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South African policing at a crossroads

The case for a 'minimal' and 'minimalist' public police

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Abstract _____

This article explores the distinct but related notions of 'minimal' and 'minimalist' policing in the context of South Africa. We argue that these conceptions can shape a new vision for the future of policing in this country, one which is especially needed at a time when the political elites are seeking to re-militarize and centralize policing. This article searches for an answer to the question: Who should the public police be in emergent democracies where there is a plurality of policing providers, state and non-state? Drawing on research conducted in the city of Durban this article demonstrates that, to a large extent, policing is being carried out by agents other than the police. In this context, the article articulates a more circumscribed role for the police in a time (and place) of uncertainty, one that is anchored in local structures of strategic planning and regulation. Within such structures, non-state actors should be supported to play meaningful roles in 'everyday policing', but in ways that are moderate and bound by legal constraints within a human rights framework.

Key Words _____

community safety • emerging democracies • minimal policing
• nodal governance • non-state policing • South Africa

Introduction

In his quest to 'go all out to win the war against crime' (Hartley, 2009), South African President Jacob Zuma recently declared a 'shoot-to-kill' strategy that will be achieved through an amendment of Section 49 of the Criminal Procedure Act governing use of force (du Plessis, 2009). As it stands this Act, according to Zuma, requires police officers to 'err on the side of caution' by compromising their own safety in dealing with offenders carrying weapons (Hartley, 2009). In contrast, the amendment would allow officers to shoot when confronted with guns, even when offenders have not fired first (BBC News, 2009; McDougall, 2009). Instead of firing warning shots (a requirement in the existing legislation), police officers would be able to 'shoot to kill' without 'worrying about what happens next', as described by newly appointed national Police Commissioner, Bheki Cele (Bridgland, 2009). This increased authority to use deadly force rests at the heart of a broader vision of the public police as an army in the war against crime.

Zuma's war metaphor is further propagated through a set of changes to the organization and operations of police. The 'police service' has, since April 2010, been replaced by a 'police force' in a clear reversal of the discourse and organizational reform that occurred following the democratic elections in 1994 (see Rauch et al., 1994). As well, the newly appointed Minister of Police has publicly declared that he aims to remilitarize the police ranking system and to centralize all state police bodies into one police force (Keppler, 2009; Mbanjwa and Hosken, 2009). As of April 2010, the National Commissioner is to be referred to as 'General'.

All of these developments appear in stark contrast to the various legislative documents that bind the police in South Africa to a 'community policing' style and philosophy (see, for example, Pelser, 1999). Community policing, in the early years of South Africa's democracy, was seen as the best medication for an extremely diseased police organization (Singh, 2008).

Against this backdrop, the shift in the way in which public policing is being imagined and practised could be interpreted as a re-assertion of the State's highly interventionist role in policing, underpinned by a despotic mentality from police leaders and politicians. Such a vision may seem intuitively appealing, and some have argued, could be a response by politicians to what public commentators have referred to as popular (punitive) calls for 'stronger policing' (Letsebe, 2009). Such an interpretation begs the question: Who *should* the police be in South Africa? What is a feasible police role, both strategically and normatively, in the context of South Africa's long struggle towards a human rights culture? These are questions that the two authors have begun to address in previous works, together with colleagues such as Clifford Shearing (see for example Marks, Shearing and Wood 2009). This paper aims to further expand on these answers to extend current debates on 'who the police should be' in a nodal and fluid policing landscape, particularly in countries that can best be described as emergent democracies with finite state capacities, such as South Africa (see Dupont et al 2003 for an

excellent account of new ways of thinking of security governance in ‘weak’ states).

In answering these questions, we aim to offer practical (and credible) solutions to the everyday policing of crime (Carlen, 1992). Drawing inspiration from a left realist framework, we first argue that the top-down vision of a militaristic police serves to hide from view a much larger empirical reality which, if accepted, could provide an alternative vision of police and policing in the country. This reality is a policing stage comprised of a range of actors involved in processes of everyday policing. The (already) active engagement of community-based groupings in the governance of security could serve as one way out of punitive and highly interventionist public policing. The existing problem is, however, that non-state policing tactics can be heavy handed and have a tendency to undermine principles of human rights and parsimony. Consequently, as should be the case with the public police, these groupings need to be regulated and monitored to ensure that there are shared goals about moderate, human rights oriented *policing*. Our vision therefore must be one that steers away from proactive, over-zealous non-state policing, while ensuring that the public police operate very much in the background playing what Loader (this issue) would describe as, a moderate role.

We suggest that the public police, municipalities and other political auspices (including the Internal Complaints Directorate (ICD) and the civilian Secretariat of Police)¹ have the opportunity to pursue a vision of a public police that is both ‘minimalist’ and democratic as opposed to ‘maximalist’ and interventionist. In making this case we draw inspiration from Kinsey et al.’s (1986) left realist vision of ‘minimal policing’, centred on the principle that police action should, as much as possible, be publicly initiated, and that the public should have access to the police when their specific skills and authority are required. Drawing on the ‘minimalist state’ concept developed by Menkhaus (2007), we further suggest that in states with a weak resource base, such as South Africa, the police should focus on their ‘most essential functions’ (Menkhaus, 2007: 95) while finding ways to both co-exist with and support organic forms of ‘governance without government’ (Menkhaus, 2007: 106). One means of doing so is to ensure that government safety policy is ‘anchored’² locally, with municipal bodies undertaking a range of strategic and regulatory functions including the identification, co-ordination and regulation of police and non-police resources. In building our argument we begin with a discussion of three cases of ‘everyday policing’ arrangements in Durban (Buur and Jensen, 2004).

Everyday policing in Durban: three cases

In November 2008, one of the authors (Marks) was commissioned by the *Imagine Durban Project*, based in the Durban (eThekweni) municipality to investigate what local community groupings were doing to create safer

neighbourhoods. As safety was such an important aspect of imagining a better city, *Imagine Durban* decided to support a research-based project that looked at how communities were coming together to create safer spaces. Marks and two Durban-based researchers (Debby Bonnin and Richard Dobson) focused on three different neighbourhoods where community safety groupings were already operating. They wanted to find out about their objectives, how they worked towards achieving them and their relationship to other safety actors or security nodes.

The geographic areas studied were Warwick Triangle, Newlands East and PalmRidge. Warwick Triangle is a bustling transport node and trading district, largely comprising informal traders. It is also home to a sizable number of working class/underclass residents. Newlands East is a lower middle class/working class residential area historically demarcated for 'coloured' (mixed race) people, but now home to a more wide-ranging racial spectrum of people. PalmRidge is a middle class area that falls within the broader suburbs of Berea and Overport.³

The research was carried out between November 2008 and May 2009. It was qualitative in nature, centring on conversations with leaders and members of the associations mentioned, observations at gatherings and meetings with private security personnel and police officers who operated in the corresponding jurisdictions.

Traders Against Crime/Warwick Triangle Community Policing Forum

For more than a decade, traders in Warwick Triangle have joined forces in efforts to make the area a safer place to trade and to live in. The initial safety grouping was called Traders Against Crime (TAC). An offspring of TAC now refers to itself as the Warwick Triangle Community Policing Forum (CPF), although it has little real association with legislated community policing forums.⁴ Traders formed these groupings because people in the area were constantly the target of theft and armed robbery. The threat of crime had proved a real obstacle to trade. Potential customers were afraid to enter the area, especially after dark. This was made worse by the fact that the local authority did not respond to calls to fix broken traffic lights or to install proper lighting in the area. Consequently, traders were forced to close their businesses early and residents retreated to their flats as darkness set in.

In the view of key organizers of TAC, the police were unwilling, even unable, to deal with criminal incidences in the area. When the police did enter the area 'uninvited' by the community, it was usually to disrupt informal trade which, they claim, is viewed by the municipality as a nuisance and an eyesore. As a result, traders, in association with some more formal local business people, started their own marshalling or street patrol system as a way of creating a visible watch in the area. The fact that members of TAC know the area well and are able to respond quickly to calls of distress has made them the first line of contact for victims of crime in Warwick Triangle.

Some years ago, members of TAC decided that they had no choice but to arm themselves, often with licensed firearms, as they were often the first to

respond to violent crime in the area. Members claim that when a violent crime occurs, they contact the police immediately, but when the police do not respond TAC conducts a citizen's arrest and then takes the 'offender' to the nearest police station. TAC members try to ensure that when they hand over an arrested person, they provide enough evidence to secure a conviction.

Members of TAC acknowledge that they do not always operate within a human rights framework. Nor do they adhere to due process at all times. According to some of them, when they apprehend an offender they usually mete out physical punishment as a way of 'teaching offenders a lesson'. The severity of the 'punishment' is dependent on members' perceptions of the seriousness of the offence to the collective conscience of the community of Warwick Triangle.

TAC operates on a purely voluntary basis. They have no real resources, not even T-shirts or vests to identify themselves. They are, in short, armed with their own energy, cell phones and weapons. They would like to be able to register formally as an organization and be able to raise funds. To date, this dream has little prospect of being realized, which means that TAC's long-term sustainability is in constant jeopardy.

Despite the real challenges of sustainability and robustness of these community safety groupings, our research participants claim that TAC has played an important role in building a sense of pride of place in the Warwick area. Local government officials are in agreement. In the words of ward councillor Avril Coen, 'The Warwick Triangle TAC has been invaluable in making this area safer. They have tirelessly fought against crime and have tried (often unsuccessfully) to bring the police on board to do something about crime in the area.'⁵ Some TAC members have paid with their lives. In 2008, one of the most committed members of TAC was shot and killed when he apprehended a person who had been engaged in violent criminal activities. Other members have been stabbed, shot at and even arrested and charged by the South African Police Service (SAPS) for their 'illegal' activities in responding to crimes.

Over recent months, some members of TAC began calling themselves the Warwick Triangle Community Policing Forum. While they have historically worked independently from the formal government legislated community police forums, they are now trying to formalize their working relationships with the police. In so doing, they are attempting to gain legitimacy in the eyes of the police and local authorities, while encouraging police to be more responsive to their calls for intervention.

Currently, however, the practices of TAC raise significant normative concerns. It might well be understandable that the present crime and police reality has given rise to popular justice which itself is violent. Therefore, a well-regulated system of security governance that is premised on the values of moderation and human rights should play a role in ensuring that popular punitiveness is not the order of the day, within or outside of the State. As we suggest later on in this article, this regulation and monitoring would need to be anchored in local government arrangements but should also be the responsibility of national state bodies such as the civilian Secretariat of Police.

Newlands East street committee

A street committee in the eThekweni municipal area was launched in August 2008. The launch followed the African National Congress (ANC) Polokwane Conference Resolution that street committees be formed by all communities in order to assist the State in the 'war against crime'. Jacob Zuma was present at the launch and claimed that street committees in the area had already reduced crime by 80 per cent in the two months before the formal launch (Mthembu, 2008). The recent call for street committees draws on institutional memories of ANC-aligned South Africans who formed such structures at the height of apartheid as a means of creating alternative forms of local governance, including policing. While not as active as they once were, street committees are still operational in a number of township areas across South Africa (see, for example, Steinberg, 2008).

Exactly how street committees operate, and are meant to function, is not entirely clear. Neither the ANC nor the Government has provided any clear guidelines for their operations or mandate. Much is defined by local dynamics and local political histories. Broadly, though, and according to the ANC-led government, street committees are meant to operate as watchdog bodies in alerting the police to crime hot spots (Mthembu, 2008).

It is not surprising that Newlands East was selected for the official launch, nor that street committees are already active in this area. According to a member of the Alhen Rice Garpa street committee, in the six months leading up to the launch, a pastor was shot and killed in his street and there were many rapes and armed robberies taking place in the area. Incidents were reported to the police but no action was taken. Given the lack of police responsiveness, community members joined forces and started patrolling their streets from 6pm to 9pm. Street committee members identify unfamiliar people and unfamiliar activities and investigate whether they could prove 'problematic'.

In theory, street committees are meant to act within the law and avoid using force. The reality is, however, that violence *is* used. One of the leaders of the street committee movement in Newlands East openly stated in an interview that if somebody suspected of criminal activities is apprehended by the street committee, they will be given a 'good hiding' and then handed over to the police. In extreme cases those deemed to be offenders might be 'eliminated'. As is the case with TAC, a number of street committee members own guns. This is viewed as a necessity, especially when they are patrolling in the informal settlements that border on Newlands East where most violent crime takes place. The police, according to street committee leaders, are aware of this situation.

While community safety group members sometimes resort to force to resolve safety threats, they do work to assist with police. As is the case with TAC, the street committees in Newlands East make a considerable effort to find incriminating evidence that can be used by the authorities. The street committees in Newlands East have even established a set of operating guidelines which have been discussed with the SAPS.

The street committees in the Newlands East area are not simply reactive, nor do they confine themselves to physical safety issues. They are also concerned with broader issues of human security and community cohesion. For example, they have identified illegal shebeens (informal pubs) operating in the area as a problem. Residents nearby have complained that because they are open until the early hours of the morning, patrons leave drunk and can become ‘troublesome’. Aware that the police response in such situations is generally to shut down shebeens, the street committee has tried to find alternative ways of regulating the pubs’ activities to prevent alcohol-related crime and public violence.⁶ Their strategy has been to bring together shebeen owners and community members to find a solution that is agreeable to all. A workable solution has been found; shebeen owners have agreed to stop operating after 9pm and have promised not to sell alcohol to underage customers. If shebeen owners fail to meet their side of the agreement, the street committee reports them to the police who can then use more forceful (and formal) regulatory strategies.

This way of dealing with the ‘problem’ of shebeens is one example of localized, non-state problem-solving that addresses the priorities of different stakeholders. Residents feel reassured by the agreements reached and police from the Newlands station say that they are happy not to have to intervene in a problem that they have very little control over.⁷ Examples such as these led one of the founders of the Newlands East street committee to comment in an interview that,

most safety problems that are reported don’t require police intervention. Community members know best how to deal with safety issues. They know where the problem lies and what the best solution is ... It is really a question of being a responsible citizen and creating an environment that we want our kids to be raised in. We are all in the policing trade together.

Street committee members are also responsible for identifying problems that might lead to feelings of insecurity or opportunities for crime. For example, they keep an eye out for potholes in the road that can result in traffic accidents, and they watch for street lights that are not working. These local government service delivery deficits are then reported to the municipality. The street committees also try to reach out to vulnerable sectors of the community. For example, they identify families that cannot afford to pay school fees and negotiate with schools for fee reductions. They check on elderly and isolated community members. The work of the street committees, then, spans beyond forms of everyday policing to include social service delivery which fills gaps in local governance. However, if these delivery and social problems are not dealt with, they are likely to become police problems (and headaches).

Nonetheless, the normative dilemma that exists in regards to the use of force against criminals in regard to TAC features strongly in Newlands East as well. While ideally a policing network premised on the values of moderation and parsimony would not resort to strong arm methods for dealing

with crime (particularly outside of the law), the reality in places like Newlands East and Warwick Triangle is that community safety groupings do arm themselves. Unsurprisingly, perhaps, they use these arms when they are confronted with situations they perceive as dangerous/threatening and where they perceive the police to be unresponsive.

The use of force (legal and illegal) by community groupings, like the street committees in Newlands East, would be dramatically reduced if an 'ideal type' minimal police agency (as conceived of by Kinsey et al., 1986) was operative. Such a police agency would intervene decisively (using their specialized skills and authority) when called upon by communities when they feel threatened and require the special skills, expertise and authority of the public police. As we discuss later on, such a police responsiveness needs to be accompanied by non-punitive mentalities and practices on the part of community groupings, informed by a working knowledge of the law and constitutionally aligned operating principles.

PalmRidge

The PalmRidge Neighbourhood Association (PRNA) shares many of the objectives of the other two groups, but there are three key differences between the PRNA and those formed in Warwick Triangle and Newlands East. In the first instance, the PRNA was initiated in 2006 at the suggestion of the station commissioner (Superintendent van Zyl), whose jurisdiction includes the PalmRidge area. Second, the PRNA do not conduct street patrols (although some members of the association have suggested this) and members do not carry arms (or if they do it is not openly acknowledged). Third, the PRNA works fairly closely with a private security company (ADT) which has majority buy-in in the area. Residents in this area, unlike Warwick and Newlands East, can afford to contract out some aspects of security governance, and so the policing nexus in this area includes the State, community groups and the private sector.

ADT attends the PRNA monthly meetings. At these meetings ADT provides feedback about their work/observations over the past month and they are open to suggestions from the PRNA about how to service the area. They recognize the PRNA as a legitimate organization and, according to PRNA members interviewed, ADT is far more responsive and reliable than the SAPS when it comes to calls from members of the community for 'policing' services.

What motivated the community to form the association was the fact that a gang was operating in the area and had been involved in a series of house robberies. When they approached the local SAPS about what to do, one mechanism suggested was to form a neighbourhood association. A small group of concerned neighbours put letters in post boxes calling for a meeting to discuss safety issues. A network was activated and was strengthened when a local resident was stabbed with a screwdriver while walking past a 'bad house'.⁸ The meeting was well supported and over the past two years, word has spread and now almost all houses in the self-defined area are part of the PRNA. The PRNA has two key objectives: to assess and address the drivers

of crime and to build social cohesion in the area. Vigilante responses to crime have been strongly rejected by the majority of members of the PRNA.

The PRNA began informally, but quickly developed a strategy document and organized for volunteers to take responsibility for different parts of its implementation. For example, there are individuals who are responsible for reporting street light outages or illegal dumping. There are others who are responsible for attending the monthly CPF meeting.

The PRNA has mobilized people in the area to develop a sense of pride in their neighbourhood. They have initiated a competition for the best verge (private street pavement) in the neighbourhood. People are strongly encouraged to take their rubbish out for collection at the right time. Street parties are held annually to create a social vibe in the area, to get kids and adults to feel that PalmRidge is a space for people to gather and feel at home on the streets. Crime is not the main theme of every PRNA monthly meeting. Monthly meetings can focus on issues such as new projects for creating social cohesion and pride in the area. Similar to the street committees then, the policing functions of the PRNA are absorbed within a broader local governance mandate.

Despite their efforts there is a strong feeling among PRNA members that the services provided to them by the police are poor. They do not feel that the police operate as partners or collaborators. When safety problems are identified and solutions suggested, the police are often unresponsive or disinterested.

Local police leaders acknowledge the instrumental value of community safety groupings, while recognizing the limited ambit of police. Superintendent van Zyl, the Station Commissioner responsible for the PalmRidge area maintains that the work of the police is made easier when there is a formal representative group that can identify and signal safety issues and with whom the police (and other government agencies) can work jointly to problem-solve when necessary.

Similarly, Director Bala Naidoo who heads up the Durban Central SAPS (responsible for Warwick Triangle) contends that communities should, as far as possible, resolve local safety problems. They should take stock of the limitations of the police—in terms of resources, capacity, knowledge and availability. For Director Naidoo, one of the reasons for police ineffectiveness is that people refer ‘every little problem to be resolved’. Thus they are ‘blocking the police emergency line’ and directing police resources away from their core functions.

Our interviews suggest that police tend to buy into a minimalist view of their role. The majority of police interviewed were genuinely impressed with the capacity for community groupings to govern many aspects of their own lives. Their interest in community governance may indeed be purely instrumental, accounting for the limited resources of the police. For example, Superintendent Mathambo of the Newlands Police Station believes that most crimes or incidences of social disorder that occur in local communities do not require the intervention of the police. Community members, she stated,

know where problems lie, and often police are oblivious to these. She pointed out that crimes generally occur when the police are not present. Communities then have little option but to try to deal with situations as they occur and attempt to minimize the possibility of crime occurring.

Our police respondents also suggested that because the public police is not always the best agency to deal with all problems, a proper referral process needs to be developed so that the available 'multidisciplinary forces' are optimized and regulated. However, we need to bear in mind that the police are concerned about the 'dark' side of community safety groupings, in particular their potential to operate outside of the law and to act in ways that endanger their own lives and those of others. In addition, the police will be (and indeed are) receptive to current (militarized) police discourse if they feel they are failing in their fight against crime and if they are uncertain of their role, responsibilities and accountability mechanisms. Police in South Africa are seeking new roadmaps to optimize their skills, limit an overdependence on them to solve all safety-related problems and bolster their legitimacy in the eyes of the public.

The case for a minimal and minimalist public police

The above cases of everyday policing provide a glimpse into both the promise and limits of this pluralized or 'nodal' policing stage in South Africa (see Marks and Wood, 2007 and Marks, Wood and Shearing, 2009). In this section we attempt to re-cast such developments within an explicit normative vision of policing which is moderate, human rights respecting and responsive to localized community safety needs. For reality to meet this vision, we argue that we need to pursue a vision of public policing that is both minimalist (Menkhaus, 2007) and minimal (Kinsey et al., 1986). We distinguish between these two conceptions as they have emerged from two discrete strands of scholarship. What connects these two strands is an agenda centred on drawing a clear and robust blue line that distinguishes between the authority and capacities of the public police and that of other policing actors.

From a *minimalist* perspective, police should re-imagine themselves as society's 'or else' institution (Thacher, 2009: 59) that intervenes only when their capacities to exercise force and investigate crimes are required. This conception resonates with Brogden and Shearing's (1993) call for a core public police role that both supports and bolsters non-state policing arrangements.

The 'minimalist state' (and its associated agencies) conception is developed by Menkhaus in the African context where organic governance arrangements emerged to address deficits in service delivery resulting from weak government structures. Menkhaus (2007: 75) reminds us that 'local communities are not passive in the face of state failure and insecurity, but instead adapt in a variety of ways to minimize risk and increase predictability in their dangerous environments'. He argues that in the face of this reality political leaders should

not seek to displace these organic developments, but should rather integrate them with ‘top-down, “inorganic” state-building processes’ (2007: 77). In other words, central and local governance arrangements should be ‘harmonized or nested together in a negotiated division of labor’ (2007: 103). Such arrangements provide for a more reasoned and careful approach to building state legitimacy and capacity in places where governments are fragile or weak and where democratic values (especially from the top) might be in short supply.

Complementing this minimalist view is a *minimal* approach to policing which insists that the police intervene primarily at the request of the public (Kinsey et al., 1986)—and this may be in regard to any crime situation (‘serious’ or not) that is of concern to the community. Like the minimalists, the promoters of a minimal police agency propose that police be called upon to make use of their special skills, authority and expertise. As such, their role needs to be delineated and should be clear to other government agencies and to communities they serve. Both these ‘minimalist’ and ‘minimal’ conceptions share a concern with bolstering the legitimacy and effectiveness of the public police while at the same time promoting democratic life and freedoms.

The active involvement of non-police groupings in local safety generation is encouraged by both the minimal and minimalist views, although those who propose a more minimal view for the police insist that security governance should be co-ordinated and regulated by local authorities and that the spreading of a ‘police mentality’ to other actors should be prevented, as far as possible (see Kinsey et al., 1986). Police, in other words, should not be the ‘hub’ of security governance arrangements, not only because of their lack of capacity, but also because they are not the agency best placed to *prevent* crime and disorder.

Police and community safety group representatives that participated in this research seem to agree on the need for a ‘minimalist’ vision of the public police. What this means in practice is that instead of widening the reach of the police (through generally poorly determined ‘community policing’ programmes or highly interventionist and even militaristic strategies), what is required is for the police to confine themselves to what they are trained and resourced to do. Using Reiner’s (1992: 145) depiction of minimalist policing, ‘police intervention should be confined to cases where there is clear evidence of law-breaking, and should take the form of the invocation of legal powers and criminal process’.

This more limited (and we suggest feasible) vision harkens back to Bittner’s classic formulation of what it is that makes the police distinct; their legal mandate as a civilian state body to use force (Bittner, 1990). The police in democratic societies remain a fundamental representative of the legal system (Reiss and Bordua, 1967: 27), required to exert their authority parsimoniously.

A challenge to the minimalist approach is that it could unintentionally lead to thinking, both within the police and the public that the former should only act as a heavy handed state agency, much in line with the populist discourse of Zuma and his government officials. What we propose,

as a means of countering this, is that the minimalist approach be adopted in conjunction with a minimal view of the police. This minimalist view sees police as intervening primarily when their special skills, expertise and authority are requested by communities feeling threatened by crime.

This minimal view is not new. Kinsey et al. (1986) presented this framework in a landmark book about the problems of policing crime in the United Kingdom over two decades ago. However, notions of minimal policing have often been denounced as 'left realist romanticism' (see, for example, Thacher, 2009). It is important, therefore, to consider what the benefits of minimal police frameworks could be. We outline four of these.

First, institutions and mechanisms of accountability would be far simpler to design if the functions of the police were more clearly delineated. Second, the surest way to build legitimacy on the part of the police is for them to demonstrate that they are both democratic (through acting on community demands that both guide and support their own crime analysis and criminal intelligence) as well as effective as a public service agency with unique mandates, skills and resources. Third, once the police are clear about their own role, and feel less pressured to respond to an ever-widening demand for their stretched resources, a space will be created for them to *actively encourage* and even to learn from alternative (non-state) ways of framing problems and developing solutions.

Fourth, as Kinsey et al. (1986) point out, the minimal police perspective fits well with what the police want. The police (as is evident from interviews held with police for this article) want to be 'real police' who can intervene effectively to combat crime, to restore public disorder and to hold (at least symbolically) the 'big gun' (Bjork, 2006). But when they do intervene, they want to be respected and welcomed by the communities they police. This is only likely to occur if the majority of interventions by the police result from public initiation. Seen in this way, minimal policing has the potential to boost police morale as police begin to see themselves as engaged in 'real police work while at the same time doing what the community wants them to do' (Kinsey et al., 1986: 201).

A minimalist and minimal policing approach is important to consider in countries, like South Africa, where police legitimacy is in question and there are very limited state resources. The public police do not want to be stretched beyond their capacities, their training, their mandate or their skills base. In developing countries like South Africa, the police simply cannot be the hub of all community/societal problem solving that are linked to broad notions of security.

The proposed shift towards a militaristic and centralized police 'force' in South Africa will, in the long term, undermine this minimal view, rather than support it. It embodies rather a 'maximalist' orientation, centred on a highly interventionist state deploying coercion more easily and in a range of situations as a first resort rather than a last one, and without the consent of communities being policed. 'Military policing', as Kinsey et al. (1986: 39) would describe it, represents the 'polar opposite' of 'consensus policing' 'involv[ing] the notion of police working to control crime with the bulk of the community supporting, or at least tolerating, their activities'. A key characteristic of

consensus policing is a continued flow of information between the public and the police. If police actions result in poor police–community relations, information flow can slow down, or stop entirely. As the left realists remind us, most crimes that come to the attention of police are those that are reported by the public, and most crimes are solved through public co-operation with police. Minimal policing entails a strict limit on police powers, working from the premise that it is for the police to co-operate with and respond to the demands of the public, rather than vice versa (Kinsey et al., 1986: 192).

Anchoring local policing

The police representatives interviewed for this study have no qualms recognizing forms of everyday policing because these resonate with their own dream of a minimalist public police function. At the same time, they do express worries, as do we, about the boundaries that are crossed by such groups when it comes to acting outside of their legal mandate and exercising coercion based on their own informal operating procedures. We are faced, therefore, with a regulatory dilemma.

We are concerned in practical terms with both curtailing the ‘heavy hand’ of the police while at the same time preventing the capacity of community groupings to operate outside of the law and with little regard for democratic and moderate outcomes. We do not want what Jones (this issue) refers to as ‘populist punitive’ mentalities to govern the practices of either state or non-state actors involved in safety networks. Rather, as Jones further suggests, we want network actors to extend their potential ‘leniency’ in situations where this is appropriate. We need, however, to bear in mind, as Duff (this issue) suggests, that state agencies like the police need to apply the criminal law effectively to reduce the harms that crime causes and to promote security. This requires mechanisms and institutions of accountability, particularly at the most local level where harms are experienced most acutely.

What is needed is not a centralized policing apparatus that is driven from the top down, but rather ‘a structure of mutually reinforcing tools’ (Kinsey et al., 1986: 110) that is anchored locally and shaped by local research, planning and oversight. Through such structures, local theatres of policing should be ‘choreographed’⁹ in ways attentive to local needs and concerns. For this to occur, local co-ordinating bodies must be established that, together with the communities they are responsible for, could identify and ‘map’ both security problems as well as the resources (state and non-state) that can address them. Such bodies could also establish systems of oversight designed to ensure that all sectors of diverse communities are equally guaranteed of security outcomes. If deficits are identified, targeted efforts should be made to identify and bolster resources that can be marshalled to meet the general needs of such areas. Such bodies, backed by the authority of local government, could fall under the auspices of an existing local government department or be created anew. In Durban, for instance, this oversight and co-ordinating function could fall under the eThekweni Safer City Department.

This arrangement for governing the plurality of actors on the policing stage echoes previous suggestions made by Loader (2000; see also Loader and Walker, 2007: ch. 8) in the form of 'policing commissions' and supports Button's (2008) general proposition that nodal policing arrangements can be constructed in effective and deeply democratic ways.

A department like Safer Cities could be actively involved in developing models for building neighbourhood associations whose key function is to create secure environments. Such a model could outline how patrols are done, how security-related problems are identified, who they are reported to, at what point the police must be called in and what to expect and demand of the police. But perhaps, most importantly, they should facilitate a process of developing a set of principles that will guide the actions and interventions of all policing actors. It is to local government departments that problems with community safety groups or the police should be reported. These bodies would become, in a sense, hubs of accountability and knowledge-sharing.

If we are serious about the importance of community groupings in creating good security outcomes, then formalized ways of recognizing volunteer efforts need to be set in place. Incentives and recognition for these groupings need to emerge from creative thinking from all actors. Recognition need not be monetary but could include providing community safety volunteers with an honorary police medal or certificates of good community service by a (currently imagined) City Volunteer Office. We might even imagine a mayoral prize for the best kept street or suburb, drawing on the ideas of the PRNA. All of this would have to involve incentive planning both for those privately funded non-police security activities as well as organic micro-governance structures (see for example Bayley and Shearing's discussion of community block grants, 1996). In addition, memorandums of understanding outlining who does what, when and how, need to be considered. For the police to get 'back to basics' we need groups, like the community safety groups documented in this article, to be sustainable and accountable.

A local government unit like Safer Cities should participate in the 'brokerage' of municipal resources which is pivotal to a system of 'responsive' local government, not unlike Ayres and Braithwaite's (1992) notion of 'responsive regulation', where the State is adaptive to bottom-up resolutions. In contrast to top-down, state-centred accounts of responsive regulation, though, we would conceive of this model as 'responsive nodal governance', as Braithwaite (2008) has termed his most recent formulation of the theory. Here, a community safety grouping, with the technical assistance of a Safer Cities unit, could (and should) identify possible 'soft' regulatory interventions provided by a range of local resources, such as departments concerned with infrastructure, water, electricity, public health and so on.

Having a local safety structure responsible for resource scanning can help ensure that the work of community groupings, or even that of other agencies, is not 'colonized' by police and their normative framings of problems and objectives (see Braithwaite, 2008: 98). In other words, this local anchoring could help prevent non-police agencies and groupings from becoming 'surrogates' to the police (Kinsey et al., 1986: 122).

The potential for community groupings such as the ones we discussed to engage in sectarian, vigilante practices is a distinct reality, as our case studies have shown. What is required to prevent this as much as possible is a principles-based approach to the regulation of such groupings. In Durban the need for such an approach has already been discussed and enacted. In September 2009 the Safer Cities Department launched a manual titled *Community Action for Safer Neighbourhoods: A 'How to Manual' for Forming Sustainable Community Safety Groups*. This manual contains a set of principles pertaining to the core roles of police and other safety actors as well as the ethical obligations of non-state groups in refraining from vigilante, sectarian practices. As this manual is now in the public domain, Safer Cities, supported by national government, needs to develop mechanisms for enforcing these principles and rewarding adherence to them with incentives (see Marks et al., 2009).

Conclusion

There are important reasons for both police and community groupings to buy into a vision of minimal and minimalist policing. Not only is it practically feasible, but normatively it moves us away from populist imaginations of a heavy-handed, maximal (and ineffective) police, as depicted in the Zapiro cartoon in Figure 1.



Figure 1

Zapiro cartoon

Source: Cartoon reprinted with permission

Cartoon originally published in *Sunday Times* 15 November 2009

For more Zapiro cartoons visit www.zapiro.com

South African policing is without a doubt at a crossroads. New community safety groupings are being created almost daily to deal with security governance deficits, although not always in ways that are desirable. The public police organization is being 'reinvented' through ongoing restructuring and new policy initiatives. Police oversight groupings like the Secretariat are being strengthened and reorganized. And the background noise is a 'new' discourse from police leaders and authorities that is contradictory and fluid. The time is ripe for more practical and normatively coherent imaginings.

The minimalist and minimal police perspective we advance in this article seeks to extend previous explanatory and normative accounts of 'nodal governance' (Shearing 2001; Johnston and Shearing 2003; Wood and Shearing 2007). This perspective is feasible because it acknowledges both the already existing community safety groupings dream of a responsive public police and they long for a time when their own initiatives will be supported and recognized. They want the core function of the police to be clearly outlined, so that the police can be minimalist actors. But they also want minimal police officers who are responsive to public requests for assistance, respectful and supportive of non-police solutions to problems of crime and disorder, and have a high regard for civil liberties and individual rights (Kinsey et al., 1986: 189). The police are keen on being *minimalist* actors, but whether they buy into the principles of *minimal* policing remains to be seen. This involves a major shift in sensibility, but the local anchoring arrangements we advocate should help make this cultural change a practical requirement.

There are other challenges for both the police and for community groups that need to be met for such a model to work. Police need to be trained and organized to investigate crime effectively, resolve major conflict and respond to community demands for their skilled intervention. Community safety groups need to adhere to a set of guiding principles which preclude them from engaging in partisan and/or vigilante actions in their quest for community safety. They also need to be clear about the limits and responsibilities of the public police.

Admittedly, these are difficult challenges to address. However, the vision presented in this article provides us with a route for effectively mobilizing the resources that are already available, but remain poorly co-ordinated and (in the case of non-state groupings) virtually unrecognized at present. This more coherent and practical vision, we believe, may well resonate with solutions to policing dilemmas in other parts of the world.

Notes

1. The Internal Complaints Directorate and the Police Civilian Secretariat fall under the directorship of the National Commissioner. The ICD's role is to investigate police abuse of force and corruption. The Police Civilian Secretariat's role is to evince a transversal civilian oversight capability on the

- governance, service delivery and resourcing of the South African Police Service. This allows for a monitoring and evaluation of the police which is independent of the police organization's management functions.
2. We draw here from Loader and Walker's (2007) notion of democratic anchoring as articulated most recently in their book *Civilizing Security*.
 3. PalmRidge is not the name of a suburb or area; it is abbreviated from the name of the organization formed in this section of the suburban Berea. Organized residents have called themselves the PalmRidge Neighbourhood Association. The name is drawn from two of the roads that form part of the boundary of the association.
 4. According to Chapter 7 of the South African Police Service Act (1995), community police forums (CPFs) are to be established at every police station. The police are responsible for establishing these CPFs whose functions are to promote accountability to the local community; monitor the effectiveness of the police locally; advise the service in regard to local priority policing and evaluate the provision of visible policing services.
 5. Councillor Coen is not alone in holding this view. TAC won a mayoral award for its contribution to reducing crime in the Warwick Triangle area (Robbins and Skinner, 2009).
 6. Street committee members recognize that shebeens are part of the fabric of township life. They provide relatively cheap alcohol and they are a source of income for owners who would otherwise be unemployed.
 7. Generally when police shut down shebeens, they reopen in a location nearby, often operating in more clandestine ways. The reality is the demand for alcohol remains as does the shebeen owners' requirement for some means of livelihood.
 8. There were two 'bad' houses in the neighbourhood that were located next to each other. One had been abandoned and had become derelict. The other was under construction; the construction was not ongoing neither was the property secured. Both houses were frequently occupied by squatters.
 9. We thank Peter Grabosky for this analogy to choreography.

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