

**THE STATE OF GOVERNMENTAL RELATIONS WITH REFERENCE TO  
DECENTRALISATION OF PUBLIC SAFETY AND SECURITY SERVICE  
DELIVERY IN THE FREE STATE**

by

**TAMSANQA EDGAR TENGENI**  
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in

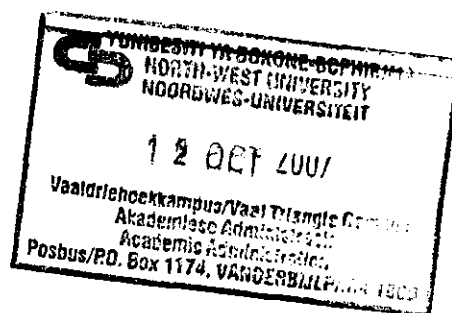
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**PROMOTER: Prof. E.P ABABIO**

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## DECLARATION

I declare that **“The state of governmental relations with reference to decentralisation of public safety and security service delivery in the Free State”** is my work and that all the resources that I have used or quoted have been identified and acknowledged by means of complete reference.

## SUMMARY

The main aim of this study was to investigate whether powers, functions and responsibilities decentralized by the national sphere of government to the provincial and local units of government enable the latter to deliver safety and security services optimally in the Free State. To facilitate research, focus was subdivided into the following four research objectives:

- To provide a theoretical exposition of what governmental relations and decentralization entail;
- To assess the structures that coordinate and oversee the delivery of safety and security services,
- To examine the impact of the relationship between the provincial minister or the member of executive council (MEC) for safety and security and the provincial police commissioner on the delivery of safety and security services in the province.
- To determine empirically the extent to which the public participate in the delivery of safety and security services in the province.

The hypothesis for the study was as follows: *The safety and security powers, functions and responsibilities decentralised by the national sphere of government to both the provincial and local spheres were not adequate to ensure effective and efficient crime prevention in the Free State.* The research methods involved a literature study of primary and secondary sources, as well as an empirical research of public perceptions on the delivery of safety and security services. The primary sources comprised official government reports, records and policy documents. The secondary sources comprised books, journals, workshop papers and academic research reports. The empirical research comprised the use of a questionnaire to examine public perception on safety and security service delivery in municipal district areas served by nineteen (19) priority police stations in the Free State. A convenience sample of two-thousand five hundred (2 500) participants was selected. Focus group interviews were conducted with selected members of the Provincial Police Board. The research findings reveal that:

- Intergovernmental and bureaucratic politics at the national sphere of government have a negative effect on the delivery of decentralised safety and security services in the Free State.
- The coordination of the public safety and security oversight policy is beset with implementation gaps at the national provincial and local spheres of government.
- The Free State Provincial legislature and the Member of Executive Council (MEC) for Safety and Security (who is the political head of policing in the province) have limited and/or indirect political and administrative authority over the Provincial Police Commissioner as compared to the national sphere of government and the Minister of Safety and Security.
- While the theoretical focus of intergovernmental relations is on the decentralisation of powers, functions and responsibilities from national to sub-national units of government, empirical research indicates that decentralisation has not been matched by effective and convincing public participation in the delivery of safety and security services in the Free State.

Recommendations are made for government action to correct the deficiencies and for further research.

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## **CHAPTER 1**

### **INTRODUCTION: PROBLEM STATEMENT AND RESEARCH OUTLINE**

#### **1.1 INTRODUCTION**

The key purpose of this chapter is to provide an introduction and an overview that serves as the frame of reference for the research. This includes a rationale for the research orientation, as well as background information pertaining to the thesis in order to contextualize the problem. It also presents the problem statement, research questions and objectives, a hypothesis, motivation for the research, and research methodology. Finally, the contents of further chapters are outlined.

#### **1.2 ORIENTATION AND PROBLEM STATEMENT.**

The post-1994 government of South Africa was faced with a daunting task of introducing transformative measures in compliance with the constitutional democratic values and principles necessary to, among other things, ensure effective and efficient safety and security service delivery through a healthy state of governmental relations and decentralisation. Van der Walt *et al.* (2002:346) define governmental relations as "... the regulations controlling orderly relations between individuals in power, government institutions and departments; as well as between governments on various levels with the aim to facilitate co-operation,

co-ordination and decision-making.” When establishing a hierarchy or structural framework, cognizance should be taken of, and the necessary steps taken to cater for, governmental relations. Governmental relations can be regarded as giving life to an otherwise dead hierarchy and is an indication of whether an institution has an open or closed organizational system (Smith 2002:73). According to Hattingh (1998:19), governmental relations occurring within the geographic boundaries of a state are classified into three major categories, namely, intergovernmental relations, intragovernmental relations, extragovernmental relations.

*‘Intergovernmental relations’* refer to the mutual relations between governmental institutions. The legislative framework for such relations is embodied in a constitution or other legislation in terms of which governmental institutions are established. For example, the *Constitution of the Republic of South Africa, Act No. 108 of 1996* (hereinafter referred to as *the 1996 Constitution*) provides a specific set of principles for intergovernmental co-operation (or co-operative governance). It specifies that in the configuration of the state, there will be “national, provincial and local spheres of government” and that these will be distinctive, interdependent and interrelated. Intergovernmental relations between the various governmental institutions occur at both the horizontal and vertical levels (Hattingh 1998:23).

*'Intragovernmental relations'* refers to official relations within an institution. The prefix *intra* seems to identify the official relations within a government institution (Hattingh 1998:27). In this regard a constitution will provide the general guidelines for the creation of the internal structures. For example, the establishment and existence of the structure known as the South African Police Service (SAPS) (hereinafter referred to as the police service), is in accordance with sections 199(1) and 205(1) of the 1996 Constitution which state that the Republic consists of a single police service which must function in all spheres of government in South Africa.

Furthermore, in the 1996 Constitution, the principles of democratic accountability and civilian oversight of the police are used to inform the creation of a new system of civilian governance over the police service in the democratic South Africa. For that reason, section 208 of the 1996 Constitution compels the establishment of the national and provincial secretariats to, among other things, perform functions necessary or expedient (in view of the Minister/ Member of Executive Council for Safety and Security) to ensure civilian oversight of the police; and to promote democratic accountability and transparency in the police service. Additionally, section 206(7) of the 1996 Constitution asserts that national legislation must provide a framework for the establishment, powers, functions and control of municipal police services.

For that reason, the 1998 South African Police Amendment Act provides for the establishment of local oversight committees.

*'Extragovernmental relations'* refers to relations between government institutions and members of the public. Government institutions are involved in promoting the general welfare of the community and relations of various kinds do exist between government institutions and the public (Hattingh 1998:30). By implication, this means that external participants may also influence the activities of government institutions and governmental relations in general. For example, section 41(1) (b) and (c) of the 1996 Constitution provides that all spheres of government and all organs of state must secure the well-being of the people and provide effective, transparent, accountable and coherent government for the whole of South Africa.

While the objects of the government policies mentioned above are fundamentally to decentralize, among other things, the delivery of safety and security services in South Africa, there exists an evident disjoint between what the South Africa government decentralizes in a formal sense (i.e. in the law) and what it decentralizes in an actual sense. This disjoint can be explained by normative arguments about the limits to decentralisation which are partially influenced by factors such as intergovernmental and bureaucratic politics.

**First**, intergovernmental politics influences decentralisation as national politicians seek to maintain overall political authority over safety and security service delivery functions and responsibilities, notably determining national policy for the South African Police Service, while in terms of section 206 of the 1996 Constitution the provinces and in effect the MEC for safety and security has the political authority:

- vested in him/her by Chapter 11 of the 1996 Constitution which generally refers to the monitoring and evaluation of police performance and conduct (section 206(4)(a) read with section 206(3) of the 1996 Constitution);
- assigned to him/her in terms of national legislation (that is, the 1995 South African Police Service Act), including the establishment of the provincial secretariat and the effective and efficient police “liaison with the community through community police forums and area and provincial community boards, in accordance with sections 19, 20 and 21 [of the 1995 South African Police Service Act] with a view to:
  - establishing and maintaining a partnership between the community and the [Police] Service
  - promoting communication between the [Police] Service and the community;

- promoting co-operation between the [Police] Service and the community in fulfilling the needs of the community regarding policing;
  - improving the rendering of police services to the community at national, provincial, area and local levels;
  - improving transparency in the [Police] Service and accountability of the [Police] Service to the community; and
  - promoting joint problem identification and problem-solving by the [Police] Service and the community.
- allocated to it in the national policy. Section 206(1) of the 1996 Constitution provides that only the national minister can determine national policing policy (that is, the National Crime Prevention Strategy) after consultation with the provincial governments.

In the actual sense, the notion of accountability and oversight over police performance and conduct is therefore meaningless because the provincial sphere of government (either through the provincial portfolio committee for safety and security or the MEC) does not really have direct power and authority over the police service and the delivery of safety and security services in the province. The MEC, for instance, does not have the power to sanction, direct or reward the police service as these roles are largely held at national level.

Although there are a range of safety and security oversight functions and responsibilities devolved by the national to the provincial and local spheres of government (as mentioned above), such mechanisms tend to be fairly subtle, lengthy, limited or indirect because the control and management of safety and security service delivery is mainly centralized at the national sphere of government.

**Second**, bureaucratic politics influences decentralisation as national level bureaucrats attempt to ensure that the following crucial safety and security functions and responsibilities are centralized:

- development of an annual safety and security plan setting out strategic priorities and objectives for the police service.
- Determining the strength of the police service.
- Determining the distribution of police personnel.

In terms of section 207(1) and (2) of the 1996 Constitution, the National Commissioner of the SAPS (not the MEC) is responsible for the control and management of the entire police service. Additionally, the National Police Commissioner is required to perform his/her duties under the direction of the Minister of Safety and Security (not MEC) and in accordance with National Policing Policy (not provincial policing policy).



The National Commissioner is also accountable to the National Portfolio of Safety and Security (not Provincial Portfolio Committee for Safety and Security) and to Parliament (not to provincial legislature). The Provincial Commissioners are, in terms of section 207(3) and (4) of the 1996 Constitution, subject to the powers of the National Commissioner (not MEC or provincial legislature/provincial portfolio for safety and security).

In view of the background and rationale for this study provided above, the main problem to be addressed by this study therefore is: **Do powers and responsibilities decentralized from the national sphere of government to the provincial and local units of government ensure optimal delivery of safety and security services, particularly in the Free State?**

### **1.3 RESEARCH QUESTIONS**

Flowing from the problem statement, the following research questions, which could lead to the possible solution to the problem statement, are postulated:

- What are governmental relations and decentralisation?
- What structures exist to coordinate and oversee safety and security service delivery?
- What impact does the political/administrative relationship have on safety and security service delivery in the Free State?

- To what extent does the public participate in the delivery of safety and security services in the Free State?
- What recommendations can be offered to add value to the improvement of a people-centred delivery approach of safety and security services in the province?

#### **1.4 AIM AND OBJECTIVES OF THE STUDY.**

From the problem statement for the study the aim of this thesis follows, namely **to investigate whether powers and responsibilities decentralized by the national sphere of government to the provincial and local units enable the latter to deliver safety and security services optimally in the Free State.**

In order to achieve the aim of the study, the objectives of the study in an attempt to solve the research questions, may be structured as follows:

- To provide a theoretical exposition of what governmental relations and decentralization entail;
- To assess the structures that coordinate and oversee the delivery of safety and security services,
- To examine the impact of the relationship between the provincial minister or the member of the executive council (MEC) for safety and security and the provincial police commissioner on the delivery of safety and security services in the province.

- To determine empirically the extent to which the public participate in the delivery of safety and security services in the province.
- To offer recommendations in respect of the improvement of a people-centred delivery approach of safety and security services in the province.

### **1.5 RESEARCH HYPOTHESIS.**

A hypothesis usually follows the formulation of the objectives. According to Van der Westhuizen (1993:6), the purpose of a hypothesis is, amongst others, to direct and structure the study and to serve as a link between the literature study (theory) and the research (empirical research) and will eventually result in the expansion of knowledge. Kolehmainen-Aitken and Newbrander (1997:58) argue that the theoretical focus of intergovernmental relations is on decentralisation. Therefore, the following hypothesis has been formulated for this study: *The safety and security powers, functions and responsibilities decentralised by the national sphere of government to both the provincial and local spheres are inadequate to ensure effective and efficient safety and security services in the Free State.*

It should be emphasised that the aim of this study is specifically to prove the stated hypothesis as being true or untrue in the Free State. Should the powers, functions and responsibilities shifted by the national sphere of government to the sub-national units of government be adequate, it would be possible to deduce

that crime will be prevented effectively and efficiently in the Free State. However, should the safety and security safety and security powers, functions and responsibilities shifted by the national sphere of government to the sub-national units of government be inadequate, explanations will have to be found and suggestions be made on how to prevent crime in the province.

The purpose of this study is therefore to make available empirical data on the success of delivery of safety and security services in the province.

## **1.6 RESEARCH METHODOLOGY.**

The study was undertaken by use of literature study and empirical research.

### **1.6.1. Literature Study**

The document analysis focused on legislation, policy documents and governmental reviews at Government, national Department of Safety and Security, provincial Department of Public Safety, Security and Liaison, and municipalities. The main documents studied in the analysis were:

- The 1993 Interim Constitution of the Republic of South Africa
- The 1996 Constitution of the Republic of South Africa
- The 1999 Intergovernmental Relations Audit
- The 2005 Intergovernmental Relations Framework Act

- The 1995 South African Police Service Act
- The 1998 South African Police Service Amendment Act
- The 1996 National Crime Prevention Strategy
- The 1998 White Paper on Safety and Security
- The 1998 White Paper on Local Government
- The 1998 Presidential Review Commission Report
- The 1997 Provincial Review Report
- The 1998 Local Government Municipal Structures Act
- The 2000 Local Government Municipal Systems Act
- The 2004 Public Service Commission Report
- The 2006 Free State Provincial Growth and Development Strategy
- The 2003 Community Perception Survey Report for the Free State  
Department of Public Safety, Security and Liaison
- The 2004 Report of the National Secretariat for Safety and Security
- The 2004 Report of the Justice, Crime Prevention and Security Cluster
- The 2003-2007 Strategic Plan of the Free State Department of Public  
Safety, Security and Liaison
- Books, journals and periodicals on governmental relations and  
decentralization.

### 1.6.2 Empirical Study

The study was descriptive and it used the perception survey questionnaire and participant observation to collect data.

The purpose of these perception survey questionnaires was to collect objective information from the public that could be corroborated by facts and figures and statistically illustrated on the decentralisation and the delivery of safety and security services in the province.

A quota sample of 2500 (two thousand five hundred community members who permanently resided within the station precincts of the following fifteen (19) priority police stations in the Free State province, was selected:

**Table 1.1 Free State District Municipalities and Police Priority Stations**

District Municipality	Police Priority Station
1. Motheo District Municipality	<ul style="list-style-type: none"><li>• Parkroad</li><li>• Turflaagte</li><li>• Batho</li><li>• Mangaung</li><li>• Selosesho</li><li>• Botshabelo</li><li>• Boithusong</li></ul>

	<ul style="list-style-type: none"> <li>• Bloemspruit</li> <li>• Kagisanong</li> </ul>
2. Thabo Mofutsanyane District Municipality	<ul style="list-style-type: none"> <li>• Bethlehem</li> <li>• Harrismith</li> <li>• Phuthaditjhaba</li> </ul>
3. Lejweleputswa District Municipality	<ul style="list-style-type: none"> <li>• Odendaalsrus</li> <li>• Welkom</li> <li>• Virginia</li> <li>• Thabong</li> </ul>
4. Fezile Dabi District Municipality	<ul style="list-style-type: none"> <li>• Sasolburg</li> <li>• Maokeng</li> <li>• Kroonstad</li> </ul>

Participant observation was also utilized. It is particularly useful in collecting information on groups with whom contact is difficult to achieve during a short or formal visit, particularly low-income groups, or those with a defensive outlook.

Therefore, the researcher had an opportunity of some ten years to observe the evolution of decentralized service delivery and intergovernmental coordination at both local and provincial spheres of government.

Information gleaned from the questionnaires by the researcher during the study could be corroborated by years of unobtrusive observation measures defined by Neuman (2000:521) as “another name for non-reactive measures”.

## **1.7 CHAPTER OUTLINE**

Chapter 1 provided a general introduction to the entire study which included the problem statement, research questions and objectives and a hypothesis. It also outlined the research methodology and the contents of further chapters.

Chapter 2 provided background to the subsequent chapters and comparatively reviewed the range of core theoretical concepts, definitions and mechanisms that promote intergovernmental relations and decentralization.

Chapter 3 focused on the legislative and statutory bodies responsible for the coordination and oversight of safety and security service delivery. Chapter 4 highlighted the relationship between the member of executive council (MEC) and the provincial police commissioner relative to public participation in safety and security service delivery. Chapter 5 outlined tools used to collect research data. Chapter 6 discussed the empirical research on the perceptions of the public to the delivery of safety and security services in the Free State.

Chapter 7 provided a synopsis of the findings made in the preceding chapters on the research objectives. It further made recommendations and drew conclusions on the powers, responsibilities and functions decentralised by the national sphere of government to the provincial and local units of government.



## **CHAPTER 2**

### **THEORETICAL OVERVIEW OF INTERGOVERNMENTAL RELATIONS AND DECENTRALISATION.**

#### **2.1 INTRODUCTION.**

Chapter 1 presented an introduction and overview of the study. Chapter 2 provides the conceptual exposition of intergovernmental relations and decentralisation. The purpose of the chapter is to explore the variety of definitions, examine the constitutional and statutory mechanisms that promote intergovernmental relations, and finally analyse the advantages and disadvantages of decentralisation as a component of intergovernmental relations. The approach will be comparative in the sense that it will draw on experiences from African and South American states.

#### **2.2 SOUTH AFRICA: UNITARY OR FEDERAL SYSTEM OF GOVERNMENT?**

Before delving into the theoretical overview of 'intergovernmental relations' as a concept, the researcher will seek to explore the system of government under which intergovernmental relations take place in South Africa: Is South Africa a unitary or federal state? The new division of powers and fiscal arrangements will be explored to arrive at a conclusion whether South Africa has a unitary or federal system of government.

The Founding Provisions of the 1996 Constitution provide that “South Africa is one ... state ... founded on the supremacy of the constitution ...” Mathebula (2004:226) argues that “the South African Constitution-making process of the 1990s deliberately stood clear of defining or locating South Africa in definite terms on the unitary-federal continuum. The result of this action was the bastardisation of the 1996 Constitution, whereby it assumed a high degree of fiscal centralisation, underpinned by extreme political decentralisation.” Simeon (1998:12) states that South Africa opted for a federal model, however reluctant it uses the term. The 1993 Interim Constitution (hereafter referred to as *the 1993 Interim Constitution*) and the 1996 Constitution both envisage federal, provincial and local spheres of government. In general, South Africa leaned much closer to the German than the Canadian example. The attraction of the German model was that regions could participate fully in policy formulation, but final power would remain with the centre.

This model of cooperative and collaborative governance is asserted from the outset in Chapter Three. Section 40(1) of the 1996 Constitution provides that in the Republic, government is constituted as national, provincial and local spheres (not “levels” or “orders”) of government, which are distinct, interdependent and interrelated.

In terms of section 41(1) of the 1996 Constitution all spheres of government are enjoined to “exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional, or institutional integrity of government in another sphere.” They are to “cooperate with each other in mutual trust and good faith,” by “fostering friendly relations, assisting and supporting one another, informing one another of, and consulting one another on, matters of common interest; coordinating their actions and legislation with one another,” “adhering to agreed procedures,” and “avoiding legal proceedings against one another. This embraces what the African National Congress (ANC) calls a concept of “cooperative governance”, or “Ubuntu.” Such exhortations might sound a bit like some bureaucratic wedding vows, and be no better guarantee of harmony than they are, but these provisions clearly illustrate the underlying philosophy of federalism in South Africa (Simeon 1998:13).

### **2.2.1 Division of Power in South Africa.**

Legislative authority for South Africa is exercised by national, provincial and local governments. Parliament is empowered to legislate on “any matter,” including a list of broad concurrent powers spelled out in Schedule 4 of the 1996 Constitution (Section 44(1) of the 1996 Constitution). Unlike Germany, the general residual power is left to the central government (Section 44(1) (ii) of the 1996 Constitution).

There is also a much shorter, and more limited, Schedule 5, which lists areas of exclusive provincial legislative competence.

However, in terms of section 44(2) of the 1996 Constitution Parliament also has the power to legislate in these areas of provincial jurisdiction, if it is deemed necessary to “maintain national security,” “maintain economic unity,” “maintain essential national standards,” “to establish minimum standards required for the rendering of services,” or “to prevent unreasonable action taken by a province which is prejudicial to the interest of another province or to the country as a whole”. Otherwise, provincial legislation is to prevail. Section 104(1) of the 1996 Constitution provides that provincial powers include the right, under strict conditions, to pass their own constitutions, to legislate in the concurrent and exclusive areas set out in Schedules 4 and 5, and to act in areas where the centre has delegated powers to them.

In the concurrent areas listed in Schedule 4, section 146(2) of the 1996 Constitution sets out the conditions under which national legislation will prevail. It must apply uniformly across South Africa; must deal with a matter that cannot be regulated effectively by the provinces acting individually; must set out national norms, standards or policies; and must be “necessary” for the maintenance of national security, economic unity, and the common market, the promotion of economic opportunities across provincial boundaries, the promotion of equal

opportunity, or the protection of the environment. In terms of section 146(3) of the 1996 Constitution national legislation also prevails where it is aimed at “preventing unreasonable action by a province” that is “prejudicial to the economic, health or security interests of another province or the country as a whole.” Thus, the national sphere of government has broad powers to exercise paramountcy - but the 1996 Constitution does require that its actions be justified, and linked to specified national purposes, reflecting the idea of subsidiarity (Simeon 1998:14).

These limited provincial powers and the subjection even of the “exclusive” powers to the sweeping national override led to much of the debate during the constitution making process of the 1990s. Did the Constitution meet the terms of the Constitutional Principles XIX, that each level should have exclusive and concurrent powers, or of XXI, stating that decisions should be taken at the level which was most “responsible and accountable?” In its assessment of the constitution, the Constitutional Court in South Africa concluded that the provinces do have real, genuine and meaningful exclusive and concurrent powers with “provision for extensive legislative and executive competence” [252]; and that the conditions for national override were based on clear and justifiable principles, and are “defined and limited” [257].

Provincial autonomy is real, but it does not mean that provinces can ignore the overall constitutional framework, which “creates one sovereign state in which the provinces will have only those powers and functions allocated to them,” and in which “the national government will have powers which transcend provincial boundaries and competencies” [259].

Thus, the new South African division of powers suggests a highly centralised federal system, but in which there is the potential for considerable provincial initiative, given sufficient political will and institutional capacity.

### **2.2.2 Fiscal Arrangements in South Africa**

The intergovernmental financial relations framework in South Africa includes the 1996 Constitution (which provides for the establishment of the Financial and Fiscal Commission), the 1997 Financial and Fiscal Commission Act (which gives effect to constitutional requirements regarding the Financial and Fiscal Commission), the 1997 Inter-governmental Fiscal Relations Act (which was promulgated to promote cooperation between all governmental spheres on fiscal and budgetary matters, to prescribe a process for determining equitable sharing and allocation of revenue raised nationally, and to provide for related matters), and finally the Division of Revenue Bill for the particular fiscal year (Visser and Erasmus 2002:41).

The dominance of the national sphere of government extends into fiscal arrangements. For instance, in terms of section 228 of the 1996 Constitution provinces have limited powers to raise revenues on their own account, and are barred from income and sales or value added taxes. Other provincial revenue raising and borrowing is subject to national regulation and legislation. And no provincial revenue raising activities are permitted that “materially and unreasonably” affect national economic principles, inter-provincial commerce, or the mobility of economic factors. However, section 214 of the 1996 Constitution entitles provinces to an “equitable share” of revenues collected by national government, as set out in the national legislation.

In addition, in terms of sections 215, 216 and 230 of the 1996 Constitution, national legislation determines the form and timing of the budgets at all three spheres of government; sets out the rules to ensure transparency, expenditure control, borrowing and the transfer of funds. Bills prescribing such provincial standards and practices would need to be passed by both the National Assembly and the National Council of Provinces (NCOP), representing provinces.

The above scenario symbolises a potentially highly centralised model.

However, there is also an important cooperative element in allocating revenues: it can only be done after “the provincial governments, organised local government and the ‘independent’ and ‘impartial’ Financial and Fiscal Commission have been consulted” (Section 214(2) of the 1996 Constitution).

Based on the submission above, it can be concluded that both the new division of power and fiscal arrangement indicate clearly that intergovernmental relations in South Africa takes place in a centralised federal system of government.

Kalema (1998:34) maintains that labels such as “federal” and “unitary” are less important than the manner in which intergovernmental relations are structured and function in practice.

### **2.3 INTERGOVERNMENTAL RELATIONS.**

Though focusing on local government, Botha provides an insightful definition of intergovernmental relations as follows: *“The concept on intergovernmental relations assumes importance where there is a division of powers at both administrative and legislative levels among different tiers of government. Put differently, it is [a] creative mechanism to maintain cooperative relationships and coordination among and between vertical and horizontal sites.”* (Botha 1996:67).

Other writers define ‘Intergovernmental relations’ as:

- important interactions between governmental units of all types and levels (Wright, 1987:15);



- the regulations controlling orderly relations between individuals in power, government institutions and departments; as well as between governments on various levels with the aim to facilitate co-operation, co-ordination and decision-making (Van der Waldt *et al.* 2002:89);
- an interacting network of institutions at national, provincial and local levels, created and refined to enable the various parts of government to cohere in a manner more or less appropriate to our institutional arrangements (DCD, 1999:41);
- relationships that arise between different governments or between organs of state from different governments in the conduct of their affairs” Intergovernmental Relations Framework Act (2005:8);
- important interactions occurring between governmental institutions of all types and in all spheres” (Anderson 1997:3);
- a mechanism for multi and bi-lateral, formal and informal, multi-sectoral and sectoral, legislative, executive and administrative interaction entailing joint decision-making, consultation, co-ordination, implementation and advice between spheres of government at vertical as well as horizontal levels and touching on every governmental activity (Mentzel and Fick 1996:101);
- the mutual relations between governmental institutions [occurring] at both vertical and horizontal levels (Hattingh 1998:74);

- the mutual relations between government institutions at both the vertical and horizontal levels (Smith 1993:61); and
- the set of formal and informal processes as well as institutional arrangements and structures for bilateral and multilateral co-operation within and between the three spheres of government: national, provincial and local (*White Paper on Local Government, 1998:38*).

What appears to be common in the above definitions is that: First, intergovernmental relations are forms of multi-lateral, bi-lateral, formal, informal, vertical and horizontal interaction between various levels of government within a given state.

Second, intergovernmental relations involve elements of coordination, cooperation, consultation, advice and joint decision-making in the interdependence process.

Hattingh (1998:19) further subdivides intergovernmental relations into vertical relations (by virtue of the various tiers of government) and horizontal relations (due to the existence of authorities of equal standing). The latter refers to relations on the same tier or sphere of government and is not characterised by the formal concept of power.

There is no relative disparity in the respective negotiating and bargaining powers, and there is a degree of interdependence based on information and physical assistance.

### **2.3.1 Intergovernmental Relations in South Africa**

The basis for intergovernmental relations, meant to give expression to the concept of cooperative governance in South Africa, is Chapter 3 of the 1996 Constitution which, as mentioned above, stipulates that government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated.

Mathebula (2004:131) states that the adoption of the 1993 Interim Constitution, the first non-racial democratic elections (1994) and the adoption of the final Constitution (1996) saw an introduction of a quasi-federal intergovernmental relations system in South Africa; probably because the 1996 Constitution “makes provision for national legislature to regulate intergovernmental relations”. (Kalema 1998:34). Constitutions, by their nature, are the primary source of intergovernmental relations because they lay down the rules of intergovernmental relations and determine who the players are, what moves are allowed and what stakes are involved (Mathebula 2004:137).

Although the details of intergovernmental machinery are not spelled out in the 1996 Constitution, intergovernmental relations structures created within legislative and executive bodies of government operate on the basis of certain constitutional processes. The process of intergovernmental relations refers to a matrix of interactions between organs of state and institutions of government, with particular reference to the executive and legislative components of government. Examples of processes of intergovernmental relations in South Africa are: dispute settlement; consultation and information sharing; coordination of actions; intervention of one sphere of government in another; and intergovernmental financial relations (The PAIR Institute of South Africa 2000:11).

#### **2.3.1.1 Problems of Intergovernmental Relations in South Africa**

Intergovernmental machinery in South Africa is still at its evolutionary phase. Already, the machinery is facing several challenges.

First, intergovernmental relations in South Africa present a dual picture. On the one hand, good intellectual work and research has been undertaken, leading to policy formulation and new legislation and institutions. On the other hand, this picture is marred by turf battles, lack of institutional coordination, serious deficiencies in technical and administrative capacity, and gaps between available funds and constitutional and public mandates of delivery (in other words, between policy

commitments and the resources needed to implement them). Second, very few IGR structures have been set up to promote coordination between local government departments and the other two spheres of government. Despite the provisions of the 1996 Constitution, local authorities have yet to be integrated as a distinct sphere into the broader system of government.

Formal institutions to promote intergovernmental relations between local and national and provincial governments are either embryonic or non-existent. As a consequence, where concurrent responsibilities extend to the local level, these are generally not integrated with national and provincial programmes. Part of this has to do with the fact that the focus of IGR thus far has been on the relations between national and provincial governments, but it also has to do with the variable capacities of local government (Presidential Review Commission-[www.polity.org.za/html/govdocs/reports/presreview/chap1.html](http://www.polity.org.za/html/govdocs/reports/presreview/chap1.html)).

Third, the notion of *unity in diversity* has served as a guiding principle of the new South Africa in many areas, including the system of government. In the area of government institutions it reflects a compromise between unitary and federal principles of governance. This compromise was forged in the course of constitutional negotiations prior to the 1994 elections. As an arrangement that has its origins in a political compromise, unity in diversity (or cooperative government) is open to different interpretations.

How much diversity can be allowed within the boundaries of unity, and to what extent unity can be maintained without constraining diversity, are questions that do not have fixed answers. Several challenges to current intergovernmental arrangements have emerged. Some believe that the provinces are deviating from national policies and thus subvert unity. Others feel that the provinces are duplicating national legislative efforts and institutional arrangements, and thus lead to a waste of resources and a delay in public service delivery. Still others claim that centralist tendencies prevail in national government and lead to provincial powers being ignored or bypassed (McKinley et al: 2002:11).

Fourth, compared to other issues concerning governance, the terrain of intergovernmental relations has proven difficult to conceptualise and legislate. Early efforts to provide broad legislative frameworks that touched on intergovernmental relations, such as the Development Facilitation Act (1995), were extremely technical, leaving out the more specific practical difficulties of implementing well-intentioned ideas. Furthermore, the general approach during the first ten years of the new South African government focused on affirming the principles of devolution of powers and decentralisation (that is, the vertical division and allocation of powers and functions between the three spheres of government), while in practice putting in place a more centralised approach. (McKinley et al: 2002:11).

Fifth, although intergovernmental relations structures within the executive and legislative bodies of government perform a useful coordinating role, there are numerous problems with their practical functioning and cooperative nature. The result, in terms of policy alignment and implementation, and the identification of priorities for areas of greatest need, has been considerable unevenness in intergovernmental relations (Lungu, G.F. 1997:24). Lastly, intergovernmental relations in South Africa reveal a strong orientation to the technical details of cooperation between different spheres of government. This has led to the greater involvement of bureaucrats (in charge of policy implementation) rather than politicians (Boraine, 1995:87).

#### **2.3.1.2 Improving Intergovernmental Relations**

To enrich discussion and throw further light on the matter, the PAIR Institute of South Africa (2000:20) submitted the following lessons and recommendations:

- *Strengthening Coordination:* Planning, policy activities and budgets need to be coordinated in order to better intergovernmental relations between the three spheres of government. A number of national, provincial and local government departments should monitor performance of service delivery and clear performance indicators should be set while the national government should set policy and deadlines for implementation cognisant of the financial and organisational implications for the provinces and local government.

Coordination should also be strengthened in order to prevent the duplication and overlapping of functions between the three spheres of government and intergovernmental structures and institutions.

- *Operating Principles Regulating Intergovernmental Structures:* Operational principles regulating intergovernmental structures need to be established because the relationship between intergovernmental structures and institutions is not always as clear as it could be. The relationship between executive intergovernmental structures and legislatures should be clearly defined particularly in terms of the coordinating role of second chambers.
- *The Reporting Role of Intergovernmental Structures:* The reporting role of intergovernmental structures, that were established informally, need attention because the performance needs to be evaluated to ensure their effectiveness and efficiency. It is therefore necessary to formalise the reporting role of intergovernmental structures. All structures of intergovernmental relations need to be stable and durable to promote the principles of cooperation. The formalisation of intergovernmental structures will lead to national legislation concerning intergovernmental relations and subsequently to provincial legislation on such matters. The results of the research concerned may be a valuable source for the formulation of legislation pertaining to intergovernmental relations.



- *Institutional Capacity of Provincial and Local Government:* The devolution of functions to provincial and local government should be in line with their capacity [i.e. incremental] to implement these functions in order to prevent unfunded mandates being devolved to provincial and local government. It is necessary that national government not only has policy on the intervention of national government, but also on the resumption of functions delegated to other spheres of government.

“There is therefore a need for South Africans to face-up to the reality that South Africa is a federal state and should therefore manage the intergovernmental relations system as such” (Mathebula 2004:248). Perhaps, this is largely because the constitutionally defined system of federalism in South Africa is based on three principles: subordination, participation and coordination. It may be argued, however, that South Africa is a quasi-federal state. Despite its federalist structures, South Africa also has strong tendencies towards centralisation. Part of this centralisation tendency stems from the orientation of its 1996 Constitution which was drafted within the context of a broad national social programme to transform the state and society in which all spheres of government must participate. For example, municipalities must participate in national and provincial development programmes (Section 153(a) of the 1996 Constitution).

## **2.4 DECENTRALISATION**

While mutual relations between the national, provincial and local spheres of government (i.e. intergovernmental relations), as discussed above, is important, the institutionalisation of an adequate balance of power between the spheres of government through a complex multi-dimensional process of decentralisation is a permanently evolving challenge.

### **2.4.1 Definitions and Classifications of Decentralisation.**

Kim and Smoke (2002:76) define governmental decentralization as “the territorial distribution of power” where power is transferred from the central to local government institutions at lower levels. Mawhood (1983:41) and Smith (1985:45) define the concept as any act in which a central government formally cedes powers to actors and institutions to lower levels in a political-administrative and territorial hierarchy.

MaClean (2003:3) states that ‘decentralisation’ may be defined as referring to political and administrative reforms that transfer varying amounts and combinations of functions, responsibility, resources, and political and fiscal autonomy to lower tiers or spheres of the State (i.e. provincial, district and local governments, or decentralized units of the national spheres of government).

MaClean (2003:4) argues that decentralisation may also transfer functions and responsibilities to quasi-state or private institutions. In the contemporary context, decentralisation is frequently associated with privatization in areas such as service provision (Rondinelli 2002:45). Decentralisation is also linked to new forms of interaction between a variety of institutional actors (including NGOs and community groups) at the local level, often characterized as “partnerships” (Evans 2001:16; Relly 1995:29, Work 1999:78).

The above definitions can cover a diversity of processes that can be classified in a number of ways (Smith 1985:39; Conyers 2000:96; Manor 1999:12; Hutton 2002:41; Rondinelli 2002:51; Work, 1999:80), as explained below. Although most scholars agree about the meaning of decentralisation, its application is still problematic (World Bank 1995). Furniss (1974:27) refers to four actions accompanying the application of decentralisation: First, transferring administrative functions and authorities to lower levels in the organisational hierarchy; second, creating legislative units of smaller size; third, shifting responsibilities to sub-national legislative bodies; and fourth, controlling productive enterprises economically by citizens. In addition, Conyers (1986:17) perceived decentralisation as a tool to accomplish particular goals such as local democracy, people empowerment, citizen participation, development, and integration. Smith (1985:138-141) provided the following contexts within which the concept of decentralisation is applied:

- When a central authority establishes subordinate authorities and assigns functions to them.
- The division of income and other resources between a higher authority and lower authorities.
- The division of a single governmental function on a regional basis, for instance, when regional branches are established by a state department.
- The assignment of powers to specific subordinate government bodies by the central authority.
- The allocation of discretionary to specific political office-bearers by the legislative authority.
- The regulatory measures in respect of capital expenditure by various governmental bodies.

Furthermore, decentralisation has varying explanations. It has been explained as (Wainggai 1985:156):

- an outcome of pressure from economic crises;
- a means for central government to shed fiscal and administrative burdens;
- a failure of central administration;
- an emulation of reforms in other developing countries;
- a result of populist political success;

- a result of donor pressures and conditions as part of structural adjustment and other programmes imposed from outside;
- a response to sub-national splinter groups and pressure to appease and incorporate local elites; and
- the consequence of particular relations between central and local authorities.

#### **2.4.1.1 Political and Administrative Decentralisation.**

At the basic level, it is possible to distinguish between “political decentralisation” and “administrative decentralisation.” The former emphasizes a redistribution of power, while the latter emphasizes a redistribution of function. However, the reality is usually much more complex. Standard classifications of decentralisation usually allude to the following terms (based primarily on Rondinelli 2002:76; Work 2002:44):

- Political Decentralisation (sometimes called “democratic decentralisation”) refers to the devolution of decision-making power to sub-national political authorities. The process may create new tiers or spheres of government or it may change the way existing sub-national tiers or spheres of government are formed and structured (e.g. from appointed to elected mayor). In either case, it generally involves constitutional change.

- Administrative Decentralisation refers to the transfer of specific public functions to lower tiers or spheres of government. Such decentralisation can take several forms:
  - Deconcentration transfers functions (such as decision-making, planning and management in specific areas, such as health, education, community development, etc) to units of the central government that are distributed throughout the country. As Rondinelli (2002:80) points out, the impact can vary greatly, since “deconcentration can merely shift responsibilities from central government officials in the capital city to those working in regions, provinces or districts; or it can create strong field administration or local administrative capacity under the supervision of central government ministries.”
  - Devolution passes responsibilities to organisations that are accountable to the central government, but not entirely controlled by it, such as public corporations, housing authorities, and regional development corporations.
  - Devolution transfers responsibilities to subnational units of government that have a specified degree of autonomy from the central government. According to Rondinelli (2002:81) such administrative devolution “underlies most political decentralisation; creating elected local governments is irrelevant unless they have

recognized areas of responsibility over which to exercise their decision-making power.”

- Divestment transfers responsibilities or functions from the public to the private sector- whether to community groups, NGOs, or private business. This transfer can take different forms, including “contracting out,” “public-private partnership,” or full privatisation.
- Fiscal Decentralisation refers to how responsibility for expenditures and allocations is distributed across the different levels of a decentralised system.

#### **2.4.1.2 Decentralisation and Privatisation.**

The inclusion of privatisation (or “divestment” or “market decentralisation”) in the definition of decentralisation is controversial (Randinelli 2002:84; Work 2002:48). In a study of “democratic decentralisation,” Manor (1999:67) excludes privatisation for two reasons: first, because it involves a transfer of responsibilities outside of the sphere of government, and, second, because the private firms involved are often themselves very large, so that “privatisation often involves a shift of power and resources from one major, centralised power centre to another” (Manor 1999:5). At a UNIFEM conference on decentralisation and gender, participants noted that while decentralisation can be linked to privatization, “this is not an integrated part of decentralisation as a concept. The word decentralisation focuses on the process itself, not on the result, the system of governance” (UNIFEM/VADE 2001:5).

Nonetheless, including privatisation in the definition captures a significant reality about decentralisation in the current era, when it is often advocated as part of a broader transformation toward market-oriented adjustment, carried out in a context of economic crisis. While it is important from a conceptual standpoint to avoid conflating the two processes, in the current policy environment, they are often closely linked (Ribot 2002:20).

#### **2.4.1.3 Fiscal Decentralisation**

Fiscal arrangements for financing decentralised responsibilities (which are a key element of decentralisation) vary, and there is substantial literature in this area (Livingston and Charlton 2001:40). Fiscal decentralisation can be achieved either through transfers from the central state, or through subnational revenue generation. Subnational revenue generation may include local tax collection, fines and fees, the acquisition of debt, and the receipt of development assistance from donors. Local level institutions can also engage in cost recovery by charging user fees for services, privatising functions, or promoting “co-financing” or “co-production,” in which local people contribute money or labour to help provide services and infrastructure (Rondinelli *et al.* 1989:3). In developing countries, where local communities are predominately poor, the capacity for local revenue generation is often low, and transfers from central government are usually by far the most important source of financing for local authorities.



These transfers may take a variety of forms, depending on the degree of autonomy in expenditure allocation granted to the subnational level. The central government can transfer a lump sum and allow subnational authorities to decide how to spend it, or funds can be earmarked for specific sectors or programmes (e.g. safety and security project and programmes). Transfers from central government are also used to promote inter-regional equity. In Columbia, for example, under a 1993 law, central government transfers to municipalities are distributed according to a formula that combines the size of the local population with their degree of need (Schneider and Moore 2003:31-32).

In practice, the various types and forms of decentralisation are not easy to distinguish as their definitions suggest. In addition, they often occur simultaneously, follow one another, or are mixed and matched. In some cases, genuine political devolution occurs.

Subnational levels of government with significant autonomy are created or empowered with new resources and new areas of responsibility (MaClean 2003:24). Local elections may be introduced for the first time, replacing the appointment of local officials by the central administration. Alternatively, new functions may be transferred to existing local authorities.

In other cases, decentralisation is strictly administrative, entailing the deconcentration or delegation of certain functions to regional or local offices of the central state while supervision and decision-making authority are maintained at the centre (MaClean, M. 2003:25). Decentralisation may also focus on specific sectors, with responsibility in areas such as health, education, transportation, or watershed management, passed to subnational administrative branches of the central state, or to local governments. Frequently, sector decentralisation involves a sharing of responsibilities between local governments and central state authorities (Alfonso 1997:52).

#### **2.4.2 Advantages of Decentralisation.**

The debate on decentralisation focuses on the advantages of decentralised governance in terms of poverty alleviation, public participation, government accountability, responsiveness of public policies and service delivery. However, there is no standard model of decentralisation; it varies considerably from country to country and its impact depends greatly on the original objectives and design, as well as institutional arrangements and implementation.

##### **2.4.2.1 Public Service Delivery and Public Participation.**

It has been argued that decentralisation improves governance and public service delivery by increasing efficiency (both *allocative efficiency* – that is, through better matching of public services to local preferences; -and *productive efficiency*- that is, through increased public accountability, fewer levels of bureaucracy, and better knowledge of local costs) (Slater 1989:506).

Put differently, the idea of decentralisation is linked to *subsidiarity* (the lowest level of government that can perform functions efficiently and effectively).

However, before delving into the advantages and disadvantages of decentralisation the terms 'efficiency' and 'effectiveness' need to be explained. There are researchers and writers who attach an absolutist cost minimisation implication to the meaning of the term "efficiency". For example Martinussen (1997:214) refers to 'efficiency' as the quality of resources expended in the effort to achieve a stated objective or condition; and to 'effectiveness' as the degree to which a stated objective or condition is achieved or maintained.

According to Hattingh (1998:89), efficiency in government is a rather indefinable and immeasurable phenomenon" and the concept should not be equated with 'efficacy', 'effectivity' and 'productivity'. Gulick (1954:192) mentions that "in the science of administration ... the basic good is efficiency". Adlem (1982:9) confirms that efficiency is the essential phenomenon by stating that efficiency includes both effectivity and productivity. Cloete (1981:33) defines "efficiency", particularly in the public sector, as "the greatest possible quantitative and qualitative satisfaction of essential needs with limited resources available".

Decentralisation is believed to increase *service delivery*. First, central government monopoly of service provision is argued to be the source of much inefficiency (Tendler 2000:118; Rothchild 1994:3). Following this logic, introducing private firms, non-governmental organizations (NGOs) and even local governments as providers increases competition, thereby increasing efficiency. Competition is believed to create providers that are more responsive to consumer needs and preferences. Mawhood (1983:1) states that most governments favour the concept of decentralisation since it implies the transference of legislative, administrative and judicial authority "away from the centre" to sub-national levels of government and thereby improve the delivery of services. This transfer of authority to provincial and local governments is favoured for various reasons, *inter alia*, it (Mawhood1993:6):

- can become an effective mechanism for overcoming the serious limitations of centrally controlled national planning and ensuring that local needs are more effectively addressed;
- will serve to curb the tendency of an all-powerful central government by building the capacity of provincial / officials in terms of management and technical skills;
- would ensure greater representivity for divergent political, religious, ethnic and tribal groups in development decisions;

- could promote more flexible, innovative and creative management by allowing for experimentation in respect of policy and programme implementation;
- enables government to locate services more effectively within communities and to monitor the implementation of development projects more carefully; and
- can further the efficiency of service delivery by reducing the diseconomies of scale inherent in over-concentration in the national capital.

Kliksberg (2000:252) supports the above and maintains that one of the main opportunities for making positive changes in the state social sphere in developing countries is provided by decentralising service delivery to regions and municipalities. He further argues that such decentralisation enhances effectiveness by ensuring that programmes are matched more closely to the needs of the target population. Kendall (1991:22) concurs by pointing out that problems such as poverty, homelessness, crime, and a crippled education system do not themselves need top-down solutions imposed from above. Rather, solutions require the bottom-up participation of those affected, as well as the redistribution of functions and power to sub-national governments to ensure the highest possible level of initiative and independence.

Keating (1995:185) adds that regional or sub-national government has been sought by decentralists seeking to transform the state and shift power from the centre in the interest of democracy and pluralism. With larger areas, populations and resource bases, provincial governments are seen as having a greater capacity for autonomous action over a wider range of functions than the traditional units of local government. In particular, provincial government is seen as being essential if economic and industrial powers were to be decentralized, since local government is at too small a scale to address these issues. Putman (1993:53) explains that democratic or political decentralization is regarded as the territorial dimension of democracy. In essence, an effective programme of decentralization is expected to improve public governance by:

First, creating institutional opportunities for those outside of the central state not only to make inputs but to take critical decisions concerning the organisation of public goods and services. One important attribute of decentralisation could also be to help to integrate state and society institutions at the local level. Second, promoting organizational and managerial efficiency by enabling each level of government to specialise in what it is most capable of doing most effectively. Moreover, it brings government closer to the critical information it requires for delivering services. It also ensures that the available resources are evenly distributed and increases the potential responsiveness of government to public complaints concerning its performance.

Third, enhancing public accountability. The requirement that public institutions be accountable to the public or their representatives provides the surrogates of a market discipline in the public sector. When accountability is weak or non-existent, public administration runs amok. By bringing decision-making centres closer to the public, decentralization is expected to enhance public accountability.

Fourth, generating diversified policy proposals. In this respect, decentralisation and democratization mutually reinforce one another by encouraging pluralism. Indeed, if the national government is not willing to allow a different approach to public issues, it is unlikely to allow genuine democratic decentralization. Democracy, to the extent that it promotes individual rights assumes not only pluralism but a contestation of ideas before the public. It is assumed also that policies that are subjected to public debate provide an opportunity for policy-makers to consider all possible options that are likely to lead to better informed policy-making.

Fifth, the enhancement of the legitimacy of governance institutions. Public governance through decentralisation enables people representing various groups and interests to identify with the processes of governance and to have a stake in its continued existence and development. It also provides training both to the leaders and the citizens on challenges and frustrations of democracy (Putman (1993:56)).

#### **2.4.2.2 Improvement of Equity**

Decentralisation maintains that if properly structured, the phenomenon could improve *procedural equity* (Oyugi 1985:16). Democratic decentralisation is based on locally accountable representative bodies with powers over selected local resources and decisions, and with local rights and systems of recourse. To establish such forms of local governance requires a shift, particularly in rural areas, away from the highly inequitable, administratively-driven management of the local world (Ndegwa 2002:15). Mamdani (1996:26) argues that rural people across Africa are managed as subjects under highly inequitable and despotic circumstances. On the procedural front in Cameroon, Guinea, Mali and Senegal, forestry service authorities allow recourse in forestry disputes only through the forestry service itself- even when the complaints concern forestry service abuses. Without independent adjudication, however, local populations have no real independence in “decentralised” forestry matters. They remain under the Forestry Administration’s discretion.

*Distributional equity* could result from decentralization (Oyugi 1985:18). Local democracy may affect intrajurisdictional distribution of government services and the equity of local government decisions. Decentralisation has been argued to provide more equitable distribution in local districts and greater opportunity for the poorest people. Property taxes, trade licences and urban service fees are usually collected from relatively wealthy businesspeople (Smoke 2001:16).



Furthermore, income taxes can also be progressively structured. But Smoke (2001) points out that the effect of decentralisation on income distribution is another poorly studied issue.

*Gender equity*, or gender representation, is a widespread problem (Oyugi 1985:20). In Uganda this was explicitly redressed in the decentralised rural council system, as since 1995, women are guaranteed at least one third of the seats. Women representation has significantly increased in public institutions. Decentralisation also shapes equity among local districts- *interjurisdictional equity*. Conyers (2000:8) argues that decentralisation can result in “a situation in which those regions or localities with good financial or technical resources prosper at the expense of those without”. The World Bank (2000:110) points out that such equity is a function of the willingness of the central state to engage in redistribution among regions. Smoke (2001:16) also urges that this kind of redistribution can be accomplished by central government.

#### **2.4.2.3 National Cohesion and Central Control**

National cohesion and central control are some of the issues that must be considered when decentralisation is dealt with (Oyugi 1985:29). Decentralisation can serve as a means to maintain political stability when pressures arise from local groups and elites demanding more power.

In Ethiopia decentralization was used as an instrument to diminish secession (World Bank 2000:108-109). In Uganda and South Africa too, decentralization was used to consolidate national unity (UNDCF 2000:3). In Mali, the government strengthened the territorial autonomy of the Tuareg region in 1992 as part of a peace negotiation with secessionists (Brock and Coulibaly 1999:30). The World Bank (2000:107-108) points out that decentralisation can serve as an institutional mechanism to bring secessionists and other sub-national groups into a formal bargaining process with the government. Conyers (2000:8-9) argues that governments use decentralisation to increase national cohesion and central control in three situations.

First, decentralisation can be a means of attracting back regions or ethnic groups that are threatening to form independent states, as in Nigeria. Second, strengthening regions can help reinforce or reconstruct national unity after social unrest or conflict, as in South Africa, Uganda and Zambia. Third, where there is risk of national disintegration, decentralisation can be used to strengthen the ruling party's control over local-level activities, as in most one-party state decentralisations in the post independence 1970s and 1980s.

Conyers (2000:8) argues that to reinforce the role of the party at the local level is one of the main motives for states to decentralize. Rothchild (1994:1) also observes that decentralization is motivated by these kinds of pressures,

explaining that countries prone to decentralize are those ready to respond to "claims for local autonomy in an effort to manage political conflict". Rothchild (1994:64) asserts that the way in which decentralization unfolds is a function of these state-civil society relations. Politically, decentralisation can be used for state legitimization. States can garner popular support, and meet the needs of individual political actors to establish themselves and their ministries. Cross and Kutengule (2001:34) argue that in post-independence Zimbabwe, the demands on the state were that it establishes a socialist regime; promote land reform; provide equitable access to social services; and facilitate greater political participation. But given the high cost of social services and threatening fiscal crisis, "policies to strengthen regional planning through decentralisation are seen to 'kill two birds with one stone': to establish legitimation without too much expenditure" (Seabright 1996:89). Furthermore, the public choice logic goes that better matching of services to needs and preferences follows from decentralized and deconcentration providers being closer to their clients, and therefore having better access to local information.

#### **2.4.3 Disadvantages of Decentralisation.**

There are writers who maintain that decentralisation has limitations to what it can achieve. For example, Ribot (1999: 74) and World Bank (2000:109) maintain that evidence that decentralization leads to better service provision is thin. This is because the assumed causal relations are difficult to demonstrate.

Smoke (2001:16) supports by arguing that “given that claims of service improvement are so central to the arguments of decentralization advocates, it is somewhat surprising that so little research has been conducted to see if decentralization indeed increases the level of services delivered and their quality”. Experience with decentralisation is mixed. One large comparative study of service delivery in 75 countries indicates that facilities are better provided by central government, while operation is more effective and less costly when decentralized (Wainggai 1985:117).

In Uganda, generally, service providers, either health workers or teachers, claim that decentralisation has brought better control over their resources and this is one important reason why civil service staff is supportive of decentralisation. Yet on the other hand, service receivers do not express that the services are improved in recent years. This perception gap is a critical challenge which needs to be tackled in the near future (Saito 2000:11). In health services, most patients find decentralized government clinics unsatisfactory and prefer, if they can, to go to private urban facilities. In education, the number of children attending school has increased due to tuition waivers for the first four children of each household, but the service educators claim that the quality of education has deteriorated. Furthermore, parents claim that despite the new laws they are now asked to pay even more, so their burdens are not lessened (Saito 2000:12).

*Participation* is currently a key aspect of most discussions of decentralisation (Balogun 2000:254; Sharma 2000:61). Decentralisation is argued for on the grounds that public participation and citizen involvement in programmes is good in and of itself (Meinzen-Dick and Knox 1999:5). Arguments defending decentralisation on the basis of greater participation of citizens in democratic governance can be found in the writings of De Tocqueville and Vengroff (2000:65), and more recently Dahl and Tufte (1981:47-49). There is no systematic or comparative evidence on whether increased participation in decentralised local governance generates better 'outputs' in terms of improvements in the provision of, for example, water, electricity, refuse-removal, and municipal infrastructure for poor and marginalized people. The available evidence draws either on examples from single countries and sectors, or is anecdotal, temporally specific and highly localized, making the task of generalization impossible.

Similarly, efforts to measure 'outcomes', in terms of reduced poverty or imposed social indicator, as a consequence of devolved power and resources to local governments and increased participation, are inconclusive and fraught with methodological problems (Robinson 2003:27). Burki *et al.* (1999:3-4) explain that there are risks involved in decentralisation.

First, there is no automatic assurance that increased political autonomy for local governments will lead to improvements in public services. Second, there is also the risk of capture by local political elites which can worsen the delivery of services. Third, the technical capacities of local government staff may be inadequate. Fourth, decentralization can widen regional disparities in the provision of public services. Fifth, decentralization poses macro-economic risks by increasing government vulnerability to financial deficit and over-expanding the size of the public sector.

#### **2.4.3.1 The South African Scenario**

Reddy (1999:19-20) argues that decentralisation cannot be seen as a panacea for all governmental problems. Several of the problems associated with decentralizing authority to the provinces in South Africa could be summarized as follows:

- central-provincial intergovernmental relations are often marked by tension in that nationally based administrators and politicians may fear that provincial governments would demand independence from the centre and undermine national policies. On the other hand, since their inception, provincial governments have continued to demand increased powers which would ensure significant provincial autonomy;

- inefficiency is prevalent since provincial authorities cannot command sufficient resources to provide adequate services. Rapoo (1995:7) highlights the fact that the predominance of central government on fiscal matters is regarded by some provinces as an area of deficiency in the relationship between central and provincial government. De Bruyn (1997:6) supports this and writes that a vertical fiscal imbalance exists whereby central government raises the vast majority of revenues, yet its expenditure responsibilities are relatively lower than the provinces.
- It is thus apparent that provincial governments in South Africa are expected to fulfil a vital role in meeting basic needs and reducing inequalities in respect of service provision, despite the fact that their revenue base to do so is restricted;
- decentralisation can serve to increase regional disparities as the more developed and affluent provinces are in a better position to utilize their devolved powers. Such regional inequalities can lead to social problems whereby young, economically active people migrate to the more developed regions in search of well-paid employment and a higher standard of living. This leads to a breakdown of especially rural communities and the task of enhancing economic development in the less developed regions becomes much more difficult;

- decentralisation measures have to be implemented under severe economic constraints and such reforms are costly due to additional expenses for qualified personnel, transport, buildings, and maintenance. Linked to this is the important aspect of the institutional and managerial capacity of provincial governments. Kliksberg (2000:253) points out that if their capacities are weak and if no sustained effort is made to strengthen them, then service delivery will be seriously threatened;
- decentralisation can be used to strengthen separatist tendencies particularly among minority groups who desire complete sovereignty.
- based on field studies conducted in Argentina and, in part, Brazil it has been noted by Crook and Manor (1998:234) that the pressures and practices of special interest groups are often far more intense at the provincial and local levels than at the national level. In this way, elite power groups in regions and municipalities may seek to steer decentralized resources towards their economic or political interests; and
- corruption in the provinces remains a critical problem which will only serve to further weaken the capacity of provincial authorities in terms of service delivery if it is not dealt with seriously. Conyers (1983:99) states that it is possible to also argue, as many critics have noted, that decentralisation may not actualize the expected values.



For instance, it can be argued that decentralization aggravates regional inequalities and poverty, and actually undermines several of the governance values it is expected to promote. For example, local elites may dominate local participatory organs to the detriment of the wider public. Furthermore, local organs may not be able to generate sufficient resources to effectively discharge responsibilities allocated to them. Finally, the absence of a professional cadre of civil servant and experienced politicians may weaken public accountability in decentralised institutions especially given the negative pressures from members of the public who regard local organs as part of the state institutions to be looted.

The problems mentioned above do not necessarily invalidate the opportunities offered by decentralisation. Much, of course, depends on how decentralization is implemented- the objectives being sought, the mode of decentralisation chosen and the types of institutions created to promote decentralisation.

## **2.5 SUMMARY AND CONCLUSION**

Chapter 2 focused largely on the vertical and horizontal interaction between and among the spheres of government, as well as the transfer of safety and security powers, functions and responsibilities from the national government to the sub-national units of government in South Africa.

Furthermore, Chapter 2 indicated that the South African intergovernmental relations system is developing in a political system that reflects many of the characteristics of a federal and centralist state and the relations between the centre and the periphery are, in some instances, not different from those in many quasi-federations.

Chapter 3 examines the legislative and statutory bodies that collectively form an organisational structure that performs an oversight function over safety and security service delivery in South Africa.

## **CHAPTER 3**

### **ORGANISATIONAL STRUCTURE FOR SAFETY AND SECURITY SERVICE DELIVERY**

#### **3.1 INTRODUCTION**

Chapter 2 provided a theoretical explanation of the two related concepts, namely, intergovernmental relations and decentralisation. Chapter 3 examines formal organizational structure that is responsible for the promotion of police accountability and oversight at national, provincial and local government level.

#### **3.2 POLICE ACCOUNTABILITY AND OVERSIGHT IN DEMOCRATIC SOUTH AFRICA.**

##### **3.2.1 Definitions: Accountability and Oversight.**

Over the last decade South Africa has been establishing and testing the tenets of democracy- an important element of which is the principle of accountability. The 1996 Constitution establishes that accountability, responsiveness and openness, are some of the core founding values of the democratic system. However, before subjecting the safety and security oversight bodies to scrutiny, insofar as service delivery is concerned, their broader mandates and what 'accountability' and 'oversight' entail must be explained within the context of this study. Maguire, Vagg and Morgan (1985:164) argue that if basic democracy is to be achieved then the directors of state agencies must be accountable to outside bodies for the running of their departments.

In their view, accountability includes providing satisfactory answers to questions about the use of public funds and the implementation of policies required by the legislature. Accountability implies a hierarchical relationship where one body has a duty to explain and justify its conduct to another (Corder et al. 1999:2). The object of accountability is thus to ensure that the actions by the authority charged with the implementation of policy (for example, the police organisation) complies with the policy, legislative and constitutional guidelines established by the body to which it is accountable. The actions and decisions should be congruent with the values and priorities of the body to which it is accountable. It is also to encourage open government and to ensure that government is responsive to the needs of the people it governs (Mawby & Wright 2005:6)

Wright (2000:189) maintains that accountability exists on macro and micro levels. On a micro level, accountability refers to the different systems of relationships that exist which govern decisions within and across the police service. This would operate at a level of instructions given by the senior management to their staff. On a macro level, accountability refers to the relationship between the heads of state agencies, and external oversight bodies (that is, external accountability). Altbeker (2003:65) argues that it is helpful to distinguish between two different forms of accountability: positive and negative.

The notion of positive accountability recognizes that government must establish an enabling environment in which the state institutions must do their work. The primary mechanisms for assuring positive accountability are the granting of powers to elected officials to set policy direction, objectives and rules, and to appoint personnel. The democratic nature of this depends not on the way the police service is formed, but on the way government is formed and the set of rules that determine what is and is not permissible. Negative accountability, on the other hand, refers to the idea that state institutions are bound by a higher set of rules and norms which they cannot violate. Negative accountability is designed to prevent the institutions of government from exceeding the powers that are granted to them. In other words, positive accountability is concerned with what the police service does, and negative accountability with how they do it. The notion of oversight is broader than that of accountability and refers to the crucial role of legislatures (or other bodies) in monitoring and reviewing the actions of executive organs of government. The intended outcome of oversight is accountability which, according to Schneider and Moore (2003:13), "expresses the continuing concern for checks and oversight, for surveillance and institutional constraint on the exercise of power. 'Oversight' describes a large number of activities carried out by legislatures in relation to the executive (Corder, *et al.* 1999). It should be noted that the term 'accountability' has different meanings in different contexts, and different oversight bodies may be asking questions of the state authority from different angles.

Therefore, 'accountability' is a diffuse concept, and one that is mobilized by different groups for very divergent purposes. In the discourses of prison reform it is often held out as a tool in the business of making prisons more just and more humanitarian. In the hands of government it is used as a justification for increased cost-efficiency and control over staff. In all these uses, however, it is in practice solely associated with the concept of control, and usually denotes a concern and scrutiny over the structure and exercise of controls." Maguire *et al.* (1985:132). Schneider and Moore (2003:14) argue that accountability connotes answerability of officials to a designated official or public. An oversight body requires the power to impose sanctions on power-holders who have violated their public duties if they are to be effective mechanisms of accountability. According to Stenning (2004: 5), accountability is no more nor less than the requirement to give accounts. It entails a set of normative prescriptions about who should be required to give accounts, to whom, when, how and about what. Corder, *et al.* (1999:5) argues that 'accountability' can be understood in two senses. In a narrow sense it refers to the head of a department to account as 'accounting officer' to his or her minister, the auditor-general, and finally to the Public Accounts Committee.

At a basic textual level, 'accountability' means 'to give an account' of actions or policies, or 'to account for spending' and so forth.

On a wider understanding 'accountability' can be said to require a person to explain and justify - against criteria of some kind- their decisions or actions (Oliver 1994:238). In a democratic system, police are held accountable to oversight structures mainly for meeting public expectations (performance accountability) and fair delivery of safety and security services (accountability for fairness) (Corder, *et al.* 1999:5). First, accountability for performance means or ought to mean more than providing the appropriate and required services to the public; it actually means or ought to mean achieving performance standards that are set at a higher level than a customer-provider (e.g. seller-buyer, provider-customer exchange). It ought to mean satisfying the performance expectations of the diversity of people in a complex accountability environment, defined by Kearns (1996:27) as a constellation of legal, political, socio-cultural, and economic forces. Accountability for performance ought to cover the expectations of citizens, it ought to mean accountability to the entire citizenry. For example, to hold the police service accountable for performance, the public has to establish expectations for the outcomes that the former will achieve, the consequences it will create, or the impact it will have.

Second, accountability for fairness means, for example, that the police service must be held accountable for a variety of well-established ethical standards or democratic norms, specifically, for fairness. The police service is expected to be fair when it provides services to citizens.

According to Corder *et al.* (1999:2) 'oversight' refers to "the monitoring and reviewing of actions of the executive organs of government.

The term is used to describe a large number of activities carried out by legislatures in relation to the executive. The changing political climate and the activities of different pressure groups may rapidly alter perceptions and generate differing views of what the policy is meant to achieve. Policy is often always gradually evolving and changing, even where it is set down in legislation it is subject to changing interpretations (Walker 2000:73). The practice of accountability is further complicated by the complexities of interpreting policy and the intention of policy-makers. Administrators are called upon to account for policies which may be vague or complex in nature, and of different interpretations. In addition to the difficulties in deciding what to hold the authority to account for, there exist several practical difficulties. Maguire, et al (1985:189) outline three practical problems for outside agencies when assessing an agency's performance:

- The evaluation of judgments taken by professionals requires a degree of technical expertise or knowledge which the oversight body often does not possess. To overcome this, the regulatory bodies may attempt to acquire those skills themselves, but more often may rely on evaluations made by peers and colleagues.



- The process of calling for account involves a continuing relationship between public agency and the oversight body. This may result in both sides considering the effects of demands or criticisms on their long-term relationship. For example, the overseer may decide to overlook minor issues for the sake of long-term cooperation. One of the dangers of the long-term cooperation is the problem of 'regulatory capture'. The regulatory bodies may find themselves co-opted by the values and goals of the organization they are required to regulate, thus losing the critical eye of the observer. It is also difficult to maintain their own credibility within the social and political environment in which they must operate.
- The third aspect is that scrutiny from outside requires a well organised system of internal accountability, with decision-makers having properly defined goals and responsibilities, to which major decisions should be attributed.

Altbeker (2003:30-31) states that oversight over the police is a multi-faceted, complex and subtle notion. It is as difficult to operationalise as it is to define. Take the term itself; it can refer to the practices of strategic direction-setting (in the way that a board oversees the activities of a company), to day-to-day management and monitoring (in the way that a foreman oversees the work of a team of labourers), or to *ex post facto* evaluation and assessment (as a quality control agency might oversee the marking of matric examination papers).

In relation to the police, the term could conceivably cover every form of activity from ordinary, day-to-day management to overall policy-making, from auditing the use of resources to investigating allegations of abuse of office, the misuse of force and even of simple criminality. Police oversight has its own universal complexity because policing however, is different from other state functions and the nature of its differences raises the oversight stakes, making it more important that the architecture and machinery of oversight function effectively, and that, as a result, policing is done in a manner that is most appropriate. In this regard, there are four key differences between policing and other state functions:

- The defining characteristic of policing is that police officers have the right (and duty) to use force (usually through the use of deadly force) to resolve problems in a society. This makes it extraordinarily important that checks and balances exist to ensure that when force is used, its use complies with the limits (usually quite strict ones) imposed by law.
- Not only does the work of the police involve the use of force, but the nature of their work means that police officers who must choose whether, when and how to use force, typically do so in circumstances in which it is impossible for their superior officers to witness and assess their decisions, and in which they are, in practice, confronted with a wide variety of options from which to select the actions which they eventually take.

They have, in other words, a great deal of discretion which they exercise in circumstances in which it is impossible effectively to monitor their decision-making.

- The nature of the powers enjoyed by police officers and, therefore, by the organization as a whole makes the consequences of the excessive politicization of policing and police decision-making particularly dangerous to democratic governance. Once again, this raises the stakes of oversight, but this time it also creates some concerns about the overseers themselves.
- Finally, policing poses additional challenges to oversight in that the allocation of police resources and energies can (and often does) serve to reinforce existing divisions and patterns of power in a society. The police can serve as the 'bodyguards of the possessing classes or, in their attitudes towards and handling of crimes committed by or against vulnerable people (e.g. women in patriarchal societies, immigrants, etc), can make the experience of these groups more difficult than it might otherwise be.

Adamolekun (2002:373) states that the demand for the oversight of the police is linked to the effort to make the police accountable to community through democratic institutions. Demands for police accountability are often made as a result of crisis of confidence in the police.

Loss of confidence in the police resulting in demand for reform and civilian oversight of the police has historically occurred as a result of the following conditions (Adamolekun 2002:376):

- Legitimation deficit of the government resulting in reliance on police force and violence rather than consent to govern;
- Exposure of widespread and systematic corruption and violence by the police during their interaction with members of the public or identifiable sub-cultures (racial, ethnic, social, religious, social class, gender and age groups) in society;
- Transition from authoritarian to democratic governance and vice versa; and
- Rapid socio-economic and technological changes.

Adamolekun (2002:377) further maintains that in order to be effective, a police oversight structure, especially in Africa, must be:

- Independent from presidential, ministerial and police manipulation. In addition, leaders of the oversight organizations must themselves exhibit the virtues of independence of action, subject to the rule of law, effectiveness and efficiency, fairness, self-restraints and incorruptibility, especially in relation to the police, government officials and members of the public;
- Adequately and timely funded;

- Competent in research, monitoring and evaluation to determine police performance and conduct;
- Sensitive and promptly responsive to complaints;
- In full and constant liaison with appropriate civil society organizations in order to gain their confidence, support and as a mechanism of voluntary submission to public accountability;
- Sufficiently empowered to exercise and perform oversight powers and functions effectively and efficiently. In other words, they should have relatively comprehensive mandates covering police operations, discipline and conduct as well as legal powers to make it an effective mechanism of reward for good police officers and commands; and dispenser of punishment for bad policemen and women. Furthermore, they should vigorously protect the rights of police officers from abuse by their superiors and commands, and thereby gain the support of the police, including encouraging whistle-blowing.

### **3.2.2 Legislative and Statutory Oversight Bodies in South Africa.**

Police accountability and oversight are fundamental concerns to constitutional democracies that seek an orderly society in which individual rights enjoy legal protection. The police accountability and oversight issues are all more pertinent where democratic, constitutional regimes have only recently been installed, as in South Africa (Stone 2000:12).

The 1993 Interim Constitution, which laid the foundation for the first democratic government in 1994, provided for the establishment of the South African Police Service (SAPS) after the amalgamation of eleven policing agencies that existed before South Africa's transition to democracy, namely the South African Police (SAP), which was the largest police force, and ten others from the "homeland" police forces. Section 205(3) of the 1996 Constitution outlines the safety and security responsibilities of the SAPS as follows: "to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic [of South Africa] and their property, and to uphold and enforce the law." The Mission Statement of the SAPS states that they will prevent anything that may threaten the safety or security of any community; investigate any crimes that threaten the safety or security of any community; ensure criminals are brought to justice; and participate in efforts to address the root causes of crime (SAPS Annual Report 2005:2). The values held by the SAPS are to (SAPS Annual Report 2005:2):

- Protect everyone's rights and be impartial, respectful, open and accountable to the community;
- Use its powers in a responsible way;
- Provide a responsible, effective and high-quality service with honesty and integrity;
- Evaluate its service continuously and make every effort to improve it;

- Use its resources in the best way possible; develop the skills of all its members through equal opportunities ; and
- Cooperate with the community, all levels of government and other role-players.

Policing during the pre-1994 era in South Africa was authoritarian, militaristic and extremely politicized. Therefore, the new government faced the task of transforming the police agency into one that would, among other things, be both democratically accountable to the public, and effective against crime through, among other things, the introduction of new systems of accountability.

In the section below the researcher explores more fully the meaning of police oversight and accountability in the South African constitutional contexts, and the oversight roles of the legislative and statutory bodies. There exist several forms of oversight over the police service in South Africa. Essentially, there are those that exist by virtue of the 1996 Constitution (that is, legislative oversight bodies) and those that exist by virtue of the police service legislation (statutory oversight bodies) (Berg 2005:4).

### **3.2.2.1 Legislative Oversight Bodies Over Safety and Security Service Delivery.**

Legislative oversight bodies mentioned below are grouped according to a vertical structure of authority.

According to Hattingh (1998:28) a vertical structure of authority is essential for determining accountability and responsibility. At the national sphere, the hierarchical structure is that of parliament, cabinet ministers, and national government departments; and at the provincial level it is that of the provincial legislature, executive council, provincial government departments; and, lastly, at the local sphere of government it is the municipal council, mayoral committee / executive and councillors, and municipal departments. While the 1996 Constitution merely provides general guidelines for the creation of internal oversight bodies, structures within these bodies are allowed a considerable degree of discretion to establish additional internal bodies (e.g. committees) to optimise oversight over safety and security service delivery.

#### **3.2.2.1.1 Accountability and Oversight Role of Parliament.**

Legislative bodies include Parliament, consisting of the National Assembly and the National Council of Provinces (NCOP).

##### **(a) National Assembly**

The National Assembly has legislative powers and oversight over the exercise of national executive authority, including the implementation of safety and security legislation. This oversight role is usually manifested through the Parliamentary Portfolio Committees (including the Portfolio Committee on Safety and Security).



The ultimate political accountability over government lies with the electorate in terms of democratic theory. Section 42(3) of the 1996 Constitution provides that the National Assembly is elected by the people in order to ensure government under the Constitution. The Rules of the National Assembly set out the functions of portfolio committees. In terms of these, a portfolio committee (Section 201(1) of the Rules):

- Must deal with bills and other matters falling within its portfolio
- Must maintain oversight of:
  - the exercise within its portfolio of national executive authority, and the implementation of legislation;
  - an executive organ of State falling into its portfolio;
  - any constitutional institution falling within its portfolio; and
  - any other body or institution in respect of which oversight was assigned to it.
- May monitor, investigate, enquire into and make recommendations concerning the executive organ or other body or institution, including the legislative programme, budget, rationalization, restructuring, functioning, organization, structure, staff, and policies of such organ of State, or other institution.
- May consult and liaise with executive organ or constitutional institution; and
- Must perform any other function, tasks or duties assigned to it in terms of the 1996 Constitution, legislation or Parliamentary rules.

The National Assembly appoints different portfolio committees to shadow the work of different government departments. Of all the legislative bodies, the portfolio committee has the most extensive oversight role, for instance, over safety and security service delivery. This framework establishes the oversight responsibility over the Minister of Safety and Security and over the Department of Safety and Security for which he or she is responsible. For the purpose of the study, this section will focus exclusively on the extensive oversight role of the Parliamentary Portfolio Committee of Safety and Security on its monitoring of the implementation of national safety and security policy.

**(b) Parliamentary Portfolio Committee for Safety and Security**

Portfolio Committees are key mechanisms provided for in the Constitution to assist Parliament in fulfilling its oversight and accountability functions. These committees monitor and review the actions of the different departments of government (including the national and provincial departments of safety and security), and are also charged with holding officials and their ministers accountable (Minister and Head of Department of Safety and Security). The Portfolio Committee for Safety and Security has an oversight role over the executive organ; namely, the MEC, HoD as the administration head of the Department of Safety and Security and the Provincial Police Commissioner.

In addition to its role in terms of the budget and legislation it may monitor, investigate, enquire into and make recommendations on any matter within the mandate of the Department of Safety and Security including rationalization, restructuring, functioning, organization, structure, staff, and policies of State or other institution.

These provisions empower the portfolio committee with the important ability to ensure that the Department is implementing on the broader policies set by government, the minister and the Department itself. There are, however, certain constraints that impede the progress of the portfolio committees both at national and provincial spheres of government. **First**, the difficulty in monitoring policy against implementation is that policies (or mandates) for which government departments (e.g. Department of Safety and Security) are called to account may be vague and complex in character, and capable of many interpretations.

**Second**, Corder *et al.* (1999:14) state that it has been argued that the South African parliamentary system of government does not give full expression to the notion of the separation of powers because of the close relationship between the Executive and Legislature. The ruling party elects the Executive from its leadership and may therefore be reluctant to call their leadership to account.

Furthermore, in terms of the electoral system of proportional representation, members of parliament hold and retain their seats on the basis of membership to their political party. Members of the ruling political party may therefore be reluctant to hold the Executive to account for fear of being disloyal and risk expulsion. **Third**, portfolio committee decisions are influenced by political concerns.

Government policy is, of course, ultimately in the hands of ministers and members of the parliament, whose interests usually lie not in the detail of particular regime (e.g. safety and security regime) but with the broader questions of public security. At this level the issue of accountability is largely overshadowed by party politics. The Committee dominated by one political party may decide to interrogate an issue or not, depending on its official party policy.

#### **3.2.2.1.2 Accountability and Oversight Role of Legislature.**

##### **(a) Provincial Legislature and Portfolio Committee for Safety and Security.**

Executive authority in each province vests in the Premier who, together with other members of the Executive Council, is entrusted with implementing all national legislation within the functional areas listed in Schedule 4 (except where the 1996 Constitution or an Act of Parliament provides otherwise).

Section 4 Part A of the 1996 Constitution classifies policing as a functional area of “concurrent national and provincial legislative competence ... to the extent that the provisions of Chapter 11 of the 1996 Constitution confer upon the provincial legislature’s legislative competence.” Therefore, each province may approve a constitution or pass legislation regarding a functional area listed in Schedule 4, subject to certain processes and provisions. In effect, this means that a provincial legislature may pass legislation with regard to policing that fall within its competency, provided that these do not conflict with national legislation.

Importantly, section 114(2)(a) and (b) of the 1996 Constitution states that a provincial legislature must provide for mechanisms to ensure that all provincial executive organs of State are accountable to it; and to oversee the exercise of provincial executive in the province, including the implementation of legislation; and any provincial organ of State. Furthermore, the provincial legislature or any of its committees (including the portfolio committee for safety and committee) may summon any person to appear before it to give evidence under oath or affirmation, to produce documents. It may also require any person or provincial institution to report to it, and compel any person or institution, in terms of provincial legislation or the rules and orders, to comply with a summons or requirement in terms of paragraph (a) and (b) cited above. In pursuing its oversight functions, the provincial legislature may evoke the extragovernmental relations mechanism.

For example, it may receive petitions, representations or submissions from interested persons or institutions as well (section 115 of the 1996 Constitution). The relationship between the provincial legislature and the MEC is of intensity. In addition to requesting the MEC for Safety and Security (as a political head of policing in the province) to answer questions, the legislature also has the power in terms of section 206(9) of the 1996 Constitution to require the provincial police commissioner to appear before it or the portfolio committee for safety and security to answer questions.

This links to the obligation of the provincial commissioner to 'report to the provincial legislature annually on policing in the province (Section 207(5) of the 1996 Constitution). Furthermore, the MEC is enjoined to provide legislature with full and regular reports concerning all matters under his/her control. According to section 133 of the 1996 Constitution, the MEC is responsible for carrying out the executive functions assigned to him by the Premier, and the former is accountable, both collectively and individually, to the provincial legislature for the exercise of his/her powers and functions. The MEC is also required to act in accordance with the provisions of the national legislative framework including the 1996 Constitution and the provincial Constitution, if one has been passed. For example, the following powers have been devolved to provinces in relation to policing:

- Promote legislation with regard to policing matters assigned to the province.

- Determine the policing needs and priorities of the province.
- Monitor police conduct.
- Oversee the effectiveness and efficiency of the police service including receiving reports on the police service.
- Promoting good relations between the police and the community.
- Assess the effectiveness of visible policing.
- Liaise with and make recommendations to the national minister with respect to crime and policing in the province.
- Investigate or cause a commission of inquiry into any complaints of police inefficiency or a breakdown in relations between the police and any community.
- Lodge a complaint with the Independent Complaints Directorate (ICD), and
- Serve on a committee (e.g. MINMEC) established by the national minister and other MECs to ensure effective coordination of the police service and effective cooperation among spheres of government.

The Free State Provincial Legislature (or its Portfolio Committee for Safety and Security) does in fact experience similar oversight constraints of the same nature as Parliament (or its Parliamentary Portfolio Committee for Safety and Security), such as vague and complex policy mandate to account for; influential official

party policy; poor decisions tracking system; underdeveloped research capacity; and insufficient preparation of committee meetings.

### **3.2.2.1.3 Accountability and Oversight of Municipal Council.**

#### **(a) Role of Municipality**

Before delving into the oversight role of a municipal council over the police service, the researcher draws a line of distinction between municipalities and their municipal councils.

Municipalities are the core institutions within the sphere of local government (Smith 2001:3). Municipalities are organs of state that consist of the political structures (that is, the municipal council, its committees and the political office-bearers of the municipality) and administration of the municipality and the community within (residents inhabiting) the municipal area (Section 2(c) of the *Local Government: Municipal Systems Act, Act No. 32 of 2000* ( hereafter referred to as the 2000 Municipal Systems Act). A municipal council is a body consisting of directly or directly and indirectly elected councilors/members (with the exception of the traditional leaders who are entitled to attend and participate in council meetings). A municipal council is thus one of the political structures of a municipality. Smith (2001:5) argues that a 'municipality' is a much broader concept and a more inclusive collection of institutions or structures than a municipal council.



A municipality and its council are not synonymous with each other. A municipality has the right to govern on its own initiative the local government affairs of its community, subject to national and provincial legislation (Section 151(3) of the 1996 Constitution). To govern means to exercise governmental authority. Governmental authority is to make rules that apply in principle to everybody within the area of the body that made the rules and to enforce these rules. Governmental authority typically consists of three distinct powers, namely-

- Legislative power (the power to make laws, to make arrangements for their enforcement and to oversee their enforcement).
- Executive power (the power to make policies, to ensure the existence of adequate legal frameworks for their implementation and to supply the resources necessary for their implementation) and
- Judicial power (the power to apply and interpret the law).

A municipality exercises its legislative authority by making and administering bylaws for the effective administration of the matters that it has a right to administer (Section 156(2) of the 1996 Constitution). A municipality has the right to administer the local government matters listed in Parts B of Schedules 4 and 5 to the 1996 Constitution and any other matter assigned to it by national and provincial legislation.

A municipality has executive authority (i.e. policy-making powers) in respect of the same matters. Section 151(2) of the 1996 Constitution vests the legislative and executive authority of a municipality in its municipal council. Municipalities do not have pure judicial powers like the courts. A municipal council makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality (section 160(1)(a) of the 1996 Constitution). Where a council has delegated decision-making power to another body (i.e. delegated body), it may change the decisions of that delegated body, subject to any rights that may have accrued pursuant to a decision of the delegated body (Section 59(3)(a) of the 2000 Municipal Systems Act, 2000).

A municipal council's decision-making authority is limited to those matters that are expressly by law assigned to the municipality or the council itself and matters reasonably necessary for and incidental to those assigned matters. It cannot make decisions regarding matters that had by law been assigned to another body or person. The 1996 Constitution obliges every municipality to strive, within its administrative and financial capacity to achieve the objects of local government (Section 152(2) of the 1996 Constitution). The objects of local government represent the core functions of a municipality and the reasons why municipalities exist.

The objects are as follows:

- To provide democratic and accountable government for local communities.
- To ensure sustainable provision of services to communities.
- To provide social and economic development. For district municipalities this object is described in more detail in section 83(3) of the *1998 Local Government: Municipal Structures Act (1998)* (hereafter referred to as the *1998 Municipal Structures Act*). In terms of that section a district municipality must seek to achieve the integrated, sustainable and equitable social and economic development of its whole area. To achieve this, a district municipality must implement the following strategies:
  - Ensure integrated development planning across its municipal area.
  - Promote bulk infrastructure development and services across its area.
  - Build the capacity of local municipalities which lack capacity to perform their functions and exercise their powers, and
  - Promote equitable resource distribution between local municipalities in order to ensure appropriate service levels across the area.
- To promote a safe and healthy environment, and
- To encourage communities and their organizations to become involved in local government matters (See section 19(1) of the *1998 Municipal Structures Act*, as well).

A municipality must further, within its administration and financial capacity, establish an administration. The administration that it establishes must comply with certain democratic values and principles (provided for in section 195 of the 1996 Constitution) and contribute to the realization of specified objectives set out in section 51 of the 2000 Municipal Systems Act. In terms of section 153 of the 1996 Constitution, municipalities are further required to structure and manage their administration, budgeting and planning processes in such a manner that they:

- Prioritise the basic needs of the community.
- Promote social and economic development, and
- Participate in national and provincial development programmes.

The above developmental duties are further elaborated in section 73(1) of the 2000 Municipal Systems Act. It requires each municipality to give effect to the 1996 Constitution, to prioritise the basic needs of the community, to promote development of the community and to ensure that all members of the community have access to at least the minimum level of basic municipal services. In relation to the imposition of taxes and service charges, a municipality must in terms of section 95 of the 2000 Municipal Systems Act, within its administrative and financial capacity-

- (a) Establish a sound customer management system that aims to create a positive and reciprocal relationship between persons liable for these payments and the municipality, and where applicable, a service provider;
- (b) Establish mechanism for users of services and ratepayers to give feedback to the municipality or other service provider regarding the quality of the services and the performance of the service provider;
- (c) Take reasonable steps to ensure that users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilized.
- (d) Where the consumption of services has to be measured, take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering system.
- (e) Ensure that persons liable for payments, receive regular and accurate accounts that indicate the basis for calculating the amounts due.
- (f) Provide accessible mechanisms for those persons to query or verify accounts and metered consumption, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts.
- (g) Provide accessible mechanisms for dealing with complaints from such persons, together with prompt replies and corrective action by the municipality.
- (h) Provide mechanisms to monitor the response time and efficiency in complying with paragraph (g), and

- (i) Provide accessible pay points and other mechanisms for settling accounts or for making prepayments for services.

**(b) Role of Municipal Council**

In terms of section 4(2) of the 2000 Municipal Systems Act, a municipal council must, within the municipality's financial and administrative capacity and having regard to practical considerations:

- Exercise the municipality's executive and legislative authority and use the resources of the municipality in the best interests of the community.
- Provide, without favour or prejudice, democratic and accountable government.
- Encourage the involvement of the community.
- Strive to ensure that municipal services are provided to the community in a financially and environmentally sustainable manner.
- Consult the community about the level, quality, range and impact of municipal services and the available options for service delivery.
- Give members of the community equitable access to the municipal services to which they are entitled.
- Promote and undertake development in the municipality.
- Promote gender equity in the exercise of the municipality's executive and legislative authority.

- Promote a safe and healthy environment in the municipality, and
- Contribute, together with other organs of state, to the progressive realization of the fundamental rights contained in sections 24, 25, 26, 27 and 29 of the 1996 Constitution (that is, socio-economic rights).

Section 19(2) of the 1998 Municipal Structures Act imposes the following further executive obligations on every municipal council. A council must annually review-

- The needs of the community.
- Its priorities to meet those needs.
- Its processes for involving the community.
- Its organizational and delivery mechanisms for meeting those needs.
- Its overall performance in achieving the objects of local government set out in the 1996 Constitution.

A municipal council is further required to develop mechanisms to consult the community and community organizations in exercising and performing its powers and functions. The consultation requirements of the Structures Act are further elaborated in sections 16 and 17 of the 2000 Municipal Systems Act. Section 16 of the latter Act requires a municipality to make appropriate systemic arrangements for ensuring participation.

For this purpose every municipality must encourage and create conditions for community participation in at least-

- The integrated development planning process (Section 28(2) and 29(1)(b) of the 2000 Municipal Systems Act, 2000).
- The establishment, implementation and review of its performance management system (section 41(1)(e)(iii), 42 and 44 of the 2000 Municipal Systems Act), the monitoring and review of its performance.
- The preparation of the budget, and
- Strategic decisions regarding the provision of service (section 80(2) of the 2000 Municipal Systems Act).

Section 17 of the 2000 Municipal Systems Act requires that citizen participation in local government affairs must take place through the ward committees provided for in the 1998 Municipal Structures Act, the mechanisms and procedures provided for in the 2000 Municipal Systems Act, mechanisms and procedures established by the municipal council and through councilors. The mechanisms and procedures established by a council must at least provide for the receipt, processing and consideration of complaints (Section 95(f) and (g) of the 2000 Municipal Systems Act) and petitions, notification and public comment procedures, public meetings and public hearings and reporting back to the community.



It is therefore on the basis of the above that the core functions of a municipal council can be summarized as follows. A municipal council must (Smith 2001:6)-

- Make policies and bylaws that are informed by, and seek to satisfy community needs with regard to the matters that it has the right to administer.
- Ensure implementation of national, provincial and local legislation and policies by supplying appropriate resources and authority to the administration.
- Establish suitable control and reporting systems and procedures for monitoring and evaluating policy implementation in order to give account to the community with regard thereto.
- Ensure that the municipality meets its executive obligations, discharges its developmental duties and realizes the constitutional objects of local government as elaborated in legislation.
- Enforce the codes of conduct for employees and councilors.
- Cooperate with other spheres of government, organs of state within those spheres and municipalities.
- Establish independent tender boards to adjudicate tenders.
- Build and promote good relations with the private sector and other local organizations.

Two cardinal points came from the distinction above: First, a municipality has the right to govern the local government affairs of its community, subject to national and provincial legislation. Second, the executive and legislative authority of a municipality is vested in a municipal council. Although the Constitution (sections 191(1) and 205(1) of the 1996 Constitution) provide that there must be a “single” police service in South Africa; and it “must be structured to function in the national, provincial and, where appropriate, local spheres of government,” policing in South Africa is largely regulated at national and, to a limited extent, the provincial levels of government; and absolutely not at the local government sphere.

However, the 1996 Constitution does provide some indication that *local authorities* do have a responsibility relating to local safety and security. For example, section 152(2) of the 1996 Constitution provides that a municipality must strive, within its financial and administrative capacity to achieve the objects set out in section 152(1), which includes the responsibility of promoting a safe local environment. The 1996 Constitution further states that “national legislation must provide a framework for the establishment, powers, functions and control of municipal police service” (Section 206(7)).

The 1998 South African Police Service Amendment Act (hereafter referred to as *the 1998 SAPS Amendment Act*) provided the first piece of such legislation. It prescribes that the national Minister for Safety and Security may make regulations regarding the establishment of municipal and metropolitan police services. The 1998 SAPS Amendment Act subsequently made provision for such municipal police services to have three functions: policing of municipal by-laws, traffic law enforcement; and crime prevention, especially through the provision of visible policing. Therefore, a municipal council may, subject to the provisions of the 1998 SAPS Amendment Act, exercise legislative and executive powers over the functions above.

Although section 64J of the 1998 SAPS Amendment Act provides for municipal council to establish a committee “to ensure civilian oversight of the municipal police service”, a municipal council does not have direct oversight powers over the South African Police Service (SAPS), except through the provincial government. For example, the 1998 SAPS Amendment Act highlights the functions of the provincial government in respect of the envisaged municipal police agencies. It states, among other things, that the provincial government must “monitor that the SAPS, through the provincial commissioner’s office, fulfil their responsibilities for scrutiny of and standard-setting for municipal policing in the province.”

Although much of the responsibility for standard-setting and monitoring of the new municipal police agencies is that of the provincial police commissioner, the MEC and the provincial secretariat for safety and security, through their accountability and oversight functions, will need, in turn, to ensure that the provincial police commissioner maintains appropriate scrutiny.

### **3.2.2.2 Statutory Oversight Bodies Over Safety and Security Service Delivery.**

The statutory bodies mentioned below are intended to promote social extragovernmental relations with the public, particularly on matters of safety and security service delivery. A number of laws may directly and indirectly affect accountability of the police and the government departments responsible for the police. This section will focus on the most important pieces of legislation which enabled the establishment of certain legislative bodies (that is, National and Provincial Secretariats for Safety and Security, Independent Complaints Directorate (ICD), Community Police Forums (CPFs) and Municipal Oversight Committees) that are responsible for police accountability and oversight on safety and security service provision at national, provincial and local spheres of government. These are the 1995 South African Police Service Act (hereafter referred to as *the 1995 SAPS Act*) and the 1998 SAPS Amendment Act.

### **3.2.2.2.1 National and Provincial Secretariats for Safety and Security.**

The 1995 SAPS Act provides for the establishment of the national and provincial secretariats chiefly to promote civilian oversight over safety and security service delivery by the police. The statutory functions listed in the Act can be divided into two categories, namely, support functions; and accountability and monitoring functions. Regarding support functions, the national secretariat shall: advise the Minister/MEC in the exercise of his/her duties and functions; provide the Minister/MEC with legal and constitutional advice; provide the Minister/MEC with communications, administrative and support services; perform any functions assigned to it by the Minister/MEC. Concerning accountability and monitoring functions laid down in the 1995 SAPS Act, the Secretariats shall:

- perform functions necessary or expedient (in view of the Minister/MEC) to ensure civilian oversight of the police;
- promote democratic accountability and transparency in the police service;
- promote and facilitate the participation of the SAPS in the government's Reconstruction and Development Programme (RDP);
- monitor the implementation of Ministerial policy (insofar as this may apply to provincial policy, provincial secretariats would be required to monitor police adherence to provincial government policy) and directions by the police service and report to the Minister / MEC on this;
- conduct research into any policy matter instructed by the Minister/MEC;

- evaluate the functioning of the police service and report to the Minister/MEC.

One of the shortcomings of both the national and provincial secretariat is their lack of independence. The national/provincial secretariats report to the Minister/MEC for Safety and Security and such formal reports rarely find their way into the public domain. Furthermore, the national/provincial secretariats are obliged to go through the Minister/MEC because they have no direct channel to the Parliament/Provincial Legislature or its Portfolio Committee for Safety and Security.

#### **3.2.2.2.2 Independent Complaints Directorate (ICD)**

The Independent Complaints Directorate (ICD), as a national oversight structure with presence in all nine provinces, came into operation in April 1997. It is independent from the SAPS and reports directly to the Minister. Section 222 of the 1993 Interim Constitution (Act 200 of 1993) (hereafter referred to as *the 1993 Interim Constitution*) provided for the establishment of an independent mechanism under civilian control, with the object of ensuring that complaints in respect of offences and misconduct allegedly committed by members of the SAPS are investigated in an effective and efficient manner.

Section 53(2) of the 1995 SAPS Act stipulates that the ICD: may *mero motu* or upon receipt of a complaint, investigate any misconduct, or offence allegedly committed by a member, and may, where appropriate, refer such investigation to the Commissioner concerned; shall *mero muto* or upon receipt of a complaint, investigate any death in police custody or as a result of police action; and may investigate any matter referred to the Directorate by the Minister or MEC.

Section 18 of the 1998 Domestic Violence Act (Act No. 116 of 1998) (hereafter referred to as *the 1998 Domestic Violence Act*) stipulates that failure by a member of the SAPS to comply with an obligation imposed in terms of this Act or the National Instructions referred to in subsection (3), constitutes misconduct as contemplated in the 1995 SAPS Act, and the ICD, established in terms of this Act, must forthwith be informed of any such failure reported to the SAPS. Unless the ICD directs otherwise in any specific case, the SAPS must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation. The ICD must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of subsection (4)(a) of the 1995 SAPS Act, and set out the recommendations made in respect of such matters. The National Commissioner of the SAPS must, every six months, submit a report to Parliament regarding steps taken as a result of recommendations made by the ICD.

In terms of Section 64 of the 1995 SAPS Act, read with Regulation 9 and Annexure 5 of the Regulations for Municipal Police Service, the ICD has been given the same civilian oversight mandate in respect of Municipal Police Service as it has in respect of the SAPS.

However, the ICD face the following oversight challenges and limitations:

- The SAPS are under no obligation to report cases of police misconduct to the ICD. The ICD has found that such cases are grossly under-reported;
- The ICD only has powers to make recommendations (with the exception of the implementation of the 1998 Domestic Violence Act). It has no powers to compel acceptance or implementation of these. Furthermore, there is no obligation on the SAPS to give feedback to the ICD in relation to disciplinary action;
- It has been argued that public knowledge of the ICD remains limited. Furthermore, provincial offices are situated in urban centres limiting access to the broader public;
- The ICD does not have an accurate or comprehensive picture of police abuse and misconduct.
- The police are not compelled to refer cases regarding police misconduct or, for that matter, cases of torture / assault. The ICD relies on cases being brought to its attention;



- There is no uniform system or proper record-keeping of complaints by stations and therefore no comprehensive picture of the extent of police misconduct;
- The relationship and sharing of information between other oversight mechanisms, in particular the Secretariats, need to be improved. This could be beneficial to both mechanisms and could assist in building capacity of their respective monitoring functions; and
- Because the line functions relationship of the ICD to the Minister of Safety and Security, the ICD may not utilize other avenues to publicize its case or make presentations, neither can it institute civil action or assist other bodies in doing so.

#### **3.2.2.2.3 Community Police Forums (CPFs).**

The Community Police Forum (CPF) is a group of people from the police as well as different sectors and interest groups from the community that meet to discuss problems emanating from their communities (Jagwanth 1994:7). CPFs are often seen as more than a vehicle for public participation in local safety and security service delivery; rather a trend has developed, within and outside the police organisation (i.e. SAPS), in which community policing is seen as synonymous with the functions of the CPF. In fact, CPFs remain the most visible expression of community policing in South Africa (Pelser 1999:12). Furthermore, the evaluation of the community policing is often done through CPFs.

The first formal reference to 'community policing' as the prescribed approach, style, methodology, philosophy for policing in a democratic South Africa is found in the 1993 Interim Constitution. Section 221(1) and (2) of the 1993 Interim Constitution directed that national legislation was to "... *provide for the establishment of community police forums in respect of police stations*", which would include the following functions:

"(a) the promotion of the accountability of the [Police] Service to local communities and co-operation of communities with the service;

(b) the monitoring of the effectiveness and efficiency of the [Police] Service;

(c) advising the [Police] Service regarding local policing priorities;

(d) the evaluation of the provision of visible policing services, including –

i. the provision, siting and staffing of police stations;

ii. the reception and processing of complaints and charges;

iii. the provision of protective services at gatherings;

iv. the patrolling of residential and business areas; and

v. the prosecution of offenders.

(e) requesting enquiries into policing matters in the locality concerned."

Thus, the political prerogative informing community policing was one of democratic accountability- the police were to be democratised and legitimised by enhancing oversight and accountability generally, and particularly by enhancing interaction, consultation and accountability at local, or police station level.

Initially focusing on the improvement of relations between the police and community, the goals of community policing policy were extended in 1997 to focus on enhancing service delivery and the reduction of crime. The five core elements of community policing were defined as:

- *service orientation*: the provision of a professional police service, responsive to community needs and accountable for addressing these needs;
- *partnership*: the facilitation and analysis of the causes of crime and conflict and the development of innovative measures to address these;
- *empowerment*: the creation of joint responsibility and capacity for addressing crime; and
- *accountability*: the creation of a culture of accountability for addressing the needs and concerns of communities. This was outlined primarily in terms of the functions of various structures mentioned above, such as the National and Provincial Secretariats, the Independent Complaints Directorate and members of the provincial legislatures responsible for safety and security (MECs and Portfolio Committees).

The mandated functions, as outlined above, may be categorized into three key responsibilities (Pelser 1999:13): “...*(i) the improvement of police-community relations; (ii) the oversight of policing at local level; and (iii) the mobilisation of the community to take joint responsibility in the fight against crime.*”

However, different writers maintain that CPFs are currently beset with a variety of challenges. For example, Mottiar and White (2003:10) argue that CPFs:

- Ostensibly lack the systematic and political support of the government.
- Are encountering many logistical problems. Often its participants lack basic resources such as education, transport, and access to communication, finance and equipment.
- Experience relationship problems with members of the police service. It has emerged that community members often lack trust in the police, and perceptions of police corruption and incompetence persist. It should be noted that the inappropriate granting of bail, the withdrawal of charges, and the low conviction rates are often attributed to police incompetence.
- Fail to understand the actual requirements of their role and levels of training of CPFs have been low. Were training did take place it did not correspond with the statutory mandate of the CPFs such as community policing issues including community safety needs identification, community safety project monitoring, evaluation and review; powers and functions of CPFs; bill of rights; rule of law' human rights, amongst others. Instead, training largely covers administrative and technical issues such as fundraising skills, bookkeeping and budgeting, chairing of meetings, facilitation skills, record keeping, communication, public relations skill and conflict resolution skills.

- Fail to penetrate communities in two ways: some feel CPF membership is not widely representative of all community interests and secondly CPFs activity has not sufficiently improves the status or circumstances of community residents.
- Have vague aims and strategies; and they rely on illusionary myths of community.
- Promote community policing which is regarded as soft towards crime and criminals. 'Get Tough' project such as Operation Crackdown are currently favoured by those who want prompt delivery of safety and security over democratic participation and accountability.
- Have raised the issue of volunteerism, arguing that they should be compensated for their time, and equipped with items such as cellphones and bullet-proof vests.
- Are seen by the police as intrusive into their (latter's) discretionary domain, on the one hand. CPF members, on the other hand, feel that they should be privy to choosing police personnel, should help set educational and experimental standards, be able to inspect police holding cells. Communication differences have also surfaced. CPFs have been known to accuse police of bullying community members and of being insensitive to their needs, while police have claimed that members of the CPFs have been arrogant, apathetic and politicized.

Furthermore, Pelsler (1999:10) presents the following five cumulative stages or challenges which are faced in particular localities as they develop community policing: basic resources, trust, policy specific education, incremental resources and, finally, full partnership.

#### **3.2.2.2.4 Municipal Civilian Oversight Committee.**

Section 64J of the 1998 SAPS Amendment Act provides that “A *municipal council shall appoint a committee consisting of members of the council and such other persons as [may be] determined by the municipal council to ensure civilian oversight of the municipal police service*”. Implied in the legislation is that the inclusion of “*other members*” is discretionary. Therefore, in order for that municipal oversight committee to be effectively and legitimately play a review role, it is critical that the decision-making process is impartial. The inclusion of civilian members who are not councillors is therefore essential. Furthermore, the functions of such committees are set out in Section 64(2) of the 1998 SAPS Amendment Act which provides that the committee shall:

- At the request of the municipal council in question, advise the council on matters relating to the municipal police service;
- Advise the chief executive officer with regard to the performance of his or her functions in respect of the municipal police service; perform such functions as the MEC, the municipal council or the chief executive officer

may consider necessary or expedient to ensure civilian oversight of the municipal police service;

- Promote accountability and transparency in the municipal police service;
- Monitor the implementation of policy and directives issued by the chief executive officer and report to the municipal council or chief executive officer thereon;
- Perform such functions as may from time to time be assigned to the committee by the municipal council or the chief executive officer; and
- Evaluate the functioning of the municipal police service and report to the municipal council or chief executive officer.

Another shortcoming of the above provision is that it defines the role of the civilian oversight committees (OCs) in very general terms and the wording of section 64(2) of the 1998 SAPS Amendment Act lacks detail and therefore provides little direction for municipal councils themselves (Bruce 2003a:1). It is argued that in cities where municipal police services have been established oversight committees have lacked direction and focus and have largely been ineffective.

### **3.3 SUMMARY AND CONCLUSION.**

Chapter 3 discussed a vertical and relational intensity between national/provincial portfolio committees of Parliament/ Legislatures and the Minister/MEC for Safety and Security. Furthermore, Chapter 3 revealed current civilian oversight weaknesses that negatively affect the ability of the public to hold the police accountable for efficient, effective, responsive and equitable delivery of safety and security services. Chapter 4 analyses the political-administrative relationship with particular interest on effective safety and security service delivery.



## **CHAPTER 4**

### **POLITICS/ADMINISTRATION INTERFACE TO PUBLIC PARTICIPATION IN SAFETY AND SECURITY SERVICE DELIVERY.**

#### **4.1 INTRODUCTION**

Chapter 3 described the organizational structure for the delivery of safety and security service with emphasis on police oversight and accountability. Much of the debate about the politician/administrator relationship is about control, power and accountability. Therefore, Chapter 4 analyses the Minister-Police Commissioner relationship and its influence on the delivery of safety and security services, including public participation.

#### **4.2 POLITICAL-ADMINISTRATIVE RELATIONSHIP MODELS.**

Discussions of the politico-administrative relationship have been a focal point of theoretical discussion for over a century. Thought on the nature of administrations has undergone a lengthy process of evolution, both in practice and in theory. The practice of public administration has evolved from a politicized spoils system to a strictly regulated civil service on its way to becoming the more flexible and participative "new management." Its theory is shifting from the classical politics-administration dichotomy (i.e. the political and administrative roles are two distinctive functions of the government, clearly separated from each other) to modern idea of politics-administration complementarity (i.e. political and administrative functions of the democratic government are intertwined and

complement rather than contradict each other) (Lazareviciute 2001:20). Peters (2005) and Aberbach *et al.* (1981) developed the following different but related politics-administration relationship models

#### **4.2.1 Peters' Relationship Model.**

Peters (2005:15) maintains that in theory there are five widely known models: the first one (*Legal-Formal or Weberian*) argues that the clear separation between politicians and the administration exists, whereby civil servants are ready to unquestionably follow orders from political appointees. The second model (*village life*) assumes that civil servants and politicians are both part of a unified state elite and should not be in conflict over power within the government structure itself. The third model (*functional village life*) assumes a certain degree of integration in civil service and political careers. A politician and civil servant from one government department have more in common than a minister with his political cabinet colleagues heading different government portfolios. The fourth model (*adverse model*) assumes a significant split between the two groups (politicians and bureaucrats), with no clear resolutions to their struggle for power. The fifth model (*administrative state model*) assumes a clear separation between policy-makers and administration, but in which civil servants are the dominant force.

#### **4.2.2 Aberbach's Relationship Model.**

Working from data collected in the 1970s in several western countries (namely, Britain, France, Germany, Italy, Netherlands, Sweden and the United States), Aberbach *et al.* (1981:83) identified the following four Images:

- *Image I:* It represents the Weberian distinction between politicians and bureaucrats, where the latter perform technical and legalist functions based on expert considerations, whereas the former formulate policies in response to the interests he/she represents. Thus, Image I captures a dichotomy: "bureaucrats ought to manage, and politicians ought to make policy" (Aberbach *et al* 1981:84).
- *Image II:* It represents a more complex view where both politicians and bureaucrats were seen as being involved in policy-making activities (Jacobson 1996:50).
- *Image III:* It takes on board the Image II assumption about the involvement of both, bureaucrats and politicians, in policy-making activities and further problematises their activities by claiming that bureaucrats and politicians "are engaged in policy-making in different settings linked to different constituencies, - one relatively narrow and more concretely specified (e.g. concrete interest group); and other broader and less easily defined (e.g. electorate)" (Aberbach *et al* 1981:85).

- *Image IV*: It makes an assumption that bureaucrats in the industrial democracies become more sensitized to political concerns whereas political leaders become increasingly familiar with administrative and technical aspects of policy problems (Aberbach *et al* 1981:85). Image IV denotes an on-going process, whose end-point is a complete convergence of political and administrative roles, according to which the roles of elected politicians and recruited public servants may eventually overlap, creating “the pure hybrid” (Aberbach *et al.* (1981); Aberbach and Rockman 1997).

#### **4.3 POLITICAL-ADMINISTRATIVE INTERFACE IN SOUTH AFRICA.**

Thornhill (2005:176) states that the debate on the political/administration relationship has been on many agenda since officials were appointed to give effect to so-called political policies. Thornhill (2005:182) further maintains that the political/administrative interface is the grey area within which politics has to be distinguished from administration and management. Verheijen *et al.* (2001:27) define ‘politics-administration dichotomy’ as “a classical theoretical concept in public administration that views the political and administrative roles as two distinct functions of the government, clearly separated from each other.” The role of politics is to set the agenda and formulate policies, while the role of the administration is to implement these decisions.” According to Thornhill (2005:179), South African ministers are:

- Responsible for overall political supervision of the department or other organ of state under his/her jurisdiction;
- Accountable to the legislature for the way in which the department/organ of state gave effect to the policies as approved by Parliament (either directly or indirectly); and
- Responsible for other duties related to the particular position, for example, the appointment of members of the board; approval of regulations related to legislation within the minister's competence; and approval of particular appointments.

Verheijen *et al.* (2001:21) further state that the discussion of the politico-administrative relationship has been a focal point of theoretical debate for over a century. The real question therefore is how to balance the need for permanence, neutrality and expertise (which comes from the senior public service) with commitment to goals and policy (from politicians) in governance. Thornhill (2005:179) asserts that "Ministers (and members of the executive council on the provincial sphere) are the politicians who are usually responsible for the governing function". According to Peters (2005:34), the word of 'governance', from Greek, is the same word used for steering a boat. Peters (2005:34) maintains that etymologically, as well as practically, governing is the task of steering the economy and society through some sort of collective means; and components then are: goal setting, implementation of those goals and finally,

coordination and coherence. Therefore, the relationship between the politicians and senior public servants is crucial, particularly for the government to meet its national goals. Peters (2005:35) argues that the relationship between politicians and senior public servants is a transmission belt within the public sector. It is the transmission belt upward and transmission belt downward. Upward will flow advice, information and, presumably, also loyalty: loyalty to the mission rather than necessarily to the individual, and with that- permanence, experience, knowledge of the way in which the system works. Downward flows legitimacy (in a democratic system- legitimacy of having been elected), policy direction and accountability (Peters 2005:14).

#### **4.3.1 Minister/National Police Commissioner Interface.**

The National Police Commissioner in South Africa occupies the same administrative status as any other Director-General (DG) of a national government department or provincial government administration. Therefore, for the purpose of this section, the words *National Police Commissioner* and *Director-General* will be used interchangeably. The South African DG is nominated by the portfolio minister or the premier of the province and confirmed by the cabinet/executive council. In the case of the National Police Commissioner, he/she is appointed by the President in terms of section 207(1) of the 1996 Constitution. According to Lungu and Esau (1998a:3), the DG is employed on a five-year contract after which the tenure can be renewed, depending on the political fortunes of the party of the minister/premier, on the one hand, and the performance of the incumbent, on the other.

The DG is designated as “chief executive” and “chief accounting officer” in both national departments and provincial administrations. The DG advises the minister/premier on policy matters; cause research to be undertaken on issues requiring ministerial attention; and generally play the role of chief executive. In the case of the relationship between the Minister and the National Police Commissioner, the former is advised by the National Secretariat for Safety and Security.

The DG, as chief accounting officer, is responsible for the expenditure of the money allocated to the portfolio department (except in the case of provincial DGs whose accounting responsibility is undertaken by various Heads of Departments) and is obliged to render account to the Public Accounts Committee of Parliament. The DG is administratively accountable to the minister in the portfolio department or to the premier. Thus, in South Africa when the DG has to go on annual leave or travel, permission must be granted by the minister; and furthermore, the minister is involved in approving civil service appointments in the portfolio department. Such administrative functions are carried out by public service commissions (PSCs) elsewhere in the Commonwealth countries (Lungu and Esau 1998a:14). For example, the Minister of Safety and Security may make regulations regarding the exercising of policing powers and the performance by police members of their duties and functions; the general management, control and maintenance of the police service; labour relations, including matters regarding suspension, dismissal and grievances.

The public service system in South Africa does not have the office of the Head of Civil Service, and the DG of the department of Public Service & Administration is nowhere near that role. What obtains in the DG post, then, is the literal interpretation of constitutional supremacy of the minister in the management of departmental affairs, thus making the minister the actual chief executive rather than merely politically accountable for the department (Lungu and Esau 1998a:17). The direct involvement of the minister in supervising the DG and in the day-to-day activities of the department has been defended on pragmatic grounds. Thakhati (1998) argues that the South African model in which the DG is subject to the managerial supervision of the minister effectively does away with the fiction, found in the Commonwealth countries, that the minister is constitutionally responsible for the department yet he/she has nothing to do with its day-to-day activities. By making the minister the actual chief executive of the department, the South Africa government believes that it has removed the ambiguities surrounding the roles of both the minister and the DG (Lungu 1997a:123).

It can therefore be concluded that although the National Police Commissioner in South Africa is not appointed by the Minister of Safety and Security, the former is under the constitutional supervision of the latter. Section 207(2) of the 1996 Constitution provides that the National Police Commissioner is responsible for the control and management of police service in accordance with national



policing policy which, in terms of section 206(1) of the 1996 Constitution, is determined by the Minister after consulting governments and taking into account the policing needs and priorities of the provinces as determined by the provincial executives and the Minister of Safety and Security.

#### **4.3.2 MEC/Provincial Police Commissioner Interface.**

Question: *To what extent is the provincial police commissioner accountable to the Member of Executive Council (or provincial minister) and the public in the delivery of safety and security services in the Free State?* The politics-administration interface in safety and security service delivery at the provincial sphere of government is complex. The safety and security authority decentralized by the national department of safety and security to the provincial government, and by implication the provincial minister or member of executive council (MEC), is extremely limited and indirect. First, the National Commissioner of the SAPS is responsible for the control and management of the police service, and is required to perform his/her duties under the direction of the Minister of Safety and Security and in accordance with National Policing Policy.

The National Commissioner is also accountable to the National Portfolio of Safety and Security and to Parliament. The Provincial Commissioners are, in terms of section 207(3) and (4) of the 1996 Constitution, subject to the powers of the National Commissioner.

That has a definite influence on what Hattingh (1998:36) refers to as the “intensity of relations”. First, the national minister (not the provincial minister or MEC) determines national policing policy. Second, the provincial legislature does not have the power to pass legislation that is binding on the police. Third, the provincial minister (or MEC) does not itself have the authority to directly issue policing policy. However, that does not mean the provincial government does not have authority over the police service. The 1996 Constitution provides a range of indirect avenues by means of which the provincial minister (or MEC) can impact on policing policy. The provincial minister (MEC) is responsible for functions:

- vested in him/her by Chapter 11 of the 1996 Constitution which generally refers to the monitoring and evaluation of police performance and conduct (section 206(4)(a) read with section 206(3) of the 1996 Constitution);
- assigned to him/her in terms of national legislation (that is, the 1995 SAPS Act), including the establishment of provincial secretariat and the effective and efficient police “liaison with the community through community police forums and area and provincial community boards, in accordance with sections 19, 20 and 21 [of the 1995 SAPS Act] with a view to:
  - establishing and maintaining a partnership between the community and the [Police] Service
  - promoting communication between the [Police] Service and the community;

- promoting co-operation between the [Police] Service and the community in fulfilling the needs of the community regarding policing;
  - improving the rendering of police services to the community at national, provincial, area and local levels;
  - improving transparency in the [Police] Service and accountability of the [Police] Service to the community; and
  - promoting joint problem identification and problem-solving by the [Police] Service and the community.
- 
- allocated to it in the national policing policy. Section 206(1) of the 1996 Constitution provides that only the national minister can determine national policing policy (that is, the National Crime Prevention Strategy) after consultation with the provincial governments.

In addition to the oversight role of the provincial minister over police performance and conduct, police-community liaison through community police forums (CPFs), and the provincial minister's authority to input on the national policing policy liaison, stated above, the provincial minister has the authority to participate in a section 206(8) Committee (or MINMEC) composed of the national minister and the provincial ministers (or MECs) of safety and security from all nine provinces.

The section 208(8) Committee is established to ensure effective coordination and cooperation among and between the spheres of government to maximize effective policy formulation and implementation.

The provincial police commissioner is responsible for policing in the province and must, in terms of section 207 of the 1996 Constitution, report to the provincial minister, provincial legislature and the national police commissioner. Critical areas that must be contained in the report of the provincial commissioner to the provincial minister and provincial legislature include:

- police-community liaison (through CPFs) which, in terms of section 18(1) of the 1995 South African Police Service Act, includes police-community participation, police-community communication, police-community cooperation (on the fulfilment of community crime prevention and community safety needs), police service delivery, police transparency and accountability, and promotion on joint problem identification and solving.
- police-community relations (Section 206 of the 1996 Constitution)
- police conduct (Section 206 of the 1996 Constitution)
- effectiveness and efficiency of police performance (Section 206 of the 1996 Constitution) and
- effectiveness of visible policing (Section 206 of the 1996 Constitution).

For the purposes of chapter 4, the MEC-Provincial Police Commissioner relationship is examined largely on the basis of the level of dependency, independency and interdependency involved.

#### **4.3.2.1 MEC/Police Commissioner: Dependency Interface.**

The basic assumption underlying the Weberian or Image I minister-police commissioner relationship model in South Africa is that the provincial police commissioner is responsible for provincial and local policing. The provincial police commissioner is accountable, how indirect or limited it may be, to the provincial minister (MEC). The provincial police commissioner is subservient to the MEC for the implementation of national legislation on police-community liaison through the CPFs. For example, section 19 of the 1995 SAPS Act provides that "A Provincial Commissioner shall, subject to the directions of the Member of the Executive Council [MEC], be responsible for establishing community police forums at police stations in the province which shall, subject to subsection (3) of the 1995 SAPS Act, be broadly representative of the local community."

Section 22(2) of the same 1995 Act states that "The [national] minister shall ... make regulations to ensure proper functioning of community police forums ..."

The absolute extreme of the Weberian or Image I model requires the provincial police commissioner to approach the MEC for approval of all policy, administrative and operational needs.

The theoretical dichotomy between policy, administration and operations as separate activities helps sustain the myth of the non-political role of the provincial police commissioner. A century of academic and legal argument about this dichotomy has done little to foster a paradigm shift in political or public thinking (Pitman 1998:50). Emy (1976:45) has written that “distinction between policy and administration as separate activities can no longer be upheld. While policy-making was ‘political’ because it took place in the struggle for power, administration was regarded as ‘rational’ because its aim was to attach the most efficient means to prescribe ends”. Policy and administration cannot be divided so simply, as two distinguished articles (Crawford 1960:76). The basic of the public service has not changed; that role is to assist governments in thinking through and implementing their plans and policies (Cole 1979:151). The most common responsibilities of a minister as perceived by public servants according to Weller and Grattan (1981:71-73) were to “win in cabinet, express and articulate the department’s needs there, and be effective, loyal advocates.”

If ministers do not get involved, they concede power to the public servants (Boyle 1980:7-8). The view that the minister's role is to give direction to the departmental head appears to be a critical issue. Several authors, particularly in Britain, have discussed this issue and have labeled the models as the 'Directive Model of Accountability' (Morgan and Maggs 1985:223) or the 'Subordinate and Obedient Model' (Marshall 1978:206). Basically, both authors saw this model as having ministerial control with the ability by the minister to direct and veto operational policing decisions. The strong version of directive control, according to some authors (Straw 1979: 87; Brogden 1982:16; Oliver 1994:29) is based on the specific overseeing by the minister of general administrative policy, focusing on operational policies or implementation of policies. The constitutional position of the provincial police commissioners in South Africa generally is that they are subjected to the direction of national and provincial ministers (MEC) for safety and security. Finnane (1994:38) argues that there is evidence to suggest that "police commissioners have developed a substantial administrative and policy autonomy in spite of legislation usually subjecting them to the direction of the minister." The provincial police commissioners are placed in a position which potentially 'politicises' their actions in that they may be directed from time to time, whether overtly or covertly, to act or not act to enforce a law and administer the department as directed by the provincial legislatures. Furthermore, police commissioners may not be neutral between government and opposition, nor are they neutral between policies (Finnane: 1990:224).

Police commissioners have always been partners with ministers in the development of policy, in the assessment of its impact and in the implementation of solutions (Finnane 1990:224-226). Finnane (1994:33) suggests that "policing decisions have been influenced by government ministers or the police themselves have played a role in policy-making and law-making." Politicisation, according to Finnane (1990: 227) becomes possible due to the use of the public service for party political purposes and the appointment or promotion of senior police officers through party influence. The integration of policing and political organizational values is often complex and difficult to define in the South African policing context.

Finally, the application of the Weberian / Image I model in seeking to define the MEC-Provincial Police Commissioner relationship emphasizes what Marshall (1965:74) has called the 'subordinate and obedient' approach of accountability which is usually linked with the familiar hierarchical 'dependent' approach of administration and implementation. The importance of ministerial accountability is that policy, administration and implementation are more complex than the model suggests, with its emphasis on ministerial control. Circumstances dictate that ministers in fact are unable to control using the Weberian / Image I model or the 'subordinate and obedient' / dependency approach due to the complexity of community, police and other administrative functions.



On the other hand, the post-1994 South African police commissioners undertake a wider range of tasks, such as police-community communication, police-community cooperation, police-community joint problem identification and solving, police transparency and accountability- all of which are related to a network model of interrelationships and draw on their community members (e.g. CPFs) from a diverse range of sources for alternative advice. This growing nexus of interdependence between minister, police service and the community is to be discussed further in subsection 4.3.2.3.

The issues involved in the Weberian / Image I model or the 'subordinate and obedient' / dependency approach relate to control of policy, administrative and operational constructs within the South African system. It has already been argued that this model is based on the traditional public service approach of ministerial direction and chief executive subordination. This domination or control will often bring a police commissioner who is operating under the concept of operational independence into direct conflict with government direction. For example, section 125(1) (d) of the 1996 Constitution provides that "The Premier exercises the executive authority, together with the other members of the Executive Council, by developing and implementing provincial policy."

Furthermore, section 207(6) of the 1996 Constitution states that "If the provincial commissioner has lost the confidence of the provincial executive

[MEC], that executive may institute appropriate proceedings for the removal or transfer of, or disciplinary action against, that commissioner, in accordance with national legislation.”

Comments by authors such as Wettenhall and Plehwe (1993:10), Wilenski (1979: 29), Weller and Grattan (1981) and Keating (1995) about the relationship between the minister and public servants stress the political role of the public service. Ministers do have considerable power and they exercise it, but the public service also exercises considerable power and for many of its actions is in no way accountable to the public. This concept applies to how a police commissioner manages the department's policy implementation objectives. The Weberian / Image I model or the 'subordinate and obedient' / dependency approach assumes that ministers determine policy, police commissioners then apply it.

The old politics/administration/operations dichotomy becomes a cornerstone issue in the minister/police commissioner relationship. Yet the policy/administration/operations dichotomy is far more complicated than the model suggests. Both the ministers and police commissioners are often responsible for developing policy and specific operational issues in the broad sense which often determine the framework for policing policies (Weller & Grattan 1981:11).

The policy, administrative and operational roles are often determined by applicable pieces of policing legislation. The various Policing Acts provide scope for ministers and police commissioners to define policy, administration and operational direction in a broad sense. This often promotes an interchange in roles between ministers and police commissioners. This interchange of roles will affect in general terms how the minister-police commissioner relationship models are to be examined and applied. In theory, administrative policy direction is provided by the minister and the government and not the public servant (Jennings 1966:49). In practice, it must come from a range of sources. For example, "One factor in determining the minister's initiating capacity is the knowledge he might have of his portfolio before he got the job" (Weller & Grattan 1981:51). In view of the complicated problems inherent in the minister and permanent head relationship, there are many complexities to be resolved.

It is not surprising that Parker (1976:180) claimed that "the time-worn question of the relation between ministers, public servants and the public ... poses the most serious and unresolved dilemma of present forms and norms of responsible government". This may be at the crux of the problem with the minister-provincial police commissioner when the final analysis is examined.

A summary of the Weberian / Image I model or the 'subordinate and obedient' / dependency approach, presented below, does provide a range of features about how police ministers view their role and functions in controlling a police commissioner and department in a modern democratic society:

- the police commissioner is accountable to the police minister and the government.
- The police minister is responsible for the policy and administrative direction of the police department.
- The police commissioner is responsible for implementing the instructions of the police minister and becomes subordinate and obedient to the police minister.
- The police minister has power over the appointment and dismissal of the police commissioner.
- The police commissioner can be called to account for the actions of the department.
- The police minister is often required to make political decisions which impact on operational strategies.

#### **4.3.2.2 MEC/Police Commissioner: Independency Interface.**

The concept of 'independence' in governance has a number of dimensions, and it is important to identify these before considering how it has evolved in the context of policing.

Essentially, 'independence' refers to autonomy in decision-making- that is, freedom from control, direction and undue influence by others. It may be considered as a feature of the *internal management* of an organization (as reflected, for instance, in the idea that a police official is not subject to direction from supervisors in deciding whether to arrest and charge an offender) or as a feature of the external relations of an organization (as reflected in the idea that with respect to certain policing decisions, the police should not be subjected to direction by a police governing authority such as a police services board or a minister). Independence thus always implies some kind of constraint on a particular relationship, including a minister-police commissioner relationship.

While independence is usually alluded to in terms of freedom from control or direction, there are some (especially in the police context) who use the term more broadly to refer to freedom from requirements of *accountability* as well as from control or direction. It is important, therefore, to be clear as to the relationship between the two concepts of independence and accountability. Goldring and Wettenhal (1980:132) state that "when we speak of the responsibility of statutory authorities, we are referring to two parallel and interlocking mechanisms.

The first is the mechanism of control, which extends from the controlling person or institution to the controlled statutory authority.



What the diagram indicates is that 'independence' and 'accountability need not necessarily be considered to be incompatible or inconsistent characteristics of an office or organization. Throughout this section, the researcher used the term 'independence' in its more limited sense to refer only to decision-making that falls within quadrant 4 of the above diagram, and so regard independence as entirely compatible with substantial accountability requirements. The minister-police commissioner independency model is one in which a police commissioner is operationally independent of the minister and is responsible, accountable, self-reliant and able to make decisions. Operational independence covers the entire range of "policing policy" decisions; that is, what crimes to concentrate on and what crimes to turn a blind eye to, which areas to deploy police in, how to deploy them and so on. The independence model argues that 'operational independence' allows the police commissioner to enforce the law impartially and without interference from the government or the minister. The difficulty in the 'operational independence' paradigm appears to be how to define and regulate the legal doctrine of 'operational independence' between the administrative and policy role of the minister and operational control of a police commissioner (Bryett 1990:15).

The current position in South Africa is that the government is responsible for appointing and controlling a police commissioner.

Section 207(1) and (3) of the 1996 Constitution provides that “The President ... must appoint the National Commissioner of the police” and “... “if the National Commissioner and the provincial executive are unable to agree on the appointment [of the provincial commissioner], the Cabinet member responsible for policing must mediate between the parties.” Additionally, in terms of section 24 of the 1995 SAPS Act, the national minister may make regulations regarding the following services: the exercising of policing powers and the performance by members of the police service of their duties and functions; the recruitment, appointment, promotion and transfer of members of the police service; the general management, control and maintenance of the police service, and so on. But once these services are provided, they operate in accordance with the will of the people through parliament and/or provincial legislatures, and not at the whim of the executive (Giacomazzi et al. 2004:270). Thus a measure of ‘operational independence’ is tolerated in theory but not in practice.

A distinction needs to be made between the dual loyalties of police commissioners to the law and to the policy of the government of the day regarding public administration. Governments will always have to give due regard to the essential operational independence of the police commissioner when matters of law enforcement are involved; police commissioners will have to accept that for administrative purposes and other aspects of public policy they are part of the public sector and will be expected to act within the parameters of



the elected government's wishes. The distinction will, of course, not always be clear, but these can be working guidelines. Where government, or more expressly, a minister, sees a need to intervene in the administration of the police in a manner which impinges in any way on the law enforcement process, a recoup concept should apply and the minister's direction be made public, in parliament, in the police commissioner's report, or on some other specific direction, e.g. by regulation. Ideally, there should be a single line appropriation for the police service, the commissioner should have independence in resource deployment, and minister should keep out of this territory. Nonetheless, the police commissioner should be obliged to demonstrate that maximum efficiency and effectiveness are being pursued, and be so accountable to parliament through a committee (Wiltshire 1992:505-506).

#### **4.3.2.3 MEC/Police Commissioner: Interdependency Interface.**

Building upon the framework of the 'dependent' and 'independent' models, the 'interdependency model' is based on the notion that through a combined effort of cooperative achievement of both the minister and police commissioner, a superior policing system can be created for the community. The interdependency model argues that the difficulties identified within the other models (that is, dependency and independency models) can be overcome by a greater clarity of roles and personal understanding of governmental processes.

The determination of how roles and goals are perceived by ministers and commissioners often relates to their personal understanding and interpretation of the processes that operate within government. The cause of almost all minister-commissioner relationship difficulties is rooted in conflicting or ambiguous expectation around roles and goals (Covey 1990:194). There are absolutes with 'dependency' and 'independency' at the ends and the notion of 'interdependency' lying in the middle of the continuum. The interdependency approach fosters the cooperative approach but often relies on the power of balance between the extremes of political and bureaucratic structures to achieve success and less on leadership and management practices.

Many of the theoretical perspectives regarding the interdependency model and associated concepts of shared commitment, cooperative networking, participatory management, empowerment, value leadership, transformative management and performance-enhancing culture, have been part of a body of knowledge known as 'management theory'. The practices of private/public sector thinking have been reflected in the development of contemporary policing and particularly police management and government ideology (Wettenhall and Plehwe 1993 & Bryett 1990).

Many management theorists (Hames 1994; Covey 1990; Clemens & Meyer 1987; Kotter & Heskett 1992; De Pree 1989) have argued that for the interdependency model to be effective, it is essential for roles and expectations to be clearly defined and relationships to be built on trust, honesty and commitment. While the traditional bureaucracy the police service may have an effective means of administration in a more stable context, it simply lacks effectiveness in a chaotic and changing environment. Theoretical management approaches are critical of centralised and inflexible bureaucracies (such as the police service) whose leadership finds difficulty in grappling with flexibility and innovation (Hames 1994:120). Baker (1989:25) believed that the tragedy of the public service which includes a police department is that it "limits the potential of its people, locking it away in a suffocating culture which, far from empowering its people, all too often depowers them".

Keating (1995:387) went further and stated that once "individual public servants have established a clearer understanding of what is expected from them, and are accordingly made accountable for the results they achieve, their work is made more meaningful and more satisfying". The emphasis of the interdependency model is that the government should favour the notion of partnership between government, the public service and the community rather than the traditional governmental approach of controlling the decision-making process of the bureaucracy.

This model suggests that a government is committed to the maintenance of operational independence for the police but balancing it with governmental responsibilities and community needs. The practical application of this model, often known as 'policing by consent' in Britain, means that various levels of responsibility need to be allocated to specific and clearly defined roles and functions (Marshall 1965). The interdependency model of accountability emphasizes the notion of a provincial minister and provincial police commissioner having clearly defined delegated responsibilities. The approach to monitor the performance of these delegated responsibilities is through reports to the Parliament and provincial legislatures.

The traditional police commissioner's duty was to submit an annual report to government on how his/her stewardship role and functions are operating. For example, section 207(5) of the 1996 Constitution states that "The provincial commissioner must report to the provincial legislature annually on policing in the province ...". However, these reports are often vague and generalized. South African parliament and provincial legislatures require police stewardship to be fuller and more transparent and the minister usually answers parliamentary questions on operational policing matters, as well.

It is usual for South African ministers to obtain information on all aspects of any governments operations including parastatal institutions and to transmit this information to parliament or legislatures (Plehwe 1973:83).

Plehwe argues that “there is no inconsistency between the readiness to answer questions and the frequent assertions that ministers do not control the commissioner. Since the minister can and does obtain reports on all aspects of police activity, he possesses complete supervisory power and is accountable to parliament or legislature for the way he/she exercises this power” (Plehwe 1973:283). The alternative approach is to define the minister-police commissioner relationship in terms of shared or mutual accountability. Mutual accountability between a minister and a departmental head, according to authors like Barker (1982), Forrest (1983) and Marshall (1978) places a much greater burden on the parliament as a whole to ensure openness and accountability.

The main thrust of this approach is that while ‘upward accountability (to parliament/legislature and ultimately to the people) remains extremely important, much greater consideration should be given to horizontal line accountability (to peer and other reference groups) and to downward accountability (to clients) (Forrest 1983:49).

However, Barker (1982:17-18) argues that upward, horizontal and downward accountability is difficult to follow in a particular policy field (e.g. security intelligence services). Consultation with the community is a means of obliging the police to take account of the wishes of the community and should be seen as a way of ensuring that the community sees it as a duty to support and help the police and so help themselves (Morgan & Maggs 1984:6).

Research by Morgan and Maggs (1984:34) based on this method of consultation called "transparent accountability" demonstrates how a police commissioner's decision-making is legitimized. The fundamental principle for this model is that a police commissioner is in partnership with government and the community. Government provides the resources and administrative framework. The police commissioner is to provide the professional judgment as to how safety and security service delivery will best be achieved for the community. Much of the debate about the minister/commissioner relationship is about control, power and accountability. The analysis of this model may include various interpretations of accountability and what effect power or control has on accountability processes. Simey (1989:118) puts the case for control and accountability thus: "Accountability is not about control but about responsibility for the way in which control is exercised ... In other words; accountability is not an administrative tool but a moral principle".

The model of police accountability outlined by Simey (1989:120) provides one concrete example of the way in which the involvement of the community at a policy level is feasible, and one which recognizes the practical difficulties involved: regular open meetings between the police authority and members of the communities being policed, and openness of all authority meetings to the public are the beginnings of greater collective accountability between a local councillor and a police commissioner (Simey 1989:122).

The lack of accountability to the public has been one of the major factors in the deteriorating relationship between the police commissioner, the minister and the community. The reason for this lack of accountability has been “the unwillingness of the elected officials to ask for it and to scrutinize police policies on low crime clear-up rates, the use of force etc” (Spencer 1985: 2-3). Finally, the theoretical and conceptual interdependence minister-police commissioner interface can be summarized as follows:

- It requires the redefinition of the minister-police commissioner relationship rules based on greater personal trust, honesty and confidence through better defined expectations.
- Both minister and police commissioner must rely on the confidence of the public.
- The government needs to accept the impartiality and neutral role of the police function.

- There needs to be a degree of balance between political control and operational and administrative independence.
- The police commissioner should be free to control organizational management without party political interference.
- The police commissioner should provide progress reports and have a mutually agreed framework for the conduct of the organization.
- A deciding criterion should be determined for overriding problems between the minister and the commissioner based on a public written statement of agreements.

Finally, the researcher observed that the literature has difficulty dealing with personal or specific political relationship between the minister and the police commissioner. The Police Review Team (2006:13) provides that it is impossible to definitely capture in statute the relationship between the minister and the police commissioner. The relationship is a human one. The boundaries in any such relationship will, to some extent, be porous and not be suitable for hard-and-fast definition. Qualities inherent in the relationship itself (especially the degree of trust between the minister and the commissioner) will also do more to ensure a solid working partnership than any codified set of rules.



As such, it may be wise to resist the urge to precisely define the boundaries of the minister-commissioner relationship in statute, lest it becomes a 'legislative straight-jacket'.

Thornhill (2005:179) maintains that the following governing styles or the personality of the minister does affect the political-administrative interface: *interventionist* (the minister tends to be more involved in the detail of the actions of a department); *policy initiators* (the minister focuses only on the development of new policies); *ambassador* (minister limits his/her role to the promotion of the image of a department or policy); and lastly, *minimalist* (the minister keeps a low profile and avoids having to take controversial decisions that may compromise him/her). Furthermore, Thornhill (2005:180) states that the managing style of the head of department would also have an effect on the political role of the minister. For example, a strong head of department and a minimalist minister would result in the administrative/managerial functions being emphasized. A strong interventionist minister and a weak head of department would result in political issues being emphasized. The current political ideologies of government in South Africa (such as police democratic accountability and control), require stronger political involvement than in cases where stability exists and new policy directions are not important. "Similarly, some departments enter new uncharted waters and regular and intensive political interventions are required. In such cases the political inputs would be significant" (Thornhill 2005:180).

According to Peters (2005:166), the following factors are influential in the minister/public servant relationship:

- If the policy issue in question affects the public servants as an institutional (e.g. questions of pay, unionization, etc), it might be expected that the Adversarial or Bureaucracy Rules model would apply.
- If the issue in question is of a technical nature, it is likely that the Bureaucracy Rules model would evolve.
- The degree of public concern over particular issues and its involvement may also have an impact. For instance, in areas where strong interest groups exist, the functional village life model is very likely to develop.
- The number of political appointees may have an effect. In those cases where numbers of political appointees begin to increase, their role in policy-making also increases, thus leading to a more compliant administration.
- The existence of independent advisory bodies is an important factor. Reliance of the political executives on their own advisors is likely to bring about conflict and develop into an adversarial mode of interaction.
- The type of training political executives and public servants received influences politico-administrative relations.

For example, generalist Anglo-American orientation, more specialized continental education and training and French ENA-type training all have different effects on the definition of the roles of politicians and public servants; and patterns of their interaction.

In general terms, the effectiveness or otherwise of safety and security service delivery depends on a range of influential factors than on the relationship between the minister and the commissioner alone.

#### **4.3.3 Mayor / Municipal Manager Interface.**

The interface between the political office-bearers of municipalities and municipal managers can only be understood within the context of the roles of the municipal council, on the one hand, and the municipal administration, on the other (see Chapter 3). A municipality has legislative and executive powers that are vested in its council. The legislative power of the council is the power to make bylaws for the effective administration of the matters of local government. The executive power of a council entails, similar to that of the cabinet and the executive councils in the national and provincial spheres respectively:

- The power to implement and administer its own and other legislation.
- The power to make and implement policies.
- The power to prepare and initiate local legislation.
- The power to coordinate the functions of its administration.

The administration of the municipality performs all the functions necessary for the municipality to exercise its legislative and executive authority. The administration, through the municipal manager, is accountable to the council for this function. The 1998 Municipal Structures Act determines that a municipal council must appoint a municipal manager who is the head of administration and also the accounting officer for the municipality; and when necessary, appoint an acting municipal manager.

The 2000 Municipal Systems Act states that as head of administration, the municipal manager of a municipality is, subjective to the policy directives of the municipal council, responsible, among other things, for the implementation of the municipality's integrated development plan (and community safety plans incorporated therein), and the monitoring of progress with implementation of the plan. Furthermore, the executive mayor is charged with the responsibility of monitoring the management of the municipality's administration in accordance with the directions of the municipal council (Section 82(3) of the 2000 Municipal Systems Act). Smith (2001:8) states that the following factors impact on the relations between a council and its administration:

- Mistrust between individual councilors and senior employees. The attitudes and conduct of councilors and employees cause this mistrust.

Councillors often suspect that the administration withholds appropriate and useful information for them to take decisions or to account to their constituencies. Councillors believe that information is deliberately withheld or that certain aspects of information are over or under-emphasised. How councillors perceive each other and employees, and vice versa, play an important role in fostering a trusting relationship. Quite often these perceptions are based on stereotyping. Cultural differences that lead to misunderstanding and differences (whether real or suspected) in political party alignment between councillors and senior employees also contribute to mistrust between councillors and employees.

- Disrespect for each other and lack of proper appreciation for each other's role. The lack of role appreciation manifests as interference by councillors in administrative matters or attempts by employees to push the council into specific direction.
- Lack of assertiveness among councillors and senior employees caused by inferiority complex or an inflated sense of importance.
- Favouritism and nepotism. Councillors allow individual employees to approach them with work-related grievances and attempt to resolve those grievances without regard for proper procedures. An employee is perceived to favour one or another political faction or organization within the council.

- Job seekers and employees canvassing for appointment/promotion.
- Resistance to change from both councilors and employees.
- Inadequate legislation that leaves room for interpretation and different interpretation of laws between councillors and employees.
- Employees hold superior office in political organizations over councilors in those organizations. Councilors are the bosses "inside" the municipality but their officials are sometimes their political bosses "outside" the municipality.
- Unclear roles of local and district municipalities.

Ismael et al. (1997:108-109) argue that relations between councilors and officials have been characterized by tension in the past. This situation is likely to persist in local government unless certain ways are devised to create a meaningful working environment between the two groups. First, council-official conflict has arisen because of the formal and rigid division of labour between councillors and officials. In most instances, official prescriptions place councillors in policy-making roles and administrators in those of policy-implementing. This councilor-official dichotomy can, and does, lead to unnecessary departmentalism and false perceptions of one group encroaching on the sphere of the other. In practice, however, councillors and officials mingle and tread similar paths. They are both involved at various stages of the policy-making process.

Second, a related cause of friction is a poor communication flow between councillors and officials. This situation inevitably leads to many misconceptions between them thereby creating feelings of “we are right”, they are “wrong”.

Third, relatively poor calibre of certain councillors. There have been illiterate, semi-numerate and uninformed individuals who have been a source of irritation to officials, as well as arrogant and self-misguided officials who have considerably annoyed councillors. Fourth, differences in the orientations of the former as politicians, and the latter as officials. The psychodramatic world of politicians tends to be emotive, value-laden and geared towards ‘quick’ results or solutions of problems ‘now’. This is done ostensibly to impress the electorate during their tenure of office. In contrast, the officials tend to be obsessed with technical details about how to use scarce resources to achieve the declared ends. They often take a longer administrative time-perspective.

This implies that plans must be tested first before being finally implemented and, therefore, the advice given to councillors may not always be definite, but tentative instead. This technodramatic approach by officials is often construed by councillors as obstruction and excessive red-tape. In turn, officials often consider the approach used by councillors as bordering on sheer madness and irrationality.

Finally, the effect the mayor/municipal manager interface has on the delivery of safety and security services at local level depends largely on the extent to which the municipal mayor holds the municipal manager, as head of administration, to account for the performance of the municipality's administration in relation to the directions of the municipal council.

According to Ababio and Makgoba (2002:1), appointed officials, unlike municipal councillors, are involved with the day-to-day administration of a local authority and this function makes them more familiar with the socio-economic issues and the financial capability of their locality.

#### **4.4 PUBLIC PARTICIPATION IN SAFETY AND SECURITY SERVICE DELIVERY IN SOUTH AFRICA.**

According to Hattingh (1998:30) extragovernmental relations of various kinds exist between governmental bodies and members of the public or non-governmental bodies.

##### **4.4.1 Definitions**

The term 'public' refers to ordinary people, not experts (Concise English Dictionary 1997) and 'participation' is defined as "an active process in which participants take initiative and action that is stimulated by their own thinking and deliberations and over which they can exert effective control ... participation goes beyond the mere provision of labour and other input ... it is an empowering



process (Liebenberg and Theron 1997:125). Although citizen participation is a multi-disciplinary concept, there is a general agreement that it is a process that involves participants actively taking initiatives and activities that are stimulated by their own thinking and deliberation and over which they can exert effective control in relation to the political units of which they are legal residents (Brynard 1996:41). Brynard (1996:41) further categorises citizen participation into two types, namely, the mere receiving of information from authorities and the sharing of power with citizens in making final decisions.

The following models of public participation are identified by Mafunisa and Maphunye (2005:10): Populist Democracy, Liberal Democracy, "Pure" Representative Democracy, A Basic Model of Public Participation, "Realism" Model of Public Participation, and "Possible Ideal" Model for South Africa.

Hilliard and Kemp (2003:5) list the inherent shortcomings of direct participatory democracy as follows:

- It is time consuming, costly and slow;
- It may not always work well in a pluralistic society if too many people want to have a say; and
- It could evoke a negative reaction (apathy) in citizens who regard participation as a waste of time and energy because they think that their inputs may be ignored by the policy-makers.

Citizen apathy, of any sort, could be compounded if inhabitants are habitually misled by policy-makers who promise one thing, but deliver another, or entirely neglect to deliver a service or fail to fulfil their promise.

Furthermore, Hilliard and Kemp (2003:6) assert that despite the above-mentioned shortcomings, public participation in the governance and administration of a country is indispensable if the nation is to function effectively, for the following reasons:

- It prevents the abuse and/or misuse of administrative authority and political power; it stops the government from domineering its subjects;
- It allows a diversity of viewpoints to be aired;
- It permits citizens to challenge, refute and oppose unsubstantiated claims made by particular parties or groups;
- It serves as a check on the activities of the administrators and rulers;
- It helps ordinary citizens to grasp the nuts and bolts of government and administration;
- It generates a sense of civic pride when citizens are afforded the opportunity to have their say.

Hillard and Kemp (2003:6) conclude that citizens develop a sense of patriotism and purpose when they are allowed to make a contribution to civic affairs, no matter how insignificant their inputs may seem.

In other words, public participation is crucial not only to promoting but also sustaining democracy. However, Martinussen (1997:196) argues that it is not fair to link a democratic concept such as public participation to social and economic development. Very few comparative and cross-national studies indicate a causal relationship between democracy and sustained social and economic development. A major comparative study conducted in the 1980s even concluded that democracy is not incomparable with a low level of development (Diamond et al. 1988:273). Democracy is desirable; however, the democracies among contemporary developing countries are not better than non-democracies, for example, at poverty reduction (Moore and Putzel 1999:4). This finding is not new; it was replicated in three research papers by the World Bank Team working on the research project on the *Responsiveness of Political Systems to Poverty Reduction* commissioned by the Governance Department of the United Kingdom Department for International Development in 2000.

#### **4.4.2 Public Participation and Community Policing in South Africa**

Institutionalised and formal participation of the public in the delivery of safety and security services in South Africa takes places in the form of community policing through Community Police Forums (CPFs). There are many definitions of community policing. Some simply emphasise an improvement in the number and quality of police contacts.

Others assert that community policing marks a decentralisation of the police bureaucracy and promotes fresh and proactive problem-solving strategies (Rosenbaum and Lurigio 1994:46). Friedman (1992:4) defines community policing as 'a policy and a strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, improved police service and police legitimacy, through a proactive reliance on community resources that seeks to change crime-causing conditions. It assumes a need for greater accountability of police, greater public share in decision-making and greater concern for human rights. According to Adams (1994:894) community policing refers to "... a shift from a military-inspired approach to fighting crime to one that relies on forming partnership with constituents." According to Stipak (1994:115) community policing is a management strategy that promotes the joint responsibility of citizens and the police for community safety, through working partnerships and interpersonal contact.

Van Rooyen (1994:20) sees community policing as a philosophy and strategy which is based on a partnership between the community and the police to find creative solutions for contemporary community problems, crime and other related matters. According to Mastrofski et al. (1995:540) community policing means "making the police more co-operative with those who are not police."

The South Africa Police Service (SAPS) policy states that community policing is a philosophy that guides police management styles and operational strategies and emphasises the establishment of police-community partnerships and a problem-solving approach responsive to the needs of the community” (Reyneke 1997:12).

Edwards (1999:76) maintains that the development of a clear definition of community policing is hindered by the fact that most police services, both nationally and internationally, label almost any 'non-reactive' police strategy as community policing initiative. It is recognised that a unanimous definition of community policing has not yet been established (Fielding 1995:29) as it is conceptualised differently by many individuals (Cordner 1998: 124). However, the fundamental cornerstone of community policing is in forming a workable partnership with the community, where the community plays a more proactive in helping to develop, monitor and evaluate crime prevention strategies (Peak and Glensor 1999:56).

From the definitions above, the researcher concludes that community policing is a new customer-oriented approach, strategy, philosophy, management style that seeks to establish a positive, cooperative and collaborative relationship between the police and the community on matters of local safety and security service delivery.

In such interactive partnership, police and communities work together to determine what members of the public want and expect from the police; and they assess how the police might best meet community safety and security goals. The police then work jointly with the community to accomplish the goals.

#### **4.4.3 Benefits of Community Policing**

Advocates for community policing have highlighted many reasons why community policing is beneficial to society. These arguments were broken down into the following three areas by Segrave and Ratcliffe (2004: 47):

- **Community-Specific Benefits**
  - Mobilisation and empowerment of communities to identify and respond to concerns
  - Improved local physical and social environment
  - Increase in positive attitudes towards police
  - Reduced fear of crime
- **Police-Specific Benefits**
  - Improved police-community relationship
  - Improved community perception of police 'legitimacy'
  - An increase in officer satisfaction with their work.
- **Shared Benefits**
  - A decreased potential for police-community conflict
  - A reduction in crime rates

- A better flow of information between the police and community
- Better implementation of crime prevention and crime control activities, as a result of both parties working towards shared goals.

Anderson (2004:2) states that not all community initiatives will achieve each and every benefit listed here and part of the problem of documenting success is that researchers rarely find that the strategies *only* have positive effects. Internationally, successful implementation of community policing has been documented, although the results are rarely black and white.

Two specific examples of the ambiguity of community policing success can be found in a United States experiment and in an evaluation of Hong Kong's implementation experiences. Community policing in Hong Kong has been found to be a positive step in improving police-public relations and engaging the public in crime prevention; however, the Hong Kong police were found not to promote greater community-police partnership, and did not encourage the community to help develop law and order strategies, one of the common goals of community policing (Lo and Chun-Yin 2004:124). A community policing study conducted in the United States found that community's opinion of the police improved when police were more visible, however, it did not increase their perception of police effectiveness (Hawden 2003:74).

#### **4.4.4 Implementation Challenges of Community Policing**

Studies have increasingly found that community policing is not a panacea that is easily implemented with immediate success. Related problems can manifest in three different areas: with the police service; within the community; and in the implementation of community policing initiatives.

##### **4.4.4.1 Problems within the Police Service**

These include barriers from within the police organisational structure and the organisational climate (Giacomazzi et al. 2004:223), where the absence of strong leadership and encouragement in community policing strategies can negatively impact on community policing practices (Robertson 2003: 656). Whereas police leadership in community activities can be needed and sought by its members, there are some less noticeable hindrances to implementing community policing. Police may also be reluctant to make community policing a priority (Segrave and Ratcliffe 2004: 267) due to the perception that community policing is distinct from other 'police work', thus reinforcing the notion that it is not 'real' police work'.

##### **4.4.4.2 Problems within the Community**

These can also be a romanticised perception that the community will be eager to embrace community policing methods. For some, community members are reluctant to seek and develop a sustainable partnership with law enforcement (Long et al. 2002:231), and communication constraints can often hinder



community policing success, especially in area with previously excluded and special needs groups (Schneider 1998:347).

#### **4.4.4.3 Problems with Implementation of Community Policing Initiatives.**

There is no uniform model of community policing, and adopting western model can be problematic particularly in developing countries with low levels of professionalism, disrespect for law enforcement, lack of community organization and other contextual factors (Davis et al. 2003:285). Community policing in Nordic countries was found to have limited success, and was abandoned in Finland and Norway.

The initiative's failure was explained as the result of an already high perception of public safety, lack of citizen association of police visibility and safety and traditionally the lack of Nordic citizen involvement in its welfare state (Holmberg 2005:23). This demonstrates that the practice of transplanting community policing initiatives without accounting for different cultural contexts can prove to be a major hurdle in successful community policing implementation. Mottiar and White (2003:12) maintain that the evaluation of community policing revealed in most cases that community participation has reduced not only fear of crime but actual crime rates. However, Mottiar and White (2003:15) argue that there are two main limits to the success of community policing.

The first is that the voluntary nature of public participation may affect the level of community turn-out, and that fear of retaliation by perpetrators may inhibit public participation. Secondly, police bureaucracies are often rigid, and restructuring them to welcome participation by what they could be seen as 'laypersons' may prove difficult.

Bayley (1994:278) states that the success of community policing will never be evaluated because community policing means too many things to different people. However, Mottiar and White (2003:23) argue that although it is true that cultural differences will mean that community policing will be measured according to different criteria, it is nonetheless beneficial to benchmark local community performance against international experiences, such as Canada, Australia, United States of America and Israel. In the case of South Africa,

#### **4.4.5 Public Participation in Public Governance.**

The 1996 Constitution espouses the values of democracy, both in the preamble and substantive provisions thereby underpinning the idea that a democratic government rests upon the consent of the governed, given by means of free and fair elections and that it exists for their benefit. The 1996 Constitution takes the concept of the 'consent of the governed' further by promoting public participation.

For example, the National Assembly must facilitate public involvement in the legislative and other processes of the Assembly and its committees; and conduct business in an open manner, and hold its meetings and those of its committees, in public (Section 59(1) of the 1996 Constitution). The National Council of Provinces (NCOP) must facilitate public involvement in the legislative and other process of the Council and its committees; and conduct its business in an open manner, and hold its sittings and those of its committees, in public (Section 72(1) of the 1996 Constitution).

Regarding public participation in the provincial sphere of government, a provincial legislature must facilitate public involvement in the legislative and other processes of the legislature and its committees; conduct its business in an open manner and hold its sittings, and those of its committees, in public (Section 118(1) of the 1996 Constitution). The provincial legislature is enjoined not to exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society. Furthermore, section 140(3) of the 1996 Constitution, all executive decisions such as proclamations, regulations and other instruments of subordinate legislation of a province must be accessible to the public.

At local government level, section 152(1)(a) of the 1996 Constitution states that the aims of local government are, among other things, to provide democratic and

accountable government for local communities and to encourage the involvement of communities and community organizations in local government matters. In the context of local democracy, Kohli (1991:34) present participatory governance as one of the three elements of democracy. According to Kohli (1991:41), participatory governance refers to an ongoing process of debate, dialogue and communication between local government authority and the community. This process must be valued and nurtured in order to ensure trust and agreement between the governed and the municipality on decisions.

Section 16(1) of the 2000 Municipal Systems Act requires that municipalities must develop a culture of municipal governance that complements formal representative government with a system of participatory governance. There are a number of ways in which community groups can participate through ward committees, as defined in Chapter 4 of the 1998 Municipal Structures Act. Chapter 4 of the 2000 Municipal Systems Act also allows municipalities to establish advisory committees to advise the council on any aspects of its business. Communities can also participate in meetings of the council and council committees. Municipalities are further obliged to provide notice to the public of the date, time and venue of council meetings; to set aside space for the public in their meeting venues (Section 19 of the 2000 Municipal Systems Act).

Lastly, all meetings of a municipal council and its committees should be open to the public (including the media) with the following exceptions:

- Meetings of the executive committee or mayoral committee the committees may close any or all of the meetings to the public; and
- Municipalities may close meetings to the public when the nature of the business being discussed in the meeting makes it reasonable for the council to do so.

Bauer (2000:91) states that it is of mutual benefit for both the community and local government to work together in the building of a shared vision and the setting of development goals.

#### **4.4.6 Public Participation in Public Administration**

The 1996 Constitution promotes public participation in public administration as well. For instance, people's needs must be responded to, and the public must be encouraged to participate in policy-making (section 195(1) (f) of the 1996 Constitution); and transparency must be fostered by providing the public with timely, accessible and accurate information. Chapter 12 of the 1995 White Paper on the Transformation of Public Service states that it is imperative that the public plays a key role in influencing and evaluating policy. The same 1995 White Paper further directs that in order to promote democratic accountability and transparency, it will be necessary to ensure that all members of the public have

access to information, irrespective of their level of literacy. Such information, including government regulations and circulars, will therefore need to be couched in clear and simple language, and provided in translated form in the official language appropriate to the particular locality.

Municipal administration must establish clear relationships and facilitate cooperation and communication between it and the local community; and give members of the local community full and accurate information about the level and standard of municipal services they are entitled to receive.

#### **4.4.7 MEC/Police Commissioner Interface and Public Participation in Safety and Security Service Delivery in the Free State.**

Formal public participation in safety and security service delivery takes place in the form of community policing and through Community Police Forums (CPFs) in South Africa, as stated above. This section seeks to answer the following question: *Does the MEC/Provincial Police Commissioner interface impact on public participation?*

The provincial police commissioner receives directives from the MEC regarding the establishment and maintenance of local community policing structures that are intended to promote public participation in safety and security service delivery (Section 20(1) of the 1995 SAPS Act).

Furthermore, the MEC is vested with powers to “oversee the effectiveness and efficiency of the police service” in the province (Section 206(3) (b) of the 1996 Constitution).

Rosenbaum (1994:5) argues that community policing developed in response to the increased awareness that established forms of policing were not as effective, efficient and equity as they could be. In terms of *effectiveness* one of the foremost functions of police in a society is to control crime. It is argued that traditionally this is done through the criminal justice system in three ways: first, through the application of deterrence; second, through the institution of jail sentences; and third, through the rehabilitation of past offenders. However, advocates of community policing argue that social order is maintained primarily by informal social processes within the neighbourhood and not by police activity. It is for this reason that public participation and the utilisation of community resources should be encouraged. Higher levels of community engagement are invaluable in identifying problems and developing an understanding of the circumstances that give rise to those problems (or root-causes of crime). The development and evaluation of crime prevention measures is also more effectively carried out through public participation (Rosenbaum 1994:7).

In terms of *efficiency*, police resources include equipment, facilities, and personnel.

Rosenbaum (1994:11) argues that the resources allocated to a given jurisdiction are often limited. Community policing could therefore be a valuable additional police resource. Actively engaged communities are usually able to provide the police with vital information about crime in their midst. They are also able to identify patterns of criminal behaviour and the geographic physical features conducive to these patterns. Communities have also been known to organise successful foot patrols and neighbourhood watches as well as flourishing crime awareness initiatives and victims support mechanisms.

In terms of *equity*, the police are required to follow due process in all their pursuits in order that fairness according to legal principles prevails. The distribution of resources and income also contributes to the notion of policing equity. All communities should receive the same level of police service. Rosenbaum (1994:9) argues that the approaches of equity are easier to institute if the population in question is homogenous, or no group feels excluded from politics at the local level. There have been many examples of complaints by certain groups in various societies about unresponsive and inequitable treatment by the police. Community policing could therefore be used as a way to forge links between police and previously excluded communities, build trust between the two, and facilitate a change in the perceptions of the community towards the police.



The dichotomous separation of policy, administration and operations is often seen as crucial to how the MEC-Provincial Police Commissioner relationship operates. However, critical to their (MEC-Provincial Police Commissioner) understanding is an acceptance that the MEC is influential in the direction of policing and related policies in the province, including community policing (section 206(1) of the 1996 Constitution). Such mutual understanding includes a reduction in interference by the MEC in the functioning of the police organisation generally, but does not limit the MEC's involvement in expressing concerns from time to time.

On the other hand, the Provincial Police Commissioner accepts that there is a political and policy element to be managed which will affect how a police organisation is managed. In this understanding, there is also a requirement for the Provincial Police Commissioner to answer for operational problems to the government and the community. According to policing system which is independent of politics would be a police system which, in every sense of the word, lacked accountability. In democratic societies major public policies and directions are decided by elected representatives, usually under advice from the senior public service officers. The authoritative will of the people is expressed through parliament. In the province, the ultimate agency and arm of the people is the government and ultimate accountability rests with the Premier, MEC, executive council, legislatures, general elections and voters.

The police service needs executives who understand the reality of political life and the way it impinges upon safety and security service delivery. Therefore, what is critical in the relationship between the MEC and the Provincial Police Commissioner is the achievement of a balance of power. To achieve this balance of power there must be an agreement over the division of responsibilities which allows control by the MEC for government policy (e.g. community policing policy through which public participation takes place) and to a degree administration issues, and the Provincial Police Commissioner must have the right to a measure of operational independence.

The role of the MEC should be seen as that of the “political head” of policing in the province, vested with the political responsibility to ensure that government policy is implemented (Section 206(3) and (4) of the 1996 Constitution). In other words, the balance of power does not have to limit the MEC from influencing the decision-making process on operational and administrative decisions which the Provincial Police Commissioner chooses to take. On the other hand, there is often an obligation or a requirement on the Provincial Police Commissioner’s part that open advice and the possible implication of certain government policy (e.g. community policing and public participation policy) needs to be explained and implemented by the Provincial Police Commissioner if required.

Thus the MEC-Provincial Police Commissioner relationship approach rest on the premise that both parties must agree to provide open communication on a range of policy and government issues.

#### **4.5 NPM AND POLITICAL-ADMINISTRATIVE INTERFACE.**

This section discusses how the new dominance of economic thinking in the public sector, represented by New Public Management (NPM) as South Africa's new public administration approach, could impact on administrative devolution and consequently on political-administrative interface and the delivery of safety and security services. Administrative devolution can take many forms, but one main idea is to strengthen the discretionary power of managers, and give subordinate levels and agencies more autonomy (OECD 1996b:24). Political-administrative system in democratic South Africa is based on a complex mixture of norms and values connected to political-administrative control, codes of professional behaviour, democratic responsibility, public service ethics and public participation.

This complexity of multi-functional modern public service systems is challenged by New Public Management (NPM), a reform wave representing a universal economic model of governance and organization focusing on efficiency.

The main components of NPM are “hands-on” professional management which allows for active, visible, discretionary control of an organization by persons who are “free to manage”, explicit standards of performance, greater emphasis on output control, increased competition, contracts, devolution, disaggregation of units, and private sector management principles (Hood 1991:18).

Tensions arising from the hybrid nature of NPM, which combines economic organization theory and management theory, have been noted by Aucoin (1990:117) and Hood (1991:19). The first set of ideas comes from economic organization theory such as public choice and principal-agent theory and focus on the primacy of representative government over bureaucracy. A lesson from this paradigm is that the power of political leaders must be reinforced against bureaucracy. This concentration of power requires attention to centralization, coordination and control and contractual arrangements are the main devices to attain that goal. The second set of ideas comes from the “managerialist” school of thought, which focuses on the need to reestablish the primacy of managerial principles in bureaucracy. This concentration on enhancing the capacities of managers to take action requires attention to decentralisation, devolution and delegation.

The economic way of thinking in NPM points to an almost generally accepted axiom in certain circles, that it is more efficient to separate political and

administrative functions than have them integrated, as traditionally has been the case in most countries (Boston et al. 1996:4).

The argument is that a division between these elements makes it clear that they are different functions with different actors- that the politicians should set the goals and the public servants implement the policies. This way of thinking is connected with the slogan: "let managers manage", meaning discretion for managers and not too much daily interference from the political leaders. But what does this slogan mean in relation to political control? It may mean that through sharp division between politics and administration, chief executives are better at managing and therefore should be given the discretion and opportunity to do so, thereby reducing the burden on political leadership and increasing political control. But one could also argue that the slogan reflects an anti-political trend, potentially undermining political control. "Let managers manage" may mean that managers are gaining more resources, tasks and responsibility, making it less legitimate for the politicians to interfere in their business.

But is increased 'structural devolution' (that is, separating political and administrative functions) undermining political control, regardless of whether it is efficient? One main argument for answering affirmatively is that structural devolution increases the distance between the political leadership and subordinate units and lower levels of management (Gregory 1995:125).

The more structurally separated public servants are from the political leadership, the relatively greater importance of other decision signals (like cost-efficiency, professional norms, client and customer interest), meaning that actors in public enterprises and comparable units will attend even less to political signals (Stewart and Kimber 1996:45).

The main lesson is therefore that structural devolution means a decrease in the central capacity and authority of control and less attention to political considerations in the subordinate units, especially in the market-oriented units.

Table 4.1 below summarises the conceptions of NPM held by some of the key writers on the subject.

**Table 4.1 Conceptions of NPM by different Writers (Larbi 1998a)**

Dunleavy and Hood, 1994.	Pollitt, 1993 and 1994.	Ferlie et al., 1996.	Borlins, 1994; Commonwealth, 1996.	Osborne and Gaebler, 1992.
Hands-on professional management.	Decentralising management authority <i>within</i> public services.	Decentralisation; organizational unbundling; new forms of corporate governance; move to board of directors mode.	Increased autonomy, particularly from central agency controls.	Decentralized government: promoting more flexible, less layered forms of organization.
Shift to disaggregation of units into quasi-contractual or quasi-market forms.	Breaking up traditional monolithic bureaucracies into separate agencies.	Split between strategic core and large operational periphery.		Catalytic government: steering not rowing.
Shift to greater competition and mixed provision, contracting relationship in the public sector; opening up	Introducing market and quasi-market type mechanisms to foster competition.	Elaborate and develop quasi-markets as mechanisms for allocating resources within the public sector.	Receptiveness to competition and an open-minded attitude about which public activities should be performed by the	Competition within public services: may be intra-public or with a variety of alternative providers.

provider roles to competition.			public sector as opposed to the private sector.	
Stress on private sector styles of management practice.	Clearer separation between purchaser and provider functions.	Split between public funding and independent service provision.	Creating synergy between the public and private sectors.	Driven by mission not rules.
Greater emphasis on output controls.	Stress on quality, responsiveness to consumers; major concern with service quality.	Stress on provider responsiveness to consumers; major concern with service quality.	Providing high-quality services that citizens value; service users as customers.	Customer-driven
Explicit standards and measures of performance.	Performance targets for managers.	More transparent methods to review performance.	Organisations and individuals measured and rewarded on the performance targets met.	Result-oriented government: funding outputs not inputs.
Stress on greater discipline and parsimony in resource use; reworking budgets to be transparent in accounting terms.	Capping/fixed budgets.	Strong concern with value-for-money and efficiency gains.	Provision of human and technological resources that managers need to meet their performance targets.	Enterprising government: earning not spending.
	Changing employment relations.	Downsizing.		Market-oriented government: leveraging change through the market.
		Deregulation of the labour market.		Anticipatory government: prevention rather than cure.

Table 4.2 draws together what may be regarded as the key components of NPM. A look at the NPM components below suggests that the ideas and themes may be put in two broad strands. On the one hand are ideas and themes that emphasise managerial improvement and organisational restructuring (i.e. managerialism in the public sector); and these clusters of ideas tend to emphasise managerial devolution or decentralisation within public services. On the other hand are ideas and themes that emphasise markets and competition.

It should be pointed out, however, that these categories overlap in practice. They should be seen as a continuum ranging from more managerialism at one end (e.g. decentralisation and hands-on professional management) to more marketisation and competition at the other (e.g. contracting out).

**Table 4.2 Core Components of NPM (Larbi 1998a).**

<b>Emphasis</b>	<b>NPM Component</b>	<b>Meaning</b>	<b>Typical Justification.</b>
Managerialism	Hands-on professional management in the public service.	Active, visible, discretionary control of organizations from named persons at the top, "free to manage".	Accountability requires the clear assignment of responsibility for action, not diffusion of power.
Managerial	Explicit standards and measures of performance.	Definition of goals, targets, indicators, of success, preferably expressed in quantitative terms and to which managers would be required to work.	Accountability requires clear statement of goals; efficiency requires "hard look at objectives".
Managerial	Capping or hard budgets.	Output-oriented budgeting. That is, make budgets more transparent in accounting terms with costs attributed to outputs rather than inputs.	Making managers more aware not merely of the current costs of operations but also the cost of capital employed (e.g. by means of accrual accounting).
Managerial	Greater emphasis on <i>output control</i> .	Resource allocation and rewards linked to measured performance; break up of centralised bureaucracy-wide personnel management; performance agreements.	Need to stress results rather than procedures.
Managerial	Emphasis on greater discipline and	Cut direct costs, raise labour discipline, rest	Need to check resource demands of



	parsimony in resource use.	trade union demands, limit "compliance costs" to business, downsize.	the public sector and do "more with less"
Managerial	New forms of corporate governance.	Move to board of directors model; shift power to the strategic apex of the organization.	Empowerment of management, reduces influence of elected representatives and trade unions.
Managerial	Shift to disaggregation of units in the public sector.	Break up formerly "monolithic" traditional bureaucracies into corporatised units or separate agencies operating on decentralised "on-line" budgets and relating with one another and with the centre on an "arms'-length" basis.	Need to create "manageable" units, separate policy core from operation units.
Managerial	Decentralising management authority.	Replace traditional "tall hierarchies" with flatter structures formed and reformed around specific processes (e.g. issuing licences) rather than traditional functions (e.g. personnel. Finance).	Need more quickly responding and flexible structures closer to point of service delivery; freedom to manage.
Managerial	Organisational development and learning; explicit attempt to secure cultural change.	Radical decentralisation with performance judged by results; explicit attempts to manage cultural change combining top-down and bottom-up processes, use of mission statement and more assertive and strategic human resource function.	Need for excellence in government.

Discussing the effects of separation of functions for political control draws out many arguments. First, the NPM approach is accused of seeking to commodify safety and security service delivery much to the disadvantage of the communities, especially the poor and vulnerable sections of the society. Second, very few practitioners or researchers would argue that politicians and public servants should do the same job.

But that said, there are many ways to define their functions, from bureaucrats-turned-politicians on the one extreme to apolitical, technocratic public servants on the other (Christensen 1991:304). Third, it is not easy to accept that differentiated solution will maximize the influence of both politicians and the public service. Instead, one could forcefully argue that formal organizational changes always tilt the pattern of influence in one direction or the other. This is also one of the reasons why public reorganization processes are often characterized by conflict (Christensen and Laegreid 1998b:35). Fourth, the one central difference between an integrated and a segregated solution is that the former combines potentially tight control of the public service with easy access for the bureaucrats to the political leadership, while the latter combines potentially weaker control of the public service with poorer access of the bureaucrats to the political leadership (Christensen and Laegreid 1998b:36). This is an illustration that any structural solution has both advantages and disadvantages.

#### **4.6 SUMMARY AND CONCLUSION.**

The struggle between popularly elected politicians (who are accountable to the public for the government's policies) and bureaucrats (who command technical expertise) for control over public policy decision-making is an important feature of the political/administrative relationship debate in countries that have democratic political systems. Chapter 4 revealed a vertical and relational intensity between the national/provincial police commissioners and the Minister/MEC for Safety and Security. Furthermore, Chapter 4 discussed the extent to which the insufficiency of the decision-making powers delegated to the MEC for Safety and Security, as an elected public official, adversely impacts on the participation of the public in safety and security service delivery.

Chapter 5 focuses on the instruments used to collect, analyze and interpret data for this study.

## **CHAPTER 5**

### **RESEARCH METHODOLOGY**

#### **5.1 INTRODUCTION**

In Chapter 4 there was an analysis of the relationship between the Minister for Safety and Security and the Police Commissioner and how it impacted on safety and security service delivery and public participation. Chapter 5 outlines instruments used to collect research data, namely, a questionnaire, participant observation and focus group interviews.

#### **5.2 QUESTIONNAIRE**

In a structured interview, every respondent or informant is exposed to the same stimuli (Bernard 2000:228). The most preferred kind of structured interview is the questionnaire, which is one of the instruments used by the researcher of this study. The stimuli in a structured interview may be straight-forward questions or complex scales, as in a questionnaire. According to Bernard (2000:228), the stimuli may also be carefully constructed vignettes, lists, clips of actual music or video, a set of photographs, a table full of physical artifacts, or a garden full of plants.

The idea is to control the input that triggers each person's responses so that the output can be reliably compared.

Neuman (2000:517) defines the term *questionnaire* as “a written document in survey research that has a set of questions given to respondents or used by an interviewer to ask questions and record the answers”. There are two methods for collecting survey questionnaire data, namely, personal and group face-to-face interviewing; self-administered questionnaires; and telephone interviewing. Self-administered questionnaires are usually mailed to respondents, but they may also be dropped off and picked up later or they may be given to people in a group all at once. Self-administered questionnaires can also be programmed into a computer. This study made use of face-to-face personal interviewing mainly because of the following advantages (Burns 2000:582):

- *Flexibility.* One of the most important aspects of the interview is its flexibility. The interviewer has the opportunity to observe the subject and the total situation in which they are responding. Questions can be repeated or their meanings explained in case they are not understood by the respondents. The interviewer can also press for additional information when a response seems incomplete or not entirely relevant.
- *A face-to-face interaction assists in the establishment of rapport and a higher level of motivation among respondents.*
- A useful method when extensive data is required on a small number of complex topics.

- Probing may be used to elicit more complete responses and the presence of the interviewer generally reduces the number of 'do not know' and non-responses to questions, as explanation and clarification are readily available.
- Observation of the respondent's non-verbal communication and environment are possible. Such observation may provide added dimensions to data collection.
- Greater flexibility is afforded to the respondent in an interview than when a written instrument is used.
- The interviewer is able to control the sequence of the items as the respondent cannot look ahead and anticipate trends in the enquiries.
- The approach is useful in obtaining responses from people who would find a written response impossible, such as very young children, blind, bedridden, elderly, illiterate and some disabled groups.
- Individualized appreciation can be shown to the respondents.

As an additional advantage of face-to-face administration of questionnaires, Bernard (2000:230) maintains that personal interviews at home can be much longer than telephone or self-administered questionnaires. An hour-long personal interview is relatively easy, and even two- and three-hour interviews are common.

It is next to impossible to get respondents to devote two hours to filling out a questionnaire that shows up in the mail, unless you are prepared to pay well for their time.

It also requires exceptional skill to keep a telephone interview going for more than 20 minutes, unless respondents are personally interested in the topic. However, Bernard (2000:230) cautions that though street-intercept or mall-intercept interviews are also face-to-face interviews, they usually have to be very quick. Butler (1972:231) further argues that, unlike self-administered questionnaire, with face-to-face personal interviews one knows who answers the questions.

The researcher was, however, mindful of some of the disadvantages inherent in face-to-face personal interviewing such as the following (Fink and Kosecoff 1998:34):

- The main disadvantage of interviews is that they are more expensive and time-consuming than questionnaire.
- Only a limited number of respondents may be interviewed due to time and financial considerations. Scheduling of interviews may cause problems also.
- Finding skilled and trained interviewers with appropriate interpersonal skills may be difficult. High inter-rater reliability is difficult to achieve.

- An interviewer effect may result from interaction between the interviewer and respondent. Factors which may bias an interview include the personal characteristics of the interviewer (such as age, sex, educational level, race and experience at interviewing); the opinions and expectations of the interviewer; and a desire to be perceived as socially acceptable by the respondent. Variations in the use of probes also reduce standardization. Validity and reliability are seriously affected by all these factors.
- Respondents may feel that they are being 'put on the spot'.
- Flexibility afforded by unstructured interviews may generate difficulties when attempts are made to categorise and evaluate responses.

Finally, Bernard (2000:231) adds that personal interview surveys conducted by lone researchers over a long period of time run the risk of being overtaken by events. A war breaks out, a volcano erupts, or the government decides to cancel elections and imprison the opposition. It sound dramatic, these sorts of things are actually quite common across the world. Far less dramatic events can make the responses of the last 100 people one interview radically different from those of the first 100 to the same questions. If one conducts an interview over a long period of time in the field, it is a good idea to re-interview ones first few respondents and check the stability (reliability) of their reports. Burns (2000:584) provides a comparative analysis of the following methods of data collection:



**Table 5.1 Methods of Data Collection Compared.**

<b>Mailed Questionnaire</b>	<b>Telephone Interview</b>	<b>Personal Interview</b>
Assumes the most of the respondent.	Can reach the unreachable.	Assumes the least of the respondents.
Cheapest method of collecting data.	More economical than personal interview.	Most expensive method.
Can reach widely distributed population.	Speedy and efficient.	Slowest method.
Difficult to obtain adequate response rate.	Response rate is generally high.	Response rate is high.
No interviewer bias / No distribution bias.	Interviewer's voice may be biasing.	Interviewer's presence may be biasing.
Difficult to maintain standardization.	Interviewer maintains standardization.	Interviewer maintains standardization.
Respondent is not always known.	Can control participation of other household members.	Difficult to control participation of other household members.
No third party bias.	Monitoring presents biasing.	Monitoring can be biasing.
Questionnaire should be short.	Questionnaire can be longer than mail.	Longer questionnaire justifies the cost.
Unlimited answer choices.	Limited answer choices.	Unlimited answer choices.
Appearance of the questionnaire is important.	Appearance of the questionnaire is not important	Appearance of the questionnaire is not important.
Questionnaire must be simple.	Questionnaire can be more complex than mail but easy enough for	Questionnaire can be more complex than telephone.

	interviewer.	
Informant cannot be observed.	Informant cannot be observed.	Informant can be observed.
Difficult to get information to open-ended questions.	Interviewer edits open-ended responses.	Easier to ask open-ended question-behavioural cues.

### 5.2.1 Purpose of the Questionnaires.

Objective data, able to be corroborated by facts and figures and statistically illustrated, was required on the public' perception of the most effective and preferred sphere of government in terms of safety and security service delivery; public participation in the delivery of safety and security services in the Free State; the positive impact and beneficial effect of police-community liaison through the Community Police Forums (CPF's) in the delivery of safety and security service delivery. The purpose of the perception survey questionnaire was to collect information on those topics in respect of the Free State. The steps for the development of the provincial and local government surveys included the following sequence of approaches:

- The development of the preliminary public perception survey questionnaire by the researcher;
- The submission of the questionnaire to the researcher's Promoter for evaluation and recommendations; and

- The field-testing of the questionnaire. According to Borg *et al.* (1993:94), it is impossible to predict how the items will be interpreted by respondents unless the researcher tries out the questionnaire and analyses the responses of a small sample of subjects before starting the main study.

The major reasons for the field-test were for the researcher to evaluate:

- The conversion of responses to data in order to examine the ability of the survey in producing the desired data;
- The wording of the questions and items in the questionnaires and receive comments from the public in the field test; and
- The clarity of language and directions for completing the two questionnaires.

### **5.2.2 Questionnaire Design**

According to Burns (2000:570), three kinds of items generally are used in the construction of questionnaires: closed items, open-ended items and scales items. The researcher used closed and scale items mainly because of the advantages mentioned below. The closed items usually allow the respondent to choose from two or more fixed alternatives. The most frequently used is the dichotomous item which offers two alternatives only: yes/no or agree/disagree, for instance. The alternatives offered must be exhaustive, that is, cover every possibility. For example:

*Do you feel school uniforms should be compulsory?*

- Yes*
- No*
- Do not Know*

According to Burns (2000:572), closed questions have, for example, the advantage of achieving greater uniformity of measurement and therefore greater reliability; of making the respondents answer in a manner fitting the response category. Disadvantages include the superficiality; the possibility of annoying respondents who find none of the alternatives suitable; or forcing responses that are inappropriate. However, these weaknesses can be overcome if the items are written with care, mixed with open-ended ones, and used in conjunction with probes as part of an interview. Stewart and Cash (1988:572) further state that open-ended items simply supply a frame of reference for respondent's answers, coupled with a minimum of restraints on their expression. Other than the subject of the question, there are no other restrictions on either the content or the manner of the respondent's reply, facilitating a richness and intensity of response. Open-ended items form the essential ingredient of unstructured interviewing. For example:

*What aspects of this course do you most enjoy?*

According to Sapsford (1999:156), open-ended questions are flexible. In interviews, they allow the interviewer to probe so that they may go into more depth if they choose, or clear up any misunderstandings; they enable the interviewer to test the limits of the respondent's knowledge; they encourage cooperation and help establish rapport; and they allow the interviewer to make a truer assessment of what the respondent really believes. Open-ended situations can also result in unexpected or unanticipated answer which may suggest hitherto unthought-of relationships or hypotheses. However, the major problem with the use of open-ended items is coding or content analysis. Neuman (2000:261) summarises the advantages and disadvantages of closed and open-ended items as follows:

**Table 5.2 Advantages and Disadvantages of Closed Questions.**

<b>Advantages of Closed Questions</b>	<b>Disadvantages of Closed Questions</b>
It is easier and quicker for respondents to answer.	They can suggest ideas that the respondent would not otherwise have.
The answers of different respondents are easier to compare.	Respondents with no opinion or no knowledge can answer anyway.
Answers are easier to code and statistically analyse.	Respondents can be frustrated because their desired answer is not a choice.
The response choices can clarify question meaning for responses.	It is confusing if many (e.g. 20) response choices are offered.
Respondents are more likely to answer	Misinterpretation of a question can go

about sensitive topics.	unnoticed.
There are fewer irrelevant or confused answers to questions.	Distinction between respondent answers may be blurred.
Less articulate or less literate respondents are not at a disadvantage.	Clerical mistakes or marking the wrong response is possible.
Replication is easier.	They force respondents to give simplistic responses to complex issues.
	They force people to make choices they would not make in the real world.

**Table 5.3 Advantages and Disadvantages of Open Questions.**

<b>Advantages of Open Questions</b>	<b>Disadvantages of Open Questions</b>
They permit an unlimited number of possible answers.	Different respondents give different degrees of detail in answers.
Respondents can answer in detail and can qualify and clarify responses.	Responses may be irrelevant or buried in useless detail.
Unanticipated findings can be discovered.	Comparison and statistical analysis become very difficult.
They permit adequate answers to complex issues.	Coding responses is difficult.
They permit creativity, self-expression, and richness of detail.	Articulate and highly literate respondents have an advantage.
They reveal a respondent's logic, thinking process, and frame of reference.	Questions may be too general for respondents who lose direction.
	Responses are written verbatim, which is difficult for interviewers.
	A greater amount of respondent time,

	thought, and effort is necessary.
	Respondents can be intimidated by questions.
	Answers take up a lot of space in the questionnaire.

Finally, the scale is a set of verbal items to which the respondent responds by indicating degrees of agreement or disagreement (Beed and Stimson 1985:73).

The individual's response is thus located on a scale of fixed alternatives. For example:

*How would you rate the teacher that you have this semester?*

1. *Very Poor*
2. *Less than adequate*
3. *Adequate*
4. *More than adequate*
5. *Excellent*
6. *Insufficient information.*

The questionnaire was expected to collect data from the public on their perceptions of the delivery of safety and security services in their respective localities. The questionnaire content was divided into: demographic information; intergovernmental relations and decentralisation; public consultation; and positive impact and beneficial effect of decentralized safety and security service delivery.

### **5.2.3. Sample**

When research is conducted to investigate a research hypothesis or a research question, data is collected from the objects of the enquiry in order to resolve the problem concerned. It therefore stands to reason that results eventually obtained should shed light on the tenability of the hypothesis or answer the research question, that is, whether to accept or reject the hypothesis (Welman and Kruger 1999:46).

As stated in chapter 1, the research hypothesis of this study is that the safety and security powers and responsibilities devolved by the national sphere of government to both the provincial and local spheres are inadequate to ensure effective and efficient safety and security service delivery in the Free State. Because of the expense and time involved in studying most of the population of interest, researchers must content themselves with studying a sample of persons who presumably represent that population (Borg *et al.* 1993: 112). A quota sampling technique was used in this research because the researcher focused mainly on a particular age group and gender. Neuman (2000:197) states that in quota sampling, a researcher first identifies relevant categories of people (e.g. male and female; or under age 30, ages 30-60, over age 60, etc), then decides how many to get in each category. Thus, the number of people in various categories of sample is fixed.



For example, a researcher decides to select 5 males and 5 females under age 30, 10 males and 10 females aged 30 to 60, and 5 males and 5 females over age 60 for a 40-person sample. It is difficult to represent all population characteristics accurately (Neuman 2000:199). In quota sampling, one decides on the subpopulations of interest and on the proportions of those subpopulations in the final sample (Bernard 2000:175). The empirical research comprised a quota sample of two thousand five hundred participants who were served by nineteen (19) priority police stations in the Free State province. The Free State priority stations were divided according to the following functional / service delivery boundaries of the district municipalities:

**Free State District Municipalities and Police Priority Stations.**

<b>District Municipality</b>	<b>Police Priority Station</b>
1. Motheo District Municipality	<ul style="list-style-type: none"><li>• Parkroad</li><li>• Turflaagte</li><li>• Batho</li><li>• Mangaung</li><li>• Selossha</li><li>• Botshabelo</li><li>• Boithusong</li><li>• Bloemspruit</li></ul>

	<ul style="list-style-type: none"> <li>• Kagisanong</li> </ul>
2. Thabo Mofutsanyane District Municipality	<ul style="list-style-type: none"> <li>• Bethlehem</li> <li>• Harrismith</li> <li>• Phuthaditjhaba</li> </ul>
3. Lejweleputswa District Municipality	<ul style="list-style-type: none"> <li>• Odendaalsrus</li> <li>• Welkom</li> <li>• Virginia</li> <li>• Thabong</li> </ul>
4. Fezile Dabi District Municipality	<ul style="list-style-type: none"> <li>• Sasolburg</li> <li>• Maokeng</li> <li>• Kroonstad</li> </ul>

### 5.3 PARTICIPANT OBSERVATION

Participant observation entails the researcher becoming resident in a community or group for a period of many months and observing the normal daily lives of its members. Where possible, researchers try to live within a local household and participate in routine production activities (Malinowski 1967:143). Participant observation is the primary technique used by ethnographers to gain access to data. In this mode the investigator lives as much as possible with, and in the same manner as, the individuals being investigated. Researchers take part in the daily activities of people, reconstructing their interactions and activities in fieldnotes taken on the spot, or as soon as possible after their occurrence.

By residing in the community, it becomes possible to collect information more slowly and informally, through observation than through formal surveys and use of indirect questions rather than questionnaires. The researcher will normally record information in notebooks, on a day-to-day, topic-by-topic basis, but making concentrated studies of particular phases of, for example, crop production, religious ritual or political debate as they occur (Goldberg et al. 1994:63). Most of these studies start off largely unstructured, as the researcher has little idea about what it is they precisely want to observe, or what might go on. There are no initial checklists, but simply observation of events, situations and behaviours, which are then written up and gradually, as more data accumulates, tentative guiding hypotheses, categorization, conceptual frameworks and some theoretical underpinning coalesce to give some body, focus and direction to later stages (Burns, 2000: 408).

Shelly (1996:47) states that the advantages of participant observation are that it can provide a well-rounded and well-founded picture of the community. Someone resident in the community can observe aspects of the lives of households and individuals throughout the week, month, and year. This avoids the seasonal biases of so many research methods, as well as the fragmentary insights produced by short visits when visitors may be given special treatment. It is one of the best ways of understanding the dynamics of power relationships, particularly as between women and men, within households and other groups.

Political and economic leverage are often only visible when the slower processes of social life can be followed through, in fine detail. Shelly (1996:47) further observe that participant observation is particularly useful in collecting information on groups with whom contact is difficult to achieve during a short or formal visit, particularly low-income groups, or those with a defensive outlook. The method can encourage trust to develop between the researcher and a community to such an extent that the researcher can move through the community and talk to members far more freely than would otherwise be possible. By being in the community or a particular group all the time, the researcher becomes a part of the scenery and no longer a threat or a novelty. This advantage allows far better contact with women, for example, or the marginalized individuals within the community. It allows the researcher to get past the self-appointed community 'spokespersons', and come to know a much wider spectrum of people, young and old, females and males, influential and disregarded.

The researcher is a Chief Director in the employ of the Provincial Department of Public Safety, Security and Liaison. This capacity enabled the researcher to have an opportunity of over three years to observe the evolution of decentralized service delivery and intergovernmental coordination at the provincial sphere of government.

Information gleaned from the questionnaires by the researcher during the study could be corroborated by years of unobtrusive observation measures, defined by Neuman (2000:521) as “another name for non-reactive measures. It emphasizes that the people being studied are not aware of it because the measures do not intrude”.

#### **5.4 TRIANGULATION OF DATA**

Triangulation is a term borrowed from surveying the land that means looking at an object from several different points gives a more accurate view of it (Neuman 2000:521). A commonly used technique to improve the internal validity is triangulation (Burns 2000:419).

Burns (2000:420) defines triangulation as “the use of two or more methods of data collection in the study of some aspects of human behaviour”. In its original and literal sense, triangulation is a technique of physical measurement – maritime navigators, military strategies and surveyors, for example, use (or used to use) several locational markers in their endeavours to pinpoint a single spot. By analogy, triangular techniques in the social sciences attempt to map out, or explain more fully, the richness and complexity of human behaviour by studying it from more than one standpoint and/or using a variety of methods, even combining qualitative and quantitative methods in some cases.

Triangulation contributes to verification and validation of qualitative analysis by checking out the consistency of findings generated by different data-collection methods; and checking out the consistency of different data sources within the same method.

Neuman (2000:511) defines *focus groups* as “a type of group interview in which an interviewer asks questions to the group, and answers are given in an open discussion among the group members”. Focus groups are recruited to discuss a particular topic- like people’s reaction to a television commercial or their attitude toward a crime prevention programme. Focus groups do not replace surveys, but rather complement them. Many survey researchers today use focus groups as the front end to designing questionnaires. Do the questions seem arrogant to respondents? Appropriate? Naïve? A focus group can discuss the wording of a particular question or offer advice on how the whole questionnaire comes off to respondents.

Focus groups are also used to help interpret the results of surveys. A representative sample of Free State communities might be asked what they think about a particular aspect of public service delivery. Then a series of focus groups would be convened to find out *why* people feel as they do and *how* they arrive at these feelings.

Focus groups, however, are not just adjuncts to surveys. If one wants to know *why* people feel as they do about something; the mental steps they went through to decide which candidate to support or which product to buy; why they like or do not like some programme, like their government's or institution's health programme; or the reasons behind some complex behaviour, then a series of focus groups can provide a tremendous amount of credible information (Neuman 2000:274).

The researcher conducted one focus group interview with members of the Provincial Policing Board which was charged with the responsibility of facilitating and coordinating the oversight activities of the Community Police Forums (CPFs) in the Free State (see subsection 3.2.2.2.3) The objective of the focus group interviews was to supplement data collected in the administration of survey questionnaires used to answer *why* the public felt as they did about decentralized safety and security service delivery in the Free State. Put differently, focus group interviews were conducted to triangulate the data from the questionnaire and participant observation.

Focus group research involves bringing a group of people together for up to two hours and having an objective moderator take them through a discussion format within an informal and interactive group atmosphere.

It is a qualitative research methodology used when one wants to understand people's needs on a human level. Focus groups are designed to go beyond the statistics of perception survey research, and explore some of the trends and perceptions that create these statistics in the first place (Bernard 2000:211).

## **5.5 STATISTICAL DATA ANALYSIS**

Neuman (2000:317) states that the word *statistics* has several meanings. It can mean a set of collected numbers (e.g. numbers telling how many people live in a city) as well as a branch of applied mathematics used to manipulate and summarise the features of numbers. Social researchers use both types of statistics. However, this study focused on the second type- that is, ways to manipulate and summarise numbers that represent data from empirical research. All the close-ended questionnaire data were converted to numerical values. The statistical tool which analysed and interpreted data was a frequency distribution.

The researcher found the frequency distribution to be the most appropriate tool to describe the numerical data of one variable. For that reason, *univariate statistics* were used by the researcher. *Univariate statistics* describe one variable (*uni-* refers to one; *variate* refers to variable)(Neuman 2000:317). Frequency distribution showed how many subjects were similar in the sense that, measured on the dependent variable, they ended up in the same category or had the same score (Huck and Cormier 1996:73).



There are two types of frequency distribution, namely, raw frequency distribution and percentage frequency distribution. The researcher used both types of frequency distribution. For example, if a researcher has data for 400 respondents, he/she can summarise the information on the gender of respondents at a glance either with a raw count or a percentage frequency distribution (see Table 5.4 and Table 5.5).

**Table 5.4 Example of Univariate Statistics: Raw Count Frequency Distribution.**

<b>Gender</b>	<b>Frequency</b>
Male	100
Female	300
<b>Total</b>	<b>400</b>

**Table 5.5 Example of Univariate Statistics: Percentage Frequency Distribution.**

<b>Gender</b>	<b>Frequency</b>
Male	25%
Female	75%
<b>Total</b>	<b>100%</b>

The advantage of the frequency distribution method is that such an occurrence results in the elimination of fewer participants because there does not necessarily have to be a partner with approximately the same status on particular variable(s) for each group of research participants.

## **5.6 CONCLUSION AND CONCLUSION**

Chapter 5 outlined the descriptive research study undertaken by the researcher which used a survey questionnaire, participant observation, focus group as tools to collect, validate and statistically analysed data from the public on their perception of safety and security service delivery in the Free State. Chapter 6 provides the analysis and interpretation of data collected as detailed above.

## **CHAPTER 6**

### **EMPIRICAL RESEARCH ON PUBLIC PERCEPTIONS TO PUBLIC SAFETY AND SECURITY IN THE FREE STATE**

#### **6.1 INTRODUCTION**

Chapter 5 provided a discussion of the development of the research tools used in the empirical part of this study. The results of the processed data are analysed and interpreted in this chapter. The following five sections contain reports of collected data from public respondents:

- Report on the public's demographic information;
- Report on the public's responses on governmental relations and decentralisation;
- Report on the public's responses on public consultation; and
- Report on the public's responses on the positive impact and beneficial effect of decentralized safety and security service delivery.

#### **6.2 DATA REPORT AND ANALYSIS.**

##### **6.2.1 Section A: Report on the Public's Demographic Information.**

When a questionnaire is used as a method of collecting data, it is vital that attention is paid to the demographic information of all the respondents who participate in the research survey. Demographic information is important when analyzing and interpreting data.

Three demographic variables were gathered in this study: district municipalities and serving priority police stations, gender and age group. Free State province has five district municipal areas within which police service delivery is done, namely Motheo, Lejweleputswa, Fezile Dabi, Thabo Mofutsanyane and Xhariep. However, Xhariep district municipality is not served by any priority police station. Responses were gathered from members of the public resident only in district municipalities that were serviced by priority police stations (see Table 5.4). The majority of responses (47%) came from members of the public (1175) served by the priority police stations that were located in the Motheo district. The Motheo district was a densely populated area in which the majority of crimes were reported as compared to other districts in the Free State. The least responses (16%) were gathered from respondents served by the priority police stations situated in the Fezile Dabi and Thabo Mofutsanyane districts respectively (see Table 6.1).

**Table 6.1: Public Responses: District Municipalities and Priority Police Stations.**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Motheo District Municipality</b>	1175	47%
<b>Lejweleputswa District Municipality</b>	525	21%
<b>Fezile Dabi</b>	400	16%
<b>Thabo Mofutsanyane</b>	400	16%
<b>Total</b>	2500	100%

Table 6.2 shows the gender distribution of all respondents. Of the respondents, 72% were females and 28% males. This therefore means that female members of the public mainly participated in the research survey. The reason why mainly females participated in the research survey did not fall within the scope of this research study and was therefore not analysed.

**Table 6.2: Public Responses: Gender**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Female</b>	1800	72%
<b>Male</b>	700	28%
<b>Total</b>	2500	100%

Table 6.3 shows the age distribution of all the respondents. The aim of this question was to draw attention to the age category of the respondents in the areas served by priority police stations in the Free State. As far as this is concerned, the largest single concentration of respondents (57%) occurred in respondents between the ages of 18 and 24 years. The lowest number of respondents (56 and over) comprised 1%.

**Table 6.3: Public Responses: Age of Public Respondents.**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>18 – 24 years</b>	1482	57%
<b>25 – 35</b>	775	31%
<b>36 – 45</b>	225	9%
<b>46 – 55</b>	50	2%
<b>56 – and over</b>	25	1%
<b>Total</b>	2500	

In chapter 1, it was stated that the purpose of the questionnaire was to collect objective data about public perception on the delivery of decentralized safety and security services in the Free State. Therefore, apart from the public's demographic information gathered in Section A analysed above, Sections B, C and D of the questionnaire collected such data which was analysed and interpreted below.

### **6.2.2 Section B: Report on the public's responses on governmental relations and decentralisation.**

The premise of this section was based on the firm understanding that no country today can effectively meet its challenges, even in safety and security service provision, unless the components of government function as a cohesive whole.

The public was therefore asked the question: "Which of the following spheres of government do you think is most important in the provision of community safety and security services?" The majority of respondents (65%) indicated that the local sphere of government was the most important in the provision of community safety and security services.

20% of respondents indicated that the national sphere of government was the second most important in the provision of safety and security service to communities (see Table 6.4). The least responses (15%) preferred the provincial sphere of government. The inference that can be made is that the public does not really see the important role that can be played by the provincial government in the delivery of safety and security services in the Free State.

**Table 6.4: Provision of Community Safety and Security Services.**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>National Government</b>	500	20%
<b>Provincial Government</b>	375	15%
<b>Local Government</b>	1625	65%
<b>Total</b>	2500	100%

The study also aimed to find out whether the public regarded inter-municipal relations important in the provision of safety and security service.

When asked: “Do you think it is important for your local municipality to interact with other municipalities on matters of community safety”, the majority of respondents (97%) answered positively (see Table 6.5).

**Table 6.5: Inter-municipal Interaction on Community Safety.**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Yes</b>	2425	97%
<b>No</b>	75	3%
<b>Total</b>	2500	100%

### **6.2.3 Section C: Report on the public's responses on public consultation.**

Respondents were asked whether there was a Community Police Forum (CPF) at their respective local police stations. The majority of respondents (54%) stated that they did not know whether there was any CPF established in their respective areas of residence.

However, 35% of the respondents indicated that there were CPFs at their local police stations. (see Table 6.6). It can therefore be deduced that either the Free State has few CPFs or the majority of the current CPFs are not functional in the province.



**Table 6.6: Establishment of Community Police Forum (CPF).**

Value Label	Frequency	Percent
Yes	875	35%
No	275	11%
I do not know	1350	54%

Question: “Do you know members of your local Community Police Forum (CPF)?” the majority (68%) mentioned that they did not know members of the local CPF. Only 32% of the respondents knew who members of their local CPFs were. (see Table 6.7).

Based on the responses stated above, one can safely draw a conclusion that communication between the established Community Police Forums (CPF) and communities is poor in the Free State.

**Table 6.7: Awareness of local CPF Composition.**

Value Label	Frequency	Percent
Yes	1725	69%
No	775	32
Total	2500	100%

When asked whether respondents thought that ordinary members of the public must participate in the delivery of local community safety services, the majority of respondents (93%) answered positively (see Table 6.8). However, 4% of the respondents did not answer this question. (see Table 6.8)

The majority response (93%) indicated that the public understood decentralisation to mean, among other things, that mechanisms should be developed to ensure public participation in policy initiation and formulation, and the monitoring and evaluation of decision-making and implementation.

**Table 6.8: Public Participation in Community Safety Service Delivery.**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Yes</b>	2325	93%
<b>No</b>	75	3%
<b>Total</b>	2400	96%
<b>Missing Cases</b>	100	4%

One of the claims of decentralisation is that ordinary citizens must have access to the decision-making process, the researcher sought to establish whether the CPFs localized participation on crime prevention matters. Respondents were asked whether “Members of your community are consulted by the local CPF on the identification of local crime prevention strategies and projects?”

The majority of respondents (62%) disagreed that members of their respective communities were consulted regularly by local CPFs on the identification of local crime prevention strategies and projects (see Table 6.9).

**Table 6.9: Identification of Strategies and Projects by the Public (CPF).**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Strongly Agree</b>	325	13%
<b>Agree</b>	500	20%
<b>Neither Agree nor Disagree</b>	0	0%
<b>Disagree</b>	1550	62%
<b>Strongly Disagree</b>	125	5%
<b>Total</b>	2500	100%

Respondents were asked to answer the following question: “Are members of your community consulted by the CPF on progress made on the reduction of crime in your community?”

The majority of respondents (75%) strongly disagreed that their communities were consulted by their local CPFs on progress made on the reduction of crime in their communities. (see Table 6.10).

No respondent strongly agreed, agreed; or neither agreed nor disagreed that communities were consulted by their local CPF on the identification of local crime prevention strategies and projects.

**Table 6.10: Democratic Accountability on Service Delivery (CPF's).**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Strongly Agree</b>	0	0%
<b>Agree</b>	0	0%
<b>Neither Agree nor Disagree</b>	0	0%
<b>Disagree</b>	625	25%
<b>Strongly Disagree</b>	1875	75%
<b>Total</b>	2500	100%

Respondents were asked the following question: “How many times are meetings of your local CPF held?”

The majority of respondents (96%) said they did not know (see Table 6.11). No respondent answered whether local CPF meetings were held weekly, twice-a-month, anytime or none at all. However, 4% of the respondents did not answer this question (see Table 6.11).

**Table 6.11: Frequency of CPF Meetings.**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Weekly</b>	0	0
<b>Twice a Month</b>	0	0
<b>Monthly</b>	0	0
<b>Anytime</b>	0	0
<b>None</b>	0	0
<b>Do not Know</b>	2400	96%
<b>Total</b>	2400	96%
<b>Missing Cases</b>	100	4%

When asked whether their local municipalities consulted communities on the identification of local crime prevention strategies and projects, the majority of respondents (52%) indicated that they neither agreed nor disagreed, while 30% stated that they agreed that local municipalities consulted them (See Table 6.12).

The question was asked because municipalities are supposed to play a central role in the promotion of local democracy by involving citizens and community groups in the design and delivery of municipal programmes, including community safety.

**Table 6.12: Identification of Strategies and Projects by the Public (Municipalities)**

Value Label	Frequency	Percent
<b>Strongly Agree</b>	75	3%
<b>Agree</b>	175	7%
<b>Neither Agree nor Disagree</b>	1300	52%
<b>Disagree</b>	550	22%
<b>Strongly Disagree</b>	400	16%
<b>Total</b>	2500	100%

Respondents were asked: "Does your local municipality consult your community on progress made on the reduction of crime in your community?" the majority of respondents (73%) strongly disagreed. (see Table 6.13). Based on the abovementioned response, it can be concluded that participatory processes on matters of safety and security service provision are not popular in the Free State.

**Table 6.13: Democratic Accountability on Service Delivery (Municipality)**

Value Label	Frequency	Percent
<b>Strongly Agree</b>	75	3%
<b>Agree</b>	175	7%
<b>Neither Agree nor Disagree</b>	1300	52%
<b>Disagree</b>	550	22%
<b>Strongly Disagree</b>	400	16%
<b>Total</b>	2500	100%

**6.2.4 Section D: Report on the Positive Impact and Beneficial Effect of Decentralised Safety and Security Service Delivery.**

Community Police Forums (CPFs) are local structures charged with the statutory duties and responsibilities to promote local popular participation in safety and security service provision, democratic accountability and civilian oversight over the South African Police Service. The effective discharge of those duties and responsibilities is intended to yield positive impact and beneficial effect to the public. This section was basically intended to investigate the advantageous existence of the CPFs in communities. When asked the question: "How safe do you feel going out at night in your community?" the majority of respondents stated that they felt 'Unsafe' (55%), while 41% indicated that they felt 'Very Unsafe' (43%). (see Table 6.14).

**Table 6.14: Fear of Crime**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Very Unsafe</b>	1075	43%
<b>Unsafe</b>	1375	55%
<b>Safe</b>	50	2%
<b>Very Safe</b>	0	0%
<b>Total</b>	2500	100%

Respondents were asked: "In the past three years have you been a victim of domestic or street violence / crime?" The majority (65%) of the respondents said 'No'. (see Table 15). But when asked about going out at night, the majority response (96%) indicated that respondents felt 'unsafe' and 'very unsafe' going out at night.

Table 6.15 shows that the majority of respondents (65%) suffer from an unsatisfactory level of fear of crime in the province.

**Table 6.15: Crime Victimization.**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Yes</b>	875	35%
<b>No</b>	1625	65%
<b>Total</b>	2500	100%

Asked to state the types of crime most prevalent in the communities before the formation of the CPFs, the majority of respondents (43%) stated that housebreaking had always been gruesome crime in their communities before the formation of their respective local CPFs.

However, 19% and 16% of respondents felt that robbery with aggravating circumstances and common assault (respectively) had always been gruesome crimes before the formation of CPFs (see Table 6.16).



This therefore means that house-breaking, robbery with aggravating circumstances and common assault have always been the most prevalent crimes in communities in the Free State before the establishment of the CPFs.

**Table 6.16: Gruesome Crimes Before CPF Formation.**

Value Label	Frequency	Percent
Murder or attempted murder	0	0
Gender-based violence including rape and other violent sexual offences	125	5
Assault with grievous bodily harm (GBH)	175	7
Common assault	400	16
Robbery with aggravating circumstances	475	19
Housebreaking	1075	43
Theft of motor vehicle	50	2
Theft out of motor vehicle	25	1
Stock theft	75	3
Shoplifting	0	0
Illegal possession of firearm	0	0
Drug related crimes	0	0
Driving under the influence of alcohol	100	4
Commercial crime or fraud	0	0
None of the above (Specify)	0	0
Total	2500	100%

Asked how they would rate crime reduction in their areas since the formation of local CPFs, the majority of respondents rated it poor (53%) to fair (43%). However, 6% did not answer this question. (see Table 6.17).

Precisely because Tables 6.6, 6.7, 6.9 and 6.10 indicated clearly that the effective functionality of the CPFs was sub-minimal and that communication between the CPFs and communities was extremely limited, it is totally not surprising that the majority of respondents (53%) rated the crime reduction efforts of the CPFs as 'poor'.

**Table 6.17: Crime Reduction as Evidence of CPF Effectiveness.**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Excellent</b>	0	0%
<b>Good</b>	0	0%
<b>Fair</b>	1025	41%
<b>Poor</b>	1325	53%
<b>Total</b>	2350	94%
<b>Missing Cases</b>	150	6%

Respondents were asked if the answer to the abovementioned question was 'fair' or 'poor', which crimes would they like to see reduced in their communities?

35% of respondents stated that they would like gender-based violence including rape and other sexual offences reduced in their communities; while 25% were of the view that housebreaking must be reduced. (see Table 6.18). It can be concluded therefore that while house-breaking, robbery with aggravating circumstances and common assault were regarded as the most prevalent types of crime in most communities in the Free State particularly before the formation of the CPFs, the majority of respondents currently feel that gender-based violence (including rape and other sexual offences), housebreaking and common assault must be reduced in their communities.

**Table 6.18: Crimes Deserving Serious Attention in Communities.**

Value Label	Frequency	Percent
Murder or attempted murder	0	0
Gender-based violence including rape and other violent sexual offences	875	35
Assault with grievous bodily harm (GBH)	250	10
Common assault	500	20
Robbery with aggravating circumstances	250	10
Housebreaking	625	25%
Theft of motor vehicle	0	0
Theft out of motor vehicle		
Stock theft	0	0

<b>Shoplifting</b>	0	0
<b>Illegal possession of firearm</b>	0	0
<b>Drug related crimes</b>	0	0
<b>Driving under the influence of alcohol</b>	0	0
<b>Commercial crime or fraud</b>	0	0
<b>None of the above (Specify)</b>	0	0
<b>Total</b>	2500	100%

When asked if the attitude of the police towards their work had presented commendable results since the formation of CPFs, the responses ranged from 'Disagree' (55%) to 'Strongly Disagree' (35%). However, 3% of the respondents did not answer this question. (see Table 6.19). Clearly, one can conclude that if the attitude of the police towards their work is questionable, effective policing cannot therefore take place, especially if the functionality of the CPFs is considered by the majority of the respondents as sub-minimal.

**Table 6.19: Police Attitude Towards Work: Since CPF Formation**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Strongly Agree</b>	0	0%
<b>Agree</b>	50	2%
<b>Neither Agree Nor Disagree</b>	125	5%
<b>Disagree</b>	1375	55%
<b>Strongly Disagree</b>	875	35%
<b>Total</b>	2425	97%
<b>Missing Cases</b>	75	3%

Question: "Do you think that your local CPF has so far been effective and successful in establishing and maintaining a partnership between the community and the South African Police Service (SAPS)?" 57% of respondents said they disagreed, while 25% strongly disagreed. (see Table 6.20).

**Table 6.20: Partnership Between Community and Police**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Strongly Agree</b>	0	0%
<b>Agree</b>	75	3%
<b>Neither Agree Nor Disagree</b>	375	15%
<b>Disagree</b>	1425	57%
<b>Strongly Disagree</b>	625	25%
<b>Total</b>	2500	100%

Respondents were asked whether they thought that their local CPFs had been effective and successful in promoting communication and cooperation between the community and the police.

The majority (62%) disagreed, followed by 19% who strongly disagreed, while 17% neither agreed nor disagreed (see Table 6.21).

**Table 6.21: Communication and Cooperation Between Community and Police**

Value Label	Frequency	Percent
Strongly Agree	0	0%
Agree	50	2%
Neither Agree Nor Disagree	425	17%
Disagree	1550	62%
Strongly Disagree	475	19%
Total	2500	100%

Respondents were asked whether they thought that their local CPFs had been effective and successful in improving police service delivery in communities, the majority (72%) disagreed, followed by 20% who strongly disagreed (see Table 6.22).

**Table 6.22: Improvement of Police Service Delivery**

Value Label	Frequency	Percent
Strongly Agree	0	0%
Agree	75	3%
Neither Agree Nor Disagree	125	5%
Disagree	1800	72%
Strongly Disagree	500	20%
Total	2500	100%

Respondents were asked whether they thought that their local CPFs had been effective and successful in the improvement of transparency and accountability of the police to the community, 93% of the respondents strongly disagreed, followed by 3% who disagreed. Another 3% neither agreed nor disagreed. (see Table 6.23).

**Table 6.23: Improvement of Transparency and Accountability of Police**

<b>Value Label</b>	<b>Frequency</b>	<b>Percent</b>
<b>Strongly Agree</b>	0	0%
<b>Agree</b>	75	3%
<b>Neither Agree Nor Disagree</b>	125	5%
<b>Disagree</b>	1800	72%
<b>Strongly Disagree</b>	500	20%
<b>Total</b>	2500	100%

Respondents were asked whether they thought that their local CPFs had been effective and successful in promoting joint problem identification and problem-solving between the community and the police.

The majority (66%) disagreed, followed by 10% who strongly disagreed, while 20% neither agreed nor disagreed (see Table 6.24).

**Table 6.24: Promotion of Joint Problem Identification and Problem-solving**

Value Label	Frequency	Percent
Strongly Agree	0	0%
Agree	100	4%
Neither Agree Nor Disagree	500	20%
Disagree	1650	66%
Strongly Disagree	250	10%
Total	2500	100%

Finally, respondents were asked the following question: “In your opinion what should an ideal CPF focus more attention on?” 47% stated an ideal CPF should focus more of its attention on the improvement of transparency and accountability of the police to communities. 38% of the respondents indicated that an ideal CPF should pay more attention on the improvement of police service delivery. (see Table 6.25).

**Table 6.25: Focus of an Ideal CPF.**

Value Label	Frequency	Percent
Promotion of communication and cooperation between communities and the police.	250	10%
Improvement of police service delivery.	950	38%



<b>Transparency and accountability of the police to communities.</b>	1175	47%
<b>Joint problem identification and problem-solving between the police and communities.</b>	125	5%
<b>None of the above.</b>	0	0%
<b>Total</b>	2500	100%

### **6.3 SUMMARY AND CONCLUSION**

In this chapter the results of the questionnaire that were obtained from 2500 respondents from four district municipalities that are served by 19 priority police stations were discussed in detail. Statistical analysis and interpretation of data obtained from the questionnaire were provided on:

- The public's demographic information;
- The public's responses on governmental relations and decentralisation;
- The public's responses on public consultation; and
- The public's responses on the positive impact and beneficial effect of decentralized safety and security service delivery.

The inferences drawn from the analysis and interpretation of data done in this chapter can be summarized as follows:

- Consultation between the CPFs and communities is poor.
- Communities are not even aware of the existence of local CPFs in their areas.
- Communities do not know who their local CPF members are.
- Communities regard the crime reduction efforts of CPFs as ineffective.
- Communities maintain that CPFs failed to change the bad police attitude towards their work.
- CPFs have not been effective and successful in promoting communication and cooperation between communities and the police.
- CPFs have not been effective and successful in the improvement of police service delivery.
- CPFs have not been effective and successful in improving transparency and accountability of the police to communities.
- CPFs have not been effective and successful in promoting joint problem identification and problem-solving.
- An ideal CPF should focus much more on the improvement of transparency and accountability of the police to the public, especially in respect of service delivery.

In chapter 7, the inferences made above are discussed and related to the theoretical overview of intergovernmental relations and decentralisation (Chapter 2), organizational structure for safety and security service delivery (Chapter 3),

and politics/administration interface (Chapter 4). Furthermore, more specific and appropriate recommendations and conclusions are made.

## **CHAPTER 7**

### **SUMMARY AND CONCLUSION**

#### **7.1 INTRODUCTION**

The main aim of this study was to investigate whether powers, functions and responsibilities decentralised by the national sphere of government to the provincial and local units enable the latter to deliver safety and security services optimally in the Free State. The investigation was based on the hypothesis that the safety and security powers and responsibilities devolved by the national sphere of government to both the provincial and local spheres are inadequate to ensure effective and efficient crime prevention. To facilitate research and to investigate the problem identified in this study, the focus was subdivided into the following four research objectives, as analysed in Chapter 1 (see section 1.4):

- To provide a theoretical exposition of what governmental relations and decentralization entail;
- To assess the structures that coordinate and oversee the delivery of safety and security services,
- To examine the impact of the relationship between the provincial minister or the member of executive council (MEC) for safety and security and the provincial police commissioner on the delivery of safety and security services in the province.

- To determine empirically the extent to which the public participate in the delivery of safety and security services in the province.

The study focused on the theoretical overview of governmental relations and decentralisation, the organizational structure of safety and security service delivery, political-administrative interface, an exposition of the research methodology employed in the empirical part of the study, as well as an in-depth analysis and interpretation of the results from the latter. To ensure that this study is also an appraisal of a process and not only a description based on a framework, the findings made in the preceding chapters on the various research objectives are summarized in this chapter in order to make recommendations and draw conclusions on the powers and responsibilities decentralized by the national sphere of government to the provincial and local units. The research objectives are discussed according to their original formulation in separate sections. This is followed by a synopsis of the findings, before attempting to define the value of the framework. Conclusions are drawn and suggestions are made for further research.

## **7.2 Objective One: To provide a theoretical exposition of what governmental relations and decentralization entail.**

The purpose of this objective was to provide a conceptual theoretical explanation of intergovernmental relations and decentralisation.

The following research question was posed in section 1.3: What are governmental relations and decentralisation? In order to achieve the aforementioned research objective and provide an answer to the corresponding research question, the views of different authors from chapter 2 the literature review, were considered. Chapter 2 of the study revealed that intergovernmental and bureaucratic politics at the national sphere of government impact negatively on the delivery of decentralized safety and security services in the Free State.

Resultantly, a disjoint is evident between what government decentralizes in a formal sense (that is, in law) and what it decentralizes in an actual sense. This disjoint can be explained by normative arguments about the limits to decentralisation attributable to, for example, the influence to factors such as intergovernmental and bureaucratic politics. Intergovernmental politics influences decentralisation as national politicians attempt to maintain central control over crucial service provision components. National politicians generally exhibit a desire to maintain their influence over local public services because:

- They are highly visible to political constituencies.
- They provide important opportunities for donor funding.
- Decentralisation can create political threat.

National level bureaucracies attempt to ensure that crucial components related to service provision are centralized. In some instances these components are centralized in legal processes. Where legislation decentralizes them other bureaucratic behaviours limit localization, including informal process requirements and direct forms of inter-organisational conflict.

Therefore, it is recommended that decentralisation policies, particularly as they pertain to safety and security service delivery, must be evaluated in order to measure their capability to alter rules governing intergovernmental relations. Because decentralisation modifies relative power, it typically estranges some groups who may actively attempt to undermine it whereas those who benefit are likely to support it.

**7.3 Objective Two: To assess the structures that coordinate and oversee the delivery of safety and security services.**

The purpose of this objective was to examine the role played by the oversight structures and mechanisms to ensure democratic accountability by the safety and security organizational components. In section 1.3 the following research question was asked: What structures exist to coordinate and oversee the delivery of safety and security services?

In order to achieve the aforementioned research objective and provide an answer to the corresponding research question, the roles of constitutional and legislative oversight structures at national, provincial and local spheres of government, as contained in chapter 3 of the study, were considered. From the literature review the researcher found that the coordination of the public safety and security oversight policy was beset with the following implementation gaps at all three spheres of government:

- *Overlapping Mandates:* The proliferation of accountability and oversight mechanisms and institutions, with overlapping mandates and insufficient resources contributes to public confusion and duplication.
- *Poor Institutional Interdependence:* Inadequate systems and obligations within other state institutions to report incidents to the oversight and accountability mechanisms.
- *Poor Institutional Independence:* The issue of poor institutional independence both in terms of the location of the oversight mechanism and its reporting line. For example, both the national and provincial secretariats for safety and security demonstrate a lack of independence from the police; they report directly to the Minister/MEC for Safety and Security and not directly to parliament/provincial legislature. Issues of resources and capacity do impact on their ability to perform a monitoring role.



- *Insufficient Powers to act:* The issue of powers is critical to the ability of the oversight and accountability mechanism to investigate, obtain information, and enforce recommendations/findings. In terms of their powers, the Secretariats for Safety and Security, including the Chapter Nine Institutions and the Independent Complaints Directorate are restricted. They have no power to compel a body in question to take action. In the case of complaints, where disciplinary action is required, there is no obligation on the body under investigation to report on measures taken to redress situations. Furthermore, the ability by the local communities, either through local municipalities or CPFs, to monitor police performance and conduct, and effectively impact on police priorities in their localities require further attention.
- *Role Clarification:* Confusion around the role and powers of the oversight and accountability mechanisms needs to be cleared up. The oversight role of the Secretariats for Safety and Security are often not fully understood by members of the police service. Additionally, the work of the Community Police Forums (CPFes) is also hampered by a lack of clarity of their powers.

Therefore, it is recommended that more attention should be given to the *coordination of coordination* which requires defining clear oversight responsibilities and relationships between different bodies; for instance,

national-provincial, interdepartmental, intradepartmental, inter-sectoral, provincial-local and inter-municipal.

**7.3 Objective Three: To determine the impact of the relationship between the Minister of Safety and Security and the Police Commissioner on the delivery of safety and security services.**

The purpose of this objective was to determine the extent of control, power and accountability both the minister and the police commissioner have on the delivery of safety and security. Therefore, chapter 4 analyses the Minister-Police Commissioner relationship and its influence on the delivery of safety and security services. In section 1.3 the following research question was asked: What impact does the relationship between the Minister of Safety and Security and the Police Commissioner have on the delivery of safety and security services?

In order to achieve the abovementioned research objective and to provide an answer to the corresponding research question, various political/administrative models were considered. Literature review indicates that although the decision-making process of the national and provincial police commissioners are often controlled by the strong parliamentary approach; the provincial government has limited and/or indirect authority over the provincial police commissioner. Admittedly, the provincial commissioner establishes Community Police Forums (CPF's) through which communities participate in the delivery of safety and security, upon the directives of the MEC.

However, due to legislative limitations placed on the authority of the provincial government or MEC for Public Safety, Security and Liaison over the police, it cannot be expected of the provincial government or MEC to have significant impact on the delivery of safety and security service or public participation in safety and security service delivery without the involvement of the Minister of Safety and Security who has extensive political and administrative powers over the police commissioners and the police service nation-wide.

Therefore, it is recommended that, because South Africa has embraced the new public sector management approach, the relationship between the Minister/MEC and National/Provincial Commissioner relationship should be rooted in the evolving 'interdependency' model which requires:

- Redefinition of the relationship rules between the Minister/MEC and National/Provincial Commissioners based on greater personal trust, honesty, commitment and confidence through better defined expectations.
- Both the Minister/MEC and National/Provincial Commissioner must rely on the confidence of the public.
- The government needs to accept the impartiality and neutral role of the safety and security function.
- There needs to be a degree of balance between political control (on the part of the Minister/MEC) and operational and administrative independence (on the part of the National/Provincial Commissioner).

- Mutual accountability needs to be clearly defined by government with sharing of responsibilities and accountabilities between the commissioner, government and community.
- There needs to be open and effective challenging of executive decisions and policies.
- The relationship should be based on moral principles applying the 'rule of law' and co-operative approach and not relying on administrative accountability.
- The National/Provincial Commissioner should be free to control organizational management without party political interference.
- The National/Provincial Commissioner should provide progress reports and have a mutually agreed framework for the conduct of the organization (that is, the South African Police Service).
- A deciding criterion should be determined for overriding problems between the Minister/MEC and the National/Provincial Commissioner based on a public written statement of agreements.

**7.4 Objective Four: To determine empirically the extent to which the public participates in the delivery of safety and security services in the Free State.**

The purpose of this objective was to determine the perception of the public on the improvement of decentralized community safety and security service delivery

organisations in the Free State. Chapter 6 of the study focused on the analysis and interpretation of the results flowing from the empirical study to address objective four.

On the whole the findings in this section revealed clearly that while the theoretical focus of intergovernmental relations is on the decentralisation of powers, functions and responsibilities from national to sub-national units of government, empirical research indicates that decentralisation has not been matched by effective and efficient public participation in the delivery of safety and security services in the Free State. For example, implementation of South Africa's community policing policy by the SAPS, apart from the establishment of the CPF, is symbolic; it is generally viewed as an 'add-on' responsibility to certain functions within the SAPS and that this responsibility is interpreted, at various levels, primarily in terms of the establishment and maintenance of CPFs.

Furthermore, it seems unlikely that the implementation of the community policing policy, in its current form and with its sole focus on CPFs, will facilitate achievement of the policy's wider goals; that is, improved safety and security service delivery and actual reduction in crime. It is therefore recommended that the core elements of community policing policy must be internalized and mainstreamed as the operational methodology of all functions of the police organization in South Africa.

## **7.6 Synopsis**

The hypothesis that has been formulated for this study is that the safety and security powers, functions responsibilities decentralised by the national sphere of government to both the provincial and local spheres are inadequate to ensure effective and efficient crime prevention in the Free State. If the safety and security powers, functions and responsibilities shifted by the national sphere of government to the sub-national units of government are indeed adequate, it will be possible to deduce that crime in the Free State will be prevented effectively and efficiently. However, if the safety and security safety and security powers, functions and responsibilities shifted by the national sphere of government to the sub-national units of government are inadequate, explanations will have to be found and recommendations be made on how to improve crime prevention in the province.

By means of this study it was found that the safety and security powers, functions responsibilities decentralised by the national sphere of government to both the provincial and local spheres are inadequate and, therefore the above hypothesis is indeed true. In light of the specific deficiencies identified, recommendations are made in this chapter that can contribute to the elimination of the identified safety and security service delivery deficiencies in the Free State.

## **7.7 Research Conclusions.**

From the evidence of this research study, it is possible to establish and reach conclusions, some of which confirm the views of theorists. The adoption of the 1993 Interim Constitution and the 1996 Constitution in South Africa marked the introduction of a complex quasi-federal intergovernmental relations system characterized by a dense network of linkages between and among national, provincial and local spheres of government as part of a model of “cooperative governance”. The quasi-federal intergovernmental machinery envisioned in the 1996 Constitution may be both its greatest strength (ensuring consensus by incorporating all points of view and spelling out the fundamental requirement of on-going consultation), and its greatest weakness (creating a system in which the preoccupation with consultation process precludes action).

The danger, perhaps, is that the need for cooperation and coordination (for instance, of safety and security service delivery) will drown the system in intergovernmental wrangling, rather than freeing each sphere of government to respond to its own needs, set its own priorities and get on with its own job. In this, as in other areas of the 1996 Constitution, “cooperative governance” places an enormous premium on the processes of consultation and consensus building, which may in turn slow down the process of effective policymaking and implementation.

Furthermore, decentralisation in South Africa has turned out to underpin the broad set of criteria to justify the paramountcy of the national sphere of government in shared or concurrent powers, and even in areas of exclusive provincial competence. Finally, the realization of effective delivery of safety and security services in the Free State depends greatly on how successful all spheres of government are in developing the mechanisms for open accountable and participatory government, to which the 1996 Constitution commits them.

#### **7.8 Recommendations for Improving Safety and Security Service Delivery.**

The following recommendations are made with the purpose of prompting government action on the research findings above:

- The statutory framework (i.e. the 2005 Intergovernmental Relations Framework Act) must be amended to accommodate the institutionalization of horizontal intergovernmental relations system between and among the provincial Departments of Safety and Security.
- Intergovernmental Safety and Security Sub-Committees should be established at the local sphere of government within the context of community policy and community safety.
- The national sphere of government needs to support decentralized safety and security service delivery system with financial and administrative resources and legal powers; and also needs to have the capacity to monitor their use and evaluate their impact.



- Sufficient powers must be delegated to, and significant effort must be mounted to enhance the capacity of national, provincial and local safety and security oversight structures to enable them to act effectively on their recommendations (e.g. Secretariats for Safety and Security, Chapter Nine Institutions and Commissions, Independent Complaints Directorate, and Municipal Civilian Oversight Committee).
- The proliferation of the accountability and oversight mechanisms and structures, often with unclear and/or overlapping mandates that confuse and retard public participation, must receive immediate government attention.
- Accountability and oversight structures must be afforded sufficient independence, in terms of their reporting line and basic resources, from the executive (e.g. Minister or Member of Executive Council for Public Safety, Security and Liaison)
- The provincial and local community policing strategies need to be developed (and referred to the Provincial Intergovernmental Forum) to standardize the implementation of the national community policing policy.
- At the core of decentralisation policy is an integrated planning approach. The intergovernmental planning system in South Africa should require both the provincial and local spheres of government to draft community policing plans that can be fed into national medium and long-term safety and security plans.

- Executive and administrative intergovernmentalism should be fully integrated into the policy under which powers, functions, responsibilities and finance of sub-national units of government are defined.
- Sufficient and unambiguous powers should be delegated to the provincial and local spheres of government: first, to enable them to fulfil their executive safety and security obligations; and second, to promote partnership between the provincial/local executive (MEC/Mayor) and the provincial/station police commissioner based on complementarity or mutual relations of trust and interdependence where both parties seek correct problems by fine-tuning either the policy side or the administration side.

### **7.9 Recommendations for Further Research.**

Flowing from this study, the following terrains for possible academic oriented research in response to safety and security service delivery as applied in the Free State have been identified:

- To collect and analyse data and draw conclusions about the models of intergovernmental relations (i.e. coordinative authority model, inclusive authority model, overlapping authority model, dual federalism, layer-cake federalism, cooperative federalism, and marble-cake federalism) under which decentralized safety and security service delivery proves most effective.

- To determine how selected arrangements both formal (for example, the distribution of powers among spheres of government and the disciplines operating from within and outside government such as hierarchical oversight and voting) and social practices (for example, principal-agent information flows such as sources of citizen perceptions of service delivery) collectively influence government in a decentralized system, and specifically the performance of decentralized safety and security service delivery organizations.
- To determine the extent to which intergovernmental politics and politics of government responsiveness cause tension between safety and security policy implementation and extragovernmental relations in terms of public participation.
- To examine the relationship between intergovernmental relations, the formulation and the implementation process of the safety and security policy.
- To conduct empirical research on the institutional forms that decentralisation takes to produce specific safety and security outcomes. First, literature indications are that there are almost no instances of strong or democratic decentralisation (combining accountable representation with powers) being created. Most public reforms follow the contours of either weak decentralisation or deconcentration.

Second, literature reflects extreme reluctance on the part of governments to transfer meaningful powers to sub-national government units. Often varying forms of delegation or privatization occur in the name of decentralisation. Without the appropriate institutional forms and powers, decentralisation will not deliver the theoretically expected benefits (such as public participation, effectiveness, efficiency, equitability, quality service delivery, responsiveness).

Therefore, until basic institutional infrastructure is in place and powers are transferred, it is not possible to determine whether decentralisation delivers the outcomes theory predicts. The first step in understanding decentralisation, then, is to assess whether it is being established by characterizing the local actors involved, the accountability relations they are located in and the powers they hold. From this starting point questions can be posed concerning outcomes, as well as the causal relations between different institutional forms and the outcomes.

- Finally, to examine the relationship between the expected outcomes of community policing, on the one hand, and the types of government systems, models of politics/administration interface, models of executive and administrative intergovernmentalism, forms of decentralisation, types of community participation and local community activism/elitism relational intensity, on the other.

### **7.10 Summary and Conclusion.**

The concluding chapter focused on summarising the findings made in the earlier chapters on the research objectives. On the basis of these findings, conclusions were drawn and recommendations made. The aforementioned recommendations revealed that experience with decentralisation was mixed. Both the literature review and the empirical investigation, particularly on decentralisation efforts, showed limited success within a generally disappointing array of experiences. Both suggested that only certain forms of decentralization, or better, decentralisation under certain institutional arrangements, would work.

Whether the supposed advantages or disadvantages of decentralisation materialized depends mainly on several other important institutional factors that play a significant role structuring and supporting decentralisation reforms. These include:

- The sustainability and security of decentralisation, which is shaped by the *means of transfer* or of *reform* used to establish them, such as constitutional reform, legislation, and decrees or orders;
- The *legal enabling environment*, including the structures of representation, legal protection for government and non-governmental entities to act on their own behalf and to express their needs, and the forms of recourse and conflict resolution accessible to municipalities, organizations and community members.

- The *macroeconomic enabling environment*, which structures the resources available to national, provincial and local authorities to support decentralisation programmes.
- The way in which nested levels of *planning* for national, provincial and local purposes proceed and are organised in support of the domains of decentralized provincial and local autonomies.
- The ways in which the autonomy of the provincial and local units of government is limited and supported by the national levels of political-administrative *oversight*.

This thesis attempted to make a contribution, in general, to the understanding of governmental relations with reference to decentralization of safety and security service delivery in the Free State. This thesis is completed in the hope that the findings recorded here and recommendations made will be useful.

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## APPENDIX A: QUESTIONNAIRE TO THE PUBLIC

This survey is part of an empirical research to collect data about public perception on the delivery of decentralised safety and security services in their respective areas in the Free State. The researcher will appreciate your time and valuable input. For each of the following questions, tick the circle that represents your answer.

.. .. .  
**1. SECTION A: DEMOGRAPHIC INFORMATION.**

**1.1 District Municipality:**

- Motheo
- Xhariep
- Lejweleputswa
- Fezile Dabi
- Thabo Mofutsanyane

**1.2 Serving Priority Station**

- Welkom
- Thabong
- Odendaalsrus
- Virginia
- Kroonstad
- Maokeng
- Sasolburg
- Harrismith
- Phuthaditjhaba
- Bethlehem
- Bloemspruit
- Turflaagte
- Kagisanong
- Batho
- Boithuso
- Mangaung
- Selossha
- Botshabelo
- Parkroad



**1.3 Gender**

Female

Male

**1.4 Age Group:**

18 – 24 years

25 – 35 years

36 – 45 years

46 – 55 years

56 – and above

**2. SECTION B: GOVERNMENTAL RELATIONS AND DECENTRALISATION**

2.1 Which of the following spheres of government do you think is the most important in the provision of community services?

National Government

Provincial Government

Local Government

2.2 Do you think it is important for your local municipality to interact with other municipalities on matters of community safety?

Yes

No

2.3 Does your community have a Community Police Forum (CPF) at your local police station?

Yes

No

I do not know

2.4 Do you know members of your local Community Police Forum (CPF)?

Yes

No

2.5 Do you think ordinary members of the public must participate in the delivery of local community safety matters?

Yes

No

**3. SECTION C: PUBLIC CONSULTATION**

3.1 Members of your community are consulted regularly by the local CPF on the identification of local crime prevention strategies and projects?

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree

3.2 Members of your community are consulted by the CPF on progress made on the reduction of crime in your community?

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree

3.3 How many times are meetings of your local CPF held?

Weekly

Twice a month

Monthly

Any time

None

Do not Know

3.4 Does your local municipality consult your community on the identification of local crime prevention strategies and projects?

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree

3.5 Does your local municipality consult your community on progress made on the reduction of crime in your community?

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree

**4. SECTION D: POSITIVE IMPACT AND BENEFICIAL EFFECT.**

4.1 How safe do you feel going out at night in your community?

Very Safe

Safe

Unsafe

Very Unsafe

4.2 In the past three years, have you been a victim of domestic violence or street violence / crime?

Yes

No

4.3 Which crimes have always been worrisome in your community before the formation of your local Community Police Forum (CPF)?

- Murder or attempted murder
  - Gender-based violence including rape and other violent sexual offences
  - Assault with grievous bodily harm (GBH) or common assault
  - Robbery with aggravating circumstances
  - Housebreaking
  - Theft of motor vehicle
  - Theft out of motor vehicle
  - Stock theft
  - Shoplifting
  - Illegal possession of firearm
  - Drug related crimes
  - Driving under the influence of alcohol
  - Commercial crime or fraud
  - None of the above (Specify)
- 
- 

4.4 How would you rate crime reduction in your area since the formation of your local Community Police Forum (CPF)?

- Excellent
- Good
- Fair
- Poor

4.5 If excellent or good, which crimes have been reduced in your community? (Tick as many as applicable).

- Murder or attempted murder
- Gender-based violence including rape and other violent sexual offences
- Assault with grievous bodily harm (GBH) or common assault
- Robbery with aggravating circumstances
- Housebreaking
- Theft of motor vehicle
- Theft out of motor vehicle

- Stock theft
  - Shoplifting
  - Illegal possession of firearm
  - Drug related crimes
  - Driving under the influence of alcohol
  - Commercial crime or fraud
  - None of the above (Specify
- 
- 

4.6 If fair or poor, which crimes would you like to see reduced in your community? (Tick as many as applicable).

- Murder or attempted murder
  - Gender-based violence including rape and other violent sexual offences
  - Assault with grievous bodily harm (GBH) or common assault
  - Robbery with aggravating circumstances
  - Housebreaking
  - Theft of motor vehicle
  - Theft out of motor vehicle
  - Stock theft
  - Shoplifting
  - Illegal possession of firearm
  - Drug related crimes
  - Driving under the influence of alcohol
  - Commercial crime or fraud
  - None of the above (Specify)
- 
-

4.7 In your opinion, the attitude of the police towards their work has so far presented commendable results since the formation of Community Police Forums (CPFs)?

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree

4.8 Do you think that your local CPF has so far been effective and successful in establishing and maintaining a **partnership** between the community and the South African Police Service (SAPS)?

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree

4.9 Do you think that your local CPF has so far been effective and successful in promoting **communication and co-operation** between the SAPS and the community?

Strongly Agree

Agree

Neither Agree nor Disagree

Disagree

Strongly Disagree

4.10 Do you think that your local CPF has so far been effective and successful in improving **police service delivery** in the community?

Strongly Agree

Agree

Neither Agree nor Disagree

- Disagree
- Strongly Disagree

4.11 Do you think that your local CPF has so far been effective and successful in improving the **transparency and accountability** of the SAPS to the community?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

4.12 Do you think that your local CPF has so far been effective and successful in promoting **joint problem identification and problem-solving** between the SAPS and the community?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

4.13 In your opinion what should an ideal CPF focus more attention on?

Explain:

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