

COMMISSION OF INQUIRY INTO ALLEGATIONS OF POLICE
INEFFICIENCY IN KHAYELITSHA AND A BREAKDOWN IN
RELATIONS BETWEEN THE COMMUNITY AND POLICE IN
KHAYELITSHA PHASE TWO

Testimony of Catherine Ward

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COMMISSIONER: Is Dr Catherine Ward here? Welcome, Dr Ward, thank you very much for your report, which has been received and circulated to the legal representatives. You were aware of course that these proceedings are in public and that your testimony and your name may be made public both through the press and through the report of the Commission?

DR WARD: Yes, yes, I'm aware and I'm fine with that.

COMMISSIONER: You're fine with that, good. It's necessary to put you under oath.

CATHERINE WARD: (sworn states)

COMMISSIONER: Thank you very much. Adv Sidaki.

EXAMINATION BY MR SIDAKI:

Thank you, Madam Chair. Dr Ward, you've provided a curriculum vitae to the Commission, correct?

DR WARD: Yes, I think so.

MR SIDAKI: And do you confirm the contents of that curriculum vitae that you provided?

DR WARD: Yes.

MR SIDAKI: You also provided the Commission with a report based on your – on the research work that you've done on gangs and also having had a look at portions, relevant portions of the Commission's record, correct?

DR WARD: Yes.

MR SIDAKI: You've also had sight of the report that was provided to the Commission by one Parisafale on gangs, correct?

DR WARD: Yes, correct.

MR SIDAKI: And you give your evidence also with reference to that report?

DR WARD: Yes.

MR SIDAKI: Now we're just going to, just we're not going to go through the report, your report in detail, but just to highlight certain aspects of it. The issue of gangs, a lot has been said to the Commission about gangs and the first question I'm going to put to you is, how can gang activity be prevented?

DR WARD: I think we need to understand levels of prevention here. So there is a primary prevention function, which really has to do with stopping gangs from forming in the first place. Then there is a function of dealing with gangs while they are operating in the community and trying to take young people out of gangs and so that we've got those two levels really operating, I think. And the primary prevention focus is really not a policing focus. That's very much more of a focus on giving young people hope for the future. So good education and employment opportunities and recreational opportunities, that kind of thing, not very much a policing function. There is one programme from the United States that does involve police officers as a part of it, it's called GREAT, which is the Gang Resistance Education and something Training programme and that involves police officers going into schools and leading gang resistance lessons that have been laid out. As far as I'm aware, this is not operating in South Africa. And really, it's not a traditional policing functioning, but it does involve delivering essentially life skills lessons in schools and there is more to it as well in terms of a family skills programme and a summer programme, which is really not at all your traditional policing function.

MR SIDAKI: So if I understand you correctly, you're saying that there is a role for the police, certainly for Khayelitsha police in the sphere of prevention of gang activity in Khayelitsha and that that must be explored and must be put in place?

DR WARD: There is a possible role for police. What we would need to do is we would need to have police officers trained to deliver the programme and we would need to have ancillary staff who are capable of running a family skills training programme and holiday camps for children and that would need considerable investment. It would need a programme to be adapted for our context. It would need to be piloted and properly tested and that would need considerable investment both of cash and of human resources. So it may be a possible role for Khayelitsha and other police in other situations, but it's not a current reality in South Africa. It's simply an example of a programme where the police are involved in primary prevention, which is to stop children getting into gangs in the first place.

MR SIDAKI: Yes. And of course the reality, especially in Khayelitsha is that there is active gang involvement. There is a (indistinct) of evidence to that effect and so the question would be, what would – what should be the role of the police in policing, you know, gang violence and gang activity in Khayelitsha?

DR WARD: I think there is a limited role for the police in policing things, gang violence. So certainly high visibility policing that is concomitant with action. So if the police see something

happening, they should immediately act on it, otherwise, you know, if you drive a van down the road and passed crimes that are happening, you give criminals a very clear message that it's okay for them to do that. So high visibility policing and hot spot policing would be – would be two of the things that can happen. However, it's very clear from the gang literature, that if there is a very targeted and very strong approach from the police that's directly targeted at gangs, what happens is that the gangs tighten their networks and become more violent in response. And that's not what one would want in a community. It's quite important that any policing operations are surrounded by an array of social services that emphasize things like removing tattoos of gangs, have tattoos, giving children the opportunity to complete their education. It's helping folk set way into employment opportunities if they have finished their education, that kind of thing. So that if gang members are apprehended, there is in fact a way for them to leave the gang, otherwise, I'm afraid, it will just make everything worse.

MR SIDAKI: So high police visibility, patrols, hot spot policing, any other ways in which police can be involved also in policing gangs?

DR WARD: I think – so some of the reports that I've read, had to do with groups of young people either apparently taking out sort of vigilante actions or alternatively two gangs getting together to have a fight. I think the police then do have a role to play, but that would be a highly specialised form of policing, because essentially you have to deal with a large group of armed young people and that would need large groups of police who are especially trained to deal with large armed groups and that's possibly not the function and the training of an ordinary policeman or police woman.

MR SIDAKI: And do police have any role in negotiating truces between gang groups?

DR WARD: I think they do. They certainly could negotiate gang truces, again with, what else can we do if we're not being gangsters and involved in the gang. So again this provision of employment services, education services, recreation services. So whatever the police do, needs to be backed up by an array of, for lack of a better, I call social services.

MR SIDAKI: And what is the sort of age profile that you discerned with regard to the gangs that are active in Khayelitsha?

DR WARD: It wasn't clear from the testimony here, but in other work that we've done it's clear that children start to become involved in gangs from about the age of 11 or 12. And then carry on and in some gangs that can be membership for life and it can take quite a lot of effort, including removing the tattoos, removing

and leaving the area in which the gang operates in order to leave the gang. I will say that the earlier we catch young people, the better. So another role for police might be paying attention to young people who are obviously of school age, and yet on a school day are not at school and asking them, where, you know, where they are, what they're doing and perhaps even taking them to the school that they are supposed to be attending and then that relies on the school then to enforce whatever disciplinary measures they have and to contact the parents and to try to make sure that this child stays in school.

MR SIDAKI: Part of the evidence that was presented, was to the effect that sometimes, you know, police attend not to record the crime of the gang activity, but rather encourage the fighting groups to sort things out and – what is the importance of actually recording these, you know, the crimes and pursuing them through the criminal justice system?

DR WARD: Well, the very basic thing is to promote respect for the law and the community which is being policed. So if a crime has occurred, then it needs to be recorded and it needs to be taken through the Criminal Justice System to the full extent. I would be, if you say encouraging fighting groups to sort it out, if that means further fighting, that would be completely, well, it would be against the law for starters, but it would be completely counter productive. If it means sitting down and having a mediated discussion about how to resolve the issue, that would be fine, although it seems to me from the testimony that I've read, from the report that I've read, that very often there isn't a turf issue or any kind of an issue that needs resolution, it's merely kids wanting to go out and have a fight and that should be stopped. The other thing that can happen though, is that and particularly if there are good diversion programmes operating, is that if a child has been arrested for gang activity, they could potentially go through a diversion programme and that may well help them to leave the gang and that would be a role for good strong diversion programmes in the community.

MR SIDAKI: Yes. And do you know if there any such programmes, not just in Khayelitsha, but in South Africa, good diversion programmes, effective ones, that are run?

DR WARD: Unfortunately, I think we have a large gap in all of our violence prevention programmes, in that I think very few have been evaluated. That doesn't mean they aren't operating; they may be good. But I can't speak to the strength and the effectiveness of those programmes.

MR SIDAKI: I think I may have asked you about the role for NICRO in the diversion programmes. Do you know if they offer any such programmes?

DR WARD: As far as I'm aware, NICRO does offer diversion programmes, but I'm not an expert on diversion programmes, so I'm going to stop there.

MR SIDAKI: Yes. Now, apart from the diversion programmes, of course there's the Youth Care Centres that the Criminal Justice system can offer to deal with children that get involved in gang activity. Can you just elaborate on that?

DR WARD: Well, I think, as I understand it, if a child is brought before a Magistrate, they can be diverted into a diversion programme. If they are sentenced, they can be sent to a special Youth Care centre which is under the remit of the Department of Education. It does provide children then with an education and keeps them in school, which is a part of what we need to do to prevent gangsterism, and hopefully can give them the route out of the gang.

And then third option would be to end up in a prison facility. And again, then, that depends on the strength of the Correctional Services rehabilitation programmes as to whether that's likely to be successful or not. But for young children prison is not really a good environment. Often we – it's a good way to learn how to do crime better, rather than rehabilitate.

MR SIDAKI: You talk about the disengagement programme in your report as also a way of dealing with gang activity. Can you tell the Commissioner what you mean by that?

DR WARD: The disengagement programmes are really social work programmes, where outreach workers go out into the community and meet with young people that they know are in gangs, try to entice them out of the life of a gang, and offer them other opportunities. So then they would offer them a route into – back to school or to an alternative education programme, assist them with finding employment. That kind of thing, and provide them with a mentor for staying out of the gang lifestyle.

So it's a really intensive social work programme.

MR SIDAKI: So if I understand you correctly, the issue of dealing with gangs and gang activity in Khayelitsha is certainly the police have a central role to play in it, but it's not only the role of the police; there are other role players.

DR WARD: Yes. And the other role players providing education, employment opportunities and so on are absolutely critical, because I think that the police acting on their own are going to have very, very limited success, and in fact may even exacerbate the problem.

So when it comes to dealing with gangs, policing needs to be surrounded by an array of support services such as effective diversion programmes.

MR SIDAKI: Yes. And are there any (intervention).

COMMISSIONER: Sorry, Mr Sidaki, just to follow up on that. I mean, it really is an alarming set of testimony that the Commissioner's received about youth gangs in Khayelitsha and the fact that they are of relative recent phenomenon. We're not talking about something that goes back ten years, even.

Would – we're at this stage looking – we're thinking about what recommendations would be helpful, and it seems to me that in this area one couldn't really devise a strategy without putting together a kind-of multi-disciplinary team with SAPS in the city Province, a range of different people with different expertise. I mean, we do know that DOCS, for example, does have diversionary programmes like Chrysalis, and is conscious of the importance of this, but obviously can't roll out to scale.

But would it be your sense that requiring a sort-of an urgent task team to be put together with a range of different role players would be a solution, bearing in mind what you've said, which is not desirable to send 13, 14, 15 year olds into a Criminal Justice system, particularly a prison where we have very high rates of recidivism and really bad gang problems anyway. You know, even youth centres, which the under 18s would go into, seem to me to be worrying if – unless it seems that in fact that's the only solution and they've committed very serious crimes.

But it does seem that if we – if the problem isn't really tackled now, it's likely to become a fixture on our social – you know, the social reality of Khayelitsha. Is it often that gangs emerge and then fade away with no intervention?

DR WARD: No. I think the thing that will make gangs go away is if schools in Khayelitsha are doing their job excellently, we're getting really good Matric pass rates, and children see the children who get Matric going on to get successful employment. *That* will make gangs go away.

But I think you're absolutely right, that a – in the short term while we have a gang problem, that a multi-disciplinary task team to approach it that includes the police but includes also health and social services and education, would be absolutely crucial.

MR SIDAKI: I have nothing further, Madam Chair. Thank you.

NO FURTHER QUESTIONS BY MR SIDAKI

COMMISSIONER: Thanks. Ms Myosi?

MS MYOSI: Thank you, Commissioner.

CROSS-EXAMINATION BY MS MYOSI:

I have very few questions for you in light of the questions that the Commission has asked you, but in your report you spoke at the beginning about – you made mention of the evidence of Colonel Reitz when he described in his view that the phenomenon of gangs in Khayelitsha is an issue around corner boys being, you know, just being naughty and standing around on corners.

But the evidence before the Commission is that of a very serious issue in the sense that you have formations of, say, between 30 to 100 learners or youngsters who gather. They're heavily armed, they have pangas and knives and so on, and they gather to fight.

So you would agree that it's a very – it's a much serious thing than that which in his view Colonel Reitz described.

DR WARD: It is – I think it is a very serious issue, because people are dying and getting injured, and that immediately makes it serious.

What I'm not clear about, and I think this is the policing intelligence issue that the police could really pursue is whether the gangs operating in Khayelitsha have links to organised crime such as drug dealing syndicates, because that would then need a different type of policing as well. It would need intelligence and drug prevention operations and all the rest of it.

If it is – if it is gangs of kids who have organised themselves loosely, and their idea of entertainment is to go out with pangas and beat each other up, then – and no links to organised crime – then that's, say, a slightly less complicated issue. I was going to say slightly less serious, but it is still very serious.

MS MYOSI: Ja. Let's get onto that issue. The evidence that's before the Commission is that Ms Yoliswa Dwane from Equal Education gave evidence that in her view it's not so much an issue about organised crime or drugs as it is in, say, Mitchell's Plain or elsewhere. But in Khayelitsha gangs form around issues of identity. Clothes, being "cool", or asserting their identities in the community.

Now, from a prevention point of view, how do you prevent gangs forming when they form around issues such as those?

DR WARD: All young people are looking for ways to establish their own identity. We all went through a stage where we had to wear the right clothes, and all looked exactly the same as everybody else, and that – it's a codifying of it, I think, around young people who've got nothing else to do.

I interviewed a number of groups of young people in four different communities around Cape Town that are affected by gangs, and one of the things I said to them was – one of those communities was Khayelitsha – one of the questions was, why do you think young people join gangs? And without exception, and the only thing that they all said that they all said in common across the 30 groups of young people that I interviewed was, we have nothing to do after school.

And so provision of recreation opportunities and a functioning school system that allows children to succeed, both of those allow children to form alternative pro-social identities.

So if your identity is that I'm really good at singing in the choir, and I'm good at – you know, I'm a member of my B Soccer team or whatever it is, you don't need an identity as a gang member. But if you can't form alternative identities, then you're going to hang out with people and get up to mischief just because that's the press of that stage of child development.

MS MYOSI: And there's also disturbing evidence that it's not just male youths that are forming the gangs, that girls also do form the gangs. They may be girlfriends of the male gangs and so on. Now, would you have different prevention strategies around girls and boys, or not?

DR WARD: I don't think so, because I think it is all about providing opportunities for the future and what these young women seem to be doing is seeing that their future is linked to a successful man. So very often they are the girlfriends of gangsters. And so they link themselves to a man who is a successful part of a gang and in part that provides protection as well.

So the other reason why children join gangs in an area where there is a lot of gang activity, is simply for protection. Because if you are alone, to be a part of a gang, then you are protected by your own gang from the assault of other gangs.

MS MYOSI: You speak in your report about a programme, a preventive programme that was implemented in Montreal ...

DR WARD: Yes.

MS MYOSI: Where a number of youths displaying disruptive behaviour were identified, they and their parents were then put through a skills training and parenting programme and so on. Now, who would be the role players in the identification of learners displaying disruptive behaviour, or youth displaying disruptive behaviour like that?

DR WARD: Let me just be quite clear about the Montreal treatment programme. That was initiated when the children were quite young and were displaying a difficult behaviour, so primary school age. They were then followed through high school, and it was shown that it prevented them from joining gangs.

So part of it is, the earlier we start the better. And the best people to identify that they are having trouble with children's behaviour are teachers and parents.

MS MYOSI: So the Department of Education would then need to come in and play a role in terms of identifying the learners early on.

DR WARD: Yes.

MS MYOSI: And then the Great, or GREAT programme.

DR WARD: Mm hmm.

MS MYOSI: Which then involves police officers.

DR WARD: Yes.

MS MYOSI: Offering the skills training.

DR WARD: Yes.

MS MYOSI: Would you agree with a proposal that it would be very effective if there was good coordination between the Department of Education through the teachers, and the police, in order for something like joint programmes to work so that the disruptive kids who are identified are then also taking part in the GREAT programme?

DR WARD: GREAT is a primary prevention programme that's offered to everybody in a classroom. So if you think about as your life skills class, life orientation class, that's what it is. It's not intended for children who already are displaying conduct problems. That needs a more intensive kind of intervention.

MS MYOSI: Okay. But the issue of coordination between State agents is a critical one.

DR WARD: Yes. Absolutely. This is a whole of society thing to prevent gangs. It's not policing only.

MS MYOSI: Ja. Now, the Commissioner took you – had a debate with you around cooperation amongst various State agencies, the City and other Departments. But in a context such as Khayelitsha it would seem to me that there are other stakeholders that are critical. There are various groupings or agencies that are involved in issues of safety, there are CPFs, there are school principals, there are street committees and neighbourhood watches. What role as stakeholders in a context such as Khayelitsha would you see them playing into the solution around gang violence?

DR WARD: It's a really good question, because there're a number of successful gang programmes that have – that include policing and all of these sort-of social work programmes I've been talking about, but also mobilise the community, where the community goes, you know, we're not accepting this violence anymore. And if the community can speak with a unified voice, there's a number of things that have been done in this kind of programme; community marches to say no to violence, having prayer vigils at places where people have died or been injured in gang violence – that kind of thing.

So it is important to mobilise the community to say with one unified voice, we're not accepting the violence. And then that can be used as a lever and part of the context to bring young people into programmes that can effectively take them out of the gangs.

MS MYOSI: I mean, in – what you said in your report about truces sometimes being negotiated between fighting gangs and the police being critical in that ...

DR WARD: Yes.

MS MYOSI: Would you agree with the notion that says that, in

order for that truce to hold, all the stakeholders in a community such as Khayelitsha would have to be involved in that, being parents, being school principals – because lot of activities start at schools. So there're various stakeholders that would need to be involved in perhaps not negotiating the truce, but making sure that such truces do in fact hold and keep.

DR WARD: I think the truce primarily has to be negotiated between gang leaders. In that particular example, it was the police who negotiated the truce. It could be an outside party. It needs to be somebody, I think, who has the respect and attention of the gangs. The police would need to be a part of it. There could be, certainly be negotiations with school principals and other stakeholders who could be informed of the truce and perhaps may in the course of negotiations have some role that they could identify for themselves.

But the key thing is to have this negotiated by a neutral party who's respected by the gangs and by the gangs themselves.

MS MYOSI: Now, the evidence before the Commission as far as preventing and suppressing gang violence is that what police typically do is, they drive up – when a fight breaks out, they drive up to the area where the fight is breaking out, the fight then stops. The youngsters will drop their weapons or immediately stop whatever they're doing, and the police drive away.

They tell you that's not an effective prevention or even suppression strategy. What more is required from the police at a sustainable level?

DR WARD: I would imagine that if a child is carrying a weapon, that arresting that child for carrying a weapon would be a good idea. And then they could be diverted into a kind-of diversion programme. So it's the follow-through once the police have picked them up that is important.

If you're just going to displace the gang activity, that's not particularly helpful. So it's about displacing it for which purposes, and perhaps going beyond displacement to arrest and get children into programmes. Young people.

MS MYOSI: And removing the weapons, obviously.

DR WARD: And removing their weapons, yes.

MS MYOSI: Which doesn't seem to be something that has come up at all from the SAPS' side.

DR WARD: No, it's quite important, I think, to have removal of weapons.

MS MYOSI: So would you agree, then, that as a – just as a last question: it would seem that for a new and developing programme such as gang violence in a community such as this, there requires to be a more creative sort-of thinking from SAPS as far as developing solutions that are suitable for this context.

DR WARD: I think there needs to be more creative thinking not only from SAPS but from the other key role players in the community who are affected, and that would be back to the multi-agency kind of task team. It's not solely the responsibility of SAPS, and they have a very limited role to play in dealing with this problem.

MS MYOSI: And in your view, are the solutions accessible? Is this doable, solving this problem?

DR WARD: It has to do with political will and the amount of money people are willing to spend on quality programming but, yes, it's doable, given those conditions.

MS MYOSI: Thank you.

NO FURTHER QUESTIONS BY MS MYOSI

COMMISSIONER: Thanks, Ms Myosi. Mr Gerber, you haven't asked – put any questions to this witness, but in the light of the line the questioning has gone, is there anything you would like to put?

MR GERBER: Nothing further, thank you.

COMMISSIONER: Nothing further. Good. Mr Masuku.

MR MASUKU: Yes. Maybe on or two questions.

CROSS-EXAMINATION BY MR MASUKU:

Are there any studies that you've done elsewhere in South Africa, other than the examples of Montreal? Elsewhere in South Africa where again strategy of preventing the activities of gangs has succeeded?

DR WARD: To the best of my knowledge, nobody's yet tried.

MR MASUKU: Now – and you're quite right, the view that you share which is that it is not just the role of SAPS in – to prevent gang activities, that SAPS has a limited role. I want to test your view on the question put to you regarding possibility of SAPS mediating between gangs.

Now, given the role of SAPS in the sense that it's the police, they arrest criminals, is that a – without involvement of community leaders, other stakeholders, do you think it's a viable responsibility to place on SA:S to negotiate with gangs, at the same time maintain their policing responsibility?

DR WARD: That may be a very tricky thing to do, and my sense also, as I said, was it depends on how the police are viewed by the gangs. If they are respected and trusted, then it may work. But it may well be a function that is better held by a completely independent person or by the Department of Community Safety. There have been successful gang truces that have been negotiated, I believe, in Hanover Park, and I don't think the police played a central role in that. I think it was officials from Community Safety.

MR MASUKU: The last question: of the stakeholders that you

have dealt with, there's one stakeholder that I believe is probably one of the most important, and it's the families. Do you think they have a role in preventing their 11 year old and their 12 year olds from getting involved in gangs?

DR WARD: Yes is the simple answer to the question, but let me elaborate a little bit. Let me say that there are forms of parenting that are clearly known to lead to delinquency, to drug use, to risky sexual behaviour, and all three of those clustered together, and that would be harsh, cold parenting, whereas warm, non-violent parenting is actually the way to protect children from being involved in all kinds of risky things. And it has to start quite early.

So, yes, there is a role for parents.

But let me also say that if you are a parent living in a community where there is a lot of violence and crime, you are likely to be a parent who feels very unsupported and very afraid for your children. And so families also need an array of services around them that function. So they need schools that function and that are safe that they can trust that when their child goes to school in the morning that child will be safe, and they can trust also that educators are going to follow up with them if there's a problem at school.

And we need to provide support for parents, because children don't come with instruction manuals, and many parents, when frustrated, and particularly when children start to go off the rails, default to the easiest thing, which is hitting their child, and that only aggravates the situation.

There are quite – certainly we can support parents with parenting skills, and I think that's something that we need to invest in as a country.

So rather than putting the blame or the focus on parents who are parenting in a very difficult situation, I'd rather put the focus on the kinds of services that surround and support families, that provide them with parenting skills, that provide their children with good, safe educations, and so on.

MR MASUKU: I don't want to fire another question, Madam Chair. That's – there was a question, but I will leave it.

COMMISSIONER: It's a endlessly difficult and important topic, but we are conscious of time. So, thank you, Masuku.

NO FURTHER QUESTIONS BY MR MASUKU

COMMISSIONER: Anything in re-examination, Mr Sidaki?

MR SIDAKI: Nothing, Madam Chair. Thank you.

NO RE-EXAMINATION BY MR SIDAKI

COMMISSIONER: Okay. Thank you very much indeed, Dr Ward, for your very clear and helpful report and for your testimony this afternoon. It's been very helpful to us. You may now stand down. Thank you.

DR WARD: Thank you.