On the record

Interview with Phumeza Mlungwana, Social Justice Coalition

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In March this year a prominent South African grassroots organisation, the Social Justice Coalition (SJC), announced that it would be taking the South African Police Service (SAPS) to court. Andrew Faull spoke to the SJC's General Secretary, Phumeza Mlungwana, about crime and policing in Khayelitsha, Cape Town.

Andrew Faull (AF): Your founding affidavit states that you want the SAPS to address three issues, which emerged out of the 2013/14 *(Khayelitsha) Commission of Inquiry into allegations of police inefficiency in Khayelitsha and a breakdown in relations between the community and the police in Khayelitsha (KC).* These are:

1. The urgent and equitable allocation of policing resources. Ensuring that the poorest areas with the highest levels of crime have a sufficient number of competent and experienced police personnel in support of the proper prevention and investigation of crime;
2. The urgent development of guidelines for visible policing in informal settlements; and
3. The development of a plan by the SAPS at a national level to address vigilantism.

Why these three issues?

Phumeza Mlungwana (PM): We want to say to the police, whether you agree with the commission or not, you need to look at the facts. You're not allocating resources properly; vigilantism happens in this area, it doesn't happen in Camps Bay or Sandton, it happens in poor townships. Let's not treat some communities as if they are more important than others. We've been struggling for two years to get the police minister to see beyond the politics of the commission. We just want to say 'You need to get your house in order, minister, and do something about resource allocation.' As a last resort, we had to launch a court application. In a different space we would have welcomed the minister saying, 'I'm going to do one, two, three to address [the KC recommendations]', but it was clear that the police were not willing to do that, to take the life of a person in a poor community as urgent. We all have the right to safety. We are saying the distribution of resources must be equitable. It must take into account the types of crimes in these areas, population numbers, and infrastructure. How do we deal with informal settlements? We know they don't have roads but are we then going to say they don't deserve policing? We feel the resources are the beginning of addressing the commission's other recommendations. Without resources you can't ensure that an area like Khayelitsha is safe. We believe police are resisting the implementation of the commission's recommendations.

We chose two other recommendations made by the commission which we feel are important and aren't being addressed. One is visible policing. We knew before the commission that visible policing doesn't happen in informal settlements. This came out strongly in the commission, too. The commission said that the SAPS should develop a strategy to deal with informal settlements. We want to ensure that they develop guidelines so that police know how policing should work there.

The other thing is vigilante attacks. Before the commission the SAPS told us they would establish a task team to look at vigilantism. They found that the Khayelitsha police were dealing with about 75 vigilante cases, even though only 13 or 14 had been reported in the media. We've always known it is a big problem. We shouldn't have these attacks. This is what we want to address in our case. If we have police resources and visible policing we shouldn't have vigilante attacks.

AF: The SJC recently launched a companion to the KC's report. It is a beautifully compiled document, rich with text, photographs and sketches. The photograph on the inside cover is an aerial view of an informal settlement, with hundreds of shacks cramped together, clearly only navigable by foot. When I look at this I wonder what kind of policing the SJC thinks will be effective?

PM: This image is of an informal settlement, there are little paths running between the shacks but cars can't really go in. The SAPS needs to understand this community. Let's say a person wants to report a crime. If I were a police officer, obviously I wouldn't be able to find the address of the victim in the informal settlement. But if you tell me you are at a shop, as a police officer who works in that area, I should know where that shop is. There's a community language. If there's a crime happening and you call the police, the police don't respond. I don't see why if police cars can't come in, they can't park their car and walk. Now the safety concerns for police are there, obviously you can't have one or two policemen walk in alone, so they need a strategy or plan that tells them how to work in those areas. And we've seen them walk and we've seen them use motorbikes and horses in Khayelitsha. The question is, how can they do it in a meaningful way? If this were my area as a policeman I would ask, 'Where does crime mostly happen?' They get crime reports, they know the hotspots; they could develop strategies. But then without resources there is a lot of pressure on police who are trying to do something but their hands are tied. This is where community relations come in. There are a lot of leaders in these areas, community policing forums (CPF), street committees; police should work with them and communicate about crime.

Whether communities have an answer or not, police have a role to play. They should police people. They can't say, 'Well he's staying in an informal settlement so there's nothing we can do.' What we're saying as the SJC is, we want the SAPS to do their bit. We will continue asking the City of Cape Town and others to do their bit, installing street lights in informal settlements, ensuring that CCTV cameras that should help police are working. There have been about 16 CCTV cameras for the past 10 years and I think nine are not working. Some are not positioned properly. The police were saying they have trouble getting the data from the City because some are broken and aren't maintained.

The province also has a role to play, everyone has their own role, but the SAPS must take responsibility for its role. That's what we're saying.

AF: I recently spoke to the head of the City's metro police. He told me they have thousands of crimes recorded on CCTV but that SAPS detectives never ask for the footage.

PM: One of the things that came out of the commission was that the SAPS felt it was a waste of time to go to Goodwood to look for CCTV footage, only to find the cameras in Khayelitsha were not working. The police in Khayelitsha are also extremely under resourced. For example, the detectives should be investigating about 20–25 cases, but in Khayelitsha each detective has over 130-something cases, and lots of those are serious crimes. So for a detective to go all the way to Goodwood and not find the footage, or to find it but realise it's not useful, it wastes their time.

There was recently a murder on the corner of a road in Khayetlisha where there is a camera. Everyone knew there was a camera and thought for sure the police would use the footage. The police got the footage and the camera was pointing in the wrong direction, the camera didn't catch anything.

AF: But there will always be a 'wrong' direction.

PM: Yes, but then why do we have 80 CCTV cameras in Sea Point but only 16 in Khayelitsha, which are not functioning? Cameras can move around, we've seen it, they can be placed strategically. I can't stab you and the CCTV camera doesn't see anything. All

must play their part. We're talking about the SAPS because the commission was focused on them. Some of the things in our case are not fair on the police on the ground. Police leadership needs to step up and support them.

AF: In less violent, often wealthy countries, citizens see pervasive CCTV as an infringement of their rights. Is there a surveillance threshold which Khayelitsha residents would not be happy to cross, or do you think they want a CCTV camera or cop on every corner?

PM: I don't know. There are a lot of CCTV cameras in the city centre and I've never heard anyone complain about them. There are obviously ways of doing things that don't infringe on the rights you're trying to protect. Generally I don't think having police around is a problem. It's how they are around, how they assert their presence that's important. The same with CCTV.

We know there's lots of profiling in Khayelitsha. Police drive by and see people walking at night and they search them. We know there are problems with that, so we need to have a conversation about how it should be done. If the police have a plan they need to talk to the people whose safety they want to advance. They can't sit in their boardroom and say this is how we're going to do visible policing; they need to know how the people in that area think it should happen. Often communities have their own thinking on these issues.

AF: Speaking of communities, many SAPS officers are born, raised, recruited from, and still live in townships much like and including Khayelitsha. As such, we might assume they share experiences, frustrations and desires with the residents of Khayelitsha. How do you think these shared experiences affect the way police work in townships?

PM: Experiences may be shared but I don't think we can understand police's experience just as community members. There is a culture in the police. I've seen a lot of policemen like me, they're black, they can be brutal sometimes. But I've also seen some who can be really genuine and understanding. They say, 'I know my seniors don't agree with the commission, they don't agree with what you're doing, but I agree with it because I know how it feels to be unsafe.' I don't know what happens inside the police but it can change people. You might be my neighbour but if you work in the police and see 20 murders a weekend, that must do something to you, either make you empathetic or make you aggressive. I'm not sure how they deal with their sanity. I know a lot of policemen who really, genuinely care about what happens in our communities, who really care about victims. I think Khayelitsha's Cluster Commander, General Brandt, is a great example; there are also junior policemen who respond in the vans, who sit in the CSC [Community Service Centre], who are kind. It's a combination of personality and baggage. So township residents working as policemen might see the community differently. These policemen are the people I think can play a huge role in changing the way police think. They might think 'We're not just policing poor people, black people, people who are just criminals who drink and murder and rape. There are so many other socioeconomic factors that speak to crime.' Those are the people the SAPS should tap into. Those are the people who should lead the police, people with community-oriented thinking.

AF: It has been suggested that nearly all South Africans see violence as a legitimate problem-solving tool, be it towards our children, lovers or spouses, or proving our masculinity, unless we are the recipients of violence. Some might say it is because police share these views that they believe communities support their use of force. What do you think?

PM: I've experienced a lot of crime, as have my family members and our SJC members. But a lot of people will tell you, 'If I go and report a crime and it is solved then I'll be motivated to report again.' So it's a cycle. People don't report crimes and instead deal with people themselves. If someone has their cell phone stolen in Khayelithsa they are not going to go to the police because they know they won't get it back. It's easier if I take two tough boys and we try to find my phone. We beat that person up and I get my phone. If someone's phone is stolen in a rich area, they know it is insured so they don't have to go after the perpetrator. If I were a policeman I would call the police right there so that people know you can call the police for these things. That's how you address

these problems. People's behaviour changes with experience.

AF: But the reality of criminal justice all over the world is that many crimes go unreported, and few lead to conviction. It's not particular to South Africa. If communities think that what they see on American TV is real, then we are in trouble. Most crimes are never solved, anywhere.

PM: If someone gets stabbed now, we call the police, they arrive in two hours. Then the community are going to blame them. On the other hand I recently reported a house robbery to the police. That person hasn't been convicted but because the police treated me well, they took the statement, they took fingerprints, they sent me an SMS, I'm not frustrated with the police. They even took me home because it was 3am. That gave me a different view of the police.

On the other hand, someone was killed behind my friend's house. The police came the following day at two o'clock. They came, took the body and left. They didn't ask questions, they didn't speak to the neighbours, but people in the community know who did it. It's not just about reporting a case and having it solved. It's about comfort.

AF: Newspapers recently reported that a police informant in the (Khayelitsha resident) Sinoxolo Mafevuka rape and murder case was stabbed in the neck – allegedly by Sinoxolo's boyfriend, who is also a cousin of the two men charged with the crime. The investigating officer told the court that the family of the two men had threatened to assault people who gave information to the police. Similar stories abound in South Africa – this idea that people want police to prevent and solve crime, as long as it doesn't involve them (the public) having to share information with police, and as long as the investigation isn't against someone important to them. Rather, some resort to violence to protect the criminally accused. So we have communities saying 'I want the police to help me when I'm a victim, but if you talk to the police when I'm the aggressor, I'm going to stab you.'

PM: That's a hard one. There are people who have been stabbed in the Sinoxolo case. The detective himself is verbally abused every time he leaves court, the family is cursing him. This is the tension. That's why the SJC doesn't say the SAPS must arrest just anyone, they must arrest the right person. Also, the police have not been good at protecting witnesses. People are scared of being intimidated. Detectives say witnesses don't want to come forward. When they ask, 'Who killed who?' people are going to think about their own families. If I get killed [for speaking to the police], who's going to look after my family? This is why police must think differently when policing different areas. If you know people are scared of talking to detectives, why visit them in your police car at their house? Can't they make an arrangement to meet somewhere else? Small things like that. People see you speak to detectives and they will think you are a witness and they will try to silence you.

AF: That makes sense but you can also see how a police officer might see it as their duty to come to you, rather than expect you to spend money going to them.

PM: You can reimburse them, they have money for informants.

AF: But this is a problem in South Africa. Detectives often don't get information unless they pay for it.

PM: Until people are safe they won't talk. A lot of people have a lot of information but nobody is going to the police because they fear for their own safety.

AF: I am worried the idea of witness protection is misunderstood. It involves leaving the city, giving up your life. Nobody wants to do that, unless they are 100% committed to justice.

PM: I am a witness in a murder case. Some guys murdered a friend of mine and I was there. Two of us are witnesses. These guys work in Khayelitsha. We were told we can give our testimony in camera but the lawyer of the accused would have to meet us to be sure we exist. So our fear was not just the people arrested, our fear was their friends who could target us. In that case my friend's family resisted. For me, I knew my safety was at stake but I knew I had to do this because the work I'm doing is not about me, it's about addressing this system. But I've never been offered any protection. They just say 'If something happens just call the detective.' That's fine, I can live with that, but how many people get told that and think, 'I'm not going to testify against

my brother who's committed a crime, and then have to walk home with him.' So a lot of people fear for their safety.

AF: I agree, but how can we move beyond this? How can police in Khayelitsha feasibly offer protection to every witness, when they're already under resourced?

PM: I think the one thing they can do is protect witnesses' identities. This also means protecting the relationship I have with you as a detective. I'm not your friend, I'm giving you information. A lot of the police only care about solving the crimes, not about the person giving the information. I don't agree with paying witnesses, but if I spend R20 to come to you, the least you can do is pay me my R20. Even ask me to come to the police station. I think there are creative ways to protect people who want to give information. There is no one answer but there needs to be a lot of thinking about how to improve things for witnesses.

AF: Moving to vigilantism, what kinds of interventions do you think police should put in place?

PM: It's a combination of a lot of things. Currently the SAPS don't have a clear way of defining vigilante attacks. Once they define it they can monitor it, where it happens, why it happens, and can develop strategies. It must be dealt with systematically. How do you deal with the fact that there are people on the scene but they don't want to talk? Do they treat it like any other case? What about when there are 20 suspects? Police don't have a sense of who to arrest. So the commission was saying it's too vague, it's a type of crime and should be treated as a type of crime, just like murder and aggravated robbery. Then we can develop systematic ways of addressing it.

AF: We have definitions for assault, theft, robbery. It doesn't necessarily make them easier to prevent.

PM: Not just a definition, let's treat it as a problem. Currently we don't even know how many vigilante attacks we have. If we improve people's safety and trust in the police there will be less vigilante killings. So not just a definition but a way of understanding it and how to respond to it. The nice thing about legal definitions and policies is you can hold people to account. There are protocols on what should be done when you report a rape case. The fact that we have nothing similar for vigilante attacks means we are just going to say, 'It's just another vigilante attack.' We need something communities can use to ensure something is done about it.

AF: If there were suddenly three times as many cops on the streets of Khayelitsha tomorrow, the community might think, 'The government and police have heard us.' But threefold police won't mean a threefold reduction in crime. That's a myth. If people don't want to talk to cops, if their relationship is fraught, if young men continue to feel victimised by police, then having visible police won't necessarily make things better. Policing can be very undemocratic.

PM: It's not just numbers; we need police who are experienced. That should have an impact on crime because people can report more. If those police are working it will affect the kinds of cases that are reported. It will also affect the relationship between the police and the community, which is important. If people know they will be arrested if they do something, they will think before they do it.

Understanding the police has made us and our partners sympathise with police on the ground who are doing amazing work. We're not going to sympathise with you if you're doing something wrong. But there are a lot of police who are trying to do the best that they can, despite challenges and lack of resources. They're struggling but they're trying.

AF: Thanks very much for your time.