first and fourth pillars of the NCPS, could only serve to tighten the grip of reactive thinking on the new government's response to crime. The third pillar, 'public values and education', provides a barely detectable nod in the direction of risk-focused or developmental crime prevention, but its two modest and ill-defined national programmes provide a striking contrast to the 11 set out under pillars one and four. Thus we are left with the second pillar as the main token of the government's commitment to prevention. … Having identified and promised to address the structural causes of crime, the NCPS fails to follow the logic of its own analysis. It puts forward a rather meager selection of preventive programmes directed at some of the situations in which criminal opportunities may arise. But beyond this, it offers little in the way of solutions to the deep-rooted problems faced either by specific 'communities' or society more generally…"

Notwithstanding all of the above, it is important to note that the NCPS, although issued by the executive responsible for safety and security, was not the domain of that government department and the police alone. The Strategy required an integrated, multi-agency approach involving a range of government departments at all three levels of government, and with other civil society role-players.[140] Still, it is likely that, had the NCPS come to full fruition, the police would have played a role in each of the four pillars of the strategy, to a greater or lesser extent.

3.2   *The 1998 White Paper on Safety and Security*

The 1998 White Paper aimed to redress some of the inadequacies of the NCPS, and was intended to provide a policy framework for safety and security until the year 2004.[141] It adopted the twinned, inter-locking approach to the provision of safety and security through law enforcement and crime prevention, explaining that crime prevention would have limited effect without the concomitant support of strong,

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[139] See B Dixon (2004) 'Cosmetic Crime Prevention' in B Dixon and E van der Spuy (eds) *Justice Gained? Crime and Crime Control in South Africa's Transition*. Cape Town: UCT Press/Willan at 168.

[140] Department of Safety and Security (1996) *National Crime Prevention Strategy*. Pretoria: Dept. of Safety and Security at 80-86.

[141] J Rauch (2002) 'Changing step: crime prevention policy in South Africa' in E Pelser (ed) *Crime Prevention Partnerships: Lessons from Practice*. Pretoria: Institute for Security Studies at 18.

deterrence-inducing law enforcement.[142] The tandem approach within the framework of crime prevention through an effective criminal justice system, and social and environmental design crime prevention Dixon ascribes to "the powerful hold of deterrence-based thinking on those at the forefront of policy-making".[143] Furthermore, the social crime prevention component of the twin approach, as set out in the White Paper, was an "impoverished interpretation of 'social' crime prevention".[144]

Unfortunately, much like the NCPS, the 1998 White Paper on Safety and Security, has slipped into obscurity, shrouded by the political choices that emphasized and funded law enforcement as South Africa's crime rate climbed to unprecedented heights. Indeed, by March 2000 the crime prevention policy documents mentioned here were eclipsed by the launch of National Commissioner Jackie Selebi's *National Crime Combating Strategy*.

III   ORGANISATIONAL STRUCTURE OF POLICE

1   Size

The size of the SAPS[145] and the five Metro Police[146] are as follows:

- SAPS: 129 864 members and 33 552 Public Service Act employees.
- Durban: 1 240.
- Cape Town: 938, but this does not include traffic police who will be amalgamated with the Metro Police.
- Johannesburg: 2 500.
- Pretoria: 1 400.
- Ekhuruleni: 750.

2   Ratio

The police to population ratios of the SAPS[147] and the five Metro Police[148] are as follows:

- SAPS: 1: 365
- Durban, 1: 2 758

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[142] Department of Safety and Security (1998) *White Paper on Safety and Security*. Pretoria: Department of Safety and Security at 8 and 10.

[143] B Dixon (2004) 'Cosmetic Crime Prevention' in B Dixon and E van der Spuy (eds) *Justice Gained? Crime and Crime Control in South Africa's Transition*. Cape Town: UCT Press/Willan at 170.

[144] Ibid.

[145] As at 2006; see South African Police Service *Annual Report 2006*. Pretoria: South African Police Service at 9.

[146] As at 2002; see G Newham et al (2002) *Metropolitan Police Service in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation.

[147] As at 2006; see South African Police Service *Annual Report 2006*. Pretoria: South African Police Service at 9.

[148] As at 2002; see G Newham et al (2002) *Metropolitan Police Service in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation.
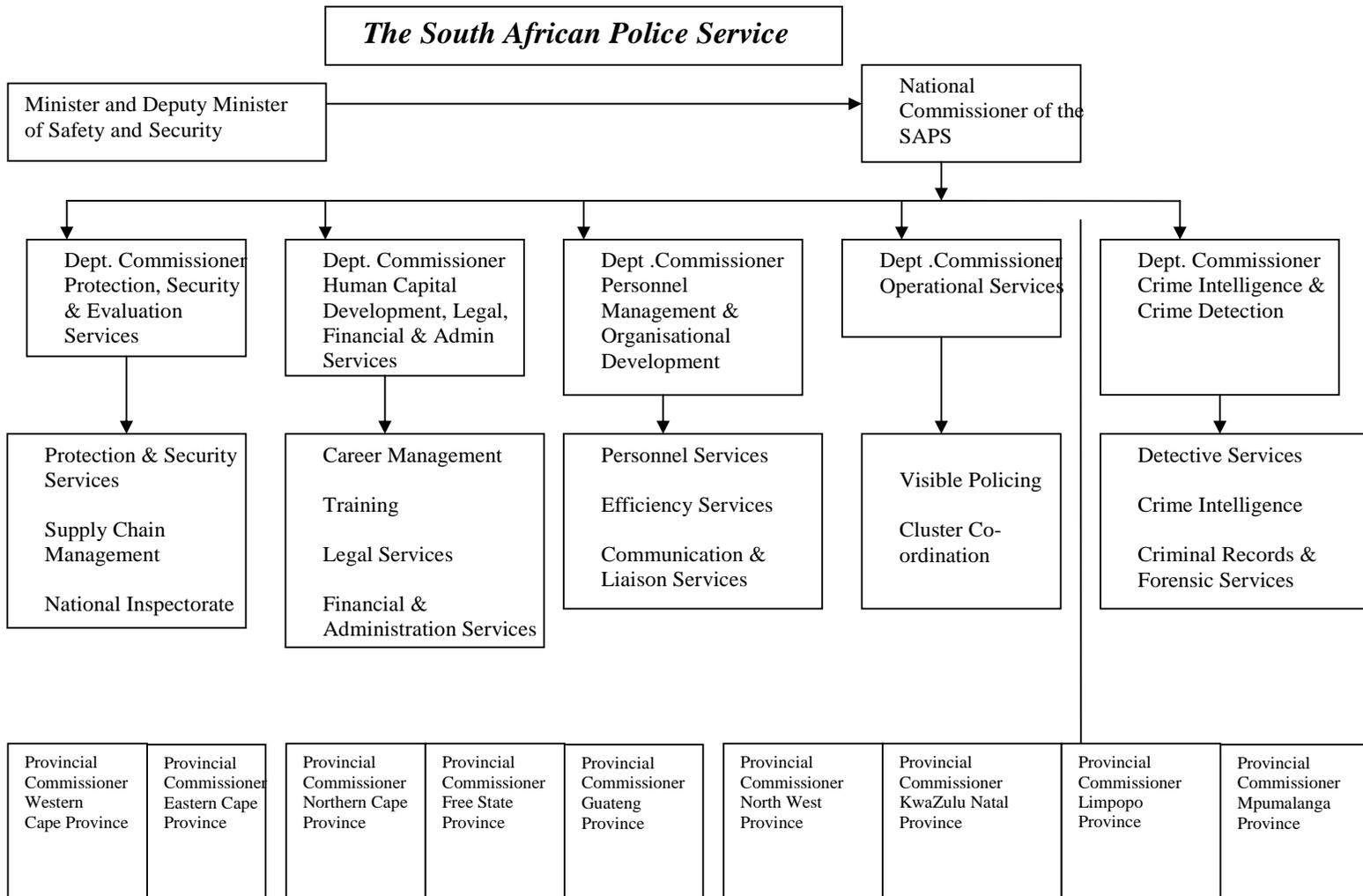
- Cape Town, 1: 2 961
- Johannesburg, 1: 1 080
- Pretoria, 1: 3 035
- Ekhuruleni,[149] 1: 3 568

3   Structure

The structure of each of the police agencies (SAPS and the five municipal police services) will be represented below by means of organograms.
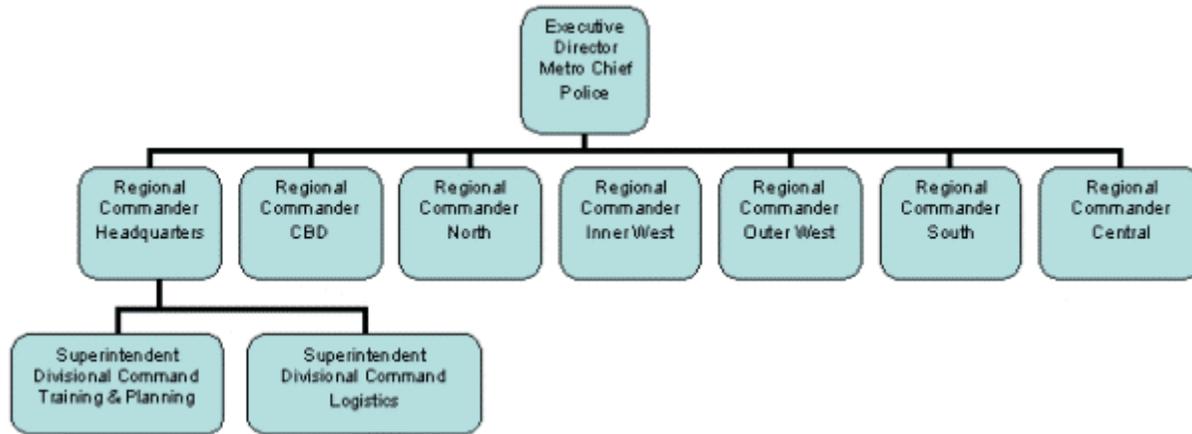
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[149]   The Ekhuruleni Metro lies to the east of Johannesburg and incorporates towns in what is known as the Vaal Triangle.

The South African Police Service

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┌─────────────────────────────┐                          ┌──────────────────┐
│ Minister and Deputy Minister │ ───────────────────────▶ │ National         │
│ of Safety and Security       │                          │ Commissioner of  │
│                              │                          │ the SAPS         │
└─────────────────────────────┘                          └──────────────────┘
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Dept. Commissioner Protection, Security & Evaluation Services	Dept. Commissioner Human Capital Development, Legal, Financial & Admin Services	Dept .Commissioner Personnel Management & Organisational Development	Dept .Commissioner Operational Services	Dept. Commissioner Crime Intelligence & Crime Detection
Protection & Security Services Supply Chain Management National Inspectorate	Career Management Training Legal Services Financial & Administration Services	Personnel Services Efficiency Services Communication & Liaison Services	Visible Policing Cluster Co-ordination	Detective Services Crime Intelligence Criminal Records & Forensic Services

Provincial Commissioner Western Cape Province	Provincial Commissioner Eastern Cape Province	Provincial Commissioner Northern Cape Province	Provincial Commissioner Free State Province	Provincial Commissioner Guateng Province	Provincial Commissioner North West Province	Provincial Commissioner KwaZulu Natal Province	Provincial Commissioner Limpopo Province	Provincial Commissioner Mpumalanga Province

Source: SAPS Annual Plan 2007

Durban City Police Organisational Structure

Source: G Newham et al (2002) *Metropolitan Police Service in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation

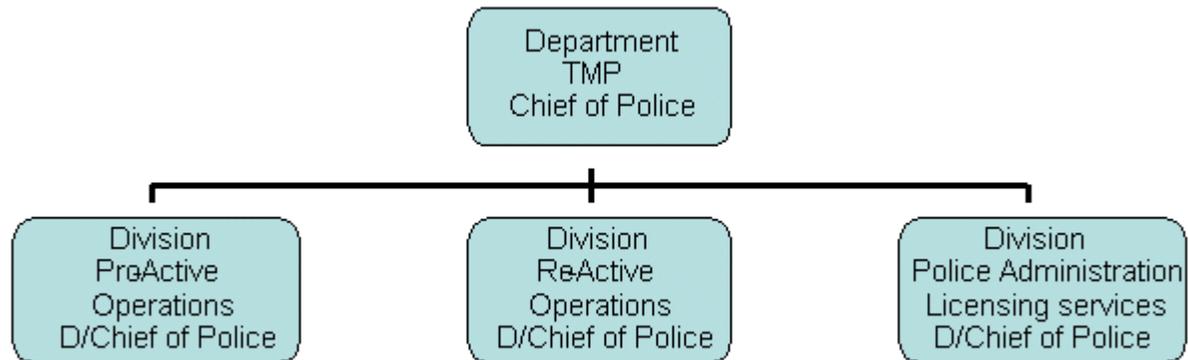**Cape Town City Police Organisational Structure**

Source: G Newham et al (2002) *Metropolitan Police Service in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation

Johannesburg Metro Police Service Organizational Structure and Services

Source: G Newham et al (2002) *Metropolitan Police Service in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation

Tshwane (Pretoria) Metro Police Department Organizational Structure and Services

Source: G Newham et al (2002) *Metropolitan Police Service in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation

Ekhuruleni Metro Police Service Organisational Structure and Services

Source: G Newham et al (2002) *Metropolitan Police Service in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation
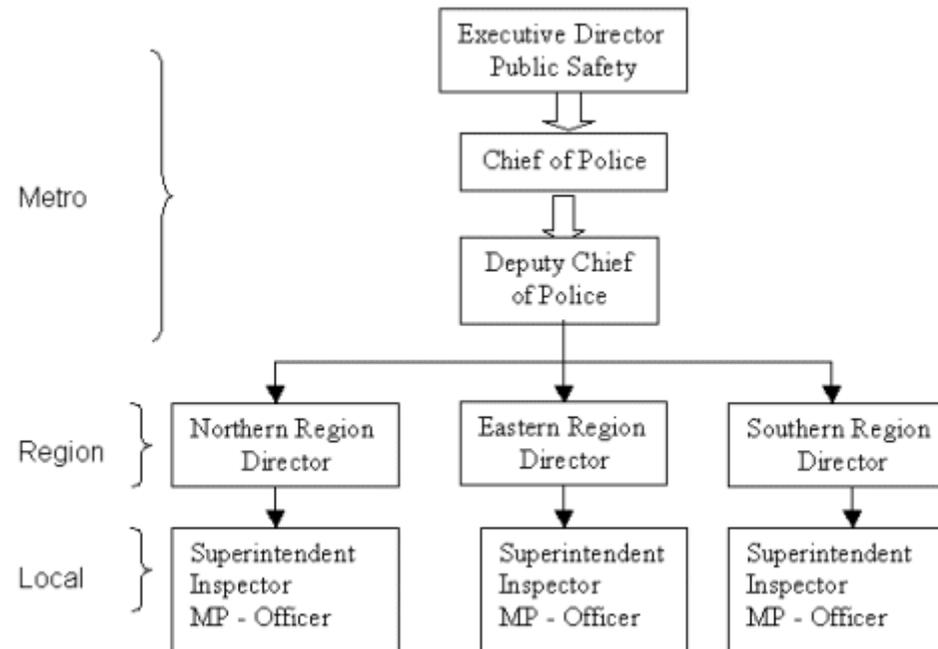
IV   CRIME PREVENTION ACTIVITIES OF THE POLICING AGENCIES

1   The South African Police Service

It is clear that there rests a Constitutional obligation on the policing agencies of this country to engage with the prevention of crime. This Constitutional obligation has been translated into and amplified by both legislation and policy. But how has this framework been given effect by the South African Police Service?

Subsequent to the quiet demise of the two national crime prevention policy documents, as well as various experiments with localised crime prevention partnerships many of which showed limited results,[150] Pelser and Louw reflect as follows:

> The success of any policy is measured by how it is implemented and its effect. Given this, the implementation of crime prevention policy in South Africa has not had a promising start. This is hardly surprising, considering that the lead responsibility for crime prevention lies with the police, rather than with the government departments specifically focused on social issues.[151]

Pelser and Louw conclude that South Africa had made the mistake of adopting rather than adapting first world crime prevention models for which the country is not yet ready. Furthermore, South African still sees crime prevention as the domain of the criminal justice system – and particularly the police – when it should be viewed as a 'social health' issue.

The police, too, have grappled with their role in crime prevention, but there has been a growing recognition that they can only play a limited role. The SAPS 2006 *Annual Report* provides a detailed overview of their crime prevention activities, and reflects this understanding.

Firstly, it is telling that the 2005/2006 preventive activities of the police are reported under - what the police demarcate as Programme 2 of their mandate – 'Visible Policing'. Programme 2 has three sub-programmes, being

    A. Crime Prevention
    B. Borderline Security
    C. Combating public violence.

Sub-programme B concentrates on securing the borders of South Africa with specific emphasis on the arrest and seizure of stolen vehicles and firearms, narcotics and illegal goods, and the arrest and detention of illegal immigrants. It also outlines co-operative work with policing agencies in neighbouring countries under the umbrella organisation of the Southern African Regional Police Chiefs Co-ordinating Organisation. This is preventive work aimed at transnational and organised crime and founded on the understanding that supply-sided reduction of crime facilitators, such as guns and drugs, plays a role in the prevention of crime.

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[150] See E Pelser (ed) *Crime Prevention Partnerships: Lessons form Practice*. Pretoria: Institute for Security Studies.
[151] E Pelser and A Louw (2002) 'Where did we go wrong?' *SA Crime Quarterly* 2 at 1.

Sub-programme C outlines the activities of the police during the period under review regarding incidents of public violence. Here the preventive role of the police lies in the understanding that control of civic unrest situations, such as strike actions and civic protest actions, prevents outbreaks of random violence and the protection of property.

Sub-programme A, however, is the most extensive of the three, and has, in turn, several sub-items. It is useful to first get an overview of this sub-programme and then to comment on various aspects thereof. The skeleton of the sub-programme looks as follows:

Sub-programme A: Crime Prevention

Crime prevention *actions*
a   Stop, search and seizure and increasing the arrest rates of all categories of crime;
b   Recovery of stolen firearms;
c   Recovery of stolen vehicles;
d   Drug seizures.

Crime prevention *partnerships*
a. Social crime prevention
b. Community policing
c. The use of police reservists
d. Sector policing
e. Partnerships with business groupings.

The above taxonomy clearly indicates a delineation of that which the police do alone as law enforcers and that which is done in partnership with other role-players. With regard to the former the Report states unambiguously that this is prevention through

> …policing functions which act as a deterrent to crime. These policing functions include law enforcement, crime investigations, maintaining order and visible policing.[152]

The latter – crime prevention partnerships – is much more complex, and, like most partnerships, abounding in pitfalls. But it is opportune to use the Report as a means of understanding the role and functions of the police in such partnerships.

a. Social crime prevention

The Report states that "the SAPS is involved in various activities pertaining to social crime prevention." These are:
- The Anti-Rape Strategic Framework, the police conducting awareness campaigns;
- Implementation of the Domestic Violence Act, once again the police confining their activities to awareness/educative campaigns;
- The Safe Schools Programme, the police component comprising of school visits that include patrols, searches for drugs and weapons and legitimating and sensitising programmes, such as Adopt-a-Cop and Captain Crime Stop;
- Child Protection Week: awareness programmes;

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[152] South African Police Service (2006) *Annual Report 2005/2006*. Pretoria: South African Police Service at 33.

- Various youth programmes with police being involved in awareness programmes;
- Victim empowerment: victim-friendly facilities – commonly known as trauma rooms – have been established at 594 police stations around the country, and 454 police members have received training so as to deal appropriately with victims of crimes, particularly inter-personal crimes.
- Local Crime Prevention Programme, with the police participating in the crime prevention initiatives proposed under either the Urban Renewal Programme or local governments' Integrated Sustainable Development Plans.

In summary, under the rubric of 'social crime prevention', the police have confined their role to awareness campaigns and providing staffed trauma rooms at certain police stations.

b. Community policing

In this section the Report states that

> …community policing was introduced in the SAPS in 1994 as an approach to policing which recognizes the interdependence and shared responsibility of the police and the community in establishing safety and security. The key to this approach is the establishment of active partnerships between the police and the public through which crime and community safety issues can be jointly addressed. Police/community partnerships have been structured by means of Community Policing Forums…[153]

The Report thus not only states the SAPS understanding of community policing, but also the mechanism for its implementation. The Report's reference to changing the profile of CPFs only makes some sense if one traces the history of community policing in South Africa.

As South Africa converted to a democracy in 1994 with most of the police that served under the apartheid regime still in service, the legitimation and oversight of this organ of the new state was critical. Thus, already under the 'Interim Constitution' of 1993, the notion of 'community policing' was introduced by the Constitutional provision for the establishment of Community Police Forums at each police station, which provision was also reiterated in the South African Police Service Act of 1995.[154] The 1996 Constitution was much more circumspect, s 206(3) simply stating that the provincial executive is entitled, amongst others,

> (c) to promote good relations between the police and the community;
> (d) to assess the effectiveness of visible policing;

However, Dixon points out that, despite the amorphousness of the concept 'community policing', the philosophy was taken up already in 1994 by the police and that
> …the SAPS guidance drew extensively on the work of North American scholars and practitioners in setting out the parameters for a 'collaborative, partnership-based approach to local problem-solving'.[155]

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[153] South African Police Service (2006) *Annual Report 2005/2006*. Pretoria: South African Police Service at 50-51.
[154] Section 221(2) of Constitution of the Republic of South Africa, Act 200 of 1993.
[155] See B Dixon 'Globalising the Local: A Genealogy of Sector Policing in South Africa' *International Relations* (forthcoming) at 168; and B Dixon (2004) 'Community Policing: "Cherry Pie" or Melkert?' *Society in Transition* 35(2): 251-72.

In 2002 Pelser et al described and assessed the implementation of the community policing policy of the SAPS in 45 police stations across the country and the 32 area offices that these stations reported to. The study concluded that

- In the years since the legislative provisions of 1995 Act, the emphasis had shifted from community oversight to building relationships with the community to help police improve police services and to galvanize the public to assist the police with crime prevention.
- Implementation of the community policing policy focused almost entirely on the establishment and functions of the community police forums (CPFs).
- This notwithstanding, CPFs had "very little public reach", and in their present incarnation were "poorly placed" to establish community safety needs and jointly develop "a responsibility and capacity for addressing crime".[156]

From 2002 CPFs waxed and waned – mostly waned - depending largely on personalities and resources. Concomitantly, the SAPS shifted their focus to sector policing (see below) and civil society experimented with a more sector-wide approach through the establishment of Community Safety Forums, primarily in the Western and Eastern Cape, the latter coming up with overly ambitious 'wish lists' for community safety, but unable to move from information-sharing to implementation.[157]

The police seemed content with the status quo, until 22 May 2007, when the Minister of Safety and Security announced in his budget speech to Parliament that community policing, through CPFs that would be elevated to sector-wide Community Safety Forums, would be 'revitalised'. The Minister promised legislative provisions to this effect, as well as resources. In a volte-face of the previous tendency to keep local crime statistics under wraps, the Minister said that he would ensure that police stations would begin to report to CPFs on the crime trends in their area every two to three months.[158]

Whether this revitalisation will ensure that this model of community policing will be able to side-step the difficulties of the past, and more importantly will be able to come up with crime prevention initiatives remains to be seen.

c. The use of police reservists

The Report makes clear that a larger pool of police reservists are needed to assist police with patrols and visible policing.

d. Sector policing

The 2006 police Annual Report states that the SAPS has been implementing sector policing since 2002, primarily at the 169 high-contact crime stations. Notwithstanding this, the Report goes on to state that in those 169 stations, sector policing was only fully implemented in 76% of the stations. The Report alludes to a shortage of

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[156] E Pelser et al (2002*) Not everybody's business: Community Policing in the SAPS' priority areas.* ISS Monograph Series No 71 at Ch 10.

[157] See E Pelser and A Louw (2002) 'Evaluating Community Safety Forums' in E Pelser (ed) *Crime Prevention Partnerships: Lessons from Practice.* Pretoria: Institute for Security Studies.

[158] See 'CPFs set for a major redesigning' *Pretoria News* 15 May 2007 at 2.

resources and that reservists are being used "as force multipliers within sectors."[159] From this one could deduce that this model of policing is also subject to uncertainties.

Not unlike community policing, one of the root causes of the confusion surrounding sector policing, is definitional. One commentator states that

> Sector policing is not so much a monolithic concept as a cocktail of many of the ideas that have developed in the field of crime prevention in the last three decades.[160]

Another, that sector policing falls "within the broad tradition of community policing" but, by going back to its founding principles, firms up the definition as follows:

> But this is not to say that sector policing is indistinguishable from other forms of community policing. Rather it is distinctive inasmuch as it contemplates a particular form of organization change or adaptation: the allocation to a dedicated team of police personnel of more or less permanent responsibility for policing a clearly delineated area within the territory covered by the traditional station, precinct or command unit. In doing so it bases itself on a construction of 'community' as a function of physical proximity and sees the reallocation of responsibility for local policing as a concomitant of, if not precondition for, dialogue between police and public and a commitment on the part of the former to problem-solving, responsiveness and support for community crime prevention.[161]

From the 2006 Annual Report it would seem as if this is how the SAPS understand sector policing. Furthermore, the mechanism put in place to allow for "dialogue between police and public… problem-solving …responsiveness and support for community crime prevention" is the Sector Crime Forum, as a sub-forum of the Community Police Forum.[162] Here the concerns relating to Community Police Forums – dormancy, as well as the question of community representivity – should sound an alarm.

In December 2003 the SAPS National Commissioner issued a *Draft National Instruction on Sector Policing*. At the time of writing – four years later – the National Instruction is still in draft form and as the 2006 Annual Report makes evident is still not fully operationalised.

Clues for the prevarication and partial operationalisation lie in part in what Dixon calls "the genealogy of sector policing in South Africa", which may show why some policy transfers are unsuccessful, either in whole or in part.

It would be well also to remember that "the form sector policing takes is shaped in no small part by the host policing culture that receives it."[163] The strong turn of emphasis from crime prevention to crime combating in 1998, which contributed to the demise of the National Crime Prevention Strategy, must factor here as well. Another factor is what Steinberg calls "the quality of human capital at the grassroots". The

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[159] South African Police Service (2006) *Annual Report 2005/2006*. Pretoria: South African Police Service at 60.

[160] J Steinberg (2004) *Sector policing on the West Rand*. ISS Monograph Series no 110. Pretoria: Institute for Security Studies at 17.

[161] See B Dixon 'Globalising the Local: A Genealogy of sector Policing in South Africa' *International Relations* (forthcoming) at 165.

[162] South African Police Service (2006) *Annual Report 2005/2006*. Pretoria: South African Police Service at 53-54.

[163] J Steinberg (2004) *Sector policing on the West Rand*. ISS Monograph Series no 110. Pretoria: Institute for Security Studies at 3.

success of sector policing lies in the extent to which sector personnel are able to be successful at dialogue with their community, problem-solvers, and versed in the "subtleties of crafting situation-sensitive crime prevention plans". [164]

A 2003 assessment[165] of sector policing found that, whilst there was "general agreement on what sector policing should be about, there were clear differences in *approach*".[166] Differences in approach to sector policing were identified in the following key areas:

- To what extent the community should be involved in sector policing;
- Whether sector policing was owned and controlled by the police or by the community or shared;
- The purpose of sector policing forums were seen by some as a forum where the police provided information to the community, others thought that since the community and police were equal partners in the forum, the community were also responsible for providing the resources necessary to ensure that policing was carried out effectively in the sector;
- There was disagreement about whether sector personnel were accountable to their sector managers or to the community, and if the latter what it actually meant to be accountable to a community.

Finally, the 2003 study found that the only performance management tool was the use of crime statistics. If the number of arrests increased this meant that the community trusted the police and the police would be better able to identify crime problems. Thus sector managers were measured by response times, number of arrests and confiscations.[167] Such measurement tools are indicators of crime combating and deterrence efficiency, and in part community trust levels, but they cannot be measurements for crime prevention. There needs to be far more sophisticated measurements to assess problem-solving skills and the ability to "craft situation-sensitive crime prevention plans", which of necessity will mean an absence of arrests and confiscations.

In conclusion, it is submitted that much work needs to go into firming up and finalising the Draft National Instructions, and a great deal of training needs to be conducted. It is perhaps advisable that a national roll-out of this model of policing should be avoided at first, but should be implemented piecemeal by way of piloted stations where the police have been trained and resourced and the Community Police Forums are functioning vibrantly.

e. Partnerships with business groupings

Without seeking to diminish the value of the partnerships established between the state and big business, the Report makes clear that thus far the ideas and projects that have emerged from these liaisons have primarily focused on the vested interests of business. With Business Against Crime the initiatives have translated into a

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[164] Ibid at 23.
[165] T Masuku (2003) *Enhancing Sector Policing in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation.
[166] Ibid at 21-22.
[167] Ibid at 27.

Vehicle Hijacking Project, a Retail Robberies Initiative and a Cash Risk Management Initiative.[168]

2   The Municipal Police Services

All five of the Municipal Police Services have a range of patrol units, from foot patrols, to motorised patrols and even horse patrols. Visible policing, tourist protection and traffic control thus form a large part of their operational functions. In addition, all five Services also have a crime prevention unit – some labeled as 'social crime prevention unit'. A 2002 study by Newham et al[169] shows that the main operational output of these five bodies can be divided into three categories: traffic control, by-law enforcement and crime prevention. A breakdown of the time spent on these three categories of operational functions, showed that Durban and Ekhuruleni spent about 60% of their time on crime prevention, whereas Cape Town, Pretoria and Johannesburg Metro Police Services spent most (60%, 43% and 77% respectively) on traffic control. By-law enforcement got very little attention, in the main because there are other local government departments that enforce by-laws such as fire, health and planning. Metro Police Services thus primarily focus on by-laws regulating illegal dumping, hawking and land invasion. That the enforcement of traffic regulations comprises such a large percentage of certain Metro Policing operations can be put down to the fact that most metro police officers where formerly traffic officers. This fact impacts on the skills available to conduct other crime prevention work. Newham's study finds that the most prominent activities to achieve the objectives of preventing and reducing crime for these Metro Police Services are visible policing, search and seizure roadblocks and increasing the number of arrests. Activities that these metro police agencies regard as crime prevention – and some label them as 'social crime prevention'- tend to be educational campaigns and information dissemination.

In conclusion, Newham points out that

> Metro Police agencies that take cognizance of the available international research findings on policing methods may develop crime prevention approaches that prove more successful. Sherman (1998) highlights how the following policing activities can yield positive results in reducing certain types of crime:
> * When the police strategy is very focused, rather than general;
> * Patrols that are directed at particular crime hot-spots;
> * Proactive arrests that are aimed at serious repeat offenders or at high-risk geographical areas;
> * Proactive drunk driving arrests;
> * Street policing and interaction with the public that is conducted in a polite manner to build police legitimacy amongst the public.

V CHALLENGES

South Africa is a developing country with a high crime rate and high levels of fear of crime. A sober realisation is that the role of police in crime prevention in this country remains limited. Police should not be expected to do much more than visible policing and experimenting – over decades if necessary as other more resourced countries

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[168] South African Police Service (2006) *Annual Report 2005/2006*. Pretoria: South African Police Service at 62.

[169] G Newham et al (2002) *Metropolitan Police Service in South Africa*. Johannesburg: Centre for the Study of Violence and Reconciliation.

have done - with various models of community policing at smaller scale. Communities will have to play their part: resourced communities will need to take responsibility for their safety through the private security industry and neighbourhood watches; business will have to provide the expertise and resources to combat sophisticated transnational crimes; under-resourced communities will have to provide time, information and local knowledge to a police service that they can trust. But most importantly, South Africa has to move away from the notion that crime prevention rests with the police alone and to view it as a 'social health' problem. It is imperative that the executive concerned with social and economic issues come up with the next national crime prevention strategy.

In turn, the police agencies of South Africa need to stamp out corruption within their ranks. They will need to build relationships with the communities they serve to engender trust and co-operation and they will need to be highly visible in their communities, both as a deterrent to crime but as a service that vigorously responds – even if reactively only at first – to crime and grime. In short, they should be encouraged to do what they do best better, whilst experimenting on small scales and under optimum conditions with various models of community policing. These should only be replicated once thoroughly evaluated for their preventive impact.

CASE STUDY: TANZANIA

I   CONTEXT

1   Political context of the country[170]

Between 1886 and 1919, the mainland of Tanzania – then known as Tanganyika – was a German colony *de facto* controlled by the German East Africa Trading Company. During this period the army and paramilitary were used to maintain law and order to protect the colonial administration. The existing network of district and village authorities was left to police the indigenous population.

Global events post World War I saw the transfer of the control of Tanganyika to Britain. By this stage, the island of Zanzibar and adjacent smaller islands were already under British rule.

Tanganyika became an independent republic in 1962. In 1967, in the Arusha Declaration, President Julius K. Nyerere stated the government's intention to introduce a form of African socialism, with nationalisation of key enterprises and encouragement of the collectivisation of agriculture (the policy of *ujaama*). In mid-1963 Zanzibar joined up with the mainland to become the Tanzania of today, but by joint agreement retained its own separate ruling party and government structure. A one-party system was introduced with Nyerere's Tanganyikan African National Union becoming the sole legal political party, and in 1975 the Constitution was amended to incorporate this state of affairs. This was consolidated in 1977 by a merger of the mainland ruling party, TANU, with the Afro-Shirazi Party that governed Zanzibar. The merged parties, The Chama Cha Mapinduzi (CCM) Party has ruled Tanzania since then.

Declaring that "I have failed" - particularly with regard to his socialist economic policies - Nyerere resigned in 1985 as President. His successors have largely jettisoned Tanzania's socialist policies and opened the economy to markets, privatised the bulk of state enterprises and in general bowed to Western pressures to liberalise both the economy and polity. Nyerere remains however a revered figure, the accepted "Father of the nation".

In 1992 the government agreed to consider instituting multi-party politics. It instituted the Nyalali Commission to look into the establishment of a multi-party democracy, and to provide recommendations for reform. The Constitution was amended in mid-1992 to allow for opposition parties, and four general elections have taken place since that time, each of which returned the former TANU to power on the mainland.

2   Crime Context

Official crime statistics are not open to public scrutiny and their nature or reliability is unknown. The crime context of Tanzania can partially be surmised from two victim surveys conducted in Dar es Salaam in March 2002.[171] Since crime figures in rural environments are generally lower than in densely populated urban environments, picture sketched by the victim surveys could amount to a 'worst case' context *for that*

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[170] See Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Tanzania*. Dar es Salaam: Commonwealth Human Rights Initiative at 2-6.
[171] See R Robertshaw, A Louw and A Mtani (2007) *Crime in Dar es Salaam* available at http://www.unhabitat.org/list.asp?typeid=15&catid=237 (accessed on 17 October 2007).

year. Seven years later, and the context could have improved or deteriorated. However, anecdotal evidence suggests that crime in Dar es Salaam has risen.

The two surveys were conducted under the auspices of the UN-HABITAT Safer Cities Programme. The first survey, aimed, amongst other things, to arrive at an understanding of crime levels in Dar es Salaam, premised on the understanding that not even the best official crime statistics are without a 'dark figure'. The second study consisted of in-depth interviews with a sample of women who, gleaned from the data of the first study, had experienced some form of abuse. The aim of this study was to arrive at an idea of the levels of violence against women in Dar es Salaam.

The city victim survey brought to light the following:[172]

- 43% of the sample had been victims of household burglary in the past 5 years;
- Theft was the next most common crime – 32% of respondents had been victims of this crime;
- 20% of respondents, mostly in the peri-urban areas of the city, had been victims of crop- and stock theft;
- 19% of respondents had experienced theft of motor vehicle parts, but few of motor vehicle theft itself;
- 16% of respondents had been victims of assault;
- 14% said they had been robbed in the past five years; and
- 1% of respondents had a household member who had been murdered in the past 5 years.

These figures indicate that property crime was more prevalent than violent crime.

The violence against women survey cast further light on the 16% who had been victims of assault.[173]
- 71% of the respondents had been physically abused, most incidents occurring in the home (86%);
- 33% of these respondents said that the abuse happened countless times;
- In 66% of the cases the perpetrator was a partner or spouse;
- 45% of respondents had been sexually abused, rape occurring in 40% of these cases;
- 21% of these respondents said that this form of abuse (sexual abuse) happened to them countless times;
- In 54% of the cases of the respondents who indicated that they had been sexually abused, the abuser was *not* a partner or spouse.

Although the Safer Cities Victim Survey did look at levels of reporting and confidence in the police, the data only pertains to Dar es Salaam. For a more national picture, the data obtained by the 2003 Afrobarometer survey[174] will be used to assess these levels.

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[172] Ibid at 13.
[173] Ibid at 19-20.
[174] Afrobarometer (2005) *Round 3: Summary of Results of Survey in Tanzania* available at www.afrobarometer.org/Summary%20of%20Results/Round%203/tan-R3SOR-19jan07-final.pdf (accessed on 15 October 2007).

The general attitude to crime levels in the country appear to mostly positive. When asked whether safety from crime was better or worse than a few years ago, 37% of respondents said that it was "Better" and 19% said that it was "Much Better". Only 13% - mostly urban respondents – said that it was "Worse".[175] Asked how well or badly government was handling the reduction of crime, respondents, once again, were positive: 48% said that the government was handling this "Fairly well" and 22% chose "Very well".[176] Staying on a positive note, when asked to what extent the respondent trusted the police, 62% indicated "A lot"; 23% "Somewhat", and only 8% chose the category "Just a little".[177]

Conversely, 37% of respondents indicated that it was "Difficult" to obtain help from the police when needed, and 23% chose the category "Very difficult". These were mostly rural respondents. 29% of respondents – mostly urban respondents - said that it was "Easy" to obtain help from the police.[178]

These seemingly contradictory indicators might be explained by the fact that for most Tanzanians crime is not regarded as a high priority for government: only 3% said that it was the most important problem facing the country that government should address. Water (16%), roads and infrastructure (12%), health (10%) and poverty (9%) were seen as far more urgent than crime.[179] Furthermore, 20% of respondents, when asked how many police were involved in corruption, chose the category "Don't know". These respondents were mostly rural dwellers. Exactly the same percentage – 20% - indicated that "Most of them" (police) were involved in corruption.[180]

A possible conclusion, then, is that Tanzanians, particularly rural dwellers, have very little contact with the police, the service either not being needed much, or difficult to obtain, and hence if a service is needed people turn to other mechanisms. Crime and insecurity is also not uppermost on their list of concerns, and thus the general outlook regarding crime and the provision of security is mostly positive. In the urban environment, this optimism is more tempered. The service is more easily accessible; when encountered, corruption is more noticeable, but still most urban dwellers felt that government was doing a fairly good job of it and that crime was coming down. If this is an accurate reflection of the crime context, then the Tanzanian government should seize the moment to evaluate successes and shortcomings, to build on the former and to remedy the latter.

However, A US State Department Report on Human Rights in Tanzania for 2006 stated that in general,

> The police force remained underfunded and inefficient. The use of excessive force, police corruption, and impunity were serious problems. Citizens often complained that police were slow to investigate crimes and prosecute criminals. Although not lawyers, police acted as public prosecutors in the primary courts. Many judicial experts criticized this arrangement, which allegedly allowed police to manipulate evidence in criminal cases and at times resulted in cases being thrown out of court. According to NGO reports, there were instances in which the police lost evidence, and suspects with sufficient means successfully avoided prosecution by bribing police officers. Police also used the threat of arbitrary arrest to extort money. Communities perceived a general lack of protection amid an increase in crimes committed by armed persons. Lack of trust in the police force and in the court system contributed to incidents of

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[175] Ibid at 27.
[176] Ibid at 40.
[177] Ibid at 29.
[178] Ibid at 45.
[179] Ibid at 36-37.
[180] Ibid at 32.

mob justice during the year. Internal mechanisms within the police hierarchy were available to investigate violations committed by police, but, despite improvements, continuing police misbehavior suggested that they were not used effectively.

II   POLICE AGENCIES

1   Legal framework and policy documents, with specific emphasis on crime prevention

Tanzania's Constitution is largely silent with regard to the police.
…
Article 27(1) places an obligation on all able-bodied Tanzanians to prevent crime and maintain peace and security. Article 146(2)(b) establishes a Local Government Authority to ensure the enforcement of law and public safety of the people, while Article 146(1) requires the "transfer of authority to the people".[181]

Policing in Tanzania is somewhat pluralistic, with the National Police the leading law enforcement body. The People's Militia and the so-called *sungusungu* are responsible to local governments not the Police, and enjoy both state and constitutional sanction. The following law enforcement bodies can be noted:

- The Tanzanian Police Force;
- The Auxiliary Police;
- People's Militia; and
- Ward Tribunals.

1.1   The Tanzanian Police Force

The Police Force and Auxiliary Services Act of 2002 governs the operation of the Tanzanian Police Force. The Act must be read with the Police Force Service Regulations of 1995 and the General Orders.

Crime prevention is specified in the 2002 Act as one of the functions of the police force. Moreover, the General Orders make explicit the importance of visible policing. It stipulates that police patrols should be carried out regularly, that the patrolling officer should sign in at different stations *en route*, and sets out the required discipline and behaviour of the patrolling officers.[182]

1.2   The Auxiliary Police

The Auxiliary Police Amendment Act No 19 of 1969 legalized the establishment of Auxiliary Police. However, this is not a national body with a nation-wide mandate, but units that are established on an *ad hoc* basis to maintain order and protect property *in a declared area*. It is the President who grants permission for the establishment of an Auxiliary Police Unit in a particular and declared area.

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[181]   See Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Tanzania*. Dar es Salaam: Commonwealth Human Rights Initiative at 7.
[182]   Ibid at 8.

The rationale for the establishment of Auxiliary Police Units appears to be that they take pressure off the Tanzanian Police Force, cost less to recruit and maintain, have a detailed knowledge of a particular area, and are more representative of and responsive to the community in which they operate.

It is unclear whether the mandate for each Auxiliary Police Unit is identical, and indeed what this is. What is known is that the Dar es Salaam Auxiliary Police Unit, established in 2001, was mandated, *inter alia*, to prevent crime primarily through visible policing in the city.[183]

1.3 The People's Militia

People's Militia are state sanctioned groups of community members who exercise a policing function within their specific community. They are established by the People's Militia Law of 1973 (as amended in 1989). The 1989 Amendment Act defines them and states their role as

> …an organized group … for the protection of the people or the property of the United Republic…

The most widespread examples of People's Militias are the groups known as *sungusungu.*[184]

1.4 Ward Tribunals

The Ward Tribunals Act of 1985 establishes these structures and places them under the authority of local government. The objective of these tribunals, as stipulated by the Act, is "to secure peace and harmony by mediation and alternative dispute resolution". In essence these are localized, state sanctioned quasi-judicial bodies that have the authority to determine disputes for a specified range of offences and anti-social behaviour.

2 Vision

As the sole national policing agency, only the Tanzanian Police Force has an officially stated vision:

> Maintenance of peace and tranquility by reducing incidences of crime and fear of crime.[185]

III   ORGANISATIONAL STRUCTURE OF POLICE

1   Size

A desk-based search did not yield any official information on the number of police officials in Tanzania. Data on the ratio of personnel to population (see below) suggest a figure in the region of 24,000.

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[183] Ibid at 18.
[184] Ibid at 20-21.
[185] Ibid at 11.

2   Ratio

In April 2003, when the population stood at 34 million, the police to population ratio was 1: 1 400. Although the ratio had increased from that of 1999, it is still lower than international ratio standards.[186]

3   Organisational structure

3.1   The Tanzanian Police Force

The police are headed by an Inspector General, who reports to the President.[187] Below the Inspector General are five Commissioners, 9 Deputy Commissioners, and then the ranks of Senior-Assistant Commissioner, Superintendents, Inspectors and Constables.[188]

For policing purposes, Tanzania is divided into 28 regions.[189]

In all, the Force consists of 17 units, most the standard type of departments (CID etc.). There is also an Anti-drug Unit, an Anti-Robbery Unit, a Stock Theft Prevention Unit, and an Anti-Terrorism Unit.[190]

3.2   The Auxiliary Police

Although an Auxiliary Police Unit is established in terms of an order of the Commander in Chief of the Army, these units nonetheless fall under the general command and supervision of the Inspector General of the Police, ostensibly to avoid overlapping competencies with the Tanzanian Police Force. A list of the existing Units of the Auxiliary Police suggests that, in the main, the units are deployed to maintain law and order and to protect business/parastatal properties, and other sensitive state properties. Examples are, the units of:

- University of Dar es Salaam
- Muhimbili National Hospital
- Tanzania Harbours Authority
- Tanzania National Parks
- Tanzania National Petroleum
- Mtera Dam
- Kilombero Sugar Company
- Williamson Diamonds Ltd., Shinyanga
- Bank of Tanzania

An exception is the Dar es Salaam City Council and Municipal Councils of Kinondoni, Temeke and Ilala, which was established to assist the Tanzanian Police Force across the entire geographic area that make up these areas of local government. They are akin to a city police force, except that there chain of command structure is not clear.[191]

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[186] Ibid at 12.
[187] Ibid at 22.
[188] Ibid at 11.
[189] Ibid.
[190] Ibid at 12.
[191] Ibid at 18, where it is stated that the Auxiliary Police Units report to the national police. But see J Klipin (2003) *Safer Cities Dar es Salaam Project: City Auxiliary Police Evaluation Report.* Dar es

3.3 People's Militia

These groupings, although sanctioned by law, are informally structured, and fall largely under the ambit of local governments. It would appear that there have been calls on government to enact regulations and orders to supplement the People's Militia Laws (Amendment) Act of 1989.[192]

3.4 Ward Tribunals

Members of the Ward Tribunal are *elected* by a Ward Committee. Although they are accountable, *administratively*, to the relevant local authority,[193] it is to the formal court system that aggrieved people must turn to 'appeal' a decision of a Ward Tribunal.[194]

4 Crime prevention mandate of the police/various police

4.1 The Tanzanian Police Force

Crime prevention is stipulated as one of the functions of the police by The Police Force and Auxiliary Services Act of 2002.

4.2 The Dar es Salaam City Auxiliary Police Unit

This Auxiliary Police Unit, initially intended to be a city police force for Dar es Salaam before the metropole split up into four municipalities, is specifically mandated to enforce municipal by-laws, guard municipal property, act in co-operation with the national police force as law enforcers, and provide crime prevention, primarily through visible policing and targeted patrols.[195] The latter and by-law enforcement is usually given a preventive slant via the now famous 1982 'broken windows' theory of Wilson and Kelling and the equally famous, but abused, 'zero-tolerance' approach that emanated from New York in 1996.

4.3 People's Militia

Self-policing schemes, such as the *sungusungu*, provide informal social control through improved community surveillance. They have a preventive role where the state has a severe shortage of law enforcement personnel. This is not to say that such preventive mechanisms are not fraught with problems, particularly regarding accountability, due process and other human rights.

Salaam: Safer Cities Project, in which it would appear that the Unit reports to the four municipalities of the former Dar es Salaam metropole..

[192] Anon. *Crime and Policing Issues in Dar es Salaam, Tanzania, focusing on community neighbourhood watch groups – 'sungusungu'*. Presentation at the 1st sub-Saharan Executive Policing Conference of the International Association of Chiefs of Police, Durban, 27-30 August 2000 and available at http://www.unhabitat.org/downloads/docs/1825_12883_sungusungu.pdf (accessed on 18 October 2007) at vi.

[193] Ward committees are established in terms of the Local Government (Urban Authorities) Act of 1982; ibid at 14.

[194] See Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Tanzania*. Dar es Salaam: Commonwealth Human Rights Initiative at 22.

[195] Ibid at 18 and J Klipin (2003) *Safer Cities Dar es Salaam Project: City Auxiliary Police Evaluation Report*. Dar es Salaam: Safer Cities Project at 7-8.

In Dar es Salaam, when the UN-HABITAT Safer Cities Project was introduced in 1996, existing *sungusungu* groups were favourably viewed by the community and the municipal authorities, and drawn into the Safer Cities partnership. It would appear that they patrol without the police, but are able to call for police back-up by mobile phone. [196]

4.4   Ward Tribunals

As a dispute resolution mechanism at community level, Ward Tribunals could be said to have a preventive function in that communities may be deterred from committing such offences or incivilities in the sure knowledge that such behaviour will be reported to and dealt with by a highly localised and informal tribunal.[197]

IV COMMUNITY POLICING

There is as yet no formal community policing programme in Tanzania. Plans are afoot to establish a policy on community policing. However, the concept seems to be misunderstood, the popular understanding being yet another alternative community police force (such as the Auxiliary Police).[198]

Phase 2 of the Dar es Salaam Safer Cities Project aims to, *inter alia*, strengthen law enforcement by fostering community policing and problem-oriented policing.[199] A 2003 evaluation of the Dar es Salaam City Auxiliary Police states that one of the development objectives of the programme was a city police that would conduct community policing duties so as to improve relations with the community. The evaluation, however, found that this objective had not been met for the following reasons:

- No clear chain of command across the four discreet municipalities that this one police unit services;
- Too few police officials spread across four municipalities, none of which have a good understanding of the existence and role of this city police unit;
- No strategic focus or plan to guide the operations of this city police;
- Severe resource shortages;
- City police conduct joint operations with the national police force and with the various People's Militia, which counteracts attempts to forge good relationships with the community.[200]

Although there have been some successes, notably at the Ubungo Bus Terminal Centre, and with the enforcement of hawking by-laws, the latter has been marred by reports of human rights abuses and claims of policing to placate the vested interests of formal business.[201]

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[196]   See J Assiago *Promoting Urban crime Prevention Strategies in Africa* available at www.unhabitat.org/programmes/safercities/publications.asp (accessed on 3 October 2007); as well as (on behalf of the Ilala Municipal Council) J Lubuva (2004) 'Community Approach to Security, Social Inclusion and Development in Tanzania', paper presented at the *Dialogue on Promoting Coexistence and Security in the Information Society* Barcelona, 9-11 September.

[197]   See Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Tanzania*. Dar es Salaam: Commonwealth Human Rights Initiative at 21.

[198]   Ibid at 44.

[199]   See http:///.unhabitat.org/print.asp?cid=683&catid=2377typeid=13 (accessed on 4 October 2007).

[200]   J Klipin (2003) *Safer Cities Dar es Salaam Project: City Auxiliary Police Evaluation Report*. Dar es Salaam: Safer Cities Project at 11-12.

[201]   Ibid at 11, 16-17.

V   CRIME PREVENTION IN CURRENT POLICE REFORM PROGRAMMES

Sector-wide reforms have only recently included the police. The *2004 Medium-term Strategy* of the Legal Sector Reform Programme of the Ministry of Justice and Constitutional Affairs has included a number of targets and outcomes that will affect the police, but none deal directly with their crime prevention mandate. At this stage the reform strategies are still directed at issues such as a review of the police academy training curriculum, upgrading police facilities and a transport scheme for police officers.[202]

VI   CHALLENGES

With the liberalisation of the economy and the end of one-party rule, Tanzanian society appears in a state of flux alien to its previous largely rural character. Dar es Salaam has undergone great population expansion, and crime in the city is reputedly a much more serious issue than in earlier years with the influx of rural dwellers. Public confidence in the police as a whole appears to have risen in recent years, but a majority still manifest considerable distrust of the institution, particularly as regards corruption and the arbitrary use of police powers.

The plural nature of policing, the under-resourced condition of the national police, and an over-extended judicial system still remain serious problems. Under the circumstances, the effective introduction of community policing models (at least of a state-centred kind) appears rather unlikely. Efforts to entrench community policing initiatives could do well to consider the extent to which the socialist-inspired vision of, and practical arrangements associated with 'people's policing' (a remnant of Tanzania's political past) may provide innovative clues for partnerships between government and the people under altogether different economic and political conditions. As in other countries considered in this report, major challenge to the modernisation of policing in Tanzania concerns the collection and public distribution of crime statistics.

Crime prevention may at present rest largely in the hands of informal mechanisms in the rural communities that comprise the bulk of the population. That in turn has its positive side, but the reverse side is the relatively frequent resort to self-help justice in rural areas. Economic growth has been strong in recent years, and together with reduction in the national debt due to the HIPC scheme, Tanzania in coming years may begin to be able to put more resources into its criminal justice system. For the moment, crime prevention remains somewhat of a step-child in official activities.

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[202]   See Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Tanzania*. Dar es Salaam: Commonwealth Human Rights Initiative at 43-44.

CASE STUDY: UGANDA

I CONTEXT

1 Political context of the country[203]

Uganda gained independence from Britain in 1962. The 1962 elections resulted in a coalition government under Milton Obote. In September 1966 Obote promulgated a republican Constitution, with himself as Executive President.

In 1971, whilst Obote was out of the country, Idi Amin, who was then at the head of the army as well as the Military Police Force, staged a coup and installed himself as President. In the eight years of the repressive Amin regime, the entire Asian population of the country was expelled, the economy went into free fall, and it is estimated that 300 000 citizens were killed by the security forces of the government. Amin's reign was brought to an end when the Ugandan National Liberation Army invaded Kampala on 10 April 1979, sending Amin into exile and reinstating Milton Obote.

Obote's second administration, however, was no better than the military dictatorship of Idi Amin. Extra judicial killings continued, estimated at about 500 000 between 1981 and 1985. It was during this period that Yoweri Museveni established the National Resistance Army. In July of 1985 a military coup under Tito Okello ousted Obote, but fell six months later to the National Resistance Army. Museveni became President of Uganda.

The distinctive feature of the Museveni government was a rejection of multi-party democracy. Museveni's 'no party' Movement survived until the 2005 referendum that indicated a vote in favour of multi-party democracy. The 2006 multi-party democratic elections, although challenged in the Ugandan Supreme Court by an opposition party, was nonetheless won by Museveni's National Resistance Movement.

2 Crime context

In 2006 the Ugandan population numbered 28 million, with an estimated population growth rate of 3.4%. Police statistics reveal that the crime rate per 100 000 of the population has climbed steadily since 2002, with a substantial increase in 2005 and 2006. In 2002 the ratio was 304; in 2003 it was 379; 491 in 2004; 661 in 2005; and 798 in 2006.

In 2006 the districts that had the highest number of reported cases were Katwe (17 523), Jinja (19 185), CPS Kampala (9 633), Mukono (7 459) and Mbale (5 685). These are in the main the urban districts of the country, clustered around the capital of Kampala and Lake Victoria and the border with Kenya.

Theft and Common Assault by far make up the bulk of reported cases: Theft being 27.5 % of the reported cases and Common Assault making up 17% of the reported cases. Aggravated Assaults make up only 2.6% of the total and Robbery only 2.8% of the total number of reported cases. Regarding crimes against women, the crime of Defilement makes up 6.9% of the number of reported cases. Interestingly, there were

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[203] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Uganda*. Kampala: Commonwealth Human Rights Initiative.

nine reported cases of Treason in 2006, three for Terrorism and ten cases of Rioting and unlawful assembly.[204]

The 2005 Afrobarometer survey of national public attitudes on democracy shows that most people surveyed felt an increased sense of security compared to a few years prior to the survey, and that most felt that the government was handling the reduction of crime either "Fairly well" (55%) or "Very well" (20%).[205] Most of the respondents felt that crime and security was not the most important problems facing the country that the government should address: Highest on the list of problems was poverty/destitution (21%), followed by water supply (10%), education (8%), civil war (8%) and health (7%).[206]

This notwithstanding, public attitudes regarding accessing help from the police were mixed: 17% (an almost even distribution between rural and urban respondents as well as male and female respondents) indicated that obtaining help from the police when needed was "Very difficult", 29% indicated that it was "Difficult". On the other hand 25% stated that it was "easy" and 23% stated that they "Never try". Of the latter category, 77% indicated that the question was "Not applicable". Most respondents that responded in this way were rural females.[207]

Also mixed were responses indicating levels of trust in the police: 23% trusted the police "A little bit"; 39% "A lot", and 27% trusted the police "A very great deal".[208] On the other hand, 38% of respondents said that "Most" police were involved in corruption, and 29% said that "All" police were involved in corruption.[209]

II   POLICE AGENCIES

1   Policing legal framework and policy documents, with specific emphasis on crime prevention

1.1   The Constitution

The Uganda Police Force (UPF) is established under Article 211 of the Constitution of Uganda of 1995. Article 212 of the Constitution mandates the police to protect life and property, preserve law and order, prevent and detect crime and cooperate with civilian authority, other security organs and with the population generally.[210] Article 212 (2) empowers Parliament to make laws pertaining to the organisation, administration and functions of every police force in Uganda.

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[204] Crime statistics obtained from the official website of the Uganda Police Force, www.ugapol.go.ug (accessed 3 October 2007).

[205] Afrobarometer (2005) *Round 3: Summary of Results of Survey in Uganda* at 36 available online at http://www.afrobarometer.org/Summary%20of%20Results/Round%203/uga-R3SOR-15may06-final-revised_14jun06-6july06.pdf (accessed on 4 October 2007).

[206] Ibid at 34.

[207] Ibid at 40.

[208] Ibid at 28.

[209] Ibid at 30.

[210] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Uganda*. Kampala: Commonwealth Human Rights Initiative at 6.

1.2   The Police Act (as amended) 2005

The Police Act of 2005 elaborates on the Constitutional mandate of the Ugandan Police by stipulating its functions. Section 4 of the Act mandates the police to:

- Protect the life, property, and other rights of the individual;
- Maintain security within Uganda
- Enforce the laws of Uganda;
- Ensure public safety and order;
- Prevent and detect crime in society;
- Perform the services of a military force when empowered to do so by the police authority; and
- Perform any other functions assigned to it under the Act.[211]

2   Mission

The Mission Statement of the Ugandan Police Force reads as follows:

> To protect and secure life and property in a commited and professional manner in partnership with the public.[212]

3 Vision and Objectives

The Ugandan Police Force is currently undergoing reform as part of the Justice Law and Order Sector (J/LOS) reforms (see below). In line with these reforms the vision of the Ugandan Police is

> To provide an enlightened and motivated Police Force that is efficient and accountable to the public.[213]

4   Functions

Through the reforms underway under the Justice, Law and Order Sector programme, five core functions have been envisaged for the Ugandan Police, being:

- Crime Management;
- Public Order and Safety;
- Traffic Management;
- Community Assistance; and
- Intelligence.[214]

III   ORGANISATIONAL STRUCTURE OF POLICE

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[211] Ibid.

[212] www.jlos.go.ug (accessed on 4 October 2007).

[213] www.jlos.go.ug (accessed on 4 October 2007).

[214] www.jlos.go.ug (accessed on 4 October 2007).

1   Size

In May 1991 the number of police stood at 20 000.[215] In 2007 that number had dropped to about 14 000.[216] It is unclear whether this number includes the approximately 4 860 Special Police Constables who, in terms of section 64 of the Police Act of 2005, have been recruited from the Local Defence Units and placed under the command of the Inspector General of Police.[217]

2   Ratio

According to the official website of the Uganda Police Force, Uganda has a population of about 25 million people, putting the ratio of police to population at 1: 1880.[218] Although the Force has been recruiting around 500 new officers each year (865 in 2003 and with the intention to up this by 1 000 new recruits annually from 2004 onward), new recruits are barely able to keep pace with the attrition rate, and thus the ratio remains low by international standards.[219]

3   Structure and Administration of the Ugandan Police Force

The Ugandan Police Force (UP) is in essence a militarised police force, with army appointees always having held the most senior police post. This is still the case, with Major General Kuihura being appointed as Inspector General of the Police in October 2005.[220]

The official website of the UP lists the following departments:

- Legal Department
- Traffic
- Communication
- Training and Planning
- Marine
- Mobile Police Patrol Unit (VIP guarding and escorting and Public Order Policing)
- Dog Section
- Fire Arms
- Child and Family Protection Unit
- Police Anti-Terrorism Unit
- Local Administration Police;
- And sundry departments such as the police band, stores, public relations and the sport department.[221]

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[215] D Das (ed) (2006) *World Police Encyclopedia*. New York: Routledge at 869-870

[216] www.ugapol.do.ug (accessed on 5 October 2007).

[217] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Uganda*. Kampala: Commonwealth Human Rights Initiative at 16; see also B Baker (2005) "Multi-choice policing in Uganda" *Policing and Society* 15(1) 19-41, at 28.

[218] www.ugapol.do.ug (accessed on 5 October 2007).

[219] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Uganda*. Kampala: Commonwealth Human Rights Initiative at 19.

[220] Ibid at 12.

[221] www.ugapol.do.ug (accessed on 5 October 2007). See also B Baker (2005) "Multi-choice policing in Uganda" *Policing and Society* 15(1) 19-41, at 27.

4   Crime Prevention mandate of the police

Section 4 of the Police Act of 2005 clearly places crime prevention within the remit of the Police Force. Although there appears to be no official crime prevention policy (or at least not in a policy document), the functions of two of the departments within the police have a bearing on crime prevention, and will thus be discussed in more detail.

4.1   The Child and Family Protection Unit

In May 1998 this unit was established "to deal with violations of the rights of children and women"[222], after selected members were trained by the United Nations Economic Mission for Africa and by UNICEF. The Unit is responsible for the investigation of cases relating to women and children (in conjunction with the Criminal Investigation Department), to counsel victims of abuse, and to create public awareness regarding the rights of women and children, in particular through school visits that are primarily aimed at raising the issue of child abuse.[223]

4.2   The Local Administration Police (LAP)

To be able to fully understand the role of the LAP requires some background knowledge of the devolution of power to the local level for the purposes of popular participation in community decision-making. Baker sketches this background information succinctly:

> The process by which the Ugandan state has configured itself, following the National Resistance Movement (NRM) assumption of power following the civil war in 1986, has been crucial in determining the nature of justice in the country… Perhaps no single institution has been so influential on law and order as the local democratic structure of Local Councils (LCs). All adults automatically become members of their village council and directly elect a nine-person committee to administer the affairs of the village, and indirectly parish, sub-county and district levels above that.
>
> …
> The duties of the LCs at the local government levels…include: the mobilization of the local community in law and order matters; law enforcement through the LC funded Local Administrative Police (LAP); the gathering of criminal data; the service provision not only of courts, but of psychosocial care of the victims of crime; the establishment of bylaws that reflect local needs; and LC courts.
>
> …
> As a result, LCs have had a remarkable ordering effect on social life, and acted as the first line of protection against disorder and crime and the first point of call when it does occur.[224]

Particularly in rural areas, but not confined to them, the Local Council effect their mandate to provide for law and order *inter alia* through volunteer community patrols. These patrols operate by levying a monthly charge per household, and have ostensibly received training to be "crime preventers" from their local District Crime Prevention Panel (see below).[225] Baker states that these structures "significantly support other policing structures, such as the Uganda Police, Crime Prevention Panels and Internal Security Organization (ISO)."[226]

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[222] www.ugapol.do.ug (accessed on 5 October 2007).
[223] www.ugapol.do.ug (accessed on 5 October 2007).
[224] B Baker (2005) "Multi-choice policing in Uganda" *Policing and Society* 15(1) 19-41, at 22-23.
[225] Ibid at 24.
[226] Ibid at 26-27.

The Local Administration Police (LAP) was founded already shortly after Uganda gained independence through the Local Government Act of 1967. Their function is to assist local administration (LCs) to maintain law and order at local level, to enforce bylaws and to offer advice to LCs. Members of the LAP are recruited from the community that they serve, the intention being that they would understand local needs and problems and be able to respond far more quickly than the overstretched Ugandan Police. It is important thus to understand that, prior to 2005, the LAP was essentially an auxiliary police force with little police training, few resources, and accountable to the local authority rather than to the Ugandan Police Force.

In 2005, the Police Act (Amendment) Bill of 2000 was promulgated into law, which brought the LAP under the command and control of the Inspector General of Police, and which stipulates that LAP members receive full police training.[227]

IV COMMUNITY POLICING

Community policing, as a model of policing, was introduced in Uganda in the late 1980s, at first in the form of a pilot project in the Old Kampala Police Division. In essence, the pilot project was born out of community dissatisfaction with police performance in the face of increasing theft of electrical goods, which had assumed political overtones. In the pilot phase, community policing was aimed at improving police/public relations, providing the public with crime prevention tips, and a campaign to advocate the use of marking desirable goods. Community Police Officers (CLOs) were identified, provided with bicycles and sent out as beat officers. Essentially driven by the District Police Commander (DPC) of Kampala (and with the help of British police officers at the time in the country conducting training), the initiative fizzled out with the transfer of the DPC.

But, as elsewhere in the world, community policing had become the favoured model of policing, and it was revived in Uganda in 1993. Again, 60 force members were identified as CLOs and sent on a three-day training course. Although the training emphasized the need to prevent crime, as well as being a "readily available conduit of communication between the public and the police",[228] it would seem as if the latter was of greater significance for the UPF. By March 1997 220 police members had been trained as CLOs and dispatched throughout Uganda.

In an evaluation of their assistance to the UPF as at end 1997, the UK Department for International Development (DFID) scrutinized too the application of community policing in Uganda. CLOs were primarily engaged in sensitising and instructing communities – particularly schools, local councils and NGOs – about the role of the police, basic human rights and due process rights, and initiating the establishment of neighbourhood watches and Crime Prevention Panels.[229] In Kampala 200 taxi

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[227] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Uganda*. Kampala: Commonwealth Human Rights Initiative at 15.

[228] C Raleigh et al (1998) *Uganda Police Project Evaluation* London: Department for International Development (DFID) at 72.

[229] In 2005, Baker writes that the UPF plans to initiate Crime Prevention Panels (as a form of state approved policing) in every district. He describes Crime Prevention Panels as "local residents trained in crime prevention with a view, not only to empowering people about crime prevention and the requirements of the law, but to facilitating acceptance of responsibility for law and order in their locality. Two models of Crime Prevention Panels are emerging: one based on the community at large and one based on employment groups." See B Baker (2005) "Multi-choice policing in Uganda" *Policing and Society* 15(1) 19-41, at 30.

drivers were trained as "crime preventors", the aim being to sensitize them to traffic matters. Media campaigns and property marking to avoid theft also fell under the aegis of community policing. Finally, CLOs sent monthly reports to the central police headquarters detailing meetings covered, problems encountered and assessments of the local situation, ostensibly to establish community needs. The DFID evaluation, however, notes that assessing community needs showed more concern for crime detection than consultation with community members to determine their needs and priorities.[230]   Despite this seemingly narrow interpretation and implementation of community policing, executive responsibility for community policing was allocated to the Department of Welfare and Community Affairs.[231]

A 1997 impact study to assess the effectiveness of community policing described CLOs as the "soft link between police and the public".[232]   Positive outcomes ascribed to community policing was that CLOs had improved the relationship between police and public to a degree, resulting primarily in an increase of the UPFs crime intelligence capacity; motivated NGOs (particularly women's organizations) to work on aspects of community safety, and decreased domestic violence.[233] However, the study highlighted conceptualisation, design and implementation shortcomings; a lack of institutional framework and policy, resulting in *ad hoc* activities; poor selection criteria for the appointment of CLOs; a lack of objectives and impact indicators; limited community consultation; and limited training and training materials.[234]

This notwithstanding, the study found that community policing was now a popularly accepted concept, both by police and by the community, and that community policing was now recognized as a core activity of policing in Uganda.[235]

Into the new millennium not much seems to have changed. In October 2003, in a presentation to the International Police Executive Symposium at its 10th Annual Meeting, Commissioner Asan Kasingye – then Commissioner of Police for Community Police Affairs in the UPF – itemised the following problems still besetting community policing in Uganda:[236]

- Community policing has had little impact on the ground;
- Both public and police seem reluctant to embrace the policy of community policing;
- The crime rate has remained high and is growing; and
- The image of the police is still poor, particularly with regard to corruption.

He then goes on to list the following challenges for the implementation of community policing in his country:

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[230] C Raleigh et al (1998) *Uganda Police Project Evaluation* London: Department for International Development (DFID) at 76.

[231] Ibid at 73.

[232] S Tindifa and J Kiguli (1997) *Community Policing study report*. Nairobi: DFID at vi.

[233] Ibid.

[234] Ibid.

[235] C Raleigh et al (1998) *Uganda Police Project Evaluation* London: Department for International Development (DFID) at 78.

[236] A Kasinge (2003) *Implementing Community Policing: Uganda's experience*. Presentation at the 10th Annual Meeting of the International Police Executive Symposium, Kingdom of Bahrain, 11-16 October 2003, available at www.ugandapolice.go.ug/IMPLEMENTING%20COMMUNITY%20POLICING.pdf (accessed on 30 September 2007).

- The concept of community policing has been misunderstood (a police-centred approach rather than a community-centred approach);
- The wrong options have been chosen in the design of community policing implementation;
- The Community Policing Programme needs to be managed;
- General police training in community policing is needed to combat a culture of resistance;
- Sustainable recruitment, training and deployment of CLOs; and
- Persistent mistrust between state roleplayers and volunteers in community policing programmes needs to be addressed; and
- Lack of political support for the programme.

He concludes as follows:

> While community policing is a very important programme in *law enforcement* and restoration of order in society, its impact is slow.[237]

In 2005 the Community Affairs Department of the UPF issued a *Community Policing and Crime Prevention Training Manual*, in which community policing is defined as

> a system of policing whereby the people act together with the police to prevent crime and disorder in communities."[238]

It would thus appear as if the current system of CLOs, as described above, is still in operation.

V   CRIME PREVENTION IN CURRENT POLICE REFORM PROGRAMMES

A sector-wide reform process is currently underway in Uganda under the acronym J/LOS (the Justice Law and Order Sector).[239] It is composed of the following government Ministeries:

- Ministry of Justice and Constitutional Affairs
- Ministry of Internal Affairs
- The Judiciary
- The Uganda Prison Service
- The Uganda Police Force
- The Directorate of Public Prosecutions
- The Judicial Services Commission
- The Uganda Law Reform Commission
- Ministry of Gender Labor and Social Development - Probation Services
- Ministry of Local Government - Local Council Courts

The understanding of this sector is that it

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[237] Ibid (emphasis added).

[238] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Uganda*. Kampala: Commonwealth Human Rights Initiative at 23.

[239] www.jlos.go.ug (accessed on 4 October 2007).

ensures the security of all Ugandans and those residing therein *through prevention of crime and investigation* and prosecution of criminal activity. It also ensures adherence to the rule of law through enforcement, promotion of civic education and local community participation and feedback and establishment of mechanisms such as a police force, prison service, law reform commission and courts to carry out these tasks.[240]

The sector has identified reform of the criminal justice system as one of its two core areas for reform in the medium-term.

The Strategic Framework for the Criminal Justice Reform Programme was completed by October 2001. Under Strategic Objective 1B of the framework, being that of Strengthening the Administration of Justice, the identified Key Actions of the UPF in the medium term, *which are of relevance to crime prevention are*:

> 18.1.1 Design and implementation of a Core Policing Strategy to rationalise police functions and responsibilities;
> …
> 18.1.3 Comprehensive review of the implications of and resource requirements for integrating the services of the Local Administration Police within the UPF regarding training needs and fiscal decentralisation in particular;
> …
> 18.1.8 UPF Public Relations and Media Strategy (including role of community based policing);"[241]

However, as an initial step, four areas of efficiency savings were identified in the entire JLOS sector, the idea being that successful implementation of these four areas would generate funds that may be re-allocated within the sector. For the UPF, the area that would generate the greatest and most speedy saving was a project designed to reduce police expenditure on operations and maintenance of the police vehicle fleet.[242]

The net effect of these strategies and time-frames are that crime prevention and the role of police therein will not be receiving reform attention in the foreseeable future.

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[240] Ibid (emphasis added).

[241] Justice Law and Order Sector Reform Programme (2001) *Strategic Plan, Part II, Criminal Justice Reform Programme.* Nairobi: Ministry for Justice and Constitutional Development at 25-26.

[242] www.jlos.go.ug (accessed on 4 October 2007).

VI   CHALLENGES

Not unlike that of most African states, the UPF is besieged by a legion of challenges. With the broadest of brush strokes the main challenges are as follows:

- The UPF are a militarised police that concerns itself foremost with the interests of the ruling party rather than with the general populace;[243]
- There no effective accountability mechanisms nor an accountability framework;[244]
- The UPF has a long record of perpetrating human rights abuses;[245]
- Legislation reforms have only recently begun with the 2005 amendment of the Police Act, but these amendments have not altered the character of policing in line with modern democracies;[246]
- The UPF is perceived to be corrupt;[247]
- The ratio of police to population is still low by international standards (see above), the UPF lacks resources, has outmoded communication systems and its mobility is poor;[248]
- The police budget is declining;[249]and
- Reform programmes will take many years to come to fruition. In the interim it appears to be 'business as usual'.[250]

In the light of these challenges, fostering the role of the UPF in furtherance of crime prevention seems to be pure fantasy. And yet. If that role, at minimum, amounts to visible policing, community policing and the creation of and participation in partnerships with civil society and with the community (and ideally with other government agencies as well), then the UPF has made a start – albeit a false start - in this direction already.

For Uganda, responsibilising citizens for their own safety is not a neo-liberal governance response, but rather the result of a weak state. Indeed, Ugandans have experienced many decades of what Baker calls 'multiple-choice policing'. Baker summarizes as follows:

> In Uganda, as a result of the inevitable gaps in provision by the Uganda Police, other policing agencies have arisen, offering localized protection with different levels of legality, effectiveness, availability, methods and services. Each enforces their own code of conduct and standards. As a consequence of these geographically overlapping policing agencies, Ugandans experience different spheres of policing authorizers and providers or may be in a position to choose as to which body they look to for protection and/or response to crime and disorder. They are rarely users of either private or public policing, as if these were mutually exclusive categories."[251]

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[243] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Uganda*. Kampala: Commonwealth Human Rights Initiative at ch 4 and 5.

[244] Ibid at ch 8 and 9.

[245] Ibid at ch 3.

[246] Ibid at ch 2.

[247] Ibid at 9; see also Afrobarometer *Round 3: Summary of Results of Survey in Uganda* 2005 at 30.

[248] Commonwealth Human Rights Initiative (2006) *The Police, the People, the Politics: Police Accountability in Uganda*. Kampala: Commonwealth Human Rights Initiative at 19.

[249] Ibid.

[250] Ibid at 23.

[251] B Baker (2005) "Multi-choice policing in Uganda" *Policing and Society* 15(1) 19-41, at 36.

It is, perhaps, within this history of multiple-choice policing that the possibilities for sound crime prevention strategies may lie. It is perhaps precisely because the UPF is and will remain under-sized and under resourced that it has and will be forced into partnerships for the purposes of crime prevention.

What is needed, at the very minimum, is:

- A sounder understanding of the concept, modes of application and limitations of community policing throughout the UPF;
- True community consultation to enable communities to assist in establishing their needs and priorities (this presupposes good community-police relations and trust and low levels of corruption);
- An understanding by the UPF of their role as but one partner in crime prevention partnerships that should include many stakeholders;
- Political support, particularly at local government level, of crime prevention strategies;
- The establishment of a framework that regulates, co-ordinates and integrates the many current policing providers that operate within the rule of law, and strong disapproval of those who do not;
- Where possible, strong support for those communities and civil society groupings that participate actively in crime prevention initiatives to ensure that those communities who attempt to 'tip the scale' toward safer communities are in fact not left to swim against the tide.

C   CONCLUDING COMMENTS

1   Social Context: Crime, Conflict, Democracy, Underdevelopment and Insecurity

The five countries studied in this Report display many fundamental similarities regarding the state of policing, but as equally many differences. The temptation is to focus on the similarities in search of generalisations; the real challenge is to engage with the differences in order to come up with findings at the relevant level of analysis. This is a formidable task in reaction to which these concluding remarks can only point the way. An obvious point of departure regarding different conditions relates to the incidence of serious crime and the resulting state of public order. One conclusion in this regard is clear: the most 'developed' country, South Africa, has the highest serious crime rate, Tanzania, the least 'developed' according to available social indicators, has the lowest. In between, the rank order with regard to the problem of serious crime appears to be Nigeria, Kenya, and Uganda. This finding leads to related points: the lower the police-population ratio, the higher the crime rate; the higher the level of urbanisation, the higher the crime rate, and so on. 'Development' in this regard appears more of a curse than a blessing. Of course, such a finding would be over-simplistic, but it underlines the variable circumstances to be encountered and the different conclusions to be reached depending on which African country is the object of study. In this regard, it might be countered that none of the countries under study is anything like 'fully' developed, and that the process of development itself may be an underlying cause of social dislocation and the rise of crime. This in turn is hardly an original conclusion and is of little help in coming to terms with appropriate policy and practical steps towards successful crime prevention in any specific case. But certainly the idea that 'development' as such is a panacea in resolving problems of crime can hardly be sustained – the opposite rather.

One reflection drawn from the meagre data sources and anecdotal evidence for four out of the five case studies is that as African economies have grown in the recent past, capital cities and other major urban conglomerations have become increasingly crime-prone. This fact also holds true in the least crime-ridden of the societies considered here, Tanzania. Four out of the five states have officially adopted or returned to 'multi-party democracy', but bitter conflicts over the division of national assets decided by the power incumbents remain. Four out of the five case studies can justly be called 'plural states' in terms of ethnic and 'racial' composition (Tanzania with no one major ethnic group as dominant and a prevailing lingua franca in Swahili is perhaps an exception, although the position of Zanzibar within the Tanzanian Union is contested). Poverty and destitution side by side with pockets of affluence give rise to acute relative deprivation, especially in South Africa but increasingly in the other states too. The challenges of economic (under)development, the rise in crime and citizen perceptions of personal insecurity make the position of the state police both critical to social order and fraught with tension. The difficulties confronting the police agency notwithstanding, government's failure to supply a modicum of law and order has political consequences for the prospects of democracy itself. As Fernandez and Kuenzi state: '(P)erceptions of safety and government performance in the area of crime reduction are integrally linked to the success of the consolidation of democracy'.[252]

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[252] Afrobarometer (2006) Crime and Support for Democracy: Revisiting Modernization Theory. Working Paper No. 64 (Report compiled by K.E. Fernandez & M Kuenzi).

2 The Institutional Features of Policing in sub-Saharan Africa

It is a commonplace in the literature that from an international perspective the police in sub-Saharan Africa are under-resourced, under-trained, susceptible to corruption, and held in low public esteem. But again there are substantial inter-country variations with regard to our case studies. Despite shortcomings, the South African Police Services enjoys considerable resources of an advanced kind, training has improved, and since the transition to democracy the SAPS has gained a much wider public legitimacy. The same would not appear to be the case with regard to the police in Nigeria, despite the new democratic order. Again, there are considerable sub-cultural similarities, with continued paramilitary institutional habits and the accompanying abuse of police power, widespread corruption, repressive crime control, and the politics (in many instances) which comes with being the President's men.[253] Superimposed on this reality is the fluff of reform talk: the desire of accountable and effective policing. Some progress has been forthcoming. The desirability of 'democratic policing' is professed in many quarters. As the country reports reflect, more concerted engagements with the objectives of reform and the strategies are being pursued at both national and regional level. Here national human rights constituencies and regional policy communities play an important part. On all counts the reform of the SAPS appears to have gone furthest, and civil society has the most vigorous influence, but the crime problem itself remains intractable.

3 On Community Policing

Much of the debate around crime prevention (or reduction, as the current vocabulary would have it) as opposed to 'mere' crime control revolves around the introduction of some form of community policing. All five countries considered here have engaged to various extents with this approach to policing, but in none can it said to have shown marked success. Even South Africa with its early constitutional entrenchment of Community Police Forums and an independent complaints directorate for citizen resort has backtracked from its position in this regard over the past eight or more years. The same is the case with regard to the 1996 National Crime Prevention Strategy, an ambitious multi-departmental commitment to tackling the social roots of chronic crime in South Africa.

On community policing as a solution to society's crime ills, Antony Altbeker[254] has very recently made the following incisive comments with regard to the South African case:

> Along with all these [reforms], a new model of policing was being aggressively pursued. Based on faddish notions of community policing and crime prevention drawn from the pages of international criminology journals, it was premised on a conviction that traditional police methods for tackling crime were ineffective. It was argued that the existing approach – contemptuously called the 'professional model of policing – resulted in policing that was too remote, too isolated from the community to deal with the social problems that gave rise to crime. Instead, the police were to embed themselves in communities and become the fulcrum about which social transformation would turn… For the 'blokes on ground level', as one senior cop took to calling them, the lunatics were running the asylum: everything that came out of the

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253 A Hills (2007) 'Police commissioners, presidents and the governance or security' *Journal of Modern African Studies*, 45(3).

254 A Altbeker (2007) *A Country at War with Itself: South Africa's Crisis of Crime*. Cape Town: Jonathan Ball.

policy process smacked of an unarticulated contempt for law enforcement and, by extension, for law enforcers.

It could be argued that South Africa's embrace of crime prevention and the concept of community policing was the right step in theory, but that the implementation was poor. A counter-objection would be that official notions of crime prevention as in South Africa of the idealistic 1990s often suffered from an overly simple logic, and that it works best when integrated with, rather than substituted for, effective law enforcement. Over the past decade some lessons have been learnt. More sober and modest assessments of the police role in crime and criminality now affirm the value of *bandit-catching* in its own right. Crime prevention as a national strategy has been relegated from its central position, but has not been discarded That observation leads on to more general considerations regarding the most recent findings on crime prevention.

4   Police and Crime Prevention

Recent generations of crime scholars have begun to sharpen our appreciation of what, if anything, works in preventing crime. The hallmark of these studies has been on clearly delimited and fairly rigorously evaluated specific crime prevention measures. Large and sweeping generalisations are making way for the measurements of impacts at local, municipal or regional level, and a statistical analysis of as many data-sets as are available. In the light of such an approach, a leading crime prevention scholar, Lawrence Sherman, had the following to say about policing and crime prevention in the US in the Report to Congress known by his name:

> The more police we have, the less crime there will be. While citizens and public officials often espouse that view, social scientists often claim the opposite extreme: that police make only minimal contributions to crime prevention in the context of far more powerful social institutions, like the family and labor markets. The truth appears to lie in between. Whether additional police prevent crime may depend on how well they are focused on specific objectives, tasks, places, times and people. Most of all, it may depend upon putting police where serious crime is concentrated, at the times it is most likely to occur: policing focused on risk factors.[255]

Perhaps the key advances in modern crime prevention analysis are those that are most strongly knowledge- or evidence-based. It is thus no accident that advances in this sphere have come from what might be called 'knowledge-based' societies of the first world. The relevance of this point for the African societies considered here is obvious: the kind of data on which modern crime prevention increasingly rests are either absent or completely inadequate. Of the five countries included here, only South Africa had anything approaching adequate official crime statistics. Such statistics are only the starting point for the data-collection exercises on which advanced analysis of crime prevention measures rests. Utilising available data down to station and sector level, the SAPS has been able to introduce pockets of policing excellence by way of 'problem-oriented policing'. The best known of these endeavours is documented by Steinberg in his study of Sector Policing on the West Rand near Johannesburg.[256] But such sophistication in policing is not likely to be attainable in the near future in African countries. What does need to be prioritised is the introduction of effective national crime statistics efforts in Africa, supplemented

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[255] L Sherman et al (eds) (1997) *Preventing Crime: What works, What doesn't, What's Promising.* New York: U S Dept. of Justice, National Institute of Justice.

[256] J Steinberg (2004) Sector policing on the West Rand. ISS Monograph Series no 110. Pretoria: Institute for Security Studies.

where feasible by victimisation studies. Such a basic knowledge resource, available down to station and precinct level, is the *sine qua non* for further advances in analysing the effectiveness of African policing and the direction of policing resources to where they are most needed. At the moment, such a situation appears almost utopian. Although immense difficulties stand in the way of effective crime prevention strategies in sub-Saharan countries, it is perhaps encouraging that crime prevention as such is explicitly acknowledged as a police priority in all of the five case studies presented here. What is needed are practical strategies for bringing about (albeit in geographical pockets here and there and in small measures) localised effective police crime prevention efforts from the base up, beginning as already suggested by a concentration on crime data collection, the results of which can be disseminated down through police ranks for action.

Crime prevention policy in South Africa, as would seem to be the case in the other four countries, has evolved largely from paper to trash-can. Some modest crime prevention strategies have survived in South African cities, most notably between business and organs of government, including the police. In general all five case studies suggest that national crime prevention ideas have been somewhat long on policy, all too often confused on the police role, always weak on implementation and mostly short on action. Crime prevention or reduction policy may, in recent years, have come full circle. Tapping into South African experiences it would seem that ambitious policy has given way, thankfully, to more cautiously defined roles for the police with a reappraisal of the obligations and capacities of the police vis-à-vis crime combating.

One issue that deserves further attention in this regard concerns the interaction between the state and so-called traditional authorities or grass-roots mediation modelled on older customs. Bruce Baker[257] in particular has consistently argued that this subject is too often neglected on a continent where the reach of the state is limited and people fall back on their own devices. Colonialism undermined and often shattered the pre-colonial dispute resolution mechanisms. Insofar as they are being rehabilitated or modernised with public support, they may provide more potent instruments of low-level social ordering than the distant and often corrupt police and state agencies. There is however little consensus on this matter and grass-roots initiatives with a 'traditional' flavour all too often seem to degenerate into local power blocs acknowledging little legal restraint. Be that as it may, crime prevention experts and networks do seem well positioned to think through the implications which weak states and their fragile and corrupt police agencies pose for standard state-centred approaches to the business of crime reduction and prevention. By pushing the conceptual and strategic boundaries for our discussion beyond the formal and by actively mobilising informal capacities, crime prevention debates and actions can begin to grapple with local realities in a very real way.

5   Policy frameworks for police reform and crime prevention

Africa has suffered from too many policy ideas rather than being the recipient of carefully selected best practices. The rather recent stress on *good governance* norms has had the tendency in the first phase of prioritising accountability and only later has police effectiveness been inserted into the discussions. Synchronising the

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[257] B Baker (2005) 'Multi-choice policing in Uganda' *Policing and Society*, 15 (1). B Baker (2005)'Who do People turn to for Policing in Sierra Leone?" *Journal of Contemporary African Studies,* 23 (3). B Baker 2004) 'Protection from crime: What is on offer for Africans? *Journal of Contemporary African Studies*, 22 (2).

two priorities is vital for any project on crime prevention. Further complicating the issue has been the pressure on African states to fall in line with how global security has come to be dictated by the powerful and imposed on the weak in the name of aid. The fashion of security sector reform and the trendiness of related concepts such as 'joined-up' or 'whole of government' approaches presuppose a bureaucratic cohesiveness and integrity which simply does not exist, certainly not in national police forces in countries in most parts of Africa. Policy engagements with 'democratic policing' and 'security sector reform' (and 'crime prevention' for that matter) need to engage much more forcefully with local realities. This point is obvious enough. In the absence of doing so policies will simply remain policies, i.e. abstract visions on paper.

6   The politics and economics of policing reform in Africa

There are thus challenges for modernisation, professionalisation and democratisation across a wider frontier of the government, business and communities as well as the police.   Training is important, but very low starting salaries deter suitable recruits. Putting in place the *basics* of modern police infrastructure: crime data, crime scene analysis, detective capacity and forensic skills, management, police objectives, monitoring and evaluation, is no easy matter. Clarifying the rules of engagement of different providers of security -- public police, private security, self-help social ordering mechanisms, and organised business sectors, for example – needs attention but not complication. This is critical to arrive at a pragmatic assessment of what the police role *can realistically be* vis-à-vis crime prevention. Such assessments need to be informed by equally pragmatic assessments of the role of the police vis-à-vis order maintenance. Pacification of the streets in the congested, impoverished and volatile urban localities of contemporary African is both a political *and* policing challenge. It could be argued that on the 'resolution' (or negotiation, rather) of this challenge depends the very parameters for crime prevention and the function which the police may hope to play in this regard in the foreseeable future.

7   Experiments in Police and Social Crime Prevention

The case studies profiled in this report do provide (some) encouraging evidence of experiments in crime prevention - bigger or smaller, ad hoc or organised, formal or informal - which bring government, police, community and NGO's in closer contact. Through efforts which focus on pressing social problems (violence against women, guns, drugs and gangs in inner-city areas, for example) a variety of constituencies can be brought into contact, social networks cemented and in the longer term social capital built. The role that development agencies and international issue-based networks can play in providing expertise and resources is not to be disputed. Neither of course is the importance of local involvement and capacity. Evaluative assessments of such efforts are necessary in order for the South to begin to develop a comparative understanding of what works under which kind of conditions and why. In this regard it may be instructive to look at the experiences gained through a project embarked upon by the United Nations Office on Drugs and Crime (Vienna, Austria) in 2004. Titled '*The South-South Regional Cooperation for Determining Best Practices for Crime Prevention in the Developing World, 2004- 2006'* the project involved an exchange which brought representatives - drawn from the police fraternity, policy elites, scholars and crime prevention practitioners – from the Caribbean and Southern African region together.   One of the recommendations forthcoming from the exchange concluded that 'best practices in community policing in the developing world' provide opportunities for disseminating more widely the

principles underlying crime reduction and crime prevention. It further highlighted the importance of record-keeping and data collection and for developing guidelines for project development and evaluation. Such recommendations point in the direction of knowledge-based project interventions – an indispensable part it would seem of effective crime prevention – whilst taking cognisance of the structural constraints confronting such endeavours in the South.

8   Violence against women

This problematic issue does seem to constitute an area within which a more preventative approach and collaborative efforts involving a wide range of agencies and constituencies are being cloned. There are lessons to be learnt from the ways in which the issue has been put on the international agenda; the concerted efforts made by victim-based interest groupings (both international and national) to mobilise for legal and social reform; through to the translation of policy ideas into the operational agenda of criminal justice systems more 'responsive' to the needs of victims. Prioritising violence against women as a social problem and placing positive duties on the police to provide 'victim assistance', as has happened more robustly in the South African case, is an illustrative example of how the values and practices of police agencies have shifted. Imperfect as the operational practices remain at present, the current discourse on the policing of violence against women (in South Africa and elsewhere in the region) is indicative of the changes underway. Looking beyond gender-based violence, one is sure to find other examples too (youth offenders; drugs; gangs; school safety) of a more preventative approach informing the ways in which the police role in the new millennium is being cast – even under the most adverse of conditions. In regional police circles (SARPCCO being one illustrative example) there is also some indication that the role of police in social crime prevention involving particular groups of 'vulnerable victims' (women and children in particular) is being discussed. It remains to be seen to what extent such regional discussions being held in the inner circles of enforcement agencies in the SADC region will translate into practice. In this quest crime prevention expertise, as those located at the International Centre for the Prevention of Crime, do have an important role to play.