

TOWARDS SAFER CITIES:

The South African Debate on Options for Urban Safety

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Introduction

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The Case for City Policing Services in Gauteng, Standing Committee on Safety and Security, Gauteng Legislature

A Safer Cities and Towns Programme for South Africa

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Proposed Amendment of the South African Police Service Act, 1995 (Act no 68 of 1995) by the Substitution of Chapter 12 by the Following Chapter: Municipal and Metropolitan Police Services

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INTRODUCTION

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The debate on options for city policing and crime prevention in South Africa have gathered pace since 1994. The Institute for Security Studies – believing that the key to crime prevention lies at local level – has concentrated on developing workable solutions to growing levels of crime in South Africa's urban centres. The contents of this monograph constitute a collection of policy documents, in the formulation of which the Institute has been active, and covering key issues in the debate. These are as follows:

- the concept document on metropolitan and municipal policing produced for the Gauteng Ministry of Safety and Security;
- a study of the possibilities for establishing city policing services in Gauteng completed for the Standing Committee on Safety and Security of the Gauteng Legislature;
- a discussion document on the possibility of establishing a Safer Cities and Towns Programme for South Africa; and

- draft legislation produced by the South African Police Service on metropolitan and municipal policing. The draft legislation is likely to change considerably in the future and much debate is still required on its contents.

The documents represent the degree to which the debate has swung from one which concentrates purely on the establishment of metropolitan and municipal policing to a realisation that achieving safer cities and towns requires a focus on a range of local government focus areas. There is much for South African cities to learn from the experiences of municipal initiatives elsewhere. The key lesson is that city and town authorities have an important responsibility in regard to crime prevention and can play a critical co-ordinating role. Indeed, international experience of crime prevention suggests that the active participation of local authorities in steering crime prevention projects is a critical factor in their success.

The debate on local involvement in policing and crime prevention has some way to progress and is increasingly difficult to separate (as has been the tendency to date) from more general issues relating to the transformation of the SAPS. It would be unfortunate, for example, if current developments around the decentralisation of policing functions in the SAPS were not co-ordinated with developments in the city policing and crime prevention debate. Also, there is much to be said for investigating the linking of democratically elected local authorities with local SAPS commanders to improve levels of accountability at local level. Finally, national guidelines on issues such as environmental design for crime prevention are urgently required at local government level.

While the monograph does not aim to specifically raise these issues, it provides a useful background to an understanding of the roots of the debate on local authority participation in crime prevention. As has been emphasised above, the debate is far from over. While it has, to some extent, developed in an *ad hoc* manner (concentrating initially too heavily on metropolitan and municipal policing) there is now a critical need to cite further developments more firmly within government policy initiatives such as the National Crime Prevention Strategy. The debate around safer cities and towns must not be seen as an add-on to current initiatives – it is in fact the key to local delivery.

METROPOLITAN AND MUNICIPAL POLICING, MINISTRY OF SAFETY AND SECURITY, GAUTENG PROVINCE

BACKGROUND

The debate around local government forms of policing has gained considerable momentum since the holding of community elections. Although many local government bodies in Gauteng debated and drew up policy proposals before November 1995, these could not be implemented until transitional local authorities had been elected.

The conflict in the country during the 1980s saw racially separate municipalities assuming greater responsibility for numerous security functions. Security departments were established to protect council property and in many cases assumed wider roles, including the policing of both criminal and political offences.

As levels of crime increased in the last years of apartheid so local government structures responded by supplementing national policing resources with municipal resources. These included the expansion of the powers of traffic officers to enable them to police crime, as well as

the increased use of municipal security departments. The handing over of some policing functions to local authorities is not a new development: traffic policing was made a municipal responsibility in the 1930s when the then South African Police felt that policing traffic offences was beyond its resources.

Many of these initiatives have continued in the post-transition era and local government forms of policing have expanded considerably in the recent past. **Municipal traffic and security departments, to varying degrees across Gauteng, are active in the policing of crime.** Most officers are armed and some local government bodies operate (or plan in future to do so) crisis control centres and reaction units. Others police in partnership with the South African Police Service (SAPS) through, for example, joint patrols in council vehicles or assisting in the running of road blocks. While the proportion of time that traffic and security officials spend policing crime is difficult to determine across the province, some metropolitan and municipal areas claim that their officers spend approximately half their time policing crime. In reality, many local government authorities fund *de facto* policing agencies.

Given that many at local government level in Gauteng are actively pursuing the concept of municipal and metropolitan policing, this document seeks to provide a framework for such police services. The document is not an attempt to dictate to local government authorities but to provide guidelines for the establishment and functioning of municipal and metropolitan police services. At the same time, the document aims to determine what role the provincial authorities can play in the establishment, regulation and monitoring of metropolitan and municipal police services and, by so doing, ensure high levels of service provision to the public.

It should be stated at the outset that the Gauteng Provincial Ministry of Safety and Security supports well managed, accountable, service oriented and efficient metropolitan and municipal police services as part of the overall government effort to counter and prevent crime.

TERMINOLOGY

The document makes use of a number of terms which require clarification:

Municipal police service refers to a police service established by a single Transitional Local Council.

Metropolitan police service refers to a police service established within the confines of a designated Transitional Metropolitan Council. This is a single police service, although structured according to the needs of the metropolitan area and its component metropolitan sub-structures.

Local government refers to the third tier of government encapsulating both metropolitan and municipal structures.

Given previous connotations attached to the term municipal policing, many representations have been made which suggest that the terms metropolitan or municipal policing be replaced with 'city police'. The Gauteng Ministry supports this change. The terms metropolitan and municipal policing are retained in this document since they are still used in the Interim Constitution and the **Police Act**.

CONSULTATION

The initial concept document released by the Ministry in January was presented at a workshop

attended by representatives from South African Police Service (SAPS), local government structures, including traffic and security officials, community police forums, the provincial and national ministries of Safety and Security and Transport. The MEC undertook to consult further with specific stakeholders and incorporate recommendations into a further discussion document.

The MEC has emphasised that the process of finalising a policy on metropolitan policing is one which needs the input of a variety of government departments at all levels. In particular, the role of Constitutional Development is crucial, since the final policy proposals need to be located in a constitutional framework which has yet to be finalised. Representatives of the Gauteng Ministry have met with officials of this department to discuss ways of streamlining the process and achieving effective co ordination between developments at a provincial and national level on an inter departmental basis.

In addition, a working committee has been established between the provincial ministries of Transport and Safety and Security to clarify co-ordination mechanisms between the two departments in the formulation of a final policy document. One of the focus areas needs to be the **Road Transportation Act** and its impact on the final functions and powers of any metropolitan and municipal police service.

PROVINCIAL COMPETENCY

Provision is made in the (interim) Constitution for the establishment of municipal and metropolitan police services. The Constitution gives the provinces a clear role to play in the establishment of these bodies. The following provisions are laid down:

- Such services may only be established with the consent of the MEC for Safety and Security in the province concerned.
- The powers of metropolitan and municipal police services are limited to 'crime prevention' and the 'enforcement of metropolitan and municipal by-laws'.
- The MEC for Safety and Security should determine the powers and functions of the police service concerned, provided these remain within the ambit of crime prevention and the enforcement of metropolitan and municipal by-laws.

The **South African Police Services Act** No 68 of 1995 also provides guidelines for the establishment of municipal and metropolitan policing. Although the Act states that its provisions should be read "*subject to the Constitution*" (which gives provinces the powers outlined above), the Act is concerned only with the role of the national Ministry and the National Commissioner in relation to metropolitan and municipal policing. With regard to the Minister, the following provisions are laid down:

- The Minister shall prescribe which provisions of the **Police Act** apply *mutatis mutandis* to any municipal or metropolitan police service. (The interim Constitution states that as far as practicable the provisions of the **Police Act** should apply *mutatis mutandis* to any local authority police service.)
- The Minister may make regulations regarding the establishment of municipal or metropolitan police services. Such regulations will include which categories of local government may establish metropolitan police services and which categories may establish municipal police services.

Given that the draft of the final Constitution contains no reference to municipal or metropolitan police services and the fact that the Interim Constitution will expire on the enactment of the final Constitution in May 1996, provincial powers in relation to metropolitan and municipal policing may have a limited life span. A first step should therefore be to amend the Police Act to include those guidelines, presently contained in the Interim Constitution, within which metropolitan and municipal police services should be established, unless provincial legislative competence is retained, in which case provincial legislation could achieve this. **The Gauteng Ministry of Safety and Security has a valuable role to play in regulating and monitoring the establishment and functioning of metropolitan and municipal police services.**

The final decision to implement municipal and metropolitan police services lies with local government structures. Where local government authorities undertake to establish such policing structures, this will be done within the enabling framework created at provincial and national level. Debates around the appropriateness of any new services should take place at local level taking account of current community crime prevention initiatives. Current initiatives will need to be re-evaluated to ensure that they fall within constitutional and legislative criteria.

OBJECTIVE

The South African Police Service will always maintain the primary responsibility for the maintenance of safety and security. Municipal and metropolitan police services in no way seek to impinge on this role. The **Police Act** states clearly that the *"establishment of a municipal or metropolitan police service shall not derogate from the functions of the Service or the powers, duties or functions of a member in terms of the law."* **But local government policing can act as a useful supplement to policing provided by the South African Police Service and can be tasked to fulfil certain specific functions which will ensure safer communities for all South Africans.**

To be successful and to adequately serve local communities, municipal and metropolitan police services should be guided by the following principles:

- be accountable to the communities they serve;
- reflect a civilian and not a para-military ethos;
- operate as service oriented organisations;
- operate within guidelines and standards determined at national and provincial level;
- be representative, at all levels, of all South Africans;
- provide equitable levels of service to all communities;
- be adequately covered by oversight and regulatory mechanisms;
- work closely in co-operation with the SAPS; and,
- subscribe to efficient and effective management techniques.

FUNCTIONS

The Interim Constitution states that the **powers** of any metropolitan or municipal police service should be confined to the "*policing of municipal by-laws*" and to "*crime prevention*".

The Constitution is not clear on what the term 'crime prevention' entails. By its nature, however, the term suggests a **proactive** policing service with a high degree of **visibility**. That in turn suggests that metropolitan and municipal police services should strive to ensure the maximum number of patrol officers as possible and should seek to develop a service ethos in the communities within which they operate. Despite the concentration on crime **prevention**, the term does not prevent the services concerned from **reacting** to reported cases of criminal activity, which in itself serves as a crime prevention measure.

The Province believes that in order for metropolitan and municipal policing to be successful, it should prioritise high crime areas, for example, city CBDs, taxi ranks and tourist areas.

Such functions, however, would specifically exclude municipal and metropolitan police services from:

- having their own investigative capacity. There are, however, three possible exceptions to this, should the council in question have the necessary resources:
 1. the investigation of crime on council property;
 2. the investigation of road traffic offences;
 3. the investigation of violations of municipal by-laws; and
- having their own 'lock-up' facilities.

To avoid unnecessary duplication and fragmentation of law enforcement authorities at local level, metropolitan and municipal police services should hold traffic control and the enforcement of traffic regulations as key functions. **This activity requires a high visibility and a degree of mobility which would facilitate a crime prevention role as outlined above.**

In summary, the functions of metropolitan and municipal policing agencies should be as follows:

- to act as the primary bodies policing road traffic regulations and related laws, for example, those relating to drunken driving;
- to assume a highly visible, service oriented, proactive and crime prevention function;
- to, where appropriate, and in co-ordination with the SAPS, react speedily to reported criminal activity; and
- to police municipal by-laws.

POWERS

In order to carry out these functions properly it would be appropriate for metropolitan and municipal police officers to be designated as 'peace officers' in terms of the **Criminal Procedure Act** No 51 of 1977. This would give them the same powers that traffic officers (and in some cases municipal security officers) currently have, including powers of search, seizure and arrest.

JURISDICTION

The powers of metropolitan and municipal police officers – given that they are accountable only to their local council – should apply only within the local authority boundaries within which they operate. Four exceptions should be made to this general rule:

- In the case of metropolitan areas, the powers should apply across the metropolitan area regardless of the boundaries of the component metropolitan sub-structures.
- In specific instances – for example, in the case of a national disaster in the province – the Premier can determine that the powers of metropolitan and municipal police officers apply across the province.
- By agreements between adjacent municipal or metropolitan areas, local authority police officers can, on request, come to the assistance of a neighbouring local authority. (Such agreements already exist between traffic departments.)
- In cases of 'hot pursuit', metropolitan and municipal police officers can pursue suspects across municipal, metropolitan and provincial boundaries provided the offence was committed in their area of jurisdiction.

CORE PERSONNEL AND TRAINING

While the National Commissioner, according to the **Police Act**, is responsible for the setting of minimum training standards for municipal and metropolitan policing authorities, the following considerations should also apply:

- The core of metropolitan and municipal police officers should be drawn from the current traffic police agencies. Additional training should be provided in cases where officers have not previously undergone policing training.
- Local authority security departments should only be responsible for the protection of property which belongs **to the local authority itself** (a function which has been privatised by some municipalities). **Local authority security departments should not engage in public policing activities and should not have the powers to do so.** If security personnel are to be absorbed into a municipal or metropolitan police service they should receive the same training as traffic officers employed by municipal and metropolitan police services.
- **A uniform level of training** should apply to all municipal police officers which, given their functions, should include both traffic and police training. Security officers who meet the requirements to become municipal or metropolitan police officers should undergo these training components and should be transferred from the security department to the metropolitan or municipal police service. Within an agreed structure provision can be made for functional divisions.
- Training in proactive policing, crime prevention methods, inter-personal skills and conflict management should form a significant component of any training programme for municipal and metropolitan police officers. Training should not only occur on recruitment, but should be an ongoing process within the service in question.

TRAFFIC WARDENS/RESERVISTS

Local government authorities should continue to be able to appoint traffic wardens on either a full-time, part-time, temporary or reservist basis. Wardens will not carry out wider policing roles, but will assist local authority police services in their work by carrying out appropriate traffic functions, for example, point duty at schools or parking control. The powers of traffic wardens are laid down in terms of Section 3 of the Road Traffic Act No 29 of 1989. They should be adequately trained for their task and have a thorough knowledge of traffic regulations.

RESERVE POLICE OFFICERS

Metropolitan and municipal police services should not appoint reserve metropolitan or municipal police officers. Individuals who wish to assist in the policing of their communities as reservists should join the South African Police Service in that capacity. Exceptions may apply to certain specific functions like the policing of environmental by-laws.

STRUCTURE

The structure of any metropolitan or municipal police service is the primary responsibility of the municipal or metropolitan area concerned and should be debated widely within these structures. However, a number of guidelines should be subscribed to:

- In metropolitan areas lines of accountability should be drawn both to metropolitan sub-structures, as well as to the metropolitan level. Metropolitan policing sub structures should be responsible for the day to day management and operation of the service in question while the Metropolitan Council should provide a co ordinating and policy formulation role for the whole metropolitan police service for which it is responsible. Beyond this guideline the Province does not wish to prescribe the balance of powers between metropolitan councils and metropolitan sub-structures.
- The structure of metropolitan and municipal police services should reflect the functions as laid down by the province and within the requirements laid down by any national regulations.
- Structures should reflect a civilian and service oriented ethos and not a military or para-military one. This should be reflected in, among other things, systems of rank and uniform.

OPERATION

The day to day operation of metropolitan and municipal police authorities is the primary responsibility of the local authorities themselves, apart from the following conditions:

- Metropolitan and municipal police services should be represented on community police forums and sub-forums which function within their area of jurisdiction.
- Metropolitan and municipal police services should maintain a 24-hour service.
- Metropolitan and municipal police services should give priority to proactive and highly visible policing such as foot and bicycle patrols.
- Given that many metropolitan and municipal police services will operate over a number of different SAPS jurisdictions, crime statistics should be maintained **in conjunction with** the

SAPS so that these can be added into national totals. In turn, making use of such statistics, metropolitan and municipal police officials will be in a better position to manage resources within their own areas of jurisdiction according to the needs of the communities they serve.

- Effective provisions and mechanisms should be established for co-ordination with the South African Police Service.
- Metropolitan and municipal police agencies should develop procedures for preventing corruption.

PROVINCIAL INSPECTORATE

In order to ensure that acceptable standards and levels of service are established and maintained across the province a Provincial Inspectorate should be formed.

The Provincial Inspectorate should be composed as follows:

- a representative appointed by the MEC for Safety and Security;
- a representative appointed by the MEC for Transport;
- a representative appointed by the MEC for Local Government;
- a representative appointed by the Provincial Commissioner of Police;
- one representative each from the major metropolitan areas in the province; and
- four representatives from the Gauteng Association of Local Authorities.

The Inspectorate should be assisted in its activities by adequate support staff.

The Inspectorate should function within the following guidelines:

- The provincial ministry of Safety and Security will convene the first meeting.
- The members of the inspectorate should elect their own chairperson.
- The Provincial Inspectorate should draw up its own procedural guidelines.
- Wherever possible decisions should be reached by consensus. Disputes should be referred to the MEC for Safety and Security.
- Individuals are appointed to the Inspectorate for a period of two years but can be replaced if required.
- Where required the Provincial Inspectorate can draw on the expertise of outsiders and policing practitioners.
- At minimum the full Inspectorate should meet every three months.

The Provincial Inspectorate should have the following functions:

- It should submit an annual report, tabled in the Legislature and distributed among local authorities and to the MECs concerned, providing an overview of the status of metropolitan and municipal policing in the province and the activities of the Inspectorate.
- It should make recommendations to the MEC for Safety and Security for the improvement of the service provided by metropolitan and municipal police services across the province and any other related matter deemed appropriate.
- It should make recommendations to local government authorities for the improvement of metropolitan and municipal policing services in the province and any other related matter deemed appropriate.
- Where appropriate, it should make recommendations regarding training to the National Commissioner.
- It should recommend uniform standards of metropolitan and municipal policing across the province.
- It should maintain a system of regular visits to municipal and metropolitan police services in the province.
- It should monitor the investigation of complaints at local level and where it is deemed appropriate, recommend that the MEC for Safety and Security refer these to the Independent Complaints Directorate contained in the **Police Act** (See point 15) or the office of the Provincial Public Protector.
- It should act as an appeal mechanism for complaints not adequately dealt with by local authorities.
- It should mediate, where appropriate and on request, conflicts between local authorities or within metropolitan areas on the issue of local authority policing.
- It should ensure that metropolitan and municipal police services in the province comply with national regulations and provincial policy.
- It should ensure that the activities of municipal and metropolitan police services are actively co-ordinated with those of the SAPS.
- It should assist the MEC for Safety and Security in establishing a system of accreditation for metropolitan and municipal police services. (See point 15)
- It should recommend in cases where it is reasonable and appropriate that traffic and security departments are carrying out *de facto* policing functions that the MEC require them to be regulated in terms of any provincial and national regulations or legislation relating to metropolitan or municipal policing unless exempted from doing so by the MEC.

ACCREDITATION

Local authorities should apply to the MEC for Safety and Security for accreditation as municipal or metropolitan police services.

The Provincial Inspectorate should be tasked by the MEC for Safety and Security to formulate for her/his approval the process and terms of a system of accreditation for municipal and metropolitan policing. This should take into account provincial guidelines, national regulations, relevant legislation and appropriate and equitable levels of service provision.

Two levels of accreditation should apply:

- **Mandatory accreditation** would lay down the minimum requirements for the establishment of a metropolitan or municipal police service. Mandatory accreditation, along with the powers conferred, can be withdrawn should a metropolitan or municipal police service fail to continue to meet the requirements. In such cases the local authority police service in question will be given a reasonable time to meet the requirements before accreditation is withdrawn.
- The result of failing to meet standards of accreditation will be that the local authority service in question will no longer be regarded as a metropolitan or municipal police service and will not be able to perform policing functions other than traffic control. The local authority in question will be given a reasonable time to remedy any deficiencies in terms of required standards. The MEC will determine such action after consultation with the local authority concerned and in consultation with the Provincial Inspectorate.
- **Non-mandatory accreditation** would lay out requirements over and above minimum standards which are aimed at further improving the service provided by metropolitan and municipal policing. The Provincial Inspectorate should determine such requirements, in conjunction with the MEC for Safety and Security, the Provincial and National Commissioner of the SAPS and local authority representatives, and should investigate the appropriateness of awarding a 'service rating' to local authority police services. Such a rating should be based on a formula system which takes into account service provision in proportion to resources and size of jurisdiction.

INDEPENDENT COMPLAINTS DIRECTORATE

The provisions of Chapter 10 of the **Police Services Act** in regard to the Independent Complaints Directorate should also apply to metropolitan and municipal police services.

FUNDING AND REMUNERATION

Funding metropolitan and municipal police services, and determining levels of remuneration for local authority police officers is the responsibility of the local government concerned. At provincial level a number of funding options are being considered and the provincial Ministry of Safety and Security encourages local authorities to investigate innovative funding alternatives. The Province is open to all creative funding proposals as long as these do not contravene national or provincial laws on, for example, the regulation of gambling or lotteries.

THE CASE FOR CITY POLICING SERVICES IN GAUTENG, STANDING COMMITTEE ON SAFETY AND SECURITY, GAUTENG LEGISLATURE

The following report is the result of an investigation undertaken between November 1995 and May 1996 by the Technical Committee on Metropolitan and Municipal Policing of the Standing

Committee on Safety and Security in the Gauteng Legislature, in fulfilment of its brief: 'To investigate and make recommendations to the Standing Committee on Municipal and Metropolitan Policing'.

JUNE 1996

TECHNICAL COMMITTEE MEMBERS

1. P S G Leon (Chairperson) – Democratic Party
2. K M Millard – African National Congress
3. A van Wyk – National Party
4. G Mzizi – Inkatha Freedom Party
5. D J Besdziek – Researcher
6. M Shaw – co-opted Technical Expert

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INTRODUCTION

The implementation of city policing – termed municipal law enforcement agencies under the 1996 Constitution, and metropolitan or municipal policing services under the Interim Constitution (Act 200 of 1993), has since 1995 been one of the most important items on the political agenda of Gauteng. The problem of growing levels of crime was a central issue in the local government elections of November 1995. Properly regulated and service oriented local authority police is increasingly being seen as an innovative response at local authority level to growing crime.

The issue of city policing, however, is a complex one involving a number of role players. Given the importance of the issue, a Technical Committee of the Public Safety and Security Standing Committee of the Gauteng Legislature was appointed by the Standing Committee in November 1995 to investigate the matter. During the period while this work was under way, the legislative framework for the establishment of city police services was altered considerably. The most significant change is that Gauteng, as a province, no longer has legislative competency in this matter (unless such competency is delegated to it by national legislation). Given the advanced stage the work of the Technical Committee had reached at the time of the legislative alterations, the work has been completed and is now submitted for consideration at a national level.

The Technical Committee supports the call for city police services provided they are well managed, accountable, service oriented and efficient. The Technical Committee wishes to emphasise that city police services should seek to complement the policing activities of the

SAPS and views these services as an integral part of local police initiatives within the framework of the recently released National Crime Prevention Strategy.

The Technical Committee recognised from the outset that its investigation would need to centre on the creation of a framework or enabling mechanism within which local authorities – by their own choice – could establish city police services.

1 BACKGROUND

The development of city policing in Gauteng can be traced back into the 1980s. With increasing levels of political conflict in the country and the continued growth of crime during this period, many local authorities took their own initiatives to address local security concerns.

1.1 Increasing Powers for Traffic Police

Traffic police, placed under local authority control in the 1930s (Portelli 1995:3), began to venture into crime combating in an approximation of their SAP counterparts. This utilisation of traffic officers in an anti-crime function over and above their traffic policing duties was concretised with the application of 'peace officer' status by the Minister of Justice in September 1988 (through **Government Notice** No 1860) to all traffic officers appointed by local authorities (Portelli 1995:9). The application of 'peace officer' status is retained for all traffic officers in the **Road Traffic Act** (Act 29 of 1989).

1.2 The Establishment of Municipal Security Departments

Local authorities established and developed their own security departments. Created initially to protect council properties against crime and increasing levels of political conflict, security departments soon outgrew their brief and moved into active anti-crime activities outside of council property and even into 'intelligence' activities (Cawthra 1993:70-71 and Shaw 1996:1). The security department of Johannesburg earned particular notoriety by the late 1980s for its monitoring of political opponents of the state as diverse as students, anti-apartheid activists and even a newspaper editor (Cawthra 1993:70).

1.3 Black Local Authorities and Municipal Policing

A similar notoriety came to be accorded to the SAP's separate black auxiliary police that developed by the late 1980s. Within the SAP itself a corps of police assistants was created in 1986. These 'kitskonstabels' (a reflection of the six weeks hasty training they received) were designed to quickly and cheaply extend the police presence in South Africa's townships. A second auxiliary corps was that of the municipal police. Also established by the SAP, the municipal police replaced the 'black-jack' police of the administration boards and Black Local Authorities (BLAs). They were provided greater powers than their predecessors and were utilised to guard councillors and council and other state property. The municipal police soon established a reputation for brutality and ill discipline, and were dubbed 'greenflies' (in reference to their green uniforms) by irate communities. In 1989, the SAP reasserted its absolute authority over the municipal police and removed them from the control of the BLAs (see Cawthra 1993:61-63).

1.4 Lobbying for Local Authority Police

As local authorities grew confident in their policing capacities, so they were encouraged to lobby for the "*establishment of full-blown local police forces*" (Cawthra 1993:71.) The suggestion that

local authorities develop their own policing capacities coincided with a period in which the SAP was enjoying the amalgamation of other policing units under its command – the Railway and Harbour Police, and the municipal police of the BLAs (Johannesburg City Council 1990:416). According to the SAP at that time, the establishment of such services would have been an unnecessary fragmentation of policing resources (Johannesburg City Council 1990:416).

This brief history suggests that the implementation of city policing must be advanced sensitively. The political reality is that moves towards city policing should not be undertaken without the necessary assurances to those communities that were previously victimised by local policing agencies established under apartheid. The city police services proposed in this report are very different entities to those established in the 1980s. Any perception that future city policing is nothing more than the resurrection of the municipal police of the BLAs, must be allayed. This emerged clearly at a workshop on Metropolitan Policing held by the Gauteng Ministry of Safety and Security on 17 February 1996, where numerous delegates raised the fear that city policing could be perceived by some communities as a resurrection of what has gone before rather than a new and practical undertaking. Even in local traffic and security departments such concerns are freely admitted.

2 CURRENT CAPACITIES AT LOCAL GOVERNMENT LEVEL

Regardless of the difficulties of this background, the post-1994 democratic Government of South Africa has inherited the reality that most municipal traffic and security departments are now engaged in crime prevention as an integral component of their work. An acknowledgement of this reality was made with the provision for metropolitan and municipal policing in Section 221 (3) of the Interim Constitution of 1993.

2.1 Local Traffic and Security Departments and Crime Prevention

Today, many local traffic departments record crime prevention and response to crisis calls from members of the public as upward of 50% of their work. Traffic patrol officers often work in conjunction with SAPS personnel on a daily basis and see themselves as a part of the same occupational fraternity. The development of the crime prevention function should not obscure the fact that some traffic departments believe that the move into a wider law enforcement role is an unhealthy development, and in a small number of cases has been resisted. For instance, Roodepoort, by its own design, de-prioritises crime prevention activity, and only recorded 19 unspecified actions throughout 1995 in support of SAPS. Roodepoort does, however, appear to be the exception rather than the rule in this regard.

A simple explanation exists for the development of the crime prevention capacities of local traffic departments. According to Professor Ben Smit in a speech to the Local Government Security Association Seminar of August and September 1995: *"Traffic officers probably are the most visible entity of the criminal justice system ... High visibility allows for rapid recognition of law enforcement officers by innocent citizens as well as offenders"* (Smit 1995:6). In short, local traffic services are on patrol as a matter of course in their duties, travel in distinctly marked cars and wear uniforms that immediately identify them as symbols of authority. They are ideally placed to provide a crime reaction service by virtue of the fact that they will already be 'on the road' when a crisis or emergency call is made, and to constitute a crime prevention agency by their very visibility. This was confirmed by the Technical Committee by accompanying traffic officers on regular patrol duties.

As most traffic departments have become drawn into policing actions outside of the enforcement

of traffic laws, so they have, over time, structured and equipped themselves accordingly:

- Traffic officers, and in some instances security officers, have 'peace officer' status as provided for in the **Criminal Procedure Act** (Act No 51 of 1977).
- Most local traffic services work well with the SAPS, and it is a fact that many of their personnel are former SAP or SAPS personnel that have moved into these local traffic services.
- Many traffic services have amalgamated traffic and wider security functions into one umbrella public safety department.
- Most traffic departments have complementary relations with departments in neighbouring jurisdictions which allows them to assist their colleagues there, and to pursue offenders into neighbouring jurisdictions (provided the crime or offence was committed in their own jurisdiction).
- An increasing number of local authorities operate their own emergency numbers and a related response car capability.

The Midrand/Ivory Park and Kempton Park Substructures of the North East Rand Transitional Metropolitan Council and the Eastern Substructure of the Johannesburg Transitional Metropolitan Council are three departments that are fairly advanced in restructuring themselves towards city police services. The traffic and security departments of Kempton Park have been patrolling with the SAP since 1987, in an operation appropriately called 'Fruit Salad' (Kempton Park/Tembisa Metropolitan Substructure 1996:1 and Shaw 1995:90). With the support of their local councils both Midrand/Ivory Park and Johannesburg's Eastern MSS have set up single telephone number crisis centres that provide an integrated service of traffic, fire and ambulance services (including an emergency helicopter service in the case of Midrand). These centres also alert the SAPS where necessary. Sandton has now embarked on an initiative similar to that of Kempton Park which places traffic and police officers together in one patrol vehicle and, if, as in Kempton Park, it proves to be sustainable, Kempton Park and Sandton could provide a model to other local authorities on how to comprehensively co-ordinate and integrate local police actions with those of the SAPS.

Even in areas where no such crisis centres exist, traffic departments are developing single number emergency call systems and offer to relay any crisis calls to the other emergency services where this is necessary. Only in areas where the citizenry is not aware of the capacity of the traffic department to come to their assistance in the time of a crisis are these departments underutilised in their reaction capacity – notably in Alexandra and Soweto.

The role of the municipal security departments varies decidedly from authority to authority. In the Pretoria Metropolitan area the Security Division shares patrolling with a specific view to crime prevention with the Traffic Division. The Pretoria Security Division has a total personnel complement of 375 divided into Operations, Guard Duties, Investigations and Training. The Security Division also contains an investigation component that conducts investigations into crimes against the council and council property, and has recently assisted the SAPS with an investigation into allegations of traffic officer corruption (Van der Waals 1995b:1 and Van der Waals 1995a:part 5).

The role of municipal security is similarly high in Krugersdorp. In areas where the role of the

security department is central to crime prevention, security officers enjoy 'peace officer' status and, in the case of Krugersdorp, are trained as traffic officers and are mutually interchangeable with them. In the other local authority areas the function of the security departments is mainly patrolling and guarding council property.

Regardless of the extent of the 'crime' policing done by local traffic and security departments, their work continues to be regarded as essentially feeding into and augmenting that of the SAPS (Kempton Park/Tembisa Metropolitan Substructure 1996:1 and Jooste 1995b:3). Few heads of traffic would condone the extension of their policing powers to such an extent that it would impinge on their ability to fulfill their traffic function adequately. Local traffic departments have no lock-up facilities; very little investigative capacity – which is limited locally to the investigative capacity of security departments against offences or crimes committed on council property; and the SAPS retains the ability to receive traffic fines and investigate traffic accidents. It is generally agreed by most of heads of traffic that city police services, should they be established, should not be equipped with lock-up facilities. Such services should also not be expected to engage in any investigative policing – barring for those offences committed on council property.

Both Superintendent Tarbitt (Tarbitt 1994:21, 23 and 24) and Senior Superintendent Bester (Bester 1995:5) of the SAPS make mention of the need for some investigative capacity in city police services. This is contradicted by the opinion of many heads of traffic that it is precisely the absence of the need to engage in investigations that allows them to fulfill their highly visible crime prevention role. Municipal officials argue that an investigative capacity will tie up valuable personnel behind desks and telephones, when personnel resources could be better utilised patrolling the streets of their jurisdiction (Van Rooyen 1995b:6 and Kempton Park/Tembisa Metropolitan Substructure 1996:2).

A qualifier needs to be added, however. Many heads of traffic do feel that the investigation of traffic accidents could be given over to city police services (see also Van Rooyen 1995b:13). Traffic services are from the outset better equipped to deal with such investigations, and the transfer of this responsibility away from the SAPS would free up valuable SAPS personnel to investigate other crime. This sentiment has been endorsed more recently in the **Green Paper on National Transport Policy**. The **Green Paper** states: "... traffic departments should not be merged with the SA Police Service, but should gradually take over the traffic control functions of the SAPS, especially the function of investigating accidents" (Department of Transport 1996:66 and 67).

Two further issues impact on the crime prevention capacity of local traffic and security services:

- Firstly, the SAPS continues to monitor local crime details and local traffic departments patrol according to data provided by the SAPS. Any city police service will need to be able to maintain its own crime and accident data, or at least integrate its own data with that of the SAPS. This is especially relevant for as long as SAPS local jurisdictions cut across newly created municipal boundaries.
- Secondly few local traffic departments operate on a 24-hour basis. Where they do, only a small patrol shift remains for the 00h00 to 05h00 period. It should be a mandatory requirement of city police services that these do have a 24 hour duty roster (Van Rooyen 1995b:13; Kempton Park/Tembisa Metropolitan Substructure 1996:2; Jooste 1995b:3, Transitional Local Council of Greater Germiston 1995:136. In this regard see also Department of Transport 1996:67).

2.2 Resources at Local Level

It is an unfortunate reality that most local traffic and security departments are, and will probably continue to be, under-resourced in terms of the personnel needs required to adequately police areas under their jurisdiction, or in terms of the material resources at their disposal. This is echoed in the **Green Paper on National Transport Policy**, which identifies that the need for more traffic personnel and equipment in the country, especially in under-privileged or marginalised communities, should be satisfied (see Department of Transport 1996:66). The **Transport Green Paper** also recommends that the optimal utilisation of traffic control resources should be pursued, and that existing funding, budgeting and prioritising procedures should be adapted to this end (Department of Transport 1996:65 and 66). Despite this shortage of resources, the individual traffic patrol officer is usually adequately equipped, uniformed, and armed. Also, with the development of the crime prevention capacity of traffic officers, many local councils have taken out greater insurance on the lives of their personnel over and above any claims that these officers would have normally for Workmen's Compensation.

2.3 Reservists

Municipal traffic departments presently make use of reservists as traffic wardens. Such wardens assist mainly in traffic functions like point duties, parking control, and scholar crossings, etc. The issue that arises is whether reserve officers could be utilised by city police services in their traffic law enforcement and crime prevention capacities. The concept of allowing members of a local community to police as reservists in the local police service is, at first glance, commensurate with the ideal of police/community co-operation to which the present government is committed. However, it is also true that the SAPS already makes use of a sizeable reserve contingent that is drawn from all local communities. The Technical Committee submits that the current *status quo* regarding reservists should therefore not be tampered with: citizens who wish to do reserve duty to fight crime should do so through the SAPS, while city police services should continue to make use of traffic wardens whose existence will in any event free local professional officers for crime prevention work. (The Democratic Party put the minority position that some provision should be made for reservists to carry out crime prevention duties in any future city police services.)

2.4 Uniforms

It is noteworthy that the uniforms of many traffic departments have tended to become excessively militarised. This will impact on their ability to present the kind of 'community friendly' attitude that one would ask of every city police service. Uniform requirements are the preserve of metropolitan councils and substructures, but it might be suggested here that the uniforms of traffic and security officers should reflect their distinction from the SAPS. So as not to encourage a proliferation of uniforms, city police officers should be clearly identifiable as such across municipalities.

2.5 Training

The training of any future city police service is a competency of the National Commissioner of Police (according to the **SA Police Services Act** (Act No 68 of 1995)). However, provincial, metropolitan and local government are in a position to lobby the National Commissioner in this regard and thus mention will be made of training here.

Traffic officers are currently placed on a three to four month diploma course to equip them for their work. In Gauteng Province this is conducted by the Traffic academies in Johannesburg,

Pretoria and Boekenhoutskloof. The courses offered by the academies are laid down by the Department of Transport and their subject matter includes *inter alia*: the **Road Traffic Act**, the **Criminal Procedure Act**, the **Hazardous Chemicals Act**, the **Animal Protection Act**, criminal law and criminal procedure, firearm training, first-aid and a fire-fighting course. The Institute of Traffic Officers offers further advanced training that officers can undertake to qualify them for promotion. Many heads of traffic and patrol officers have pointed out that training that is currently being provided, will not be adequate if greater crime prevention responsibilities are assumed. Already the Midrand Substructure provides augmented training to its officers at its own expense.

Some local authorities are confident that because many of their present personnel have come from the SAP or SAPS, this qualifies them for any policing functions they need to undertake (Transitional Local Council of Germiston 1995:135). This random exchange of expertise is no solution to the absence of comprehensive city police training. The Kempton Park/Tembisa Substructure has laid out an interim training programme for new recruits to their envisaged city police service. This will include proactive policing; crime prevention; conflict management and interpersonal skills. Over the long term, city police officers would be given on-going training in the following: general police duties; statutory law; court procedures; current trends in policing; common law; basic social studies; police/public relations; practical charge office duties; first aid; and driving skills (Kempton Park/Tembisa Metropolitan Substructure 1996:4).

The suggestion of ongoing training is particularly important. It is a concern amongst some traffic patrol officers that insufficient follow-up training is given by local authorities. Some officers feel that certain mandatory levels of firearm proficiency, negotiation skills, and crisis management skills need not only to be acquired, but should be actively developed during their careers.

The Technical Committee is of the opinion that adequate training will be crucial to the success of local crime prevention initiatives. It is noted with concern that surprisingly little investigation into the training issue has been completed by either the municipalities concerned or the SAPS whose responsibility it is to establish training standards.

3 TOWARDS THE FORMALISATION OF CITY POLICING

3.1 The Debate Thus Far

The debate on city policing has taken place in various forums since mid-1994. Contributions to the debate have been made, *inter alia*, by the SAPS, the Local Government Security Association, local Traffic departments, the United Municipal Executive, Local Councils, Substructures and Metropolitan Councils, political parties and the office of the MEC for Safety and Security in Gauteng. These debates have resulted in a broad consensus on city policing. The fundamentals of this consensus are that:

- city police officers should be equipped with 'peace officer' status according to the provisions of the **Criminal Procedure Act** of 1977;
- city police services should be constituted from the existing traffic, security and civil defence structures and that additional training be provided where necessary;
- city police services should operate under a public safety umbrella at local or metropolitan council level;

- city police services should operate on a 24-hour basis;
- the primary functions of city police services should be traffic policing, crime prevention and the policing of municipal by-laws;
- city police services should not have investigative powers with the exception of investigations into traffic offences and into offences committed on council property; and
- city police services should not replace the SAPS, but merely augment it.

The consensus notwithstanding, it is the aim of this report to proceed to address the questions that remain uppermost in the minds of those policy makers who have already committed themselves to the process towards city policing in Gauteng, but for whom some issues still need clarification. These issues are:

- the provisions of the legislative framework that impacts on city policing;
- the structure of city police services, and hereunder:
 - accountability,
 - jurisdiction,
 - corruption, and
 - the impact that the transformation towards city policing will have on traffic law enforcement;
- the funding of city police services; and
- mechanisms for provincial oversight over such services.

3.2 Comparative Experience

Few societies offer useful comparative evidence on the establishment of city policing services as envisaged in South Africa. The most appropriate example is probably the French one where local municipalities have established police services to complement a nationally organised and controlled police service. Two useful lessons can be learned from the French experience:

- Municipal policing in France developed in a fragmentary way with no provision being made for national standards. The Technical Committee believes that for city policing to make a useful contribution from the beginning in South Africa, adequate levels of regulation and oversight should be established. Interestingly in France, while local authorities originally opposed the idea of national oversight – believing it would lead to control from the centre – they have since changed their position in order, among other factors, to ensure that they can establish a firm position for themselves in the national policing hierarchy. A uniform standard to guide training and recruitment for the French municipal police is now being drafted. It is expected that this draft legislation will be tabled in the French National Assembly in September 1996.
- City police services can play a useful crime prevention role. Critically, this implies not only

the development of policing functions but an integration of various municipal services aimed broadly at crime prevention. (Indeed, comparative experience has shown that it is at city or town level where crime prevention exercises are most likely to succeed.) This suggests that city police services in South Africa have a crucial role to play in co-ordinating crime prevention strategies at local level.

4 CURRENT LEGISLATION AND THE NEW CONSTITUTION

Provisions on city policing presently exist in the **SA Police Services Act** of 1995 and the 1996 Constitution of the Republic of South Africa adopted by the Constitutional Assembly on 8 May 1996.

- The **South African Police Services Act** of 1995:

- Section 64:

(1) Any local government may, subject to the Constitution and this Act, establish:

(a) a municipal police service; or

(b) a metropolitan police service.

(2) (a) The Minister shall prescribe which provisions of this Act shall apply mutatis mutandis to any municipal or metropolitan police service.

(b) The Minister may make regulations regarding the establishment of municipal and metropolitan police services, including which categories of local governments may establish metropolitan police services.

(3) The National Commissioner shall determine the minimum standards of training that members of municipal and metropolitan police services shall undergo.

(4) Legal proceedings in respect of any alleged act performed under or in terms of this Act or any other law, or an alleged failure to do anything which should have been done in terms of this Act or any other law, by any member of a municipal or metropolitan police service, shall be instituted against the local government concerned and section 57 shall not be applicable to such legal proceedings.

(5) The establishment of a municipal or metropolitan police service shall not derogate from the functions of the Service or the powers, duties or functions of a member in terms of any law.

(6) Where a municipal or metropolitan police service has been established, such service shall be represented by at least one of its members designated by such service for that purpose on every community police forum or sub-forum established in terms of section 19 in its area of jurisdiction.

- The 1996 Constitution:

- Section 156:

(1) A municipality has executive authority in respect of, and has the right to administer, –

(b) any other matter assigned to it by national or provincial legislation.

- Section 199:

(3) (b) In appropriate circumstances, a municipality may establish a municipal law enforcement agency, the establishment and powers of which must be regulated by national legislation.

Schedule 4

Functional Areas of Concurrent National and Provincial Legislative Competence

Part A:

Police to the extent that the provisions of chapter 11 of the Constitution confer upon the provincial legislature legislative competence.

Since the relevant legislation is silent on a number of issues in relation to city policing, the Technical Committee believed that these required investigation. It is submitted that these issues should be legislated for by amending the **SA Police Services Act** of 1995 to deal more comprehensively with city policing.

4.1 Powers And Functions

The Committee is in agreement with the Gauteng Ministry of Safety and Security's Concept Document on Metropolitan Policing which states that city police services should have the following functions:

- to act as the primary bodies policing road traffic regulations and related laws, for example, those relating to drunken driving;
- to assume a highly visible, service oriented, proactive and crime prevention function;
- to, where appropriate, and in co-ordination with the SAPS, react speedily to reported criminal activity; and,
- to police municipal by-laws.

The new Constitution provides that the powers of city police services must be regulated by national legislation. The **SA Police Services Act** of 1995 as it stands, makes no provisions for the powers of city police services, apart from the prescriptions accorded the Minister in Section 64 (2)(a). Nonetheless, traffic and some security officers already have policing powers under existing legislation. Traffic officers who are appointed in terms of Section 3(1) of the **Road Traffic Act** of 1989, are, by virtue of this appointment, also 'peace officers' in terms of Section 334 of the **Criminal Procedure Act** of 1977. It is with these policing powers that traffic and security officers are effectively rendering a 'city police' service.

Those policing powers which are not bestowed in terms of the **Criminal Procedure Act** of 1977 are anyway not necessary for crime-prevention or street level policing. Jooste, Chief Public Safety of the Midrand Metropolitan Substructure, is unequivocal: *"The opinion is held that with these legal powers provided for ... officers will be able to render effective metropolitan/municipal services within their areas without having to change existing legislation"* (Jooste 1995b:4). According to the regulations attached to the Criminal Procedure Act 1977, traffic officers appointed as 'peace officers' enjoy: *"All powers conferred upon a peace officer or police official*

*in terms of the Criminal Procedure Act, 1977, excluding the powers in terms of Sections 25, 43, 59, 179(1)(b) and 329 of the **Criminal Procedure Act**.*" Most important for the purposes of crime prevention are the powers accorded to 'peace officers' in terms of Section 40 and Schedule 1 of the **Criminal Procedure Act**.

A 'peace officer' is empowered to arrest without a warrant any person whom he suspects of: treason, sedition, public violence, murder, culpable homicide, rape, indecent assault, robbery, kidnapping, child stealing, assault, arson, malicious injury to property, breaking or entering any premises, theft whether under common law or a statutory provision, receiving stolen property, fraud, forgery, and offences relating to coinage.

Further, the **Criminal Procedure Act** of 1977 is versatile on the powers it may accord to 'peace officers'. Section 334 of the Act states, inter alia, that:

"The Minister may by notice in the Gazette declare that any person who, by virtue of his office, falls within any category defined in the notice, shall within the area specified in the notice, be a peace officer for the purposes of exercising, with reference to any provision of this Act or any class of offences likewise specified, the powers defined in the notice."

Effectively, the powers of any specific type of 'peace officer' may be declared by the Minister of Justice, and may vary in terms of the duties that a 'peace officer' needs to exercise. (These powers would be separately defined in the regulations to the **Criminal Procedure Act** of 1977.) Therefore, city police officers could conceivably be given powers commensurate with their functions if they were to be appointed as 'peace officers'.

It should be central to any additions to the **SA Police Services Act** of 1995, or to any new legislation, that city police officers are declared 'peace officers' by the Minister of Justice as provided for by the **Criminal Procedure Act** of 1977. However, the application of 'peace officer' status refers only to the ability of city police officers to render an effective crime prevention service. The status should not in any way detract from their power to police the **Road Traffic Act** of 1989. The application of 'peace officer' status bestows concurrent capacity – it would not replace existing traffic policing capacities.

4.2 Establishment

The **SA Police Services Act** of 1995 and the 1996 Constitution provide that city policing may be established by local authorities in terms of national legislation. Regulations regarding the establishment of city policing are to be laid down by the national minister. The role of the provincial MEC for Safety and Security, and by extension the MECs for Local Government and Transport, in the establishment and functioning of city police services should be one of oversight and monitoring. It is this oversight and monitoring role of provincial MECs that should be provided for in any national legislation. A recommendation on monitoring of city police services is made in part 7 of this report. The creation of the monitoring mechanism suggested in part 7 would, similarly, need to be provided for in the national legislation.

4.3 Component Parts

No provision is made in the **SA Police Services Act** of 1995 or the 1996 Constitution for the amalgamation of existing municipal traffic, security and licencing departments to form city police services. This suggests that city police services might be distinct from the traffic police and requires that a separate and new service is created at local level (Shaw 1996:5 and Leon

1995:6). The creation of a separate agency would be an unsatisfactory duplication of local policing services. Consequently, national legislation should allow for the amalgamation of traffic and security departments and the transfer of their powers to a city police service. The Technical Committee recommends that traffic police form the initial component of any city police service should a local authority choose to establish one. This does not prevent municipalities from maintaining specific divisions within the overall framework of the city police to deal primarily with traffic matters. What the Technical Committee, however, feels to be of central importance is that all officers at local authority level receive training to be able to competently deal with both traffic law enforcement and crime prevention duties.

4.4 Role and Function vis-à-vis the SAPS

Section 64 (5) of the **SA Police Services Act** of 1995 states that the "*establishment of a metropolitan and municipal police service shall not derogate from the functions of the Service [SAPS] or the powers, duties or functions of a member in terms of any law.*" It is fundamental that city policing should not provide a duplicate function to the SAPS. The crime prevention role of city police services is to augment and assist the efforts of the SAPS. In this regard it should be suggested that any national legislation detailing city policing explicitly lays out the distinction between the SAPS and city police services. The legislation should also encourage operational co-ordination between the SAPS and such services. The recently released National Crime Prevention Strategy makes mention of the need for maximum devolution of power and authority in the SAPS, because: "*most crime is best managed at the local level*" (Ministry of Safety and Security 1996:9). It is in the management of crime at the local level that operational co-ordination between city police and the SAPS would most complement the efforts of the SAPS.

5 STRUCTURE AND ACCOUNTABILITY

A distinction must be made in any discussion of the structure of a future city police service, between horizontal structural considerations and vertical structural considerations.

5.1 Vertical Structural Considerations

Some provision for vertical structural considerations has already been made in the **Police Services Act** of 1995 – the National Minister is empowered to decide which categories of local government may establish city police services. This provision has yet to be utilised by the Minister for Safety and Security. In the absence of any declarations under this provision, debate continues at local and provincial level as to how city police services should be accommodated in local or metropolitan councils and which categories of local government any enabling mechanism should apply to. It is submitted that all local authorities should be able to establish policing or crime prevention bodies provided they meet the provisions of national legislation, ministerial regulations, determined training standards, and appropriate levels of service and accountability.

5.1.1 Policy and operations

Prof. C Thornhill has identified an important principle that applies to local government, one that should be taken into account in any deliberations on city policing: "*It has to be stated unequivocally that primary local government ... constitutes the basic building block for metropolitan government. This point of departure is considered important to indicate that metropolitan government should develop from primary local government structures and not the other way around. This implies that metropolitan government should only be established if primary or constituent local governments cannot meet the requirements of extensively and*

densely populated urbanised communities" (Thornhill 1995:4). In keeping with this principle, city policing should have its authority devolved to the lowest level possible. Thornhill's sentiment is vigorously endorsed by local traffic and security heads.

No less importantly, maximum devolution will be in keeping with current local government realities in Gauteng where some areas are substructures of a metropolitan council, while others fall outside the metropolitan area and exist as separate local councils. If power were concentrated overwhelmingly at the metropolitan council level, then those local councils that fell outside the jurisdiction of any metropolitan council would be disproportionately autonomous vis-à-vis their counterparts that do fall into a metropolitan substructure (see particularly Jooste 1995b:3, 4).

On the other hand, numerous concerns have been raised recently about the real effects of such devolution. The experience of the Durban City Police (DCP) has led it to examine the question closely. The arguments of the DCP in favour of a strong metropolitan authority need to be stated. The most important of these are:

- the maximum effectiveness and efficiency of a single service;
- one uniform area of jurisdiction;
- standard law enforcement;
- a large pool of resources;
- reduced costs resultant from standardisation;
- improved career paths;
- maximum visibility; and
- effective liaison with business and government from the metropolitan platform (Durban City Police 1995:5-6; Durban City Police 1996:1-2).

A further argument in favour of centralisation under the metropolitan authority which has not been noted anywhere but emerged out of discussion with the officers of the DCP, was the political consideration that various substructures would fall under different political control and this could fragment the provision of policing in a single metropolitan structure. The argument for the uniform application of policing across a single metropolitan structure is a powerful one.

It seems that the most appropriate way forward is a compromise between these two positions. It is suggested that a director of crime prevention/policing exists at the metropolitan council level, while divisional directors exist for the substructures and local councils. The divisional directors would be responsible to their local councils (MSSs) and administer the day to day operational functions of their services. The metropolitan director of policing would co-ordinate policing and formulate uniform policy across the metropolitan area (see also Durban City Police 1996:2, 3). Put differently: constituent local divisions at Metropolitan Substructure level, acting in concert, should collectively constitute the metropolitan police service. This approach is already encapsulated in the Concept Document on Metropolitan and Municipal Policing of the Gauteng Ministry of Safety and Security (Gauteng Ministry of Safety and Security 1996:12).

5.1.2 Accountability

Vertical structural designs will determine lines of accountability in any city police services. The pressure to act against criminals is most often borne by local councils. Local councils are also ideally positioned to gauge local needs and the feelings of their constituent communities. Therefore, while divisional directors command the constituent components of a metropolitan service with the accountability this implies to the metropole, they should be responsible for the daily actions of their divisions to their local councils. Moreover, if a member of the public has a complaint against a city police service or any of its officers, then a local area director or the local council is the most immediate authority to address the issues of any complaint. Such immediate accountability would be enhanced by retaining the current localised accountability and loyalty of traffic officers to their employing local council. Traffic officers are not usually employed by a provincial or national authority to which they owe allegiance and which has the ability to relocate them internally at whim.

The proposal for separate lines of accountability (to the metropolitan director and the local authority or substructure) introduces a system of 'checks and balances'. It was the opinion of one head of traffic consulted for this report, that city police services could not be absolutely accountable to their local council. The interviewee based this on his personal experience where previous local councillors made use of traffic officers to drive their children to school or their wives shopping. Such concern about council abuse of the police service at its disposal is not to be taken lightly, and the existence of a director of policing at the metropolitan level would act as a counterweight to any such abuses where they manifest themselves. However, it can be shown that relations between most traffic departments and their local councils are sound. Heads of traffic report regularly to their councils, and have their councillors' support to address any needs that their services have.

5.1.3 Jurisdiction

The jurisdiction of city police services should be guided by the same principles that apply to their operational accountability. The operational jurisdiction of city police services should generally be limited to the local authority to whom they are accountable. This principle should not be absolute, and some qualifications that will enhance the effectiveness of city police services should be made:

- City police services that are divisional components of a metropolitan council should have jurisdiction across the metropolitan area.
- Adjacent local authorities and metropolitan councils should be able to enter into agreements that allow their city police services to come to each others' assistance in operations.
- City police officers in pursuit of offenders or criminals should be able to travel across local and metropolitan boundaries, provided that the offence or crime was committed in their jurisdiction. (This already occurs within existing traffic departments.)

5.1.4 Corruption

Few heads of traffic or security deny that corruption occurs in their services, but none believe it to be of unmanageable proportions. Responses as how best to combat, and even eliminate corruption are varied. Most heads of traffic interviewed for this report have pointed out that

corruption is notoriously difficult to police, and that they rely heavily on calls by members of the public to alert them to the existence of corrupt officers. Some felt that they had a feel of the 'pulse' of their departments and could detect the existence of corruption (and this supposes that the commanding officers themselves are above corruption), while the experience of others indicated that even statistical data of fining and arrest trends were unreliable indicators of suspect behaviour. Some heads of traffic laid the blame for the susceptibility of traffic officers to corruption at the door of low salaries. This is debatable, but it might be necessary to investigate the suggestion that low salaries lead to greater corruption amongst traffic officers.

A mechanism that will deal with the issue of officer corruption has been proposed in the 'Provincial Inspectorate' – see Section 7 of this report.

5.2 Horizontal Structural Considerations

How a city police service constructs its operational divisions is best left as an internal matter of that police service. What is of concern in terms of horizontal structural considerations, however, is the impact that the formalisation of the crime prevention powers of traffic officers will have on their ability to perform their traffic function. (This was expressed particularly in the **Green Paper on National Transport Policy** – see Department of Transport 1996:66.)

5.2.1 Crime prevention and traffic policing

It was pointed out in part 2 above, that few heads of traffic would condone the extension of their crime prevention responsibility to the extent that it would impact negatively on their ability to police the **Road Traffic Act** of 1989 effectively. This is also reflected in written positions presented on city policing (Jooste 1995a:5; Edenvale Substructure 1995:11; Van Rooyen 1995a:8; Portelli 1995:7; Shaw 1996:5).

Most traffic departments already invest a large degree of individual initiative in their officers in terms of policing priorities. A traffic officer will at his or her discretion attend to a life-threatening emergency before he or she will apprehend a traffic offender. For all that, it is the traffic officer's most important duty to ensure the smooth flow of traffic in and out of the central business district, and it is to this end that all his or her attentions will be focused during critical traffic periods in a day. The challenge to a city police service will be to provide a uniform level of traffic and crime policing throughout a 24 hour period.

One solution in this regard is that proposed by the DCP most recently. The DCP has suggested that crime prevention and the maintenance of law and order be the primary policing function invested at the metropolitan level, and that routine traffic functions, that is, mostly stationery offences, that do not require a fully trained and equipped city police service could be left with the substructures' traffic and security departments. (Although the metropolitan operation would not entirely relinquish its traffic law policing function and thereby duplicate the national error of seeing crime-prevention and traffic policing as unrelated. (Durban City Police 1995:11).) This is a function of the particular circumstances of the DCP. The Durban Transitional Metropolitan Council has inherited a city police service with an inclination to emphasise crime prevention; and four Substructures (six after the local government elections in 1996) with their own traffic and security departments. A more satisfactory solution is needed that could be applied to Gauteng.

The Technical Committee submits that the approach first outlined by Bennie van Rooyen in 1995 be applied in Gauteng. Van Rooyen wrote in 'Metropolitan Policing: Specialist Functions', that the "... restructuring of the three disciplines ... traffic, security and licensing into a unified

structure (department) will result in departmentation (specialisation) to render a comprehensive service." Further, "[t]he goal of local enforcement agencies would be to train officers as professional generalists, officers who would be able to provide a wide range of police functions, most important of all, traffic police functions" (Van Rooyen 1995a:9). Simply put, the officers of a city police service would all be trained together, have the same powers and be mutually interchangeable, but would function in different operational divisions within this service. A city police service might, as its policing units, have a crime prevention unit, a patrol unit, a traffic unit, and a stationary offences unit. A member of one division would be able to act freely in the capacity of his or her colleagues in another, but would be dedicated to one specific function. In this way the construction of city police services would avoid a degeneration of the traffic police function.

6 FUNDING

The first draft of the **Police Bill** (published as Notice 790 of 1994) made unequivocal provision for the cost burden of city police services. Section 108 (5) read: "*Police Services established in terms of this section shall be responsible and accountable to the relevant local government who shall also be responsible for the funding of such police services.*" The final **SA Police Services Act** of 1995, on the other hand, makes no such provision.

Most local authorities that are pursuing city policing are squaring up to the question of funding. Solutions on offer vary. The Germiston City Council contemplated the notion of 'RDP' funds (Greater Germiston Transitional Local Council 1995:131); the Johannesburg Eastern MSS has designed specific funding mechanisms (see Stephens 1996); and the Kempton Park/Tembisa Substructure is confident that: "*The implementation of the envisaged City Police Service will have no immediate effect ... as existing divisions which are currently financed by the Council, will only be combined to form the City Police Service*" (Kempton Park/Tembisa Substructure 1996:4).

Some support for the 'privatisation' of certain 'non-essential' functions is to be found in most departments. This includes the privatisation of guard functions, but could also include the privatising of traffic point duties around busy shopping complexes by training the complex security to undertake this task (as Eastgate is already doing). Traffic departments, and city police services in future, might also consider billing event organisers or companies hosting special functions for any point duties or escort services that they are expected to provide to these.

One funding option that has proven its success, and therefore deserves some mention here, is that which has been instituted in the Midrand/Ivory Park Substructure. Here the council levies every property owner the value of 0,1673 cents per rand per month of the site value of their property (excluding fixtures) for the provision of the crisis service. This ensures a payment of between R700 and R5 000 from the residential to the larger industrial properties and has paid for Midrand's helicopter and the provision of a model crisis management and crime prevention system. More recently, the Johannesburg Eastern MSS released its city policing plans, and contained herein are some plausible funding options which include funding capital expenditure by issuing Police Bonds; the creation of a Section 29 Company to raise funds; applying special levies to residents; and sales of emergency and security equipment (see Stephens 1996).

Much crime prevention is already being done on existing budgets, and where integration has taken place between traffic and security departments, this has not occurred without some rationalisation. The dimensions of the funding issue must be seen in this context. The case of

the DCP should be held up as an example once again. The DCP exists solely off its council budget and the revenue it generates in terms of ordinance and traffic violations. Clearly the DCP's existence since 1854 stands it in good stead – the costs of its policing service have been a budgetary allocation since then and will be built into the functioning of the Durban Metropolitan Council. This contrasts with the perception in Gauteng that city policing will constitute a new and wholly unprepared for expense. Given time, however, there is no reason why metropolitan councils or local authorities in Gauteng should not equal the performance of the Durban Metropolitan Council in this regard, and re-direct their budgets to accommodate city police services.

7 OVERSIGHT AND ACCREDITATION

The Gauteng Ministry of Safety and Security has proposed the establishment of a provincial inspectorate to oversee the formation and operation of city police services. The Ministry of Safety and Security's Concept Document on Metropolitan and Municipal Policing proposes certain functions for the inspectorate. The proposed functions include, *inter alia*, that the inspectorate:

- reports annually on the status of city policing;
- makes recommendations to the MEC for improvements in the services of the city police;
- recommends and ensures uniform standards of city policing;
- visits city police services regularly;
- monitors the investigation of complaints against such services;
- mediates in disputes involving city police services;
- ensures that the activities of city police services are co-ordinated with those of the SAPS;
- assists the MEC for Safety and Security in applying accreditation for city police services (Gauteng Ministry for Safety and Security 1996:15 - 16).

Linked to the establishment of the provincial inspectorate is a system of accreditation of city police services. Two types of accreditation have been proposed – mandatory and non-mandatory. (Gauteng Ministry for Safety and Security 1996:17 -18; see also Van Rooyen: 1994:2). The mandatory requirements are those required as a minimum to transform an existing traffic and security department into a city police service. The non mandatory requirements are those that will signify a department's service excellence over and above the required bare minimum. A function of the application of such non mandatory ratings will be to encourage competition between departments.

The Technical Committee believes the concepts of oversight and accreditation to be important ones and in principle supports these proposals. The creation of any oversight and accreditation structure will also serve as a useful mechanism for key role players like local authorities, the SAPS, ministries of Transport, Safety and Security and Local Government to contribute to the process of review. The Technical Committee recommends that these issues be explored in further detail and submits that the provincial level is the appropriate place to situate any such oversight function.

CONCLUSION

Recommendations have been made throughout this report. These should be laid out in summary here:

- The establishment of city policing in Gauteng is recommended to augment and assist the SAPS in their crime prevention efforts. City policing does not aim to create parallel policing services, but to effectively employ existing resources at local level.
- The functions of any city police service should be traffic policing and crime prevention and the enforcement of municipal by-laws.
- National legislation should provide that city police officers are equipped with 'peace officer' status in terms of the **Criminal Procedure Act** of 1977. The specific powers that city police officers may require should be detailed in the regulations to the **Criminal Procedure Act** of 1977.
- The application of 'peace officer' status to city police officers should not detract from, or replace, the concurrent traffic policing capacity that such officers will have in terms of the **Road Traffic Act** of 1989.
- City police services should be augmented by reservists recruited from local communities. These reservists should assist in point duties and pedestrian crossings and release professional city police officers to engage in traffic law policing and crime prevention. (The Democratic Party put the minority position that consideration should also be given to using city police reservists in crime prevention duties.)
- City police services should not be given any investigative function (or maintain any lock-up facilities), barring the investigation of traffic accidents and offences.
- City police services should render a 24-hour crime prevention and traffic service. Local departments that currently do not provide 24-hour service should be restructured to do so.
- While the training of city police officers is subject to the recommendations of the National Commissioner of Police, it might be suggested that existing training should be broadened with courses that will equip city police personnel with the skills that their wider crime prevention role requires.
- All officers should be trained together and be mutually interchangeable, no matter what their area of functional specialisation.
- The co-ordination and policy design of city police services should rest with the metropolitan authority. The day to day operational functions of city police services should remain with the substructures.
- Resources should be distributed as equitably as possible between the various substructures of metropolitan authorities.
- The funding of city police services should remain the responsibility of local and metropolitan authorities.

- National legislation should provide that oversight and monitoring of city policing takes place at the provincial level.

SOURCES

Personal interviews were held with the following people:

1. R Robinson, Assistant Chief Traffic Officer, Sandton.
2. G Gaswane, Chief Traffic Officer, Alexandra.
3. Mr de Witt, Head of Security Services, Soweto.
4. G Swart, Head of Traffic, Alberton (telephonic interview).
5. B van Rooyen, Chief Traffic Officer, Germiston.
6. F le Roux, Head of Traffic, Krugersdorp.
7. S Morake, Acting Head of Security, Krugersdorp.
8. T Hartser, Acting Head of Traffic, Roodepoort.
9. D Gouws, Head of Traffic, Randburg.
10. C Stephens, Councillor, North Eastern Metropolitan Substructure of Greater Johannesburg.
11. J J Jooste, Head of Public Safety, Midrand.
12. W Pretorius, Acting Chief Traffic Officer, Vereeniging.
13. E C Grobbelaar, Assistant Superintendent, Traffic, Vanderbijlpark.
14. J L Engelbrecht, Acting Chief of Traffic, Boksburg.
15. E Pelser, Head of the Metropolitan Traffic Police Services Academy, Greater Johannesburg.
16. A J Nel, Head of Traffic, Randfontein (telephonic interview).
17. D Roets, Head of Traffic, Westonaria (telephonic interview).
18. F Visser, Chief Traffic Officer, Springs (telephonic interview).
19. Mr Hattingh, Acting Head of Traffic, Brakpan (telephonic interview).
20. Chief Constable A Taylor and senior officers of the Durban City Police.
21. H Hendriks, Executive Manager of Public Safety, North Eastern Metropolitan Council.

22. Various traffic officers of the Eastern Metropolitan Substructure of the Johannesburg Metropolitan Council.
23. P D J de Jager, CSIR, Division: Roads and Transport Technology (telephonic interview).

This report has relied heavily on the collective input of all these people.

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A SAFER CITIES AND TOWN PROGRAMME FOR SOUTH AFRICA

Mark Shaw

The document outlines the possibility of establishing a nationally driven programme for crime prevention in cities and towns in South Africa. It is argued that such an intervention is critical, given the need to operationalise the National Crime Prevention Strategy at local level. A Safer Cities and Towns Programme for South Africa, drawing on comparative experience, should operate within a nationally determined framework which allows both local accountability and a sensitivity to local needs and problems.

1 BACKGROUND

Countering high levels of criminality in South Africa has increasingly become a central focus of government policy. The National Crime Prevention Strategy (NCPS) argues for a closer integration and transformation of the criminal justice system as a prerequisite to adequately fight crime. The NCPS represents a major step forward in the debate on criminality in South Africa, placing the concentration on preventive – as opposed to reactive – measures to counter crime. By implication, the strategy suggests that the police alone can contain, but not necessarily counter growing levels of crime.

The South African Police Service (SAPS) for its part has released an annual plan which seeks to prioritise specific areas of criminality and focus on adequate levels of service provision to communities. The transformation of the SAPS is continuing – but arguably the process has done little in the short term to improve its crime fighting (and by implication prevention) capabilities. Critical changes are still required – most notable is the building of capacity in the detective component of the service which has been sorely neglected in favour of a concentration on visible and community policing in the recent past.

These initiatives, however, are all a feature of the national debate. It is true, of course, that national government holds the prime responsibility for the maintenance of safety and security. But, at the same time, the role of local government players should not be neglected. The NCPS explicitly recognises this, laying out, albeit very briefly, some broad proposals for the development of crime prevention initiatives at local government level. The NCPS also prioritises co-ordination between national, regional and local interventions, although it is largely silent on how the crime prevention relationship between local and national government should be structured.

2 LOCAL DEVELOPMENTS

Despite the lack of detail in the NCPS, the inclusion of local authorities as key players in crime prevention is a potentially important initiative. Constitutional provision has been made for metropolitan and municipal police services, although framework legislation is still being developed. Many local authorities have improved their capacity to fight crime and have been lobbying since 1994 for the introduction of city police services with limited powers.

Johannesburg, for example, is appointing a crime prevention co-ordinator and deploying 200 extra beat officers in the city centre from March 1997. Khayalami Metro (previously called the North East Rand) has developed an elaborate safety strategy which includes the installation of a number of community policing posts.¹ The Ministry of Safety and Security has had little if no input into these developments. **The lack of direction from national level means that crime prevention and metropolitan and municipal policing programmes at local level are largely developing in a policy vacuum.** Also, at local government level the focus is more often than not on reactive as opposed to preventive measures which would do little to satisfy the drafters of the NCPS.²

There is therefore a critical need to begin to expand the debate on safer cities at a local level within the framework of the NCPS. Currently, central government has little capacity for this work and is largely concentrating its responsibilities in terms of much needed national reforms. But, the debate on urban safety is much more specialised than simply improving the effectiveness of national law enforcement institutions³ – urban crime prevention strategies therefore require a specific focus. The area of local level crime prevention strategies in South Africa is in urgent need of focused policy interventions.

What is urgently needed is greater clarity on guidelines for local authority involvement in crime prevention initiatives. There are two important and interrelated components – the one political, the other practical – to the debate:

- What initiatives can local authorities themselves take – within the context of a national framework – to run preventive programmes at local level? And, what form should these preventive programmes take? Critically, and in the context of a debate among national policy makers, how can any such programmes be structured to take national policy priorities and guidelines into account?
- To what extent can local authorities (and in particular their elected local councils) play a role in ensuring more accountable policing at local level? This issue is being explored, within the current constitutional framework, by the task team appointed by the Minister to investigate the devolution of policing powers.

While both of the above components are necessarily interconnected, this paper will concentrate largely on the former while, where it is pertinent, exploring possible options in relation to the latter. The paper also draws on international experience in suggesting options for safer cities programmes and analyses the possible successes and failures of each alternative.

3 A FOCUS ON CITIES AND TOWNS

The focus on cities and towns as the key to crime prevention is directly in line with international developments in the areas of crime prevention. Since the vast majority of (recorded) criminal activity takes place within cities and urban areas, this focus is a logical one. Urban local government is often well placed to implement (or at least co ordinate) initiatives to counter and prevent criminality. Greater co-ordination between different local authority departmental functions are critical success factors in achieving and sustaining urban safety and security.

In many cases, city and town government constitutes the lowest level where planning can take the needs of local communities and their particular crime problems into account, thus providing a potentially effective link between locally elected officials, municipal departments and the national police service. In truth, only a few types of crime can be combated effectively at national level. An analysis of local crime statistics from across the country suggests that the key to local level crime prevention is the recognition that crime varies from locality to locality. As a consequence, different strategies and different approaches are needed in different areas to prevent crime.

The Northern Cape Province, for example, displays a range of particular problems relating to assault. Serious assault as measured per 100 000 head of population occurs at almost six times the national average in the urban centres of Kimberley and Upington. Recent research⁴ in the area suggests that in the majority of cases serious assaults in Kimberley and Upington display two overriding features:

- the offenders are known to the victims; and,
- victims and offenders are under the influence of alcohol.

While it is clear that neither of these two features can be resolved exclusively by policing interventions (indeed, the Northern Cape has more police officers per head of population than any other province), few multi-agency strategies are in place at local level to break the cycle of violence. **As in this case, the failure to establish local crime prevention initiatives in**

response to the needs of diverse local communities across the country will have serious consequences in the long term for any national crime prevention policy.

Over the past decade there has been a growing trend across the world towards concentrating the bulk of crime prevention effort and its control not nationally, or even provincially, but at the level of the city or town. Significantly, international models on how best to police cities offer concrete solutions to a common set of problems. Cities in Europe and increasingly in North America, the Far East, Australasia and Africa have begun to co-operate in the search for safer environments. The last five years have seen the proliferation of forums in which cities share experiences of optimal approaches to urban safety and security.⁵

These debates have been characterised by broad participation from a variety of players in city government, of which the policing authorities (whether locally or nationally organised) are but one of the players. The key to most successful crime prevention strategies elsewhere has been that city or local government bodies have played a leading (if not the leading) role. South African city and town authorities have much to learn from these developments.

Municipal crime prevention councils in France (where there is a centralised police force, as in South Africa) reduced crime by 15 per cent in some areas through joint planning between housing, social services, schools and police departments. The projects were led by local authorities.⁶

In the United Kingdom, where a national Safer Cities Programme has been operating for some time now, initiatives where police, social workers and city governments worked together to analyse the causes of residential burglary on poverty stricken housing estates, break-ins were reduced by 50 per cent in the first year, and over four years the reduction was 75 per cent.⁷

If these examples seem excessively Eurocentric, they contain principles which can easily be applied in South African circumstances. Indeed, the debate around safer cities has increasingly begun to concentrate around a number of important principles:

- the need to rephrase the issue of urban safety in local terms;
- a concentration on preventative rather than reactive measures;
- the importance of an integrated approach to crime prevention at local level;
- the quest for greater co-operation between different levels of government; and
- the search for a more social and representative approach to the settlement of disputes.

A focus on city crime prevention strategies has important implications for local and national economic growth. Recent research published by the Centre for Development and Enterprise argues persuasively that South Africa's future will be determined in its large cities: "*Any national economic growth strategy must have the role of cities as atop priority. To neglect cities is to jeopardise national development.*"⁸ The development of effective strategies and structures for policing crime therefore is increasingly at the top of the agenda of city governments in South Africa.

Interviews with local councillors suggest that town and city authorities are often the central point at which grievances around increasing local levels of crime are channelled by local

constituencies. Many suggest that they should be seen to be doing something effective in terms of curbing crime at local level to ensure that investment is attracted to cities to widen their rates bases.⁹ Whatever the merits of these arguments, it is clear that local level crime prevention initiatives will continue to be of concern for local government. **This suggests that a clearer policy framework from national level will not only enhance local programmes but go some way in achieving national aims and priorities.**

4 A NATIONAL FRAMEWORK FOR LOCAL PROGRAMMES

While local authorities are under political pressure to institute crime prevention initiatives at local level, they have little experience in the area. In the case of all the major metropolitan areas in South Africa, the knee jerk response to increasing pressure to deal with high levels of crime has been the planning of the establishment of metropolitan and municipal police services. Most major cities have begun an investigation and planning phase as a precursor to the establishment of local authority policing.

The debate on metropolitan policing, however, is based on the assumption that all crime problems can be solved by putting more police officers on the streets. While this may be true of some forms of criminality in the centre of Johannesburg, it is not the case for the problems experienced in Kimberley and Uptington as outlined above.

Many crime problems specific to particular areas would not necessarily be solved by more active or assertive forms of policing. Indeed, the danger at local level is that metropolitan and municipal policing will be seen as the solution to all forms of criminality. What must be made clearer to local authorities is that municipal and metropolitan policing is only one of a range of policy interventions aimed at reducing crime in any geographic area.

National government has provided little guidance in this regard and local level crime prevention and policing initiatives are increasingly taking place within a policy vacuum.

Government must take the initiative to allow the phrasing of local crime prevention initiatives in the context of the National Crime Prevention Strategy. What is needed is a nationally driven and high profile South African Safer Cities and Towns Programme. The broad aims of the national safer cities strategy should be as follows:

- to open up the debate on urban safety at city and local authority level with various players in local government;
- to frame the debate on safer cities within the context of the National Crime Prevention Strategy to ensure that local level initiatives do not detract from national government policy;
- to focus the debate on preventive as opposed to reactive measures to counter crime;
- to actively promote co-operation between different levels of government and various local authorities on the issue of crime prevention at local level; and
- to improve the levels of information about both the issue of crime in South African cities and comparative experience (both local and international) in preventing criminality in the urban context.

5 MULTI-AGENCY APPROACHES

Crime prevention refers to those activities that are intended to reduce or prevent the occurrence of specific types of crime (or the fear of them), either by altering the environment in which these crimes usually occur, or by intervening more broadly to alter the social or other conditions which are thought to have causal significance in regard to them.¹⁰ To undertake crime prevention initiatives therefore can seldom rely on the police alone. Indeed, the police, given that they are largely designed to react to crimes once it has already occurred, are seldom well placed to lead or in some cases, even to participate in crime prevention strategies.

The utilisation of multi-agency approaches and structures in the course of establishing crime prevention programmes can increase efficiency by avoiding the duplication of services, using available resources more effectively and thereby enhancing the effectiveness of work undertaken. It also recognises that the prevention of crime, given its multiple causes, should not be seen as a prerequisite of the police, but a component of a number of agencies working within communities at local level. **Local authorities given that they are the level of government closest to the citizenry are in a unique position to both co-ordinate such initiatives and reorient their provision of services to facilitate crime prevention.**

Multi-agency urban crime prevention initiatives generally fall into one of three categories:

- **Offender-centered strategies:** Such strategies take the view that offenders are educable, trainable and supervisable, and through these processes those known to be criminal, or thought to be at the risk of offending, can be targeted and redirected in their behaviour. Programmes implemented in this category include drug prevention and education schemes at schools or in neighbourhoods at risk, providing alternative forms of entertainment to those who show the potential to engage in criminal acts, or providing employment and support for convicted offenders who have already served sentences.
- **Victim-centered strategies:** Strategies which focus on victims or potential victims have grown dramatically in the past decade. Victim-centered strategies often aim to inform potential victims about the dangers of victimisation and available preventive strategies. Such programmes are often information and support based. Given a growing research interest in repeat victimisation, many local programmes focus on those most recently victimised by crime in an effort to prevent further victimisation. Victim support strategies at a local level are also often reactive, informing victims of their rights and possible avenues of action once victimisation has already occurred. Victim support and prevention strategies at local level often concentrate around victims or potential victims of domestic violence and rape.
- **Environment-centered strategies:** Programmes in this category include both the specific targeting associated with situational crime prevention and the general approach of 'designing out crime'. Situational crime prevention generally includes four principles of implementation:
 - the targeting of specific crimes;
 - managing, designing or manipulating the immediate environment in which such crime occurs;

- ensuring that these measures are systematic and permanent; and
- reducing overall opportunities for crime.

Such opportunity reducing measures could include target hardening, removing the means for criminal activity or increasing forms of surveillance. These forms of prevention, however, often hold the potential to displace crime and require detailed assessment strategies to monitor any such developments.

Some success has been achieved at city level in all three categories of crime prevention outlined above. This is particularly the case where crime prevention schemes and programmes are a product of multi-agency planning, implementation and assessment. The key to the success of crime prevention programmes is often based on the ability of local actors to learn from the experiences of others and to alter successful strategies which have been used elsewhere to local needs. Information sharing is thus the key to the successful implementation of a local crime prevention strategies.

Comparative experiences of crime prevention schemes at city level, however, have not been unproblematic. Detailed assessment work of Safer Cities programmes in the United Kingdom, for instance, suggests that evaluation of crime prevention strategies at local level should be carried out within a clearly structured analytical framework at national level.¹¹ More generally, a review of the literature suggests that any national crime prevention programme for cities and towns in South Africa would have to actively counter the difficulties of:

- placing crime prevention as a central issue on local authority agendas, where lack of recognition at worst, or lack of coherent response at best, are key problems to address;
- being faced with a lack of credibility, especially from other agencies well established in local communities;
- the absence of an expected 'blueprint for action' from central government; and
- the danger of the police or some other powerful local agency taking the lead in setting the local agenda.¹²

6 TOWARDS SAFER SOUTH AFRICAN CITIES AND TOWNS

A safer cities and towns programme requires national direction and co-ordination and should aim specifically to tackle crime and the fear of crime in inner city and urban areas through local proactive, multi-agency projects. The Safer Cities and Towns Programme should have three objectives:

- to reduce crime;
- to lessen the fear of crime; and,
- to create safer urban environments where economic enterprise and community life can flourish.

The Programme should aim to be a broad based community safety strategy, directed to fear of crime as well as crime itself, while recognising the social and economic context of both. The

Programme should aim to be a proactive one, stimulating activity to improve the quality and quantity of community safety work in the project areas in which it operates.

Comparative experience¹³ of broadly similar crime prevention initiatives suggests four possible models for implementation:

- **National encouragement:** National government could do little else but encourage cities and towns to begin to implement local initiatives. The drawbacks of such an option are obvious. National government may have little power to influence the framework within which crime prevention programmes are established and could assume little political credit. In the South African case, following this policy option would effectively mean little improvement in crime prevention plans on the ground.¹⁴
- **National control:** Central government could allocate money to crime prevention initiatives in cities and towns through various departmental line functions which then have local outcomes. To some extent this is the model which already operates in South Africa in the context of the NCPS. However, such an approach inhibits innovative crime prevention responses and since it reduces local levels of accountability and responsibility, seldom ties local players into the process of ensuring safer communities. The advantage of such an approach to central government is that it allows a firmer control on crime prevention interventions at local level within the context of a national policy framework.
- **National guidelines and local implementation:** Central government could draw together detailed local guidelines for local crime prevention and request that local authorities work within their framework. In some respects this is how the establishment of metropolitan and municipal policing will be implemented: a national regulatory framework for an agency paid for at local level. In addition, future developments around the establishment of criteria for environmental design-related initiatives could operate in a similar manner. Central government could establish, for example, building guidelines which take into account questions of crime prevention and request that local authorities consider building plans within that framework. The weakness of such a system is that central government, given that it does not foot the bill for any such initiatives, is in a weak position in respect of any enforcement. In turn, local initiatives, while they may be useful in meeting local needs, may not necessarily fit into a broader national policy framework. **Finally, such an approach offers few incentives to city and town authorities and other local players to begin to think innovatively around crime prevention interventions and provides little opportunity for national evaluation and co-responsibility for such programmes.**
- **National funding, competitive bidding and local supplements:** The final policy alternative represents a combination of the above, drawing on the advantages of each approach. Although programmes have varied from country to country, the following general principles would apply. National government makes an amount of funding available which cities and towns bid for competitively. Local commitment is ensured through making the provision of national funding contingent on the local authority matching central governments funding input. **That allows a process where national government can actively monitor and record the successes of local level crime prevention initiatives within the context of national crime prevention priorities while ensuring both local accountability and control.** The competitive process of bidding for money would ensure the development of a healthy competition between the bid towns and cities and encourages the establishment of innovative programmes which carry maximum impact. If central government is prepared to make an investment in local level crime

prevention, this model provides a useful starting point for local level interventions.

7 COSTS AND BENEFITS

The exact costs of a Safer Cities and Towns Programme for South Africa is difficult to determine and is dependent on the number of towns or cities bidding and the scale of the projects involved. In the case of the Safer Cities programme in England and Wales, the Home Office made grant money available of £250 000 for a 12 month period.¹⁵ **Generally, however, it may be advisable to start smaller and expand the project over time. Indeed, the key to the Safer Cities initiative will not be large amounts of expenditure, but the co-ordination of current initiatives and resources at local level and the provision of national seed money which serves to shape local policy inputs and encourages innovative and locally specific initiatives.**

In South Africa that may mean the allocation of around R1 million per larger city programme and about R250 000 in the case of smaller or medium sized towns. If five major cities and ten smaller or medium sized towns would be eligible for a grant central government investment would be in the region of R7,5 million. **In terms of government expenditure on policing and national crime prevention initiatives the amount is comparatively small.** But, the benefits may be substantial: local authorities, within the context of a high profile safer cities and towns programme, could begin to focus their line function activities and resources on achieving safer communities. **In addition, by providing seed money, national government could begin to foster a crime prevention culture at local level leading to a longer term focus on safety and security issues (outside of policing) by local government and encourage much needed multi-agency crime prevention initiatives at local level.** Most importantly, such a programme will demonstrate to the public national government's commitment to prevent crime and ensure a mechanism in which the NCPS can achieve some much needed local content.

8 TEN PRINCIPLES OF IMPLEMENTATION

The following principles of implementation would apply in any competitive bidding process:

- Guidelines would not be overly prescriptive, in order to encourage innovative local level crime prevention.
- While programmes could be integrated crime prevention strategies, cities and towns could only submit a single proposal.
- A financial ceiling should be established for each yearly bid dependent on city or town size and status.
- Any proposal must demonstrate that the city or town concerned will match national government resources with the allocation of local resources.
- The city or town programme must demonstrate that it supplements national government initiatives and is not in conflict with them.
- Local authority programmes must spell out clear objectives.
- Programmes should occur in a clearly designated geographical area in which it should apply and a particular focus on specific local crimes which are of concern.

- City and town proposals should include a mechanism in which progress can be monitored and reported. Setting clear objectives from the outset enables a more accurate process of measurement.¹⁶
- All programmes should include a clearly established accountability mechanism which draws all concerned local players together for the implementation period.
- Proposals should include proof that the project is a sustainable one and that local resources are being carefully utilised.

9 CONCLUSION

The election of democratic local governments in South Africa has opened up new possibilities for the carrying out of crime prevention programmes at local level. Currently, there are many developments at local level, but these are largely occurring outside any national government initiated framework. At the same time, the NCP,S while providing policy inputs for national government programmes, lacks local content. Given that crime problems vary from locality to locality and require specific preventive strategies, the failure of the NCPS to encourage and structure local initiatives may in the longer term weaken the effectiveness of the entire national strategy of crime prevention. For a comparatively small investment, and by initiating a competitive bidding process, national government could encourage locally specific and innovative crime prevention initiatives, while at the same time shifting local government priorities to take account of crime prevention requirements.

ENDNOTES

1. For greater detail on local authority initiatives in Gauteng see Gauteng Legislature, Standing Committee on Safety and Security, **The Case for City Policing in Gauteng**, June 1996.
2. See M Shaw, *Tanks and Traffic Cops: The role of the South African military and local authorities in crime prevention*, **Optima**, January 1997.
3. For a good overview of this argument see, D Bayley, **Police for the Future**, New York, Oxford University Press, 1994.
4. Research work currently under way in terms of a project on how crime effects the poor in the Northern and Eastern Cape. Sponsored by the ODA, UNDP and the World Bank.
5. See *Harnessing Crime Prevention Internationally: For a Sustainable World*, **International Centre for the Prevention of Crime**, Issue No 1, April 1995.
6. See M Shaw, *Can South Africa end its crime wave?*, **Journal of Interdisciplinary History**, (forthcoming). Based on research work conducted on French local authorities and their involvement in crime prevention in April 1995.
7. N Tilley and J Webb, **Burglary Reduction: Findings from Safer Cities Schemes**, Police Research Group, Crime Prevention Unit Series, Paper 51, HMSO, 1994.
8. Centre for Development and Enterprise, *Cities and the Global Economy: New Challenges*

for South Africa, **The Big Cities Series**, 1996.

9. Interviews conducted with public safety officials and local councillors in all of the major metropolitan areas in 1995. These conclusion have been confirmed through meetings with local officials and politicians in terms of work carried out for the Task Team on Devolution of Policing Powers, January to March 1997.
10. Definition follows M Liddle and L Gelsthorpe, **Inter-Agency Crime Prevention: Organising Local Delivery**, Home Office Police Research Group, Crime Prevention Unit Series, Paper 52, 1994.
11. Interview, Dr Paul Ekblom, Home Office Research Statistics Division, London, February 1997. Ekblom has been responsible for determining the effectiveness of the Safer Cities Programme in England and Wales and has constructed a detailed evaluative framework.
12. For a detailed overview of some of these issues see, N Tilley, **Safer Cities and Community Safety Strategies**, Crime Prevention Unit Series, Paper 38, Home Office Police Research Group, HMSO, 1992. Also, Tilley, *Crime Prevention and the Safer Cities Story*, **Howard Journal of Criminal Justice**, 32(1), 1993. Also, J Carnie, **The Safer Cities Programme in Scotland: Overview Report**, The Scottish Office Central Research Unit, 1995.
13. There is a large and growing literature on urban crime prevention initiatives. For a useful assessment of Safer Cities in the United Kingdom, see M Sutton, **Implementing Crime Prevention Schemes in a Multi-Agency Setting: Aspects of process in the Safer Cities programme**, Home Office Research Study 160, Research and Statistics Directorate, 1996.
14. The recently released Democratic Party proposals on crime prevention would fit into this category given that the proposed local authority programmes are based on 'high profile' meetings with the President designed to encourage cities to give priority to crime prevention initiatives.
15. See the **Annual Progress Reports** of the Safer Cities Programme in the United Kingdom. The figure is drawn from the 1989/90 report.
16. A growing literature covers the evaluation and audit of crime prevention initiatives. For two excellent contributions to the literature see P Ekblom and K Pease, *Evaluating Crime Prevention*, in **Crime and Justice: Building a Safer Society - Strategic Approaches to Crime Prevention**, 19, 1995. Also, P Ekblom, *Towards a Discipline of Crime Prevention: A systematic approach to its nature, range and concepts*, in T Bennett, **Preventing Crime and Disorder: Targeting Strategies and Responsibilities**, University of Cambridge, Institute of Criminology, Cambridge Cropwood Series 1996.

PROPOSED AMENDMENT OF THE SOUTH AFRICAN POLICE SERVICE ACT, 1995(ACT NO 68 OF 1995) BY THE SUBSTITUTION OF CHAPTER 12 BY THE FOLLOWING CHAPTER: MUNICIPAL AND METROPOLITAN POLICE SERVICES

64 ESTABLISHMENT OF A MUNICIPAL OR METROPOLITAN POLICE SERVICE

1. Subject to the Constitution, this Act and any other law, a municipal- or metropolitan council may, in the prescribed manner, apply to the member of the Executive Council to establish a Municipal or Metropolitan Police Service for the area of jurisdiction of such municipal or metropolitan council.
2. Subject to subsection (3), the member of the Executive Council may, subject to such conditions, if any as he or she may determine, approve an application for the establishment of a Municipal or Metropolitan Police Service, only if he or she is satisfied that –
 - (a) the application complies with the prescribed requirements;
 - (b) the municipal or metropolitan council concerned has the resources at its disposal to provide a police service on a 24-hour basis throughout its area of jurisdiction which police service will comply with the national standards laid down by the National Commissioner in this regard;
 - (c) the provision of traffic policing services by such a municipal- or metropolitan council will not be prejudicially affected by the establishment of such a police service;
 - (d) proper provision has been made by the municipal- or metropolitan council concerned to ensure civilian oversight of such a police service; and
 - (e) the establishment of the service will improve effective policing in the province concerned.
3. The member of the Executive council may only approve an application for the establishment of a Municipal or Metropolitan Police Service after consultation with –
 - (a) the Provincial Commissioner; and
 - (b) the member or members of the Executive Council appointed for Local Government and Transport, or where no such member or members have been appointed, the Premier, or such member or members of the Executive Council as may have been designated by the Premier for this purpose.
4. A Municipal or Metropolitan Police Service is established by the member of the Executive Council by notice in the *Provincial Gazette* in the prescribed form.
5. The establishment of a Municipal or Metropolitan Police Service shall not derogate from the functions of the Service or the powers, duties and functions of a member in terms of any law.
6. Any expenditure by or in connection with the establishment, maintenance and operation of a Municipal or Metropolitan Police Service shall be for the account of the municipal or metropolitan council concerned.

64A MEMBER OF THE EXECUTIVE COUNCIL

1. The Member of the Executive Council may determine provincial standards of policing for

Municipal or Metropolitan Police Services which shall not be in conflict with this Act or national standards determined by the National Commissioner.

2. A draft of any proposed provincial standard in terms of subsection (1), shall be published in the *Provincial Gazette* together with a notice calling all interested persons to submit in writing, within a period stated in the notice, which shall not be less than 30 days from the date of publication of the notice, any comments regarding the proposed provincial standard as a result of comments received, it shall not be necessary to publish the amended provincial standard for further comment prior to publication.
3. The member of the Executive Council or a member of the Provincial Secretariat, designated in writing for this purpose by such member, may, in order to ensure that the conditions, if any, subject to which a Municipal or Metropolitan Police Service was established, are complied with and/or to ensure that provincial standards of policing are maintained by a Municipal or Metropolitan Police Service –
 - (a) request and obtain information and documents under the control of the Municipal or Metropolitan Police Service or the municipal or metropolitan council concerned;
 - (b) enter any building or premises under the control of the Municipal or Metropolitan Police Service or the municipal or metropolitan council concerned; and shall be entitled to reasonable assistance by a member of the Municipal or Metropolitan Police Service and any other employee or office bearer of the municipal or metropolitan council.
4. If the member of the Executive Council is satisfied that a Municipal or Metropolitan Police Service fails to comply with the conditions or provincial standards referred to in subsection (3), the member may, by notice in writing, inform the municipal or metropolitan council concerned of such failure and request such council to ensure that period, which period shall be specified in the notice.
5. The member of the Executive Council may, from time to time, upon the request of the municipal or metropolitan council concerned extend a period specified in the notice contemplated in subsection (4).
6. If the Municipal or Metropolitan Police Service fails to comply with the notice contemplated in subsection (4) within the period specified in the notice or within the extended period provided for in subsection (5), the member of the Executive Council may, in consultation with the member or members of the Executive Council appointed for Local Government and Transport, or where no such member or members have been appointed, the Premier, or such member or members of the Executive Council as may have been designated by the Premier for this purpose,
 - (a) appoint an official of the provincial government as administrator of the Municipal or Metropolitan Police Service concerned and charge such official with the responsibility to ensure that the said police service comply with the conditions or provincial standards referred to in subsection (3); and
 - (b) take such other steps as he or she may deem necessary in the circumstances to ensure compliance with the conditions or provincial standards referred to in subsection (3).
7. An administrator appointed in terms of subsection (6)(a) may exercise all the powers and

perform all the duties and functions of the Executive Head of the Municipal or Metropolitan Police Service concerned but shall do so subject to the directions of the member of the Executive Council.

8. If the member of the Executive Council is satisfied that the Municipal or Metropolitan Police Service complies with all the conditions and provincial standards referred to in subsection (3), he or she may terminate the appointment of the administrator.
9. All expenses incurred as a result of the intervention of the member of the Executive Council as contemplated in subsection (6), shall be for the account of the municipal or metropolitan council concerned.

64B POWERS OF THE MINISTER AND NATIONAL COMMISSIONER

1. The National Commissioner may, subject to subsection (2), determine national standards of training and policing for Municipal or Metropolitan Police Services.
2. A draft of any proposed national standard in terms of subsection (1), shall be required to be submitted in writing, within a period stated in the notice and which shall not be less than 30 days from the date of publication of the notice, any comments regarding the proposed national standard.
3. The National Commissioner or a member designated in writing for this purpose by him or her, may, in order to ensure that the national standards of training and policing are maintained by a Municipal or Metropolitan Police Service –
 - (a) request and obtain information and documents under the control of the Municipal or Metropolitan Police Service or the municipal or metropolitan council concerned;
 - (b) enter any building or premises under the control of the Municipal or Metropolitan Police Service or the municipal or metropolitan council concerned; and shall be entitled to reasonable assistance by a member of the Municipal or Metropolitan Police Service and any other employee or office bearer of the municipal or metropolitan council.
4. If the National Commissioner is satisfied that a Municipal or Metropolitan Police Service fails to maintain national standards of training and policing, he or she shall report such failure to the Minister.
5. Upon the receipt of a report contemplated in subsection (4), the provisions of section 64A(4)-(9) shall apply: Provided that a reference in the said subsections to –
 - (a) the member of the Executive Council, shall be deemed to be a reference to the Minister;
 - (b) the member of the Executive Council appointed for Local Government, shall be deemed to be a reference to the Minister of Constitutional Development;
 - (c) the member of the Executive Council appointed for Transport, shall be deemed to be a reference to the Minister of Transport;
 - (d) the Premier shall be a reference to the President;

(e) an official of the provincial government, shall be deemed to be a reference to an official of the national government; and

(f) a provincial standard of policing, shall be deemed to be a reference to a national standard of training and policing.

64C CHIEF EXECUTIVE OFFICER

The Chief Executive Officer of a municipal or metropolitan council shall be responsible for the performance by the Municipal or Metropolitan Police Service, in or in regard to the area of jurisdiction of the municipal or metropolitan council, of the functions set out in section 64G.

64D LOCAL SECRETARY FOR SAFETY AND SECURITY

1. A municipal or metropolitan council shall, in consultation with the member of the Executive Council, appoint a person, who is not a member of the Municipal or Metropolitan Police Service concerned, as Local Secretary for Safety and Security.
2. The Local Secretary for Safety and Security shall –
 - (a) at the request of the municipal or metropolitan council concerned, advise such council on matters relating to the Municipal or Metropolitan Police Service;
 - (b) advise the Chief Executive Officer in the exercise of his or her powers and the performance of his or her duties and functions with regard to the Municipal or Metropolitan Police Service;
 - (c) perform such functions as the member of the Executive Council, the municipal or metropolitan council or the Chief Executive Officer may consider necessary or expedient to ensure civilian oversight of the Municipal or Metropolitan Police Service;
 - (d) promote democratic accountability and transparency in the Municipal or Metropolitan Police Service;
 - (e) monitor the implementation of policy determined and directions issued by the municipal or metropolitan council or the Chief Executive Officer and report to the Chief Executive Officer thereon;
 - (f) perform such functions as may from time to time be assigned to him or her by the municipal or metropolitan council or the Chief Executive Officer; and
 - (g) evaluate the functioning of the Municipal or Metropolitan Police Service and report to the Chief Executive Officer thereon.

64E EXECUTIVE HEAD OF MUNICIPAL OR METROPOLITAN POLICE SERVICE

1. A municipal or metropolitan council shall appoint a person as the Executive Head of the Municipal or Metropolitan Police Service.
2. The Executive Head shall, subject to the national standards laid down by the National

Commissioner and the directions of the municipal or metropolitan council and the Chief Executive Officer, exercise command over the Municipal or Metropolitan Police Service concerned, and shall –

- (a) be responsible for maintaining an impartial, accountable, transparent and efficient Municipal or Metropolitan Police Service;
- (b) subject to this Act and any law governing the recruitment, appointment, promotion and transfer of staff of municipal and metropolitan councils, be responsible for the recruitment, appointment, promotion and transfer of members of the Municipal or Metropolitan Police Service concerned;
- (c) be responsible for the discipline of the Municipal or Metropolitan Police Service concerned;
- (d) either personally or through a member or members of the Municipal or Metropolitan Police Service designated by him or her for that purpose, represent the Municipal or Metropolitan Police Service on every local policing co-ordinating committee established in terms of section 64I within the area of jurisdiction of the municipal or metropolitan council;
- (e) either personally or through a member or members of the Municipal or Metropolitan Police Service designated by him or her for that purpose, represent the Municipal or Metropolitan Police Service on every community police forum or sub-forum established in terms of section 19 within the area of jurisdiction of the municipal or metropolitan council;
- (f) be responsible to develop a plan before the end of each financial year, setting out the priorities and objectives of the Municipal or Metropolitan Police Service for the following financial year; and
- (g) perform such functions as may from time to time be prescribed.

64F MEMBERS OF A MUNICIPAL OR METROPOLITAN POLICE SERVICE

1. Subject to the Constitution and with due regard to the fundamental rights of every person, a member of a Municipal or Metropolitan Police Service may exercise such powers and shall perform such duties and functions as are by law conferred on or assigned to a member of a Municipal or Metropolitan Police Service.
2. The minister may from time to time prescribe that powers, which are conferred upon a member of the Service by this Act or any other law, may be exercised by a member of a Municipal or Metropolitan Police Service: Provided that where such a power include the power to seize an article, the member of the Municipal or Metropolitan Police Service shall forthwith deliver the article to a member.
3. A member of a Municipal or Metropolitan Police Service shall be a peace officer and may exercise the powers conferred upon a peace officer by any law.

64G POWERS AND FUNCTIONS OF A MUNICIPAL OR METROPOLITAN POLICE SERVICE

The powers and functions of a Municipal or Metropolitan Police Service shall be –

- (a) traffic policing, subject to any legislation relating to road traffic;
- (b) the enforcement of municipal or metropolitan by-laws; and
- (c) the prevention of crime in the area of jurisdiction of the municipal or metropolitan council.

64H LEGAL PROCEEDINGS AGAINST A MUNICIPAL OR METROPOLITAN POLICE SERVICE

Legal proceedings in respect of any alleged act performed under or in terms of this Act or any other law, or an alleged failure to do anything which should have been done in terms of this Act or any other law by any member of a Municipal or Metropolitan Police Service, shall be instituted against the municipal or metropolitan council concerned and section 57 shall not be applicable to such legal proceedings.

64I POLICING CO-ORDINATING COMMITTEES

1. Subject to this Act and the directions of the member of the Executive Council, a Provincial Commissioner is responsible to ensure that the activities of the Service, municipal and metropolitan police services, provincial and municipal traffic departments and other law enforcement agencies in the province are co-ordinated to ensure effective policing in the province.
2. The Provincial Commissioner may, where he or she deems it necessary in order to achieve the purpose contemplated in subsection (1), establish local-, area and/or provincial policing co-ordinating committees on which representatives of all the law enforcement agencies in the area for which the co-ordinating committee has been established, shall be represented.
3. The Provincial Commissioner, or a person designated by him or her for that purpose, shall act as chairperson at a meeting of a policing co-ordinating committee.
4. Every policing co-ordinating committee shall determine its own procedure and cause minutes to be kept of its proceedings.
5. The Minister may make regulations to ensure the proper functioning of policing co-ordinating committees.

64K REGULATIONS IN TERMS OF THIS CHAPTER

1. The Minister may, subject to subsection (2), make regulations regarding the establishment and effective functioning of Municipal and Metropolitan Police Services.
2. A draft of any proposed regulation in terms of subsection (1), shall be published in the *Government Gazette* together with a notice calling on all interested persons to submit in writing, within a period stated in the notice and which shall not be less than 30 days from the date of publication of the notice, any comments regarding the proposed regulation: Provided that if the Minister thereafter decides to amend the draft regulation as a result of comments received, it shall not be necessary to publish the amended regulations before

promulgation.

64L PROOF OF APPOINTMENT

A document in the prescribed form certifying that a person has been appointed as a member of a Municipal or Metropolitan Police Service, shall be *prima facie* proof of such appointment.