

WINNING THE WAR

ON CRIME IN SOUTH AFRICA

A NEW APPROACH
TO COMMUNITY
POLICING



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WINNING THE WAR ON CRIME IN SOUTH AFRICA: A NEW APPROACH TO COMMUNITY POLICING

1 The theoretical context

Theories of state formation abound, but this paper favours the view propounded in 1619 by British philosopher John Hobbes. Before states came into being, he said, humans existed in a “state of nature” characterised by “war of every man against every man” and lives that were “nasty, brutish and short.” Hobbes’ concept was refined by Enlightenment philosophers propounding the notion of a “social contract” in which individuals consented to surrender some freedoms to a central authority in exchange for protection of their right to “life, liberty and possessions,” as John Locke put it in 1690.

In 1829, this compact began to assume its modern form with the creation of the world’s first police force by Sir Robert Peel, financed by taxation and authorised to protect the citizens of London against crime. By 1919, when Max Weber delivered his famous lecture on “Politics as a Vocation,” a state was understood to be any “human community that claims the monopoly of the legitimate use of physical force within a given territory.”

In modern democracies, this monopoly is handed to police by citizen taxpayers who expect in return to live in an orderly and peaceful society governed by the rule of law. As in Locke’s time, this remains the most critical part of any social compact, enshrined in all democratic constitutions, including South Africa’s. But what happens if a state becomes too weak to fulfil its side of the bargain? South Africa’s deepening economic and political crisis has recently become a national obsession, with commentators ranging from Julius Malema on the left through Frans Cronje in the centre and Pieter Mulder on the right mulling ominous signs of a possible descent into failed state status. After the Marikana massacre, scenario planner Clem Sunter put the odds of failure at one in four, and recent events – the firing of Finance Minister Nhlanhla Nene and an unprecedented eruption of scandal around the presidency – have presumably darkened his view still further. Meanwhile, the US business magazine *Forbes* has put SA on its failed state watch list, and jittery ratings agencies are threatening to downgrade SA bonds to junk.



The US business magazine Forbes has put SA on its failed state watch list.

All this places South Africa’s social contract in jeopardy. Crime rates are already extraordinarily high, and surveys show that a large segment of the population has little faith in the state’s ability to reverse the trend. This paper considers three alternative forms of self-protection available to nervous South Africans – private security, “mob justice” and local variants of the neighbourhood watch scheme. None are infallible, but they best offer some hope of avoiding a return to the brutal anarchy of Hobbes’s state of nature.

2 What the statistics tell us

South Africa's 1994 transition was preceded by a decade of revolutionary violence characterised by massive diversion of police resources into "internal stability" or riot control. This weakened everyday law-enforcement and left the national police force heavily discredited in black communities.

After Nelson Mandela came to power, his African National Congress moved to reform, demilitarise and deracialise the force. Whites left in droves, stripping the force of skills and experience. At the same time, expanded civil rights and intensified civilian oversight made it difficult for police to use traditional methods of coercion to extract confessions and secure convictions. Already high at the outset, crime rates began to surge after 1995, as seen in tables 1 and 2.

Table 1: Actual reported cases of crime by selected crime category, 1994/95–2014/15

	MURDER	ATTEMPTED MURDER	AGGRAVATED ROBBERY	COMMON ROBBERY	RESIDENTIAL BURGLARY	NON-RESIDENTIAL (BUSINESS) BURGLARY	DRUG-RELATED CRIME
YEAR	CASES						
1994/95	25,965	26,806	84,785	32,659	231,355	87,600	45,928
1995/96	26,877	26,876	77,167	45,683	248,903	87,377	39,334
1996/97	25,470	28,576	66,163	50,676	244,665	87,153	40,363
1997/98	24,486	28,145	73,053	54,932	251,579	90,294	42,452
1998/99	25,127	29,545	92,630	64,978	274,081	94,273	39,493
1999/2000	22,604	28,179	98,813	74,711	289,921	93,077	43,602
2000/01	21,758	28,128	113,716	90,215	303,162	91,445	44,939
2001/02	21,405	31,293	116,736	90,205	302,657	87,114	52,900
2002/03	21,553	35,861	126,905	101,537	319,984	73,975	53,810
2003/04	19,824	30,076	133,658	95,551	299,290	64,629	62,689
2004/05	18,793	24,516	126,789	90,825	276,164	56,048	84,001
2005/06	18,455	20,369	119,242	74,221	261,402	54,217	94,792
2006/07	19,106	19,957	126,038	70,598	248,462	58,240	104,369
2007/08	18,400	18,643	117,760	64,417	236,638	62,756	108,902
2008/09	18,084	18,140	120,920	58,764	245,465	69,829	116,949
2009/10	16,767	17,247	113,200	56,993	255,278	71,544	134,687
2010/11	15,893	15,360	101,039	54,442	246,612	68,907	150,561
2011/12	15,554	14,730	100,769	52,566	244,667	69,902	176,218
2012/13	16,213	16,236	105,488	53,196	261,319	73,492	206,721
2013/14	17,023	16,989	118,963	53,505	259,784	73,464	260,596
2014/15	17,805	17,537	129,045	54,927	253,716	74,358	266,902

Source: SAPS, www.saps.gov.za, accessed 29 September 2015

Table 2: Selected crime categories: Rates per 100 000 of the population 1994/95–2014/15

	MURDER	ATTEMPTED MURDER	AGGRAVATED ROBBERY	COMMON ROBBERY	RESIDENTIAL BURGLARY	NON-RESIDENTIAL (BUSINESS) BURGLARY	DRUG-RELATED CRIME
YEAR	CASES						
1994//95	67	69	219	84	596	226	118
1995/96	68	68	195	115	629	221	99
1996/97	63	70	163	125	603	215	100
1997/98	60	68	178	133	611	219	103
1998/99	60	70	221	155	653	225	94
1999/2000	52.5	65.4	230	174	673	216	101
2000/01	50	64	260	207	694	209	103
2001/02	48	70	261	201	675	194	118
2002/03	47	79	279	223	704	163	118
2003/04	43	65	288	206	645	139	135
2004/05	40	53	272	195	593	120	180
2005/06	40	44	255	159	560	116	204
2006/07	41	43	267	150	527	123	221
2007/08	39	39	247	136	497	132	228
2008/09	37	38	249	122	507	144	241
2009/10	34	35	231	117	520	146	273
2010/11	32	31	203	110	495	138	301
2011/12	31	29	200	105	485	139	349
2012/13	31	31	203	102	501	141	396
2013/14	32	32	225	102	492	139	492
2014/15	33	32	239	102	470	138	494

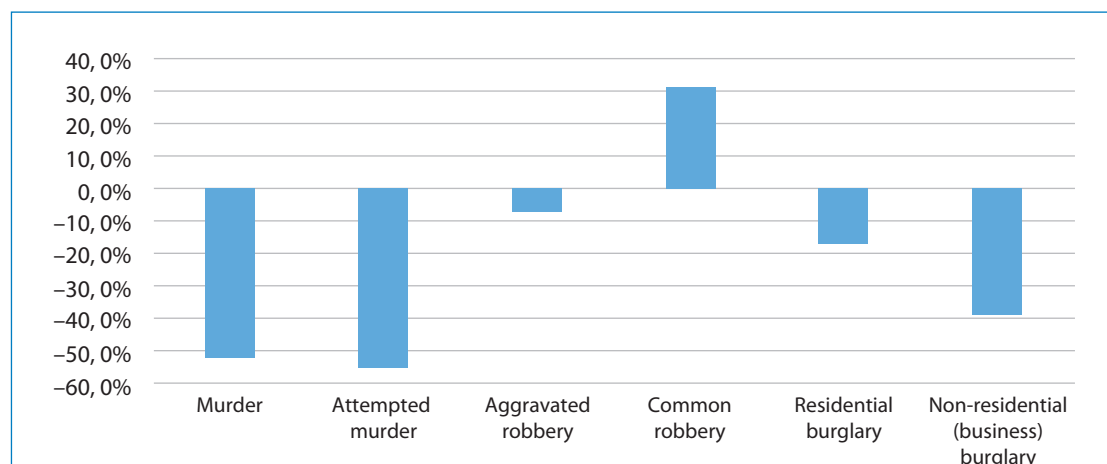
Source: SAPS, www.saps.gov.za, accessed 29 September 2015

In the late 1990s, South Africa was deemed to have one of the worst murder and robbery rates in the world. These peaked around 2003 and start declining thereafter – partly because the African National Congress was forced by public outcry to take tougher measures, but also because SA’s private security industry was expanding rapidly at the time and beginning to perform tasks (especially street patrols and burglar alarm response) that had previously been police functions. The following graph shows that by 2010/11, a number of crime categories were lower than when the ANC came to power.



SA’s private security industry was expanding rapidly at the time and beginning to perform tasks (especially street patrols and burglar alarm response) that had previously been police functions.

Graph 1: Contact crimes and property crimes: Change in rate per 100 000 of population between 1994/95 and 2010/11



Source: SAPS, www.saps.gov.za, accessed 29 September 2015

The murder rate, for instance, had halved, allowing Honduras to assume the dubious title of “most violent country in the world.” SA’s murder rate had also been eclipsed by several Latin American and Caribbean countries (See table 3). On the other hand, the South Africa of 2011 remained shockingly violent in international terms. Even at the reduced rate of 31/100,000, our murder rate was five times higher than the global average, thirty times higher than Switzerland’s, and a hundred times higher than Liechtenstein’s, Singapore’s and Iceland’s. Differentials in robbery rates were equally dizzying. According to data published by the European Institute for Crime Prevention in 2011, South Africa’s robbery rate was roughly six times higher than Australia’s, 13 times higher than Israel’s, 41 times higher than Tunisia’s and 123 times higher than Japan’s.



Even at the reduced rate of 31/100,000, our murder rate was five times higher than the global average.

Table 3: International murder^a numbers and rates per 100 000 people, 2000 and 2013

COUNTRY	2000		2013		CHANGE	
	NUMBERS	RATES	NUMBERS	RATES	NUMBERS	RATES
Australia	362	1.9	249	1.1	-31%	-42%
Bahamas	74	24.9	N/A	N/A	N/A	N/A
Colombia	26 540	66.5	15 419	31.8	-42%	-52%
Costa Rica	249	6.3	411	8.4	65%	33%
Czech Republic	181	1.8	98	0.9	-46%	-50%
Dominican Republic	1 210	14.0	N/A	N/A	N/A	N/A
Denmark	58	1.1	42	0.7	-28%	-36%
El Salvador	2 341	39.3	2 499	39.8	7%	1%
France	1 051	1.8	777	1.2	-26%	-33%
Germany	1 015	1.2	585	0.7	-42%	-42%
Honduras	3 176	50.9	6 757	84.3	113%	66%

COUNTRY	2000		2013		CHANGE	
	NUMBERS	RATES	NUMBERS	RATES	NUMBERS	RATES
Hungary	205	2.0	265	2.7	29%	35%
India	47 368	4.5	41 984	3.3	-11%	-27%
Indonesia	2 204	1.1	1 386	0.6	-37%	-45%
Ireland	37	1.0	52	1.1	41%	10%
Israel	147	2.4	N/A	N/A	N/A	N/A
Italy	766	1.3	502	0.8	-34%	-38%
Jamaica	887	34.4	1 200	42.9	35%	25%
Kazakhstan	2 325	16.0	1 273	7.8	-45%	-51%
Latvia	238	10.0	69	3.5	-71%	-65%
Malawi	700	6.2	N/A	N/A	N/A	N/A
Mexico	10 737	10.3	23 063	18.9	115%	83%
Morocco	461	1.6	429	1.3	-7%	-19%
Namibia	380	20.0	N/A	N/A	N/A	N/A
Panama	299	9.8	663	17.2	122%	76%
Pakistan	8 906	6.2	N/A	N/A	N/A	N/A
Philippines	5 735	7.4	9 153	9.3	60%	26%
Portugal	116	1.1	144	1.3	24%	18%
Romania	560	2.5	336	1.5	-40%	-40%
South Africa	21 758	48.5	17 068	31.9	-22%	-34%
Spain	553	1.4	302	0.6	-45%	-57%
Switzerland	69	1.0	58	0.7	-16%	-30%
United Kingdom ^b	1 002	1.7	602	1.0	-40%	-41%
United States	15 586	5.5	12 253	3.8	-21%	-31%

Source: United Nations Office on Drugs and Crime, www.unodc.org, accessed 30 September 2015; *Global Study on Homicide* 2013, September 2014

- a** Experts usually discourage the use of international crime statistics to rank countries in terms of safety. This is because, they argue, countries use different legal definitions for crime categories, countries have different crime-reporting rates and efficiency of recording crime varies throughout the world. However, murder is regarded as a reasonably reliable benchmark to compare safety and security levels among countries. This is because there is relative consistency in its legal definition and because it is one of the most widely reported crimes.
- b** This refers to England and Wales only. It excludes Northern Ireland and Scotland. The information for the UK is only up to 2011, the latest available.

A 2011 survey by Statistics South Africa revealed that 62 percent of the populace was afraid to go out after dark, and that 33 percent felt vulnerable in parks and empty spaces. Alarming percentages also thought the police were corrupt (47 percent), lazy (56 percent) and unlikely to show up in time (68 percent).



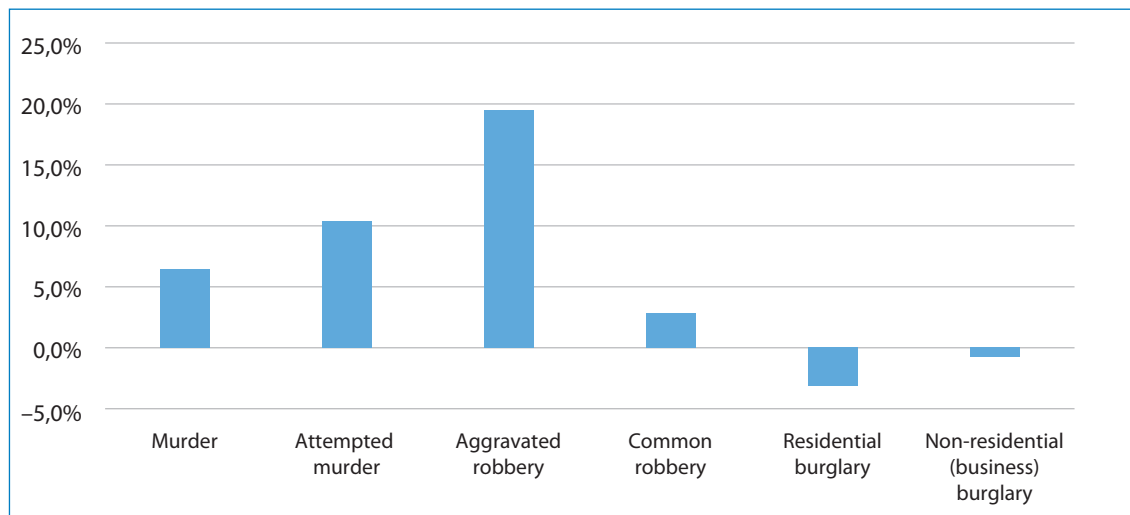
A 2011 survey by Statistics South Africa revealed that 62 percent of the populace was afraid to go out after dark.

3 More statistics: the picture darkens

South Africa's economy lost momentum in the aftermath of the 2008 global financial crisis and remained in a sickly condition in 2015 thanks to falling commodity prices and growing doubts about the country's long-term stability. GDP growth averaged five percent per year in 2004–2007, but fell below two percent thereafter, triggering a sharp rise in unemployment. This was accompanied by a turn-around in crime trends.

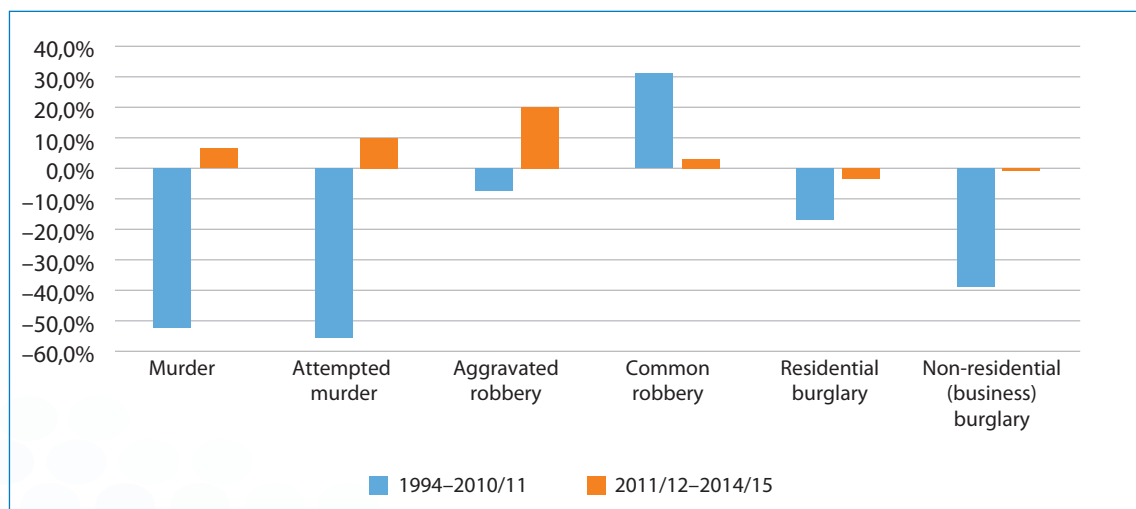
As shown in graphs 2 and 3, the murder rate crept marginally upwards while common robberies and armed robberies surged after 2011.

Graph 2: Contact crimes and property crimes: Change in rate per 100 000 of population between 2011/12 and 2014/15



Source: SAPS, www.saps.gov.za, accessed 29 September 2015

Graph 3: Contact and property crimes: Change in rates per 100 000 of population for the periods 1994/95–2010/11 and 2011/12–2014/15



Source: SAPS, www.saps.gov.za, accessed 29 September 2015

The rise in armed robberies of businesses was particularly dismaying. As shown in table 4, such crimes reached their highest level ever in 2014/15. Business robberies were 249 percent higher than the level recorded in 2002, at the height of the post-1994 crime wave.

Table 4: Breakdown of aggravated robbery^a, 2002/03–2014/15

YEAR	TOTAL AGGRAVATED ROBBERY	STREET/ PUBLIC ROBBERIES	RESIDENTIAL ROBBERIES ^a	NON-RESIDENTIAL (BUSINESS) ROBBERIES ^a	CAR-JACKINGS	TRUCK HIJACKINGS	ROBBERY OF CASH-IN-TRANSIT HEISTS	BANK ROBBERIES
2002/03	126,905	96,166	9,063	5,498	14,691	986	374	127
2003/04	133,658	105,690	9,351	3,677	13,793	901	192	54
2004/05	126,789	100,436	9,391	3,320	12,434	930	220	58
2005/06	119,242	90,631	10,173	4,384	12,783	829	383	59
2006/07	126,038	91,580	12,761	6,675	13,534	892	467	129
2007/08	117,760	77,508	14,481	9,836	14,152	1,245	394	144
2008/09	120,920	71,817	18,438	13,885	14,855	1,437	386	102
2009/10	113,200	64,195	18,786	14,504	13,852	1,412	358	93
2010/11	101,039	57,644	16,889	14,637	10,541	999	290	39
2011/12	100,769	57,636	16,766	15,912	9,417	821	182	35
2012/13	105,488	60,169	17,950	16,343	9,931	943	145	7
2013/14	118,963	68,769	19,284	18,573	11,180	991	145	21
2014/15	129,045	75,406	20,281	19,170	12,773	1279	119	17
2002/03–2014/15	2%	-22%	124%	249%	-13%	30%	-68%	-87%

Source: SAPS, www.saps.gov.za, accessed 29 September 2015

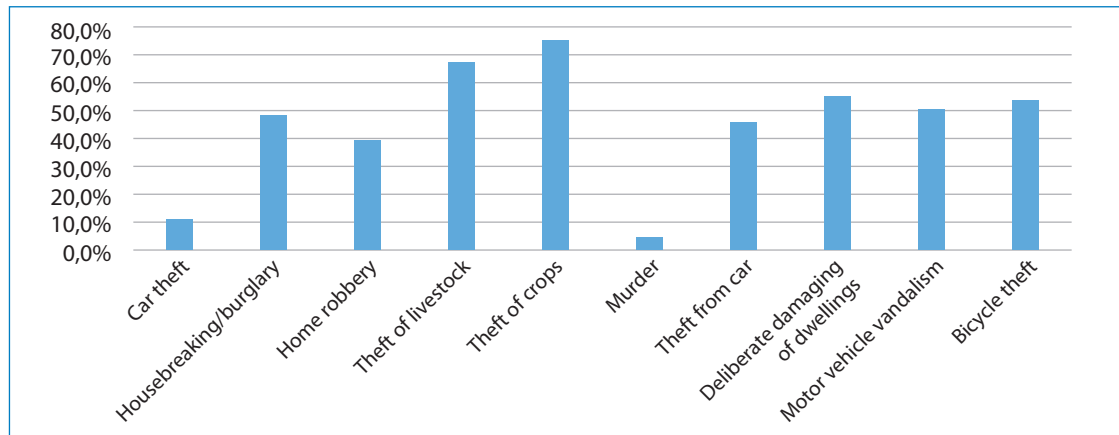
a Robberies at business and residential premises, as opposed to burglaries, occur in the presence of occupants of the premises and involve violent confrontation, usually with a harmful object, with victims.

Of equal concern were growing doubts about the accuracy of police statistics. Many criminologists had come to believe that government demands for progress in the war on crime provided police stations with a “perverse incentive” to under-report certain categories of violent crime, especially the various forms of assault. Researcher David Bruce has written that this renders SAPS statistics “useless for the purpose of monitoring and understanding these crime trends.”

At the same time, disillusioned victims are increasingly unlikely to report their crimes to police. According to Stats SA’s most recent “Victims of Crime” survey, published in 2015, only 27 percent of fraud victims bother to report their loss to police. Similarly high levels of non-reporting occurred in burglaries (48 percent), home robberies (39 percent), everyday thefts (65 percent) and livestock thefts (68 percent).

“Government demands for progress in the war on crime provided police stations with a “perverse incentive” to under-report certain categories of violent crime.

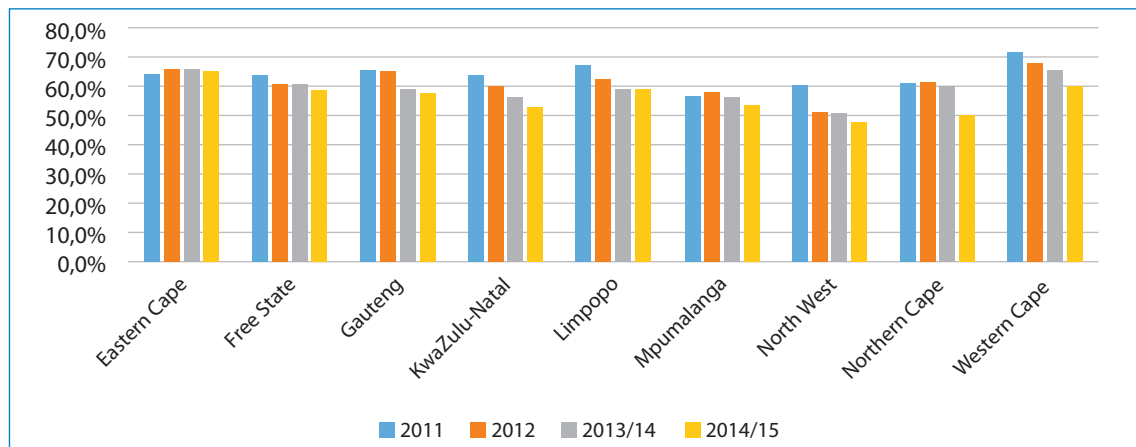
Graph 4: Proportion of household crime incidents under-reporting rates in Apr 2013–Feb 2015



Source: Stats SA, Victims of Crime Survey 2014/15, December 2015, p62

The most common reasons cited for not reporting crime were “the police could do nothing” (32 percent) or “the police won’t do anything” (22 percent). These numbers rose sharply after 2011, doubling in the case of “could do nothing” and surging 31 percent in the case of “won’t do anything.” Such reversals were part of an accelerating decline in confidence in the SAPS, as illustrated in graph 5.

Graph 5: Percentage distribution of households who were satisfied with the police in their area by province, 2011–2014/15



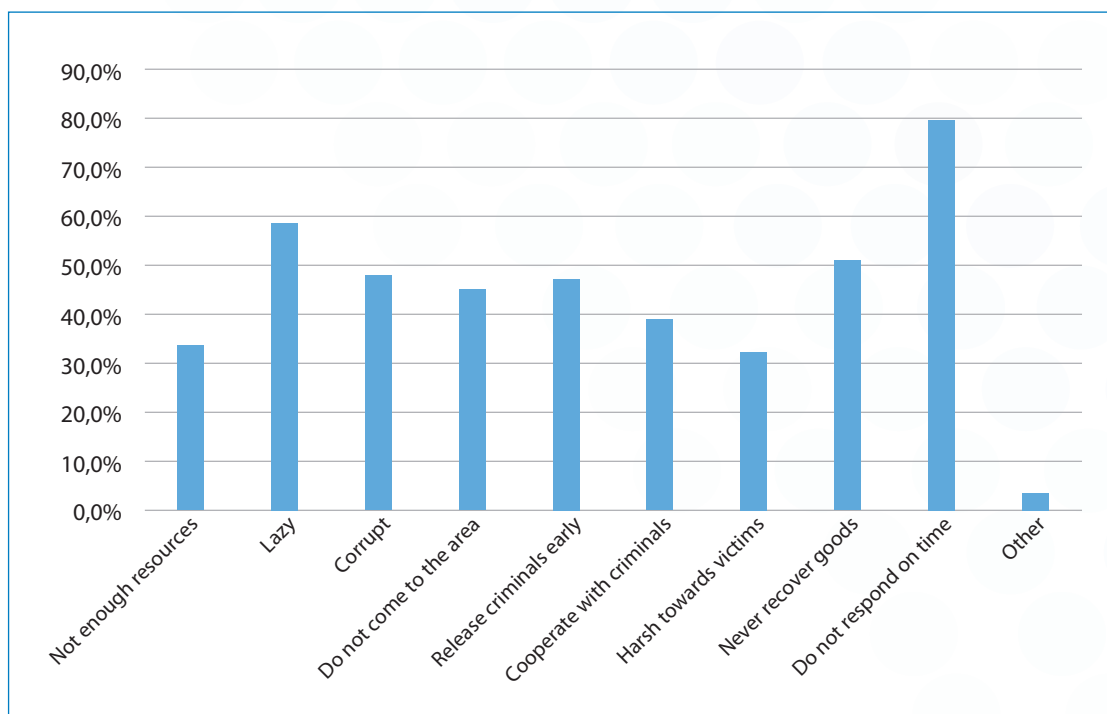
Source: Stats SA, Victims of Crime Survey 2014/15, December 2015, p39

Levels of fear have also risen sharply since 2011. According to the aforementioned victims of crime survey, the number of South Africans who are afraid to go out at night has risen with nine percent over the last four years. Fear of parks and open areas is up 12 percent, and the proportion of parents who refuse to allow children to walk to school alone has risen 28 percent.

Meanwhile, the proportion of South Africans who are satisfied with policing is trending downwards. Huge numbers of South Africans now believe the SAPS is corrupt (48 percent), lazy (59 percent) under-resourced (34 percent), cooperate with criminals (39 percent), never recover stolen goods (51 percent) and don’t respond on time (80 percent).

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The proportion of South Africans who are satisfied with policing is trending downwards.

Graph 6: Proportion of households dissatisfied with the police, 2014/15



Source: Stats SA, Victims of Crime Survey 2014/15, December 2015, p 41

Nearly half of all households believe that property crime is rising (46 percent), while 43 percent believe violent crime is worsening too

Conclusions:

- In spite of some improvement in the 1994–2011 period, South Africa’s crime rates remain extraordinary high.
- The short term trend suggests that the situation is worsening, while faith in law enforcement is declining.

4 Analysing the malaise in SA law enforcement

In South Africa, the term “cadre deployment” denotes the appointment of ruling party loyalists to key positions in the state apparatus, a process that often takes little account of experience, education or merit. In policing, the first such deployment took place in 2000, when Jackie Selebi was appointed national commissioner of the South African Police Service, or SAPS. A career ANC politician and ally of State President Mbeki, Selebi was SA’s first civilian police chief, a man who had no law enforcement experience at all. Circa 2003, he moved to dismantle the SAPS’s specialist units, seen as strongholds of white power within a predominantly black police force.



Selebi was SA’s first civilian police chief, a man who had no law enforcement experience at all.

Typically comprised of experienced officers with detailed knowledge of their respective fields (murder and robbery, narcotics, fraud, whatever), these units were an elite that handled serious crimes, leaving everyday policing in the hands of uniformed constables. At Selebi's direction, they were broken up and their members re-deployed to police stations as ordinary detectives. According to Warren Goldblatt, a private security industry veteran, the result was a marked decline in police efficiency.

"We once analysed 100 driveway type crimes and found that sixty percent involved the same suspects," says Goldblatt. "In the old days, you would have had two or three specialist cops trying to track down this one gang. After Selebi's reforms, you had sixty different investigating officers who had no knowledge of what the others were doing. If there is no sharing of information, crime intelligence is defunct, and that leads to massive waste of resources."



After Selebi's reforms, you had sixty different investigating officers who had no knowledge of what the others were doing.

Selebi's second contribution to the SAPS was to disgrace it by accepting bribes from organised crime figures. When it became clear circa 2005 that he was under investigation, Selebi launched a counter-offensive against the Scorpions, an FBI-style force created to combat high-level corruption and organised crime. Housed within the National Prosecutorial Authority, the Scorpions became the target of an espionage campaign run by senior officers of Selebi's Crime Intelligence division. The resulting battle tore SA's law enforcement community apart and ended in defeat for both sides. Selebi's partisans were unable to derail his prosecution, and he was tried, convicted and briefly sent to prison. As for the Scorpions, the power struggle left them politically isolated, and they were abolished in 2008 by an act of parliament.

In 2009, a second civilian became commissioner of the SAPS. The rakish Bheki Cele was an ally of Jacob Zuma, SA's newly elected president, and clearly a political appointee. He initially endeared himself to law and order types (including the IRR) by remilitarising SAPS ranks, taking a hard line against criminals who attacked policemen and vowing to purge the SAPS of "tsotsi-cops" who took bribes. Within 18 months, however, Cele himself became the target of an investigation involving a billion Rand's worth of allegedly corrupt tender agreements.

In 2012, Cele was replaced by a third deployed cadre, former social worker and high-level bureaucrat Riah Phiyega. Like her predecessors, Phiyega had no police experience, and was soon under attack for incompetence and for allowing "political considerations" to influence her decisions.

A fourth deployed cadre, General Richard Mdluli, wound up head of the SAPS's Crime Intelligence Division, which is tasked with monitoring and penetrating criminal gangs and drug-smuggling syndicates. Crime Intelligence's operations are generally classified, and its head is authorised to make secret payments to informers and undercover agents. In 2011, a secret internal police report charged that General Mdluli was looting his secret fund, inter alia by placing his wife and ex-wife on the state's payroll with salaries equivalent to a police colonel's. At more or less the same time, it emerged that General Mdluli had once been chief suspect in the murder of a rival in love. The docket containing results of a police investigation into this murder disappeared in 1999 and the case remained unsolved. When these allegations came to light, Mdluli was suspended and charged with fraud, kidnapping, assault and murder.

Before he came to trial, however, the charges were dropped by yet another deployed cadre – acting National Director of Public Prosecutions Nomcebo Jiba. A former member of the Scorpions, Jiba collaborated with Mdluli in the 2007 bugging of the NPA's headquarters, an effort that produced the “spy tapes” that led to scrapping of corruption charges against Jacob Zuma two years later. In what some observers saw as a return of favours, one of Zuma's first acts as president was to appoint Mdluli to the exalted position of police intelligence chief. A year later, Zuma expunged the criminal record of Jiba's husband, a lawyer who had been jailed for fraud. She was later appointed acting head of the NPA, and is now National Director of Public Prosecutions.

Advocate Jiba's handling of the Mdluli matter was heavily criticised by Judge John Allen, and who ordered that some charges be reinstated. But questions about Jiba's impartiality remained, especially when a second judge faulted her for allegedly tailoring evidence which led to the arrest of General Johan Booysen, a policeman who was pursuing a corruption inquiry against a Ferrari-driving Durban businessman said to be “linked” to Zuma's son Edward and other key presidential allies.

Insiders say these scandals had a demoralising effect on a prosecution service already suffering the effects of years of drift. In 2002, the NPA managed to turn 30 percent of police arrests into convictions; by 2014, that proportion had almost halved to 17 percent.

The SAPS and NPA are not the only law enforcement agencies weakened by political interference. In 2014, the *Sunday Times* published a series of articles alleging that senior managers at the South African Revenue Service had created a “rogue unit” that spied on president Zuma and engaged in criminal activities, including running a brothel. This provided a pretext for acting against SARS enforcement chief Johan van Loggerenberg and his boss, SARS deputy commissioner Ivan Pillay, both disgraced and forced into retirement by SARS head Tom Moyane, yet another deployed cadre. The *Sunday Times* has since acknowledged that its charges were false, causing observers to speculate that the real aim of the “rogue unit” affair was to block investigations into the tax affairs of persons in high places.

Van Loggerenberg and Pillay are not the only senior law enforcement figures whose careers have ended mysteriously. Advocate Mxolisi Nxasana, head of the NPA, was removed from office after investigators claiming to act in the name of deployed cadre Nomcebo Jiba descended on his home town to dig up dirt from his distant past. Hawks chief General Anwar Dramat was persuaded to accept a “golden handshake” rather than contest disciplinary charges arising from the allegedly illegal rendition of criminal suspects to Zimbabwe. General Shadrack Sibiyi was dismissed on the same charge, while Robert McBride, head of the Independent Police Investigative Directorate, is under suspension for allegedly attempting to protect him and Dramat. Partisans of all these men claim they were victims of political interference, and that their real sin was impartiality.

Deployed cadres fared better. General Richard Mdludi, for instance, remains suspended on full pay nearly five years after his alleged looting of the secret fund first came to light. His close ally, General Berning Ntlemeza, has been appointed head of the Hawks despite a high-court judgment accusing him of acting in a “biased and dishonest” fashion and lying under oath.

Considered collectively, these developments have devastated police confidence in their own institution. Surveys show that the proportion of officers who see corruption as a problem rose from 55 percent in 2002 to 89 percent in 2009, and anecdotal evidence suggests that more recent scandals have driven disillusion even higher. Serving policemen are reluctant to discuss this for fear of victimisation, but several spoke to the IRR of the record. One said he had a sense of being “surrounded by an invisible barrier that protects some targets of

investigation,” usually manifesting itself in unexplained decisions to remove diligent investigators from sensitive cases. Others spoke of a culture of apathy and indiscipline, and in the case of detectives, impossible workloads. “I’m carrying 130 cases,” said one detective. “I do the paperwork and that’s it, my day is over.”

The proportion of officers who see corruption as a problem rose from 55 percent in 2002 to 89 percent in 2009.

Tony Breytenbach, a recently retired SAPS colonel, lamented a decline in the force’s *esprit de corps*. “When I was a constable, we worked every weekend for nothing,” he said. “These days, cops won’t work one extra second unless they get overtime. If you take a hard line, they run to the union and brand you a racist.” Breytenbach also slated the SAPS’s tendency to “lower training standards so that more can pass,” a factor which he says played a leading role in the Marikana massacre, where nervous policemen opened fire on striking miners, killing 34.

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“Promotions have everything to do with politics and connections,” says Renate Barnard, another recently retired colonel. She cites the cases of Nkosana “Killer” Ximba, a close friend of General Richard Mdluli, promoted from constable to brigadier in a single day, and Mmomonye Ngobeni, an ill-educated office worker whose powerful patron organised a promotion that enabled her to leap five salary scales in a single bound. For Barnard, a white woman, such an outcome was impossible. She spent 13 years without a single promotion while less qualified black colleagues hurtled up the ranks, a common complaint among white police personnel. “Many white cops have given up,” says a retired officer. “They just sit around waiting to go on pension.”

These and other symptoms of crisis were thunderously confirmed by the Khayelitsha Commission, set up by the Democratic Alliance to investigate failures of policing in the Cape Flats township and its satellite squatter communities. The SAPS is controlled by central government, and the DA-controlled Western Cape provincial administration had struggled for years to hold ANC cabinet ministers accountable for the dismal state of law enforcement in the Cape Flats. Initial attempts to hold a formal inquiry encountered stiff opposition from the central government, and the DA had to go to court to enforce its right to appoint a commission.

Hearings began in 2013, and offered a rare glimpse into the inner workings of a South African policing operation. Kyalelitsha residents told researchers they seldom bothered to report crime because “we need to be friends with the police officer and be able to provide him or her with something in order to act.” Records revealed that officers routinely ignored written instructions and that disciplinary proceedings seemed to have little or no effect. Understaffing had led to a situation where many crimes were not properly investigated, if at all. “The quality of detective work is close to crisis point,” declared the commission, adding that it was “deeply concerned by what appears to be an inability to correct errors.”

Records revealed that officers routinely ignored written instructions and that disciplinary proceedings seemed to have little or no effect. Understaffing had led to a situation where many crimes were not properly investigated, if at all.

Oddly, SAPS generals and the cabinet ministers seem painfully aware of this malaise. Indeed, the record reveals a litany of SAPS reform schemes and turnaround plans launched amid great optimism but never followed through.

2006 – National Commissioner Jackie Selebi appoints a Police Advisory Council consisting of retired police officers and kindred experts. The council turns in its first interim report 2007, pointing out serious weaknesses and the urgent need to correct them. Problems include “poor levels of discipline and high levels of corruption ... case dockets not inspected or inspected poorly ... inspections are totally inadequate ... absence without leave and neglect of duty is common at many police stations.” All these in turn point to “a lack of supervision or control.”

The Advisory Councillors’ contracts were not renewed and the body ceased to exist in 2008. “There is little evidence that their findings led to any meaningful improvements,” says criminologist Johan Burger of the Institute for Security Studies.

2010 – President Zuma appoints a National Planning Commission, tasked to develop a blueprint for South Africa’s future. The resulting National Development Plan, adopted in September 2012, envisages the creation by 2030 of “a corruption free society, a high adherence to ethics throughout society and a government that is accountable to its people”.

Police reforms were a key part of this vision. Adopted in September 2012, the National Development Plan called for end to disastrous political appointments by instituting an independent panel to apply “objective standards” in the selection of police top brass. It also mandated a “competency assessment of all serving officers.”

Three years later, Judge Ian Farlam observes that “no concrete action has been taken” – an assessment based on evidence of incompetence and dishonesty among senior police officers who presided over the Marikana fiasco.

2010 – Police unveil a new Anti-Corruption Strategy, in the making since 1999, when the force began to eye the disbanding of its successful but unpopular (with bent cops) Anti-Corruption Unit. The ACU was replaced by a vague plan called Service Integrity Framework, which remained in draft form for several years before being revamped as the Corruption and Fraud Prevention Plan (2007), which in turn evolved into the Anti-Corruption Strategy of 2010. Five years later, criminologist Gareth Newham observes that the Anti-Corruption Strategy has yet to be finalised. “Police claim that some anti-corruption initiatives have been implemented but there is no clear evidence of their impact.”

2012 – Newspapers publish leaks from a “Final Audit Performance Report” stating that 38 percent of serving officers and reservists either lack competency certificates or have no training in firearms at all. In the Eastern Cape, this rises to 53 percent. Within months, the Marikana massacre reveals the disastrous consequences of putting guns in the hands of ill-trained policemen.

Four years later, one of the authors of the Audit Performance Report tells the IRR she is unaware of any remedial action. In an academic paper published in September 2015, criminologist Johan Burger expressed astonishment that problems so pervasive had been allowed to continue.

“It is to some extent understandable that the police avoid public scrutiny of their internal inspections and

evaluations,” he said, “since they are able to hide behind the excuse of confidentiality. It is less obvious why external reviews appear to be largely ignored or at least not vigorously applied.... Parliament certainly has the necessary authority, but its wheels appear to be grinding at an embarrassingly slow speed. ... The failure to either timeously identify system failures or ensure appropriate interventions will continue to have dire consequences for the police and for the citizenry at large.”

A month after this indictment was published, a new factor entered the picture – the appointment of Lieutenant-General Johannes Khomotso Phahlane as acting SAPS national commissioner. Burger and Newham, the researchers quoted above, concur that this was for once a sound appointment. Phahlane is a respected police veteran who spent three decades battling his way up through the ranks. “There is a big shift in energy and attitude at headquarters,” says Newham. “Phahlane’s turnaround plan is the best we have seen in a long time.”

For the moment, Newham is “cautiously optimistic” about the SAPS’s prospects. The majority of Phahlane’s team are career officers. But Phahlane is still serving in an acting capacity, and it remains to be seen if the ANC is willing to give him the top job. As Newham says, “All Phahlane’s good work could be undone by the appointment of another lackey.”

Let’s step back and consider the conclusions drawn thus far.

- South Africa is an exceptionally dangerous society by international measures.
- The short-term trend is that the police are losing control further yet.
- A broad swathe of South African opinion has lost faith in the SAPS’s ability to do its job properly.
- Phahlane’s appointment notwithstanding, the record suggests that cadre deployment, political interference and inertia will limit the impact of any future police reforms.

Against this backdrop, all South Africans are forced to consider alternative methods of protecting themselves. In what follows we set out three options, starting with private security.

5 Privatising law enforcement

South Africa’s private security industry was a minuscule non-entity until 1985 or so, when political uprising forced the police to withdraw manpower from suburban police stations and throw it into the battle against township comrades. This created unease among the rich, who turned to the private sector for protection. In 1985, there were an estimated sixty thousand security guards working in SA. By 1997, the number had risen to 115,331, and private police forces were increasingly performing an array of functions previously carried out by police – suburban street patrols, guarding businesses and warehouses, and responding to burglar alarms.

The crime wave that followed the ANC’s accession to power caused yet another surge in security industry growth (See table 5).

Table 5: Private security industry officials, 1997–2014^a

YEAR	ACTIVE REGISTERED SECURITY BUSINESSES	ACTIVE REGISTERED SECURITY OFFICERS	SWORN POLICE ^b OFFICIALS	POLICE TO POPULATION RATIO	SECURITY OFFICERS TO POPULATION RATIO
1997	4,437	115,331	110,177	1 to 367	1 to 351
1998	5,586	127,604	112,891	1 to 361	1 to 320
1999	4,691	155,818	109,104	1 to 384	1 to 269

YEAR	ACTIVE REGISTERED SECURITY BUSINESSES	ACTIVE REGISTERED SECURITY OFFICERS	SWORN POLICE ^b OFFICIALS	POLICE TO POPULATION RATIO	SECURITY OFFICERS TO POPULATION RATIO
2000	5,305	186,876	104,200	1 to 409	1 to 228
2001	5,491	194,525	102,000	1 to 427	1 to 224
2002	4,521	222,717	N/A	N/A	1 to 200
2003	5,271	248,025	102,737	1 to 446	1 to 185
2004	4,212	269,773	106,177	1 to 434	1 to 171
2005	4,639	288,686	107,791	1 to 436	1 to 163
2006	4,763	296,901	114,241	1 to 405	1 to 156
2007	4,898	307,343	129,864	1 to 361	1 to 152
2008	5,504	339,108	137,709	1 to 344	1 to 140
2009	6,392	375,315	145,170	1 to 338	1 to 131
2010	7,496	387,273	151,164	1 to 328	1 to 128
2011	8,828	411,109	150,373	1 to 331	1 to 121
2012	9,364	427,174	157,472	1 to 320	1 to 118
2013	9,031	445,407	156,859	1 to 334	1 to 118
2014	8,144	487,058	153,116	1 to 353	1 to 111
1997–2014	84%	322%	39%	4%	68%

Source: SAPS, *2013/14 Annual Report*, October 2014, p31; Private Security Industry Regulatory Authority (PSIRA), *Annual Report 2013/14*, November 2014, pp39 and 41; *Annual Report 2012/13*, July 2013, pp35–36; *Annual Report 2011/12*, August 2012, pp19–20; *2009/10 Annual Report*, July 2010, pp18–20; SAPS, *2009/10 Annual Report*, September 2010, pxx; *2008/09 Annual Report*, September 2009, pxvi; *2007/08 Annual Report*, August 2008, pxv; *Survey 2012*, p786

a The period refers to financial years.

b Excludes civilians employed in the SAPS.

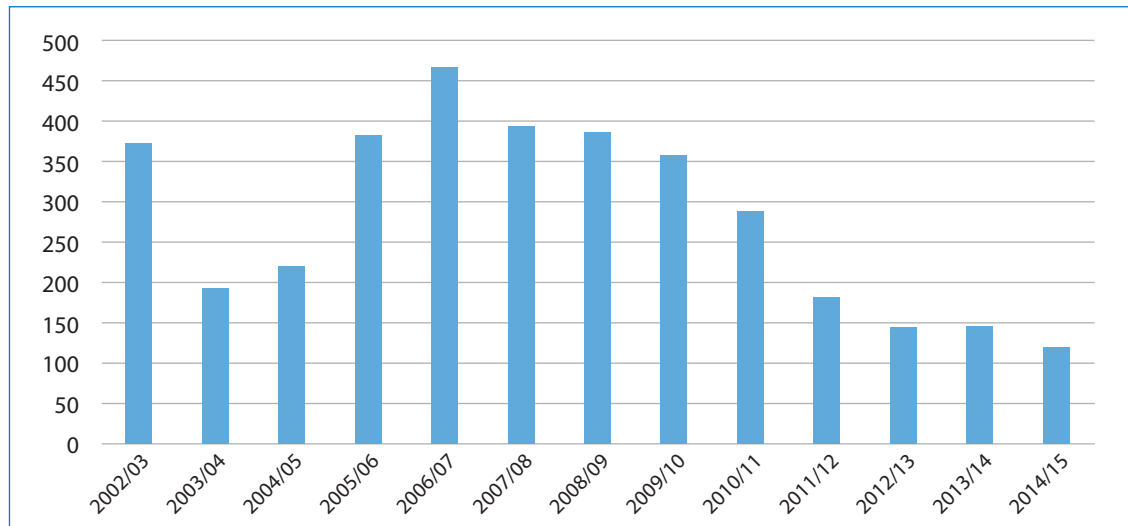
Many old-regime police and army personnel took early retirement from the state and transferred their skills to the private sector. By 2003, SA's richer denizens were protected by private armies that had intelligence capacity, air support (in the form of helicopters), armour (in the form of steel-plated cash-in-transit vehicles) and armed reaction units, trained to respond to emergency crime situations at the push of a panic button.



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At that point, SA's private security firms already had more men in uniform than the SAPS, and some observers claim that they, rather than police, were responsible for the post-2003 decline in armed robberies, burglaries and paramilitary cash-in-transit heists. Wealthier suburbs, business parks and industrial estates were saturated with private security patrols. After a string of expensive losses, firms that specialised in moving cash from place to place developed a paramilitary capacity of their own, transporting cash in convoys of armoured vehicles manned by guards with automatic weapons and in some instances monitored from the sky by helicopters. This reduced cash-in-transit heists from a high of 467 in 2006 to 119 in 2014 (See graph 7).

Graph 7: Robbery of cash-in-transit heists, 2002/03–2014/15



Source: SAPS, www.saps.gov.za, accessed 29 September 2015

Veteran private security operator Warren Goldblatt notes that another private sector innovation – satellite-based vehicle tracking systems – played a central role in deterring gangs that targeted expensive cars and delivery vehicles for hijacking. By 2005, almost all luxury vehicles and trucks transporting valuable cargo carried bugs that enabled control rooms to trace their whereabouts, a development which made it difficult to evade arrest. Ergo, says Goldblatt, the decline in such crimes, and in the related phenomenon of armed home invasions, which typically occurred when criminals followed desirable cars into their owners’ driveways and used the opportunity to loot their homes before leaving with the target car.

There is no doubt that private security forces help to control crime, but industry watchers caution against rosy conclusions. They point out that South Africa’s private security industry is a vast, sprawling beast, far larger than meets the eye. But there are thousands of unregistered companies out there, employing upwards of 200,000 unregistered guards who typically earn a pittance – in some cases, as little as R1500 a month for six 12-hour shifts a week.

South Africa’s private security industry is a vast, sprawling beast, far larger than meets the eye. But there are thousands of unregistered companies out there, employing upwards of 200,000 unregistered guards who typically earn a pittance.

Low wages and non-compliance make it possible for these grey-market operations to quote low and undercut competition, which is attractive for many clients in the present economic climate. Insiders say the worst offenders include suburban gated communities and governmental institutions that favour bids from tenderpreneurs who have strong Black Empowerment credentials but no security experience. “Once they have the money,” says Johan Burger of the Institute for Security Studies, “they pick up a few people at random, kit them out with a basic uniform and then they have a security company.”

Unregistered guards have not passed through the screening process run by PSIRA, the Private Security Industry Regulatory Authority, which checks the ID numbers of all aspirant guards against the SAPS’s criminal record database. To compound the problem, PSIRA screenings miss criminals who have migrated to South Africa from elsewhere in Africa. One industry veteran, who used to run large guarding company in Johannesburg, estimates that upwards of fifty percent of low-level guards are foreign nationals, many of whom hold fake South

African identity documents purchased from corrupt Home Affairs officials. “That’s the rot in the industry,” he says. “Screening these guys is pointless, because you aren’t going to pick up criminal records.” The presence of criminals in the ranks may have played a role in the 2006 security strike, a bitter affair marked by looting, violence and around 60 murders.

According to Steve Conradie, head of the Security Industry Alliance, competition from grey-market operatives has placed compliant companies under enormous pressure to cut their own costs if they want to stay in game. “This industry is bleeding big time,” says Conradie. An insider who asked to remain anonymous states that things have reached a point where even security giants are struggling to maintain their effectiveness. “The biggest outfits are actually in the insurance and micro-lending business,” he says. “They put masses of ill-trained guards into uniform, underbid to secure contracts and then make money by selling funeral policies and issuing high-interest loans to their staff.”

Insiders hold a higher opinion of big city armed reaction units, the best of which are well-trained and highly disciplined. Another arena where private services have become indispensable is the struggle against fraud and cybercrime. This is an arena where Warren Goldblatt, now CEO of a Sandton firm called Basileus Consilium, fears that the state has lost its ability to cope.



Another arena where private services have become indispensable is the struggle against fraud and cybercrime.

In the digital era, fraud and embezzlement requires sophisticated countermeasures carried out by investigators with expertise in accounting and information technology. It is difficult for the SAPS and NPA to recruit staff of this calibre, and training budgets have been slashed to below the bare minimum. As a result, investigators attached to the Special Commercial Crimes Unit reportedly carry a crushing case burden, each handling between 150 and 200 investigations simultaneously. In recent years, barely one in a hundred fraud cases reported to police have resulted in conviction.

This helps explain why the vast majority of fraud victims no longer bother to report their losses to police, or do so only to discharge liability. After that, they retain private sector forensic specialists who develop a criminal case and present it to the Special Commercial Crimes Unit, ready for prosecution. Some businesses have abandoned even that route: Goldblatt says most of his fraud-victim clients report to police as a formality and then try to recover losses through civil actions. As he says, the civil courts are one of the last elements of the justice system that still works effectively.

That being the case, South Africans find it reassuring to have more than half a million guards to protect them more than SAPS and military put together, with enough collective firepower to constitute “a threat to national security” in the estimation of some ANC politicians. Private security companies capitalise on this aura of invincibility in their marketing, but it might be naïve to expect them to save you in extremis. Private guards are essentially mercenaries, and history is littered with examples of mercenary forces deserting in battle. As Machiavelli said, “They have no love nor motive to keep them in the field other than a meagre wage, which is not enough to make them want to die for you.”

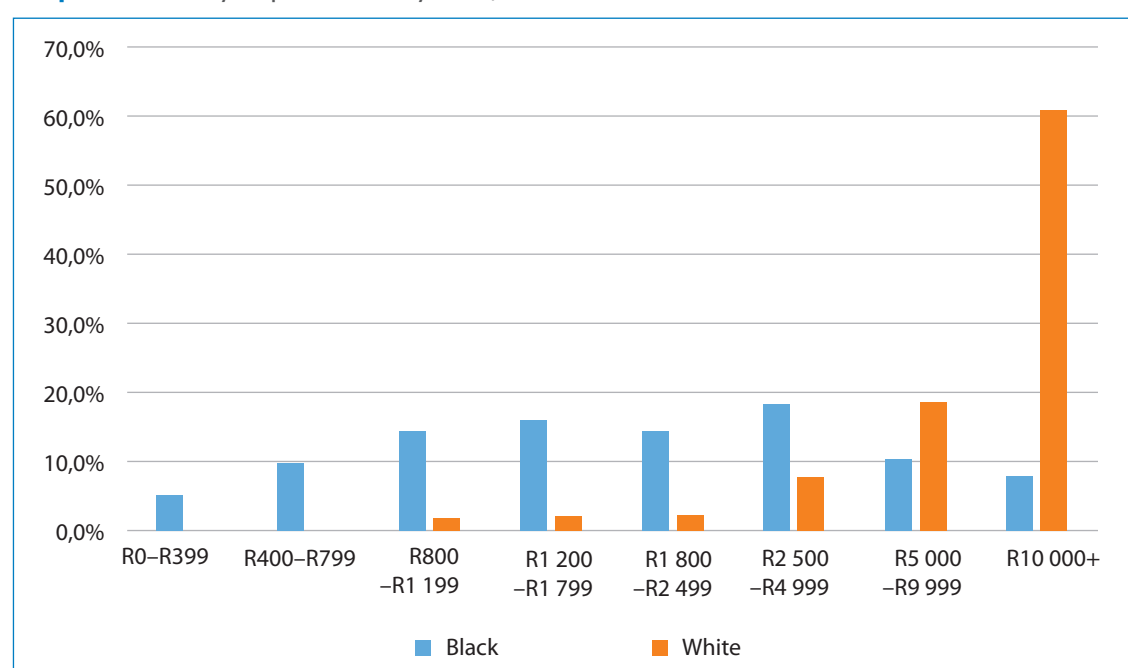


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But this debate is moot for the vast majority of South African citizens. A state-of-the-art home defence system featuring electric fence, beams and closed-circuit TV can easily cost R75,000 in set-up expenses. Basic private security arrangements (a burglar alarm linked to an armed response company) cost an additional R650 a month in service fees. Very few can afford even that. As we see in graph 8, 92 percent of black South Africans live in households whose monthly spend is less than R10k a month. Nearly 40 percent of whites fall into the same income bracket. For such people, panic buttons, electric fences and armed response are an unattainable fantasy.

Basic private security arrangements (a burglar alarm linked to an armed response company) cost an additional R650 a month in service fees.

Graph 8: Monthly expenditure by race, 2014



Source: Stats SA, General Household Survey 2014, Statistical release PO318, 27 May 2015, p 167

Conclusions:

- Fully professional private policing is effective but renegade operatives bear careful watching.
- Private policing is a solution available only to the wealthier segment of the population and to business. The vast majority of South Africans cannot afford it and must look elsewhere for protection.

6 Township mob justice

What criminologists refer to as vigilantism is rooted in ancient African traditions of community self-policing. Before whites came, “hunter guards” patrolled Ibo villages at night, Mungiki guarded Kikuyu cattle, and errant Zulus were judged and punished by councils of elders. In the colonial era, these “vigilante” formations continued to exist alongside formal policing structures introduced by Europeans and were often legitimated by legislation making allowance for customary law.

After Uhuru, when many fledgling African countries collapsed into chaos, vigilante movements came to the fore again, filling the vacuum created by weak or failed states. In much of sub-Saharan Africa, vigilantism is the most effective and sometimes the only form of policing. Anthropologists tell us that “vigilantism permeates all regions and all segments” of Nigerian society. The BBC says “vigilantes are the only ones who stand between robbers and residents,” and that captured robbers are likely to be killed before police arrive. Similar stories are reported in most African countries, but the full sweep of vigilante activity remains undocumented.



In much of sub-Saharan Africa, vigilantism is the most effective and sometimes the only form of policing.

Anthropologist Lars Buur tells us that vigilantism has been a feature of South African urban life since at least 1900. In early years it took the form of “tribal courts” transplanted into urban settings by rural immigrants. These councils of older males generally usually sought compromise and compensation for injuries inflicted, but were also known to impose floggings to which police generally turned a blind eye.

In the struggle era, these conservative formations encountered opposition from Street Committees and Peoples’ Courts set up by the ANC-aligned United Democratic Front to impose revolutionary justice in so-called liberated zones. People’s Court’s often imposed the death penalty on political opponents but also sought to take over the everyday functions of white police and magistrates as a means of undermining the legitimacy of apartheid state. In the early 1990s the ANC to some extent lost control of these structures, inadvertently contributing to a climate of anarchy it is now struggling to eradicate.

After the 1994 transition a new and more deadly form of vigilantism arose to combat rising crime in black areas. The media and academe paid close attention to the activities of Mapogo a Mathamaga, a Limpopo-based vigilante movement that at its height in 1999 claimed 35,000 members in four provinces. Mapogo’s “vigilante atrocities” (hundreds of floggings and several extra-judicial executions) were documented in some detail, as were murders and bombings carried out by PAGAD, a Cape Town vigilante group that declared war on drug dealers. But the full extent of township self-policing remained a mystery.

In 2005, a new force entered the frame. The *Daily Sun* was a tabloid newspaper created to engage the interest of “blue collar man,” defined as a black, working-class township dweller. From the outset, the *Daily Sun* was taken by the phenomenon it calls “mob justice,” initially running almost daily stories on the subject, often with an unspoken nod of approval – people are desperate, police are useless, what do you expect? This pro-poor attitude – along with saturation coverage of witchcraft and soccer – soon made *Daily Sun* Africa’s largest newspaper, with a claimed daily circulation of nearly half a million.

In interview with *Newsweek* in 2014, *Daily Sun* publisher Jeremy Gordon estimated that his paper received “three to six” tip-offs a week about extra-judicial killings. In his view, most of these killings were spontaneous and almost unpoliceable: “Someone cries thief, a mob chases the suspect down and burns or beats him to death, but when the police arrive, the community closes ranks and nobody says knows anything. It’s as if ghosts did it.” Gordon cautioned that *Daily Sun*’s coverage of such incidents was nowhere near comprehensive, and that court reports provide no yardstick. “We’ve never covered a trial that led to convictions in a mob justice case,” said Gordin. “Never.”

At the height of South Africa's 1990s crime wave, foreign TV channels became fascinated by South African vigilantism and made several documentaries on the subject. Part of the allure was the naiveté of vigilante leaders, who would openly explain what they intended to do ("punish criminals") and why ("democracy is weak") and then allow themselves to be filmed doing it. When police began to use the resulting footage to arrest perpetrators, vigilante leaders became more cautious, and by the time ETV made a three-part documentary on the subject in 2012 they had learned to shut up entirely. ETV informed viewers that Diepsloot was "probably the world capital of mob justice killings," but was unable to provide further details.

In short, mob justice is a curiously understudied phenomenon. The SAPS treats vigilante killings as ordinary murders and keeps no separate record of mob justice attacks. Stats SA avoids the subject. The Institute for Security Studies has recently begun to track vigilante actions, but no results are available as yet. As for newspapers, their coverage is patchy.

Which is why Capetonians were shocked to hear, in February 2014, that 78 criminal suspects had been burned or beaten to death in public in just one part of their city in the fifteen months leading up to June 2012¹. This revelation came courtesy of the aforementioned Khayelitsha Commission, set up the Democratic Alliance to investigate failures of policing on the Cape Flats. As previously mentioned, the commission confirmed grave policing problems. Here we are interested largely in the light it shed on the mob justice phenomenon.

In this regard, the Commission reached the obvious conclusion: vigilantism is a symptom of poor policing, and the only conceivable cure is restoration of the social contract – in other words, persuade the populace to cease vigilante attacks by demonstrating that the state is capable of providing effective policing. Its other contribution was to produce the first clear evidence of the prevalence of mob justice murders. If there are five vigilante killings (plus scores of beatings) in Khayelitsha every month, how many such incidents take place nationwide?



Vigilantism is a symptom of poor policing, and the only conceivable cure is restoration of the social contract – in other words, persuade the populace to cease vigilante attacks by demonstrating that the state is capable of providing effective policing.

An answer will hopefully emerge one day, but at present we are clueless. All we can do is attempt to understand the vigilante psychosis at present gripping many of South Africa's poorer townships.

In September 2015, there was a prolonged outbreak of vigilantism in Masiphumelele, a small township in the Fish Hoek valley south of Cape Town. Little more than one square kilometre in extent, it is home to some 45,000 people, many crammed into backyard shacks or tin shanties precariously located in the surrounding wetland. Service delivery is poor, unemployment rife, disease rife and *nyaope*² addiction commonplace. The nearest police station, Ocean View, is radically understaffed, with half as many police per capita as the one in nearby Fish Hoek, a middle-class area with low crime rates. Initially regarded as a peaceful place, Masiphumelele became a crime hot-spot in 2011. The number of murders recorded at Ocean View police station rose 62 percent over the next four years. Attempted murders soared by 122 percent, robberies by 172 percent. Most of these crimes were poorly investigated, and calls for the establishment of a satellite police station were ignored. Frustration was building.

¹ The Khayelitsha Commission report mentions a "Bundu Courts" document provided by police that detailed 78 vigilante murders. Elsewhere, the commission report says three of these killings were not mob-related, and in several others, the circumstances could not be determined. This might reduce the number of confirmed "mob justice" executions to around 60.

On the morning of September 15, Mrs. Pula of Masiphumulele's Street left for work at 7 am, leaving her 14-year-old son Amani eating breakfast at the kitchen table. When the boy's uncle came home from his night-shift job around 10.30 am, Amani was lying on a sofa with his hands tied behind his back, raped and murdered by an unknown intruder.

As news of the killing spread, an extraordinary conversation began to unfold on Masiphumelele's closed Facebook page. The participants were generally stable, respectable people, rich enough to afford computers or smart phones. Some held good jobs. Many identified themselves as Christians. As noted, participants in vigilantism seldom talk to police, so their motives usually remain opaque. Against this backdrop, the Masiphumulele Facebook conversation offers unprecedented insight into the values that bind township communities together, and the frustration that causes them to take the law into their own hands.

The conversation began around noon, as news of Amani Pula's murder spread. Surnames have been redacted, and some comments translated from isiXhosa.

- Thulisa:** Another child has been raped and murdered in this community. What is going on? Why are we silent?
- Thembi:** Gosh that person is heartless to do such a thing.
- Thulisa again:** Where will we hide if we don't fight for our freedom?
- Mxolisi:** It's been happening a long time something need to be done.
- Karen :** Praying for God's children to be a light in the darkness.
- Thembi:** C'mon ppl of Masi let's stand up and fight ds crimes ts not gud.
- Liso:** Criminals are united one big family.
- Belinda:** People must stop buying stolen goods from them becos they creating market. How will they stop otherwise?
- Liso again:** If we can deal with those people who buy stolen goods and make them shit and see where they take us. They order things as if from the factory.
- Shingai:** You are robbed whilst people are watching when skollies are gone dats e time u see ppl askin 'what did they take did they stab you bhuti ne?' What's gona help when my fone is gone? Beat him up when you saw him stealing.
- Alverado:** Serious we should show oneliness if somebody is being robbed let's go and help not coming to ask when they are gone.
- Anon:** So where do we go from here?
- Shain:** Mob violence is not the answer
- Lubha:** This is shit, pardon my language. If you are a man let's meet at the Baptist church at 7pm tonight.
- Lubabalo "Lubha" Lubha Vellem, 35, is chairman of the Masiphumele Backyards and Informal Settlement Forum. He's about to launch into an adventure that will land him in deep trouble.*
- Sipho:** Please people keep your tablets and smart phones at home today. We are deeply hurt. So if you are there to pimp on us we will see you and we say to you, you won't like it. WARNING!

² Nyaope is a street drug combining dagga, low-grade heroin and chemical stimulants.

At 1.54 pm a certain Simphiwe comments that a suspect identified as Mxolisi Rhwanqa has just left her office. An hour later, she says Rhwanqa has been arrested, along with a second suspect identified only as Gqamane.

Nobambo: I feel for Mxolisi. I wonder how he is, oh god.

Simpiwe: Why wasn't he given to the community to work on before being taken?

Bulelwa: He must be found and his manhood cut off.

IsmZukisi: Police are doing their work.

Igana: You defend this shit police? Last month people even walked to the fuckin useless police with a memorandum. Did you 'police officers' protect and serve? NO! Mob justice will forever be the solution, not police. Useless thwarts steal taxpayer's money and abuse state vehicles.

Joyce: I am with you, soldiers of our town. Fight for us! We will not be ruled by rapists! Forward!

Ntholo: God please, please God, we beg you, please bless Masiphumelele

Around 7pm, men with loudhailers start moving through the streets, calling residents to a meeting. As residents are walking there they hear whistles. Someone has spotted a police van carrying one of the two suspects arrested earlier in the day.

Craig: Guys, what is happening? People are running all over.

Lamie: God must come now please.

The police van is been surrounded by an angry crowd. Police can't control the situation. The mob collars the suspect and beats him to death, ignoring his protestations of innocence. The police van is set alight. Minutes later, a cellphone photograph of the burning vehicle appears on Facebook.

Thando: We're killing those who deserve to die. Even if its our own family, let them die.

Zoleka: Well done, people of Masi. Don't turn back now.

Sikelwa: What I saw today is very sad but it is right for the sake of our children.

Yibanthi: Ah, let the dog die. It is a good thing you are doing. Africa will return.

An illustration posted on Facebook shows a figure doffing his top hat and bowing deeply. The caption says, "Respect."

Over the next several days, groups of activists visited known drug dealers and thieves, warning them to leave Masiphumelele. Those who resisted were beaten, their supplies of dagga and nyaope destroyed. A second suspect was beaten to death and a third set alight, sustaining non-fatal injuries. A line of junkies and thieves was seen trudging away from Masiphumelele, and calm returned.

But Masiphumelele exploded again on October 15, after community leader Lubha Vellem's arrest on charges of public violence and later, murder. Rioting continued for several days, terrifying nearby white suburbanites to such an extent that they volunteered to pay Lubha's bail. On hearing the good news, two thousand Masiphumelele residents marched 16km to Simon's Town Magistrate's Court. As Lubha stepped out of the cells, women wept and ululated and men hoisted him onto their shoulders, hailing him as a hero.

The meanings of this parable are manifold. Lubha Vellem emerges as noble figure, smiting criminals in the name of righteousness. His popularity must be recognised, but we cannot lose sight of the fact that vigilantism brutalises children and traumatises entire communities. Many of the above appeals for divine intervention can be seen as coded appeals for mercy from residents who could not openly oppose the vigilantes. Their doubts

are presumably rooted in the fact that “mob justice” sometimes inflicts unspeakable suffering on innocent victims. In this case, police have not responded to questions regarding the identity of the man dragged out of the police vehicle and murdered. Some say he’d been cleared of involvement in Amani Pule’s murder and that a lone police constable was giving him a lift home when they ran into a mob bent on vengeance. The Facebook conversation also describes an attempt to hunt down and punish a certain Ndileka who “pimped on us” in a media interview. She was last seen at a nearby shopping centre, booking a bus ticket to flee the city.



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Beyond that, all we can say is that vigilantism is a throw-back to Hobbes’ murderous “state of nature.” As UNISA criminology professor Anthony Minnaar says, “Its very existence is a brutal indictment of the whole criminal justice system.” But the only thing that can stop it is an effective police force, and that’s something that the South African state cannot at present provide.

Conclusion:

- Vigilantism provides the strongest conceivable argument for deep and urgent police reform, but it is not an acceptable solution to crime.

7 Neighbourhood watches

Neighbourhood watches originated in the medieval European concept of a “town watch” consisting of civilian volunteers who patrolled the streets of night against cutthroats and brigands. The idea fell away with the advent of professional policing in 19th century but made a comeback in the 1970s, when Europeans and North Americans became anxious about rising crime. In some cases, neighbourhood watches were organised by the state; in others, they were a ground-up endeavour, initially promoted enthusiastically by the media.

By 2000, 26 percent of households England and Wales were members of a neighbourhood watch scheme. In the United States, 41 percent of citizens “lived in communities covered by a neighbourhood watch.” High levels of participation were also recorded in Canada and Australia. In the USA, neighbourhood watches became “the single largest crime prevention activity in the nation.”

But did they work? Most researchers said yes, citing successes like those recorded in Detroit and Seattle, where burglaries fell 48 and 61 percent respectively after neighbourhood watches were formed. Others judged the system ineffective. Measurements were complicated by the fact that effective neighbourhood watches tended to become victims of their own success; volunteers would often join to counter a perceived threat then lose interest once that threat abated, allowing crime to creep upward again.

This dispute was finally settled in 2008, when the University of Glamorgan in the UK published a meta-analysis of all academic research on the subject, concentrating on studies that had yielded scientifically verifiable results (either by comparing reported crimes before and after the foundation of a neighbourhood watch, or by comparing crime rates in areas that had a neighbourhood watch with those that didn’t). The results were unequivocal – on average, in four English-speaking countries, over nearly four decades, the establishment of a neighbourhood watch had resulted in “a relative reduction in crime of between 16 and 26 percent” in the affected area.

Lesson: neighbourhood watches work, but sustaining the interest of civilian volunteers is problematic. As the *Los Angeles Times* put it, “Many neighbourhood crime prevention programs die in infancy. They pop up when there is an unexpected surge in crime, then fizzle.” The paper went on to conclude that “in many crime-watch communities, complacency and apathy – not drugs dealers or petty thieves – are the greatest threats to neighbourhood safety.”



Lesson: neighbourhood watches work, but sustaining the interest of civilian volunteers is problematic.

Methods of sustaining commitment will be discussed later in this presentation. Suffice it to say at this point that the neighbourhood watch is a proven tool in crime suppression.

In the UK, Canada, USA and Australia, the neighbourhood watch was generally defined as a system that “encourages neighbours to look out for and report suspicious behaviour to the police” with a view to discouraging crime. South Africans opted for a more muscular variant that included vehicle patrols, two-way radio communications and in some cases, emergency reaction capacity.

As crime began to rise in the turbulent 1990s, neighbourhood or crime watches became a commonplace in South Africa. In many townships, Community Policing Forums set up parallel neighbourhood watches. Mamelodi and greater Khalelitsha once boasted highly effective watches run by ex-soldiers and policemen, and residents of Alexandra formed a home guard to protect residents at bus stops and taxi ranks. Many of these organisations vanished over time, leaving no record of their impact. One of the few long-term survivors is the Lonehill Residents Association’s neighbourhood watch, established in 1984 and generally credited with turning Lone Hill into an agreeable “village” where crime rates are low and property prices high. Another early success was the Roodekrans neighbourhood watch, established 2001. Like many of its UK and USA counterparts, the Roodekrans watch succumbed to apathy after a year or two, but it was revived in 2007 and went on to spawn six copy-cat watches in adjoining suburbs.

Also of significance in South Africa is the farm watch system, developed in the 1990s in response to a rash of violent attacks on isolated and vulnerable farmers. (It’s worth noting that farming is arguably the most dangerous profession in South Africa, with an annual murder rate higher than that suffered by policemen. By some calculations, South Africa’s 32,000 professional farmers suffer the highest murder rate in the world.) After taking heavy casualties, farmers organised themselves into voluntary farm watches that played a significant role in reducing farm attacks from 140 in 2001 to 58 in 2014.



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Five years ago, a powerful new entity entered the civilian crime combat arena. AfriForum is a civil rights organisation established to protect the Afrikaans language and inspire Afrikaners not to leave the country or succumb to despair. Its roots lie in the trade union Solidarity, which represents 140,000 skilled workers in the mining, chemical, energy and information technology sectors. Largely Afrikaans-speaking and once exclusively white, the Solidarity movement cites as one of its central inspirations the various *reddingsdaad* or rescue initiatives that helped Afrikaners recover from the devastating effects of the Anglo-Boer War of 1899–1982.

In 2000, Solidarity founded *Helpende Hand*, or the Helping Hand, a charity arm created to assist workers pauperised by the decline of institutions like South African Railways, which once provided preferential employment to hundreds of thousands of people, or the collapse of South Africa’s manufacturing industry, which shed half a million jobs between 1990 and 2014.

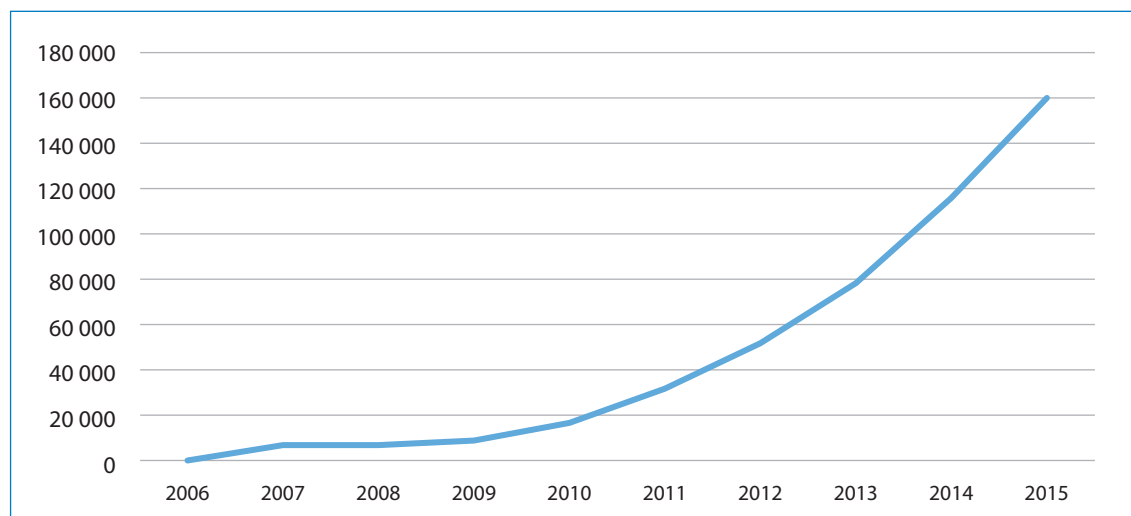
In 2006, the trade union spun off a second major offshoot. Headed by former school teacher and trade union organiser Kallie Kriel, AfriForum was a non-profit organisation whose start-up costs were founded by a loan from Solidarity. It forms part of Solidarity founder Flip Buys’ attempt to convince Afrikaners that salvation lies in self-reliance.

“The task of our generation,” said Buys at a Solidarity movement summit in 2015, “is to create circumstances in which Afrikaners may live permanently free, safe and flourishing in Africa. We should at the same time build bridges to the greater Afrikaans-speaking community, as well as to all other people with whom we share this beautiful country.” Buys’s vision argues for the creation of New Afrikaner, tolerant of others but resolute in defense of what Solidarity sees as the volk’s legitimate interests – constitutional rights to mother-tongue education, private property, safety and survival. “If Afrikaners do not care for themselves,” Buys concluded, “no one else will.”

“ *We should at the same time build bridges to the greater Afrikaans-speaking community, as well as to all other people with whom we share this beautiful country.*

Conceived as a vehicle to advance these aims, AfriForum initially struggled for support, recruiting only 8,000 members in its first year. But it gained traction with a campaign against “Kill the farmer, kill the Boer,” a struggle song favoured by then-ANCYL leader Julius Malema, and beyond that point grew exponentially (see graph 9).

Graph 9: Afriforum membership, 2006–2015



Source: Afriforum, email communication, 18 April 2016

In 2011, AfriForum decided to expand into community safety. It hired a prominent criminologist to survey the literature and make recommendations as to best practice. After that, it recruited lawyers and policing experts to draw up training materials. These emphasise two critical factors:

1. The need to establish good working relations with the police. South African law requires the SAPS to cooperate with voluntary civilian law enforcement activities. The manual requires neighbourhood watches to inform police of their operating plan, provide the names and car registration numbers of all participants, and to solicit police cooperation, especially in carrying out arrests and dealing with situations where violence threatens.
2. The need to operate strictly within the law. Training sessions attended by the IRR featured a detailed dissection of the Criminal Procedure Act and rules it lays down for civilian anti-crime operations. Recruits are informed that they may perform citizens' arrests, only under defined circumstances, use force only if it is strictly limited and justifiable, and search suspects only if they have probable cause. "AfriForum trainers advise participants against carrying guns on neighbourhood watch patrols but leave the final decision in individual hands provided that they act within the law. AfriForum's lawyers cannot defend recruits who use guns illegally. All recruits are required to sign a code of conduct and Indemnity form."

There is an unspoken subtext here. As Afrikaners, AfriForum leaders are painfully aware of the need to avoid anything that smacks of counter-revolutionary paramilitarism or apartheid-era policing. As Kallie Kriel puts it, "We have a dual problem. Minorities are vulnerable everywhere, but we are also an unpopular minority, easily vilified by stereotypes. We are seen as bombastic, racist – all those stereotypes. So I think one of our challenges is to demonstrate the contrary."

Ian Cameron, AfriForum's chief of community safety, often visits small towns to address inaugural meetings of residents thinking of starting a neighbourhood watch. "We make it very clear that we are a proudly Afrikaans organisation," he says, "but at the same time, a watchdog for all minorities. Anyone is welcome to join, and we have black members across the country. If anyone in our structure acts in a racist way, they are suspended immediately. It's a zero, zero tolerance thing."

Those who accept these conditions are signed up as AfriForum members, liable to pay a membership fee of R50 per month. In return, they get access to AfriForum's resources and services, which range from free training to legal support and hand-held radio sets. Since patrollers could find themselves at risk, AfriForum provides risk cover in the form of insurance. Volunteers also get magnetised AfriForum insignia to attach to the sides of their vehicles and flashing lights for their rooftops.

According to Cameron, training begins with radio protocols and basic first aid before moving on to reaction training – "How to approach a house if perpetrators are still inside. How to help victims. How to preserve a crime scene to make sure evidence is not destroyed." After that comes incident command training, based on a system devised by the United States' Federal Emergency Management Agency. Members can also request training in anti-rape strategies, martial arts self-defence, firearms and fire-fighting.

Before a watch goes into action, Cameron often visits the local police station. "We tell the cops, 'We're here to help you,'" he says. "If you don't want to help us, we'll take you to court so you better help us but you can't stop us patrolling. And it works. Ninety percent of police stations really work well with us."

Once patrols commence, AfriForum sometimes stages a "big bang" event to announce its presence. In Kimberley, for instance, this entailed a joint patrol featuring hundreds of vehicles from 22 neighbourhood watches. Last October, it staged a similar event on a national scale, drawing three thousand civilians, policemen and private security personnel into a countrywide demonstration of muscle. "We want to send a message that we can mobilise," says Cameron. "We had convoys of vehicles with lights, guys on foot, guys on horseback, a

helicopter, private security reaction cars on standby. The reaction was, good grief, what's going on here? In towns where we mobilised, crime stopped entirely for three weeks or so.”

AfriForum now has more than 80 neighbourhood watches, some of which have been spectacularly successful. Vanderbijl Park businessman Corne Cronje and six friends started a neighbourhood watch in 2014. Realising that burglars were using a stretch of open veld as an infiltration route into their suburb, they mounted nocturnal foot patrols that nabbed several burglary suspects carrying tools and swag. This caused a surge of interest, and Cronje now has 104 volunteers at his disposal, mounting patrols three to four times a week. He says relations with local police are cool but cordial, possibly because his philosophy is “*binne die wet en klaar*” – inside the law or else.



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In Bloemfontein, AfriForum leader Kobus Roussouw reports that relations with local police are excellent. “I think these guys understand that they can’t control crime without our help,” he says. Roussouw deals directly with cluster commander General Ghela, who has set up a system that allows AfriForum patrols to communicate directly with Cluster Jock, the city’s police radio control centre. “Once or twice we’ve done radio tests late at night. In cases where Cluster Jock didn’t respond, I reported it to the general, and he disciplined the members responsible. *Daardie man is yster*,” he says. That’s a man of iron.

Like Corne Cronje’s in Vanderbijl, Roussouw’s operation started small – just himself and four friends patrolling their own suburb, Fichardt Park. They established early on that burglars were parking their getaway cars on a nearby highway and nipping into Fichardt Park through a hole in the fence. Afriforum sealed the hole with Devil’s Fork palisades and razor wire, and burglaries dwindled to almost nothing. This attracted more volunteers, and AfriForum now has ten neighbourhood watches spread across the city. In Fichardt Park alone, Roussouw has between 30 and fifty members mounting three patrols a week. He is under the impression that “crime is much lower than it used to be.”

It is difficult to verify the accuracy of such claims. The SAPS’s statistical machinery provides data only for police districts. In rural areas, these typically include the entire array of human settlements – townships, shack settlements, farms and once whites-only town centres. In cities, neighbourhood watches typically patrol just one suburb. It is impossible to extract data showing crime trends in the smaller areas where Afriforum patrols are concentrated.

Neighbourhood watch leaders concede that countering apathy is a central concern, and some have been forced to scale back patrols. “Criminals aren’t stupid,” says Ian Cameron. “If they encounter resistance they leave the area. It’s difficult to keep people motivated after that but what we’ve done now in areas where crime has calmed down is organise a clean-up function in the local park followed by a community braai. The message is that the neighbourhood watch is not only there for community safety, but also to see that we build relationships with each other. Especially in the cities, people don’t even know their neighbours.”

Cameron says AfriForum’s buurtwag system has been responsible for several citizens’s arrests since its inception, all but one carried out by the book. The story of that single exception to the rule is worth retelling in some detail.

8 The Elliot case study

As in many township communities, Elliot's taxi operators constitute a formidable power bloc that sometimes takes the law into its own hands. When someone stole a local taxi a few years ago, Elliot's taxi association took up weapons and set off into the former Transkei in convoy, tracking the missing vehicle from village to village and eventually locating it in Tsolo. Rather than risk confrontation, the leaders of Tsolo's taxi association ordered the thief to surrender the stolen vehicle and offered compensation for the trouble to which the Elliot men had been put – R150,000 in cash. They did so because the alternative might have been another taxi war.

Police generally agree, acknowledging that taxi association members have helped solved several murders and play a useful role in controlling petty crime too. Elliot's criminals – mostly young black males with no jobs who prey on vulnerable – are reportedly terrified of them, which makes Nkampini a popular figure among the rest of the citizenry. By many accounts, he is the man to whom township residents turn when a girl is raped or a bottle-store burgled. "When there's trouble, the taxis always help," says a waitress in a local restaurant. "Even in the middle of the night, they come to sort it out."

During South Africa's brutal 2015/16 drought, a visitor to Elliot was afforded a glimpse of what "sort it out" might mean. A young black man was at work on the town's taxi rank, washing vehicles with rags and a hosepipe. A bakkie drew up, carrying a leading member of the Elliot taxi association. The taxi man walked up to the young man and protested his wasteful usage of water. After being heavily criticised the young man stopped washing the vehicles and left the area. The visitor walked over and asked for an explanation. The taxi man said, "The

town dam is almost empty and this boy is wasting water! Look at all the water lying on the ground there!"

In 2013, businessman Anton Brummer started an Afriforum branch in Elliot, initially to combat a tripling in municipal water charges. When that battle was won, Brummer decided to set up an Afriforum neighbourhood watch too, and invited Tax Nkampini and some of his allies to the inaugural meeting. They liked what they heard, and signed up. For Brummer, this was almost too good to be true, because black members (Afriforum Elliot eventually had 45, out of a total membership of 178) gave his branch an undreamed-of degree of social legitimacy and anti-crime muscle. Afriforum headquarters sent a man down to do the requisite training, and patrols began in November 2013.

That Christmas, for the first time in living memory, there was no stock-theft at all in Elliot and its surrounding farmland.

"They came like a thunderstorm," says Lieutenant-Colonel Daryl Billson, commander of the local police station. "Up to 40 people patrolling every night, with flashing green lights on their cars and taxis." Some circled the tiny town, others headed out into the surrounding farmlands and taxis roamed the townships, all chattering to each other on Afriforum radios in isiXhosa, the local lingua franca. A local service station owner got caught up in the enthusiasm and began to provide free petrol to any taxi with a green light on its roof. "They really made an impact," says Lt. Colonel Billson. "A helluva impact." That Christmas, for the first time in living memory, there was no stock-theft at all in Elliot and its surrounding farmland.

This early success sparked more success, and the number of voluntary patrollers tripled in the first three months. After a while, excitement wore off, and patrols were scaled back to just Friday and Saturday nights, but they seemed to be working.

This early success sparked more success, and the number of voluntary patrollers tripled in the first three months. After a while, excitement wore off, and patrols were scaled back to just Friday and Saturday nights, but they seemed to be working. AfriForum and police launched a joint campaign against unruly shebeens, forcing them to close on time and sometimes skudding habitués for knives and other weapons. After that, nurses reported fewer stab-wound casualties seeking treatment in Elliot's hospital. They also carried out citizen's arrests on several stock-theft suspects and an alleged Mandrax dealer. These small triumphs had no discernible impact on police district crime figures, but that's not surprising, given that Colonel Billson's turf is 1800 sq km and Elliot just a dot in its centre. Those involved believed the system was working. Crime was down. People felt safer.

Word of Brummer's unlikely alliance spread, and Landbou Weekblad sent a reporter to check it out. "This is a story about a community reaching out to each other across political and race barriers," said the resulting article, noting that even Gwede Mantashe had attended a neighbourhood watch meeting and expressed his appreciation of the work it was doing. The magazine declared that Afriforum had developed "a winning recipe for farm and national security."

The Landbou Weekblad piece also contained several laudatory quotes from Lt-Colonel Billson about manner in which the neighbourhood watch was assisting the police. Lt-Colonel Billson expressed the importance that everyone understood the rules of engagement. In a small town where everyone knows everyone else, he was reluctant to mention names, but other sources say there were three complaints about taxi men using rough methods. "Look," says Billson, "we're in a difficult situation. In this town, a lot of people think it's acceptable

to use fear and intimidation to get stolen property back. But there's also a minority that says, 'I have rights, you can't intimidate me.'"

In May, 2015, Tax Nkampini had a run-in with criminals. By his own account, he received a cell-phone call saying that "gangsters" were menacing teenagers on their way home from one of the local high schools. Tax raced to the scene, broke up the fight and cornered two suspects in a nearby house. By now, police were on the scene, but they were afraid to go in, so it fell to Tax to make the arrest. He entered the house carrying a kirie and came out holding two young suspects by the scruffs of their necks. Back at the station, police made a note of the incident but decided not to charge the youths, who were young and frightened and seemed to have learned their lesson. A day later, one of them was escorted to the taxi rank by his older brother and made to apologise for the trouble he'd caused.

That seemed to be that, but a week later, Tax was arrested for aggravated assault. One of the youths involved in the previous week's fracas had sworn a statement alleging that that Tax had broken his finger. Tax and his Afriforum allies took the position that certain corrupt policemen were manipulating the case with a view to putting an end to Tax's interference with their alleged rackets. Afriforum paid Tax's bail, hired a lawyer to defend him and began a campaign to pressure provincial police brass to investigate their claims of unjust persecution.

A few days later, Elliot was treated to the unprecedented spectacle of some four hundred mostly black protestors toy-toying around the town's taxi rank, flying Afriforum colours and brandishing AfriForum-provided placards saying, "Police must help community, not criminals." A similar crowd turned up to support Tax at his trial, which had to be suspended due to a quintessentially South African development: police had lost the docket. The case was temporarily withdrawn.

9 Conclusions and recommendations

Let's return to the premise set out in the opening paragraphs. South Africa is beset by a policing crisis and fears of outright state failure. Against this backdrop, we set out to investigate three alternative forms of self-protection available to nervous South Africans —private security, “mob justice” and local variants of the neighbourhood watch idea.

We proceeded to demonstrate that ...

1. In spite of some improvements since 1994, South Africa remains an exceptionally dangerous country in international terms.
2. A large and growing portion of the SA public believes the state is unable to fulfil its part of the social contract, and that the SAPS fails to provide adequate protection.
3. Attempts to reform the SAPS have thus far failed, and the situation is unlikely to improve any time soon.
4. Private security offers a partial solution, but only to the rich.
5. Vigilantism offers a partial solution to black communities, but involves gross human rights violations.
6. Neighbourhood watches offer a partial solution to law-abiding citizens, provided that they can sustain volunteer interest and commitment.

Neighbourhood watches offer a partial solution to law-abiding citizens, provided that they can sustain volunteer interest and commitment.

Our recommendations are therefore:

1. Channel vigilante rage into a more humane direction possibly using Afriforum's muscular yet scrupulously legal neighbourhood watch scheme as a model. The ANC was initially attracted to the idea of community self-policing, but its models generally failed to gain traction. A concerted state effort to resurrect and rebuild these formations might result in a decline in vigilante outrages as well as a reduction in crime.
2. Use AfriForum's Elliot model to build coalitions between township law and order activists and their white counterparts, ideally culminating in joint, legal and effective neighbourhood watches. Some might find this suggestion naïve, but surveys show that South Africans of all races are united in their anger about poor policing. This provides interesting prospects for coalitions, particularly in small towns and working class neighbourhoods where people of all races already live in close proximity to each other.
3. Seek to incorporate local private security providers into these joint neighbourhood watch schemes to a point where they became active partners in the scheme.
4. At that point seek to win the support and cooperation of local police station commanders into the scheme. The ideal outcome is therefore one in which local communities, the private sector and the police are cooperating very closely in safeguarding their community.
5. Encourage the expansion of neighbourhood watches country-wide.
6. Continue to agitate for police reform and against government policies that discourage economic growth. Effective policing and job creation are the only long-term solution to South Africa's crime problem.

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