



**Western Cape
Government**

Community Safety

Provincial Policing Needs and Priorities (PNP) Report for the Western Cape 2018/19 on the Policing of Drugs

THE WESTERN CAPE DEPARTMENT OF COMMUNITY SAFETY

DIRECTORATE: POLICY AND RESEARCH

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ACRONYMS

ACJR	Africa Criminal Justice Reform
APCOF	African Policing Civilian Oversight Forum
CoCT	City of Cape Town
CPF	Community Police Forum
CSA	Western Cape Community Safety Act
Department	Western Cape Department of Community Safety
DGTT	Drug and Gang Task Team
DoCS	Western Cape Department of Community Safety
DSD	Department of Social Development
DUT	Durban University of Technology
EPP	Expanded Partnership Programme
HIV	Human Immunodeficiency Virus
MPS	Metro Police Services
NPA	National Prosecuting Authority
PNP	Policing Needs and Priorities
SADPW	SA Drug Policy Week
SAPS	South African Police Service
SOP	Standard Operating Procedures
TB	Tuberculosis
UWC	University of the Western Cape
WCED	Western Cape Education Department

1. INTRODUCTION AND BACKGROUND

On 11 October 2018, the Western Cape Department of Community Safety (the Department) co-hosted a Policing Needs and Priorities (PNP) Seminar on Drugs (PNP on Drugs).

The Department is mandated, under section 206(1) of the Constitution and section 23 of the Western Cape Community Safety Act (CSA), to determine the policing needs and priorities of the Province. These policing needs and priorities must be communicated to the Minister of Police after they have been discussed by the Provincial Standing Committee on Community Safety. The former will take these into account to determine the national policing policy.

In the past few years, the policing needs and priorities of the Western Cape were determined through a series of community-based consultative workshops where needs and priorities were raised by communities held in various police clusters. This allowed the Department to broadly identify the main challenges in relation to policing in the province.

In the 2018/19 financial year, the Department took the findings of these consultative workshops forward. The Department identified four recurrent thematic areas of concern that were raised through the community consultative processes, which constitute the focus of this year's consultative processes. The four themes are: drugs; safe schools; commuter safety and gender-based violence. The thematic seminar on the policing of drugs constitutes the second workshop organised by the Department.

The thematic seminar was held as part of SA Drug Policy Week (SADPW), hosted by TB-HIV Care Association, a Cape Town-based non-profit organisation. It is a week-long policy seminar and lecture-based event bringing together local and international experts and stakeholders "to generate the debate and knowledge needed for reshaping South Africa's drug policy."¹ The 2018 event was the third edition of SADPW and took place from 8 to 12 October 2018. The theme of the 2018 edition was "Policy to Practice". The reason for the Department and SADPW to collaborate in organising this event resides in the major impact that the policing of drugs has on drug users and the communities. SADPW provided an innovative platform to discuss the successes and challenges related to the policing of drugs in the Western Cape.

The PNP on Drugs brought together key players, experts and community representatives to intensely engage and discuss the challenges facing the policing of drugs, to identify the policing needs and priorities in relation to the policing of drugs, and to develop policy and other recommendations to adequately address the challenges of drug use and misuse in the province. The institutions represented at the seminar are listed in Annexure A. It provided a platform to share best practices, review policy options and identify creative and evidence-based solutions in relation to the policing of drugs, and drug policies more generally. It also examined the roles of different stakeholders in this regard, and how they could take the recommendations forward for implementation.

¹ <http://www.sadrugpolicyweek.com> (accessed 10 September 2018).

2. PROJECT OBJECTIVES

The project objectives of the PNPs in general and of the PNP on Drugs in particular, are:

- to focus on key themes and stimulate debate
- to consider key policy positions, policy gaps and decisions;
- to improve stakeholder relations around key themes where these are lacking;
- to influence the allocation, distribution and utilisation of policing and safety resources in line with the identified policing needs and priorities and safety concerns;
- to facilitate communication between the Department and local community representatives and other key stakeholders;
- to encourage stakeholders that are active in the field of safety and security;
- to partner with other government departments in the context of the “whole of society” approach to address crime and safety levels;
- to make policy or other recommendations on the policing of drugs.

3. METHODOLOGY

The PNP on Drugs was a one-day seminar co-hosted with SADPW. Key stakeholders from local, provincial and national government, from academia, civil society organisations, community-based organisations, representatives of Neighbourhood Watches (NHWs) and Community Police Forums (CPFs) were invited and actively participated in the discussions.

The seminar started with a brief outline of the problem by Ms Gwen Dereymaeker, Deputy Director: Policy and Research, Department of Community Safety. It was followed by a series of presentations structured under three themes:

- The policing of drugs from the perspective of community members: input by Ms Lynn Phillips, Mitchell's Plain Community Police Forum (CPF) and Mr Ashley Potts (Mitchell's Plain CPF and Cape Town Drug Counselling Centre);
- The policing of drugs from the perspective of law enforcement officials: input by Captain Lippert, South African Police Service (SAPS) and Director Charl Kitching, City of Cape Town (CoCT);
- The policing of drugs from the perspective of academia and civil society organisations: input by Dr Simon Howell, African Policing Civilian Oversight Forum (APCOF); Ms Jean Redpath, Africa Criminal Justice Reform (ACJR) at the University of the Western Cape (UWC), and Prof Monique Marks, Durban University of Technology (DUT).

Each session was followed by questions, answers and debate. After the presentations, the group identified key successes, key challenges and the pathways for solutions to the problem of drugs and the policing of drugs in the Western Cape.

42 participants took part in the seminar on 11 October 2018.

4. PROBLEM STATEMENT

Drugs are defined as “a medicine or other substance which has a physiological effect when ingested or otherwise introduced into the body”.² In the context under discussion at the PNP on Drugs and in this report, drugs are referred to illicit drugs and are understood as “a substance taken for its narcotic or stimulant effects, often illegally”.³ An expansive definition of drugs includes medicines, but also addictive substances that are largely regulated but not illegal, such as alcohol and cigarettes. Some extend it to substances such as coffee. The regulation of alcohol and cigarettes means, for example, that its availability, use and trade are allowed by law, but controlled by the government.

Illicit drugs represent a major challenge in South Africa in general and in the Western Cape in particular. It is commonly accepted that illicit drugs such as methamphetamine, heroin and cannabis (dagga) are readily available in many communities. The latest SAPS crime statistics show that SAPS made 117 157 arrests for drug-related crimes in the 2017/18 financial year in the Western Cape, a 9.1% increase compared to the previous financial year. Also, drug arrests in the Western Cape represented 36% of all drug arrests in the country, despite the Western Cape representing only 11.5% of the country's population.⁴ This is one indication that illicit drugs are a major challenge in the Western Cape.

Important to underline is the fact that statistics on arrests for drug-related crimes are entirely dependent on police action. SAPS see an increase in drug-related crimes as a success. Therefore, SAPS's aim is to increase arrests for drug-related crimes. Consequently, crime statistics related to arrests for drug offences are not a reliable indicator of drug availability. It is, however, a proxy indicator for visible policing since drug-related arrests are largely dependent on the police patrolling the streets.

5. SUMMARY OF KEY PRESENTATIONS

Seven speakers made presentations on different perspectives on the policing of drugs. The below summarises their input, as well as questions and discussions from participants that were directly related to a presentation.

² Oxford Dictionary, available at <https://en.oxforddictionaries.com/definition/drug> (accessed 30 November 2018).

³ Oxford Dictionary, available at <https://en.oxforddictionaries.com/definition/drug> (accessed 30 November 2018).

⁴ SAPS, Crime statistics 2017/18; Stats SA, 2017 mid-year population estimates.

5.1. Opening remarks by Ms. Gwen Dereymaeker, Deputy Director: Policy and Research, DoCS

Gwen Dereymaeker outlined the methodology and rationale behind the Department of Community Safety organising the policing needs and priorities consultative workshops in general, and the format used for this financial year. After having extensively consulted communities on their policing needs and priorities, the Department is organising four thematic seminars with experts and community representatives to develop innovative ideas and craft implementable solutions to solve the four most recurring challenges mentioned by community members when consulted on their policing needs and priorities. One of those challenges is drugs and the policing of drugs. The purpose of the seminar was to create a platform to discuss the kinds of responses that would be needed, primarily from law enforcement (understood here as both SAPS and the CoCT) but also from other stakeholders.

Drugs are a major issue in the Western Cape, especially in poor and gang-ridden areas. Drugs and guns are an essential element of the gang economy. However, like many crimes, the causes and solutions to the use and trade of illicit drugs are multifaceted and require a holistic response.

She highlighted that many participants to the PNP on Drugs, and more broadly many attending SADPW, support the view that what is often portrayed as the war on drugs has failed.⁵ Some further advocate for the legal regulation of drugs. Many insist on the need for law enforcement agencies to focus on the drug trade rather than on drug users. However, reflecting on this call, Ms Dereymaeker made two inputs. Firstly, she invited participants to reflect on the question of agency and choice of drug users in poor communities where drug availability is rife, and whether such agency and choice is similar to that in more affluent areas. Secondly, she reflected on society's pressure on law enforcement to address the drug problem faced by many of our communities, and how this pressure informs the kind of responses that law enforcement agencies put in place. One such response is the high number of arrests for drug-related offences. However, some argue that such arrests lead to the criminalisation of entire communities, clogs up the criminal justice system and impacts on the trust in the same criminal justice system.

5.2. Presentation by Ms Lynn Phillips, Mitchell's Plain Community Police Forum

Ms Lynn Phillips, Secretary of the Mitchell's Plain CPF, presented the activities, successes and challenges of the Mitchell's Plain CPF, using the CPF's 2017/18 Annual Report as a thread.

The Mitchell's Plain CPF's vision is "to be a united, recognised front that is empowered, knowledgeable and have the ability to root out crime in Mitchell's Plain with the assistance of the community and safety structures, doing this in a sustainable manner." Its mission is "to empower the Mitchell's Plain community with knowledge, information and mobilise resources to ensure a safe and secure environment where we live and play through partnering with departmental stakeholders, organisations (NGO's, CBO's, FBO's and business) and the broader community within Mitchell's Plain and beyond".

The Mitchell's Plain CPF has had several successes and challenges. Its successes include early mornings & late-night patrols by Street & Block Committee members; immediate identification of

⁵ Global Commission on Drug Policy, "Regulation. The Responsible Control of Drugs" (2018).

shooting by volunteers in the precinct and notifying SAPS for immediate response; continuation of opposing bail and identification of suspicious-looking vehicles and people in the area.

The Mitchell's Plain CPF organised a total of 66 programmes, projects, campaigns and activities in the 2017/18 financial year. These range from CPF general and Exco meetings, public engagements, awareness campaigns, training sessions, opposing bail, launching the Walking Bus, environmental hikes, beach patrols, Women's Day events, Child Rapid Response Unit (CRRU) meetings and searches, etc. Many of its programmes address the needs of youth to divert them away from crime, and on the youth and substance abuse, as substance abuse influences them the most. The Mitchell's Plain CPF has had exchange programmes with Canada and Malawi.

A particular success is the G-Cap programme, using the hashtag #SR4A. The programme was started five years ago at various schools, and provides literacy, mathematics and science support to learners from Grade 9. It is supported by DJ Ready D, who serves as a positive role-model for the youth. Because of this programme, ten learners excelled in matric. Another important initiative of the Mitchell's Plain CPF is the CRRU, through which a team of volunteers gets activated as soon as a child goes missing. This is particularly important as the first 24 hours of a child going missing are the most crucial.

Challenges relate to the operations of the CPF and the police station. The Mitchell's Plain CPF Exco consists of seven members only. The police precinct is divided into eight policing sectors. There are CPF sub-forums in each of the eight sectors, but not all are active. There are also many Block and Street Committees. It faces major challenges with substance abuse, gangs and drugs, inactive CPF sub-forums; inactive CPF Exco members for a few months at a time; a lack of resources for Sector Commanders (one vehicle for two to three Sector Commanders) and the redeployment of SAPS members outside the police precinct. The most important safety challenges that the area faces include domestic violence; gang violence including fatal shootings; rape of minor children; house break-ins; copper theft; substance abuse; drug trade; hijackings; attacks on essential services staff; political interference; fatal accidents and drag racing.

The Mitchell's Plain CPF is dependent on the Department's Expanded Partnership Programme (EPP) for funding. It holds regular constituted meetings, as well as public meetings with the community and tries to hold these meetings to engage with communities where incidents occurred. SAPS is invited to all meetings and attends regularly.

Ms Phillips showed the counterfeit R50 and R200 notes created by the 27s gang which are circulating on the Cape Flats.

5.3. Presentation by Mr Ashley Potts, Director: Cape Town Drug Counselling Centre and Mitchell's Plain Community Police Forum Vice Chairperson

Mr Ashley Potts, Director of the Cape Town Drug Counselling Centre, and Vice-Chair of the Mitchell's Plain CPF provided his perspective on the policing of drugs and the social environment within which many use drugs.

He started by reflecting on the stories of Ellen Pakkies and Sedick Abrahams who killed their children who were drug users. This is what people in areas like Mitchell's Plain and Lavender Hill are faced with every day, and many of those stories don't get told. If we do not shift policy, these will be experienced more often.

Mr Potts argued that, for him, drugs should not be considered a policing issue but rather a human rights issue. South Africa is at a boiling point and needs to change its drug policy. Importantly, by SAPS policing drugs, resources are being spent that could have been diverted to provide services to communities.

The SAPS mandate is to police and they will continue to arrest individuals for drug possession who will then be incarcerated. Drug users who have been incarcerated end up joining gangs because of the anger felt after being criminalised. Mr Potts specifically reflected on police corruption and drug policing, as well as on the risks and harms of arrest quotas. For example, even though SAPS have intelligence regarding drug houses, they are not shut down since the SAPS are either working with dealers or they have arrest targets which they need to meet. If drug houses are closed, then drug users don't have places to go and buy anymore, removing a pool of potential people to arrest for drug-related crimes. The criminal justice system as a whole is allowing dealers to thrive in what they are doing and the system in its entirety needs scrutiny.

Treatment centres around the Western Cape are in the form of in-patient and out-patient sites. However, Mr Potts highlighted that there is a gap in relation to halfway houses and post-treatment centres. If that kind of support is not provided to drug users, the treatment they would have received in treatment centres becomes useless and ineffective, hence the need for more support services.

Mr Potts highlighted the need to engage users on a one-to-one basis, as different users need different approaches. For this to be successful, field workers are needed. In addition, the Department of Health needs to provide more holistic services for the treatment and support of drug users.

Mr Potts lamented the ongoing war between Metro Police Services (MPS) and SAPS, with civil society in the middle. His perception was that MPS was attempting to work with SAPS, but the opposite did not appear to happen.

Finally, Mr Potts warned that children are increasingly using drugs at a younger age, at times as young as six years old. As a result, one cannot wait for a child to reach the age of twelve before they are being supported.

Civil society is where key impact needs to be made. As a result, engagements with those on the ground is required. Gangs, monopolised police officials and corrupt politicians have control over the drug trade. For this reason, he called all to stop speaking and start implementing.

During discussions, two participants further reflected on Mr Potts' input. Mr Owen Plaatjies, from Tambo Village Neighbourhood Watch (NHW) in Manenberg, confirmed that young children are using drugs. He also indicated that young children were used by gangs to carry the guns for adults and that law enforcement did not notice those children and did not search them.

Nicky Asher-Pedro (The Big Issue) highlighted that children born to mothers using drugs needed special schools, as they often became problematic. Also, mothers were becoming younger and not receiving adequate support.

5.4. Presentation by Captain Lippert, South African Police Service (SAPS)

Captain Lippert (SAPS) presented the SAPS perspective on the policing of drugs in the Western Cape. Her presentation emphasised the awareness around Substance Abuse Programmes as well as the Holiday Programmes that SAPS had undertaken in the Western Cape during the April – September

2018/19 period. During this period, SAPS reached out to 873 828 people to participate in the programmes. The Western Cape piloted 932 programmes and a total of 159 382 pamphlets relating to substance abuse were distributed.

Numerous programs were conducted in different areas around the Western Cape. Captain Lippert mentioned a few clusters where these programs had been initiated, in particular Sports against Crime. These are reflected in Table 1.

Table 1 Substance Abuse Programmes conducted, April – September 2018

CLUSTER	TOTAL	PROGRAMMES CONDUCTED
Beaufort West Cluster	24	Sports against Crime, Indigenous Games, Movie Night and Child Abuse
Blue Downs Cluster	46	Safety Talks, Sports against Crime, Motivational Talks as well as Drug Awareness Day
Cape Town Cluster	22	Nutrition, Peer Pressure, Beach Safety, Sports against Crime and Sugar Daddy Syndrome
Da Gamaskop Cluster	63	Community Safety, Sports against Crime, SAPS Dog Show, Drug Awareness and Water Wise
Eden Cluster	133	Rugby Clinics, Puppet Show, Fire Department Show, Street Soccer, Community Outreach, Back to School
Khayelitsha Cluster	62	Child Safety, Sports against Crime, Arts & Culture, Youth Program
Milnerton Cluster	94	Info Speeches, Newspaper Articles, Truancy Project, Door to Door, Holiday Programs
Mitchell's Plain Cluster	42	Drama, Sports against Crime, Book Reading, Gangsterism and Drug Awareness
Nyanga Cluster	45	Father and Son Relationship, Awareness Talks on Child Safety, Youth Indaba, Marching Band as well as Sports against Crime

She further elaborated on the holiday programmes which were conducted during the same period. Table 2 indicates the clusters that the holiday programmes were held in.

Table 2 Holiday Programmes conducted, April - Sept 2018

CLUSTER	TOTAL	PROGRAMMES CONDUCTED
Overberg Cluster	20	Community Outreach, Pamphlet Distribution, Sports against Crime
Tygerberg Cluster	40	Gangsterism, Missing Children, Crimes Against Women and Children, Back to School, Sports against Crime
Vredenberg Cluster	40	Sports against Crime, Colouring Competition, Arts & Culture, Youth at Risk, Awareness

Vredendal Cluster	37	Human Trafficking, Sports against Crime, Drama, Child Safety, Speeches, Dancing
Winelands Cluster	90	Sports against Crime, Street Cricket, Child Safety
Worcester Cluster	138	Sports against Crime, Music Event & Dance, Say No to Crime, Teenage Pregnancy, Mini Festival
Wynberg Cluster	44	Roleplaying, Holiday Film, Story Time and Crafts, Drug Awareness, Self-defence

Capt. Lippert reflected on the challenges that police face in policing drugs. The policing of drugs requires extensive resources. For example, processing a drug arrest takes two to two-and-a-half hours, time that an officer cannot spend patrolling the streets. She highlighted the need to educate the community on the effects of drugs, with the aim to decrease drug use. She also highlighted that drugs are too easily accessible in many communities and that SAPS' aim is to remove drugs from the streets. SAPS seeks to shut down drug houses but can only enter with a search warrant. Finally, she highlighted that SAPS needed more support from the other components of the criminal justice system. For example, in some cases, a drug dealer would get bail set at R500, whereas the runner would get bail set at R5 000. Another example is the fact that witnesses don't want to give statements because they fear for their lives and don't trust the witness protection programme.

Capt. Lippert also highlighted the challenges of ensuring safer schools. Schools are increasingly becoming the target of gang-related criminal activity. For schools to become safer, they need to be linked with local police stations, but there are more than 1 500 schools in the Western Cape and only 150 police stations. Therefore, schools need to be assigned to a sector manager who is in constant communication with the school.

Ms Lynn Phillips underlined that the Provincial Crime Prevention office was disbanded by the Provincial Commissioner, thereby seriously affecting SAPS's ability to provide crime prevention services. Capt. Lippert confirmed that the provincial office was disbanded but that those offices still exist at station/precinct level.

Another participant flagged the fact that the current 12-hour shift meant that SAPS personnel was off duty 75% of the time. However, this issue is currently being taken up by the bargaining council.

Ms Refilwe Matlamela (SAPS, national office) added that different government departments working in silos was a challenge for SAPS. With more coordination, crime levels would decrease. An example was the need to bring the justice and social clusters together. She mentioned that police are not social workers and cannot do psycho-social interventions, for which SAPS needs support from DSD.

5.5. Presentation by Director Charl Kitching, City of Cape Town Metropolitan Drug Enforcement

Director Charl Kitching gave a brief overview of the CoCT's Metro Police Department and their approach to combat drugs. He referred to the CoCT's vision and mission, which in essence is to make Cape Town a world-class city through safety (its mandate being crime prevention, by-law and traffic enforcement), and ensuring growth.

Director Kitching outlined the history of the CoCT's Drug and Gang Task Team (DGTT), which was established on the 1st November 2014, stemming from the CoCT's Law Enforcement mandate. Numerous crimes are related to gang activity, which include drug dealing, prostitution and organised crime with communities caught in cross-fire. The main purpose of the DGTT is to combat gang-related criminal activities. The Task Team carries out its mandate through both autonomous operations and joint operations with external stakeholders including SAPS. It also works with an extensive list of role-players internal to the CoCT.

The DGTT executes its mandate in an integrated approach, by strategically gathering and analysing information, including from paid informers. For example, the water bills of suspected drug houses are scrutinized to make it difficult for dealers, as evictions from council property takes a long time.

In the period 01 July 2017 to 30 June 2018, the DGTT conducted 1 950 drug arrests, 192 arrests for possession of illegal firearms and ammunition, confiscated 66 firearms and 1 271 rounds of ammunition, searched 35 230 persons, 1161 premises, 312 vehicles, and 88 schools and conducted 104 gang and drug awareness projects.

Director. Kitching also provided information about ShotSpotter, which is a gunshot detection device operational in Manenberg and Hanover Park. The programme can produce a map of the hotspots where gunshots incidents occurred. It gives an idea of where and when shooting incidents happen and the number of gunshots fired. CCTV cameras also play a pivotal role in facilitating arrests, leading for example to a successful conviction in October 2018.

Director Kitching also presented the CoCT's softer approach with drug users and the youth. When drug users need help, DGTT officials will give them the contact details of social workers. The CoCT also organises youth camps linked with the Western Cape Education Department (WCED) as well as a youth cadet programme offered to Grade 9 to 11.

The MPS faces certain challenges, such as the risk of corruption, intimidation, lack of resources and a lack of cooperation with the other components of the criminal justice system. However, there is some cooperation with SAPS, including for searches and seizures. In relation to intimidation, the same people (communities) who are complaining about crime and a lack of service delivery are the ones fighting the police. Resources are always a challenge: The DGTT only has 24 members.

During discussions, Ms Phillips asked why council houses which were used as drug houses, and which were reported years ago, had not been taken over by the CoCT. Director Kitching insisted that drug houses could only be closed by SAPS.

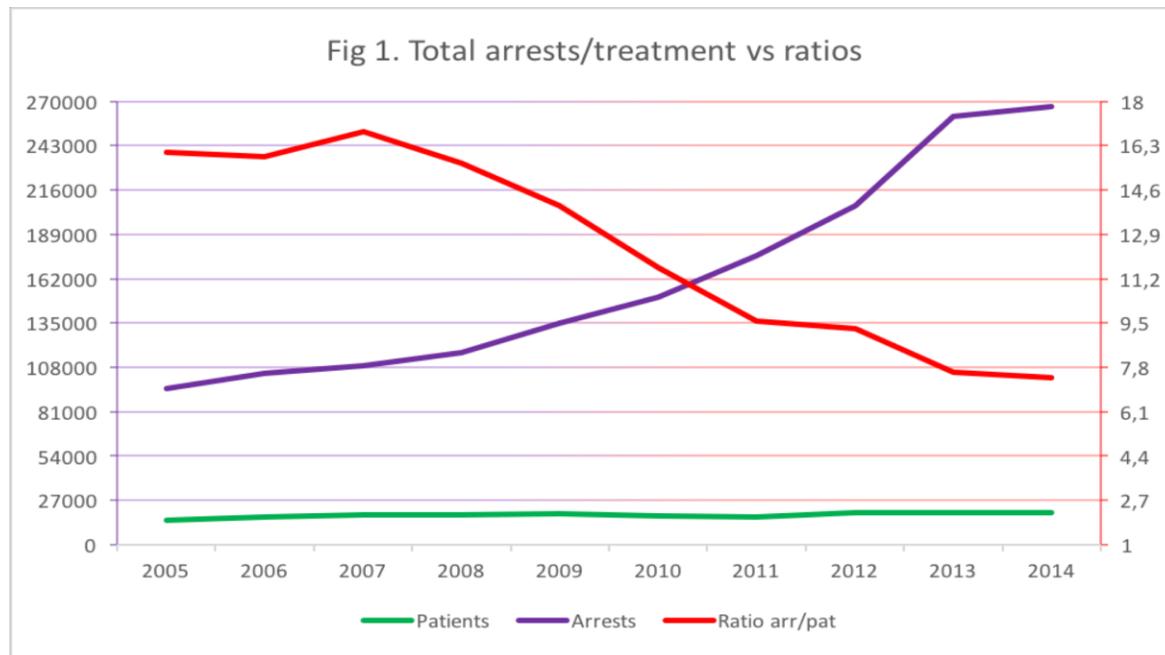
5.6. Presentation by Dr Simon Howell, African Policing Civilian Oversight Forum

Dr Simon Howell, Research Director of the African Policing Civilian Oversight Forum, presented on Reconceptualising the Criminal Justice System: Driving change *through* rather than *in conflict* with drugs. His input mainly highlighted a need to change the way society expects the police to deal with drugs and drug users, and how this affects the police, the criminal justice system, communities and individuals.

Dr Howell showed a map locating drug arrests in South Africa over one year. He stated that if those locations were treatment centres rather, the current drug situation would be very different. He reflected on drug-related arrests in the Western Cape over one month in 2013: there were 8 972 arrests

for drug possession and 118 arrests for drug dealing, reflecting a ratio of 1 arrest for dealing for every 32 arrests for possession. When comparing the number of arrests vs the number of patients admitted for treatment, the data shows that between 2005 and 2014, there has been a steady increase in drug arrests while admissions for treatment remained stable.⁶ Therefore, the ratio of arrests vs treatment has drastically decreased. This is shown in Figure 1 below. These datasets indicate that people are getting arrested for drug possession but are not obtaining treatment. This confirms that drugs are a social problem, which will not be resolved through policing and increased arrests. In other words, we cannot arrest our way out of social problems.

Figure 1: Total arrests / treatment vs ratios



The argument for drugs to be treated as a social problem and not as a policing problem is further supported by an analysis of the price of drugs (per mean/gram).⁷ The mean price per gram of methamphetamine in the Western Cape, expressed in real value, decreased from R395.24 in 2004/05 to R217.50 in 2014/15, a decrease of 44.97%. The mean price per gram of heroin in the Western Cape, expressed in real value, decreased from R377.67 in 2004/05 to R119.00 in 2014/15, a decrease of 68.49%. The mean price per gram of cocaine in the Western Cape, expressed in real value, decreased from R439.16 in 2004/05 to R275.00 in 2014/15, a decrease of 37.38%. The fact that drugs are becoming affordable and accessible means that there is an increase in the demand for and supply of drugs. Arresting users will not bring change to this.

Moreover, Dr Howell posed the question of whether the annual crime statistics can be used to measure police success. Indeed, crime statistics are often seen as the definitive record of policing successes and failures. These are numbers (statistics) against which society assesses the successes of the police, its “strengths” and “weaknesses”. It allows society to track SAPS’ “performance” in “making

⁶ At a national level, drug arrests increased from 94 729 in 2004/5 to 266 902 in 2014/15, while the in-patient treatment statistics for the same period increased marginally from 7 996 to 10 197 cases.

⁷ These prices were determined through a survey of drug users conducted in 2015.

society safe", by indicating "penetration" and "operational effectiveness" and which kinds of crimes are being combatted, i.e. which kinds of "ailments" are being "treated".

However, crime statistics frame the "problem" of crime increase or decrease in a specific way, largely because these are expressed as numbers. It is often assumed that more arrests are an indication of police effectiveness and will make society safer, that a higher change in a certain crime must be interpreted as having a higher impact on safety, that higher numbers equate with more policing activity and that bigger numbers equal better policing. However, research has shown that there is not necessarily a correlation between an increase in statistical records of arrests and the safety/security experienced by individuals in a community, with the relation between these being far more complex. The latter is essential to reflect on our demands, as a society, for higher arrest figures.

On the other side of the spectrum, there is an antagonistic relationship between law enforcement (with its inadequate resources, insufficient training, performance pressures, operational limitations and misunderstood purpose) and vulnerable populations that are the main target of drug policing through high arrest figures (and are often marginalised, stigmatised, and characterised by interpersonal violence, complex narratives, stigma and legal exclusion). For example, people with a criminal record are unable to find employment which leads to their economic and social marginalisation and eventually exclusion.

An important consideration in the discussion on the harms of drug policing is the impact of police action in relation to drug policing on public perceptions and on the legitimacy of the police. Drug policing that focuses on users only, or on marginalised communities only, will likely have an impact on police legitimacy. Also, an increase in arrests (which is a necessary feature of drug policing currently implemented) will negatively affect police legitimacy. It increases marginalisation. Policing should therefore be the last and not the first response to drug use. Drugs cannot be eliminated from society; therefore, it is better to mitigate the harms from drug users rather than aim to police drugs through arrests and incarceration.

Dr Howell ended by reflecting on the need to systematise the response that society provides to the problem of drugs. Currently, government departments are structured in such a way that they need to compete for resources and, as a result, they are unable to collaborate in synergy with other government departments or with external stakeholders. The goal is a whole-of-society approach where all services, interventions, processes etc. are integrated.

5.7. Presentation by Ms Jean Redpath, ACJR, UWC

Ms Jean Redpath, from the ACJR at the Dullah Omar Institute at UWC focused on data and trends on the policing of drugs, and their implications for future policing. She started by depicting the problem of drugs, highlighting that there were four categories of individuals involved in drugs: users, misusers, abusers ("problematic users") and traders, insisting that only the latter three caused harms to others. In addition, some drug harms affected not only individuals but also whole communities. In addition, she said that responses to drug harms should not only come from law enforcement, but also from individuals, families, communities, Departments of Social Development and of Health.

Ms Redpath pointed out that there was no relationship between the alcohol and non-alcohol substance abuse treatment data and the murder or general policing data. She also pointed out that there was no clear relationship between the murder rate and the drug policing rate over the period

2005 until 2018. The data indicates that the murder rate improved (i.e. less murders per 100 000) with drug policing (i.e. more drug-related arrests) between 2005/06 and 2010/11, but then the murder rate worsened (i.e. more murders per 100 000) with drug policing between 2011/12 and 2017/18.

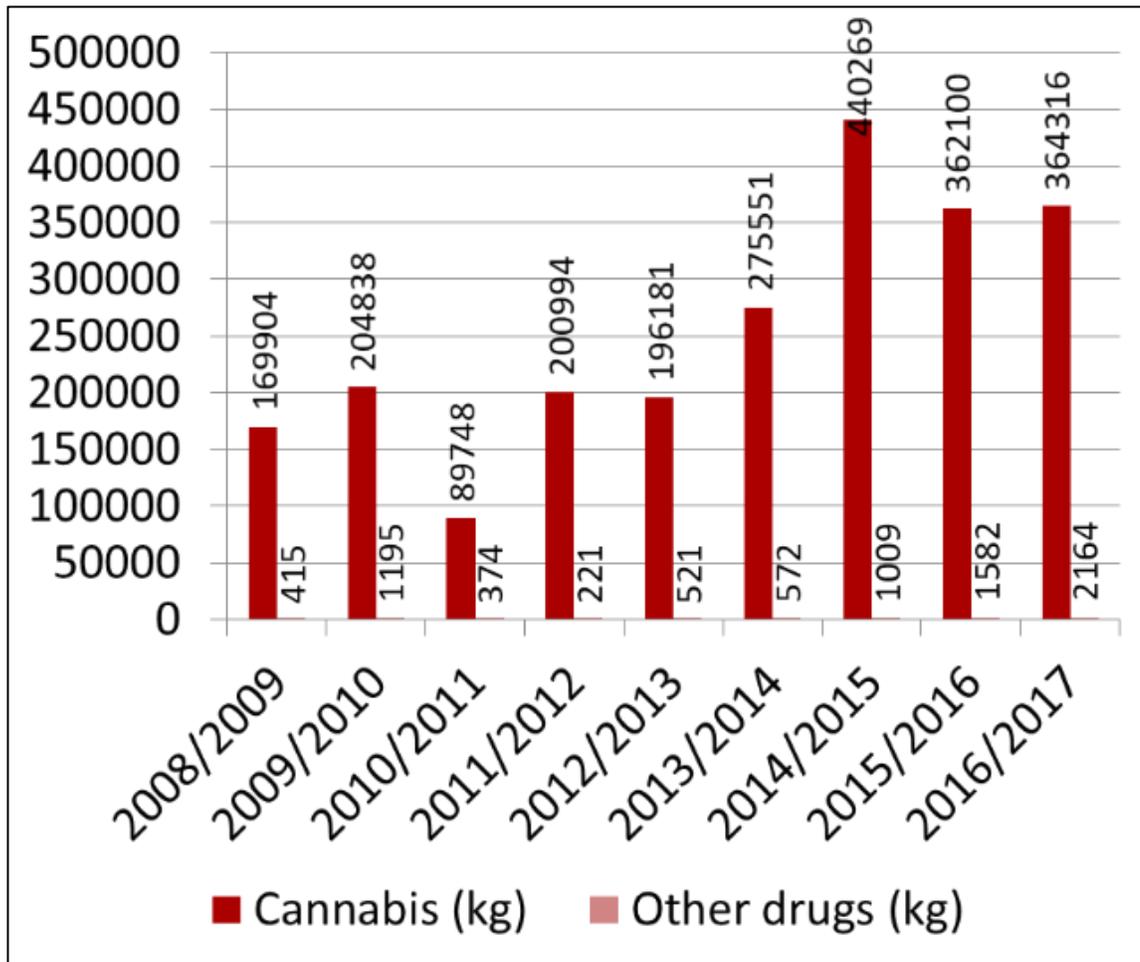
Because the policing of drugs is a crime dependent on police action, it is a proxy indicator for proactive policing (since the police will arrest drugs users and traders if they are actively patrolling the streets).

Ms Redpath then reflected on both the benefits and harms, in theory, of drug policing and its effects on crime and violence. The benefits are: arrests and convictions remove problematic users (those who commit other crimes while being under the influence) and traders from the community for the period of their incarceration; incarceration may break patterns of misuse or abuse; the risk of being incarcerated may deter some non-users from using (but that risk is unlikely to deter abusers); the incarceration of sellers disrupts supply, and the confiscation of drugs from the community prevents easy access. The harms of drug policing, on the other hand, are: the arrest of users (excluding problematic users) undermines trust in police, especially when other serious crimes, such as murder or rape, go unpunished; the fear of arrest prevents calls for help from users who are at risk of violence or subject to violence in progress; arrests, convictions and the incarceration of users consume public resources which could be used to address other serious crime; incarceration exposes users to criminal networks, and risks them engaging in more serious criminal activity (prison being the “university of crime”); there is a serious social and economic impact of incarceration of non-problematic users on incomes, their families and households, even if they are incarcerated for short periods; the cost of incarceration to the State; the impact of having a criminal record on future access to jobs and income losses increases the likelihood of relying on criminal activities, and the disruption of criminal drug networks leads to violence and corruption.

However, recent trends suggest that in recent years, harms of drug policing have overtaken the benefits of drug policing. There are four indicators of this.

Firstly, the evidence suggests that drug policing largely focuses on cannabis, which is the least harmful of all drugs (including less harmful than alcohol). Indeed, the SAPS data on drug confiscations show that, between 2012/13 and 2016/17, 99% of drug confiscations were for cannabis, at an average of 1kg of cannabis confiscated per reported drug crime. Confiscations of all other drugs (tik, methamphetamine etc.) was between 2 and 7 grams per reported drug crime, which indicates that the focus was almost exclusively on users rather than on traders. This is highlighted in Figure 2 below.

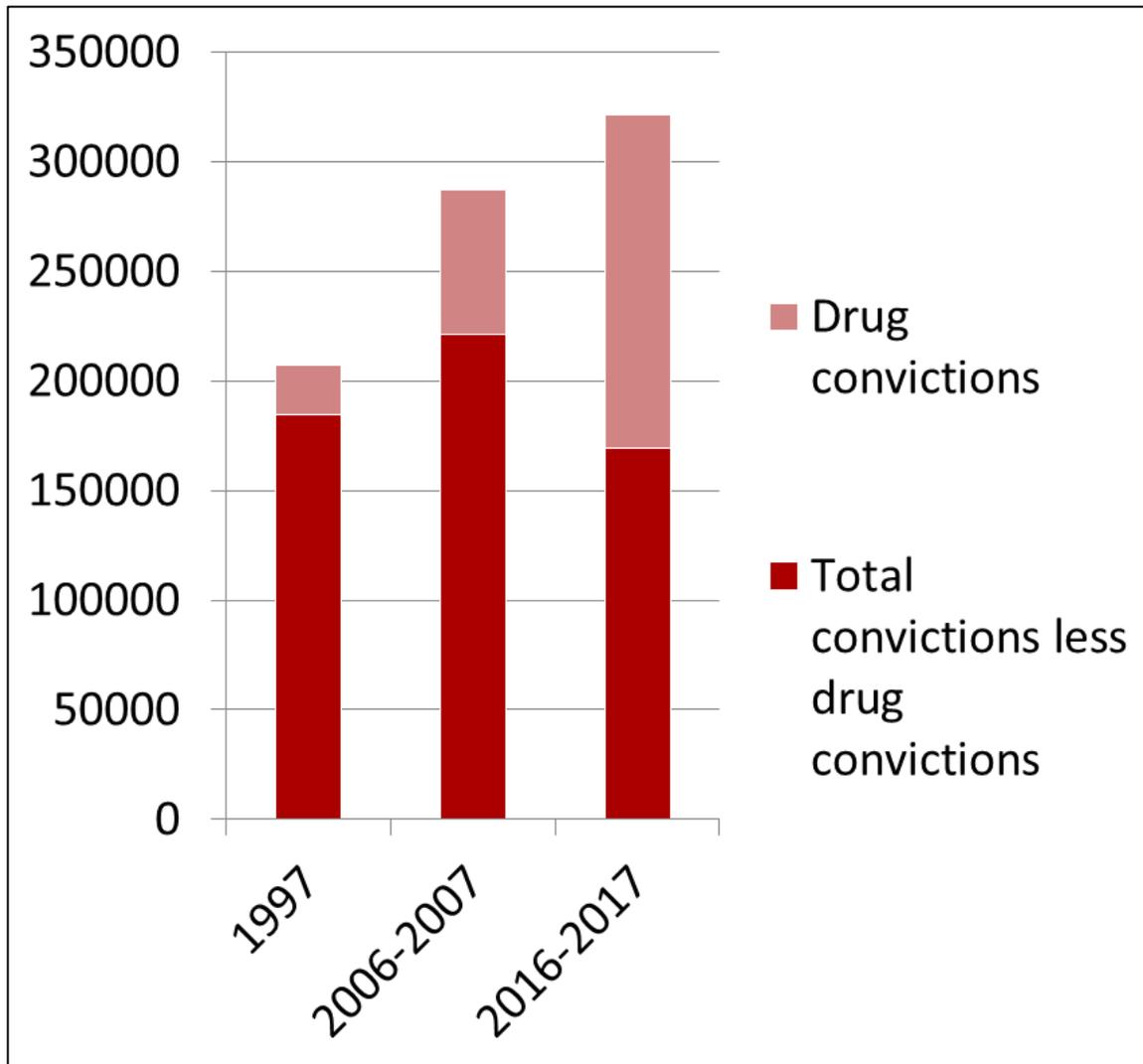
Figure 2: Drug confiscation by weight, 2008/09 to 2016/17⁸



Secondly the evidence suggests that drug policing consumes disproportionate criminal justice system resources. Indeed, data from the National Prosecuting Authority (NPA) shows that overall convictions have decreased since 2002/03, but that convictions for drug offences are on the sharp increase. In 1997, drug convictions represented 11% of overall convictions; in 2006/07, drug convictions represented 22.9% of overall convictions and in 2016/17, drug convictions represented 47.3% of overall convictions. This is highlighted in Figure 3 below. Also, while conviction rates are generally very low (under 10%), they sit at around 85% for drug offences. This clearly indicates that the criminal justice system increasingly focuses on drug cases, possibly at the expense of more violent crimes. However, there is no indication that safety is improving as a result (as indicated by the constant increase in the murder rate).

⁸ SAPS Annual Reports.

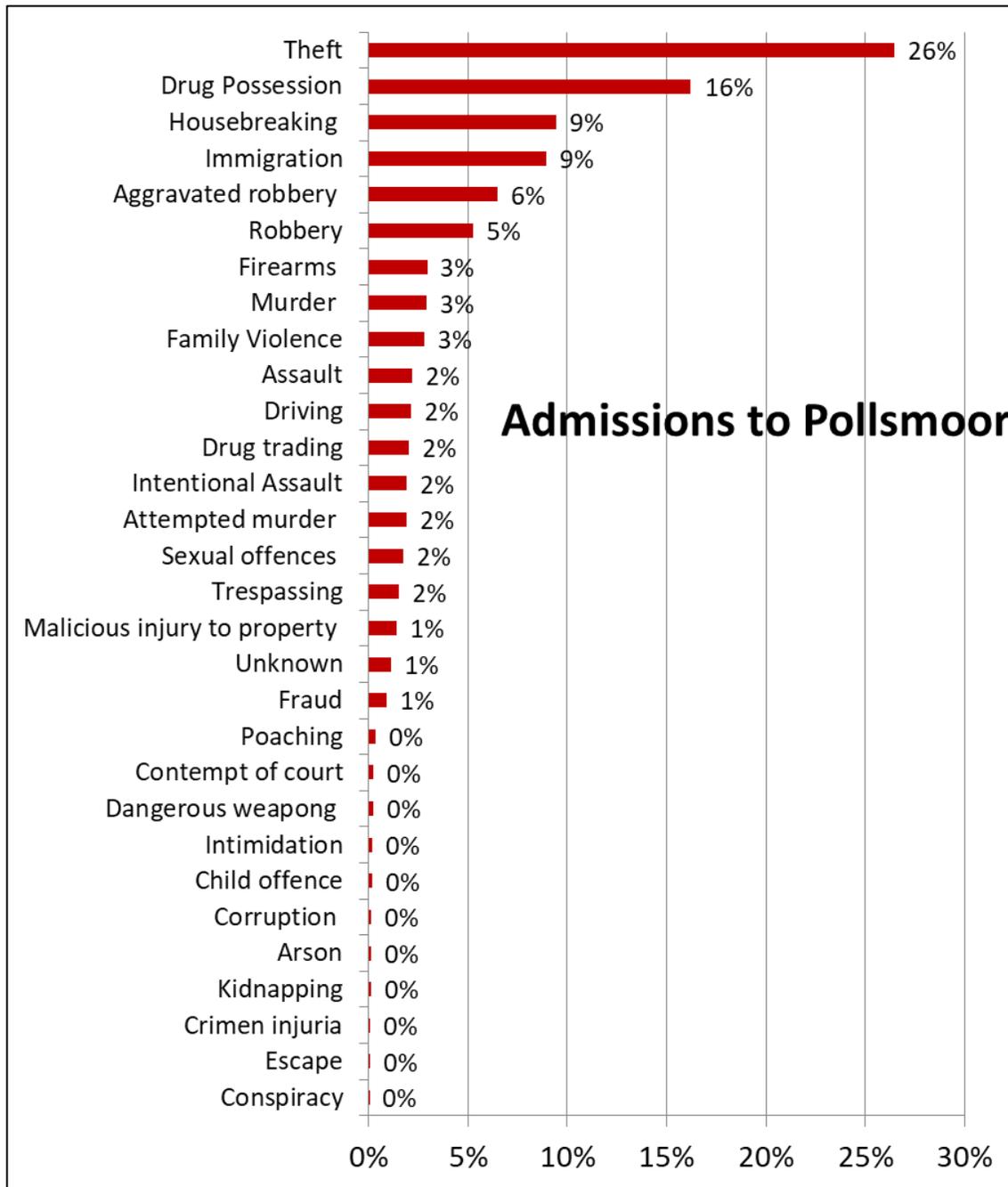
Figure 3: Drug convictions as a proportion of total convictions, 1997 to 2016/17⁹



Thirdly, the evidence suggests that drug policing leads to a large proportion of the population being exposed to the correctional environment. Indeed, while 11% of the South African population resides in the Western Cape, the Western Cape contributes to 19% of the country's remand detention population, and to 16% of the country's sentenced population. At Pollsmoor for example, drug offences are the second largest reason for admission, at 16% of all admissions. This is highlighted in Figure 4 below. In addition, one in six admissions on remand to Pollsmoor are for drug possession (which excludes other drug offences). In addition, the median duration of detention at Pollsmoor for drug possession is 24 days (just over three weeks), while the average duration is 51 days. While such durations are short, they are long enough to have major criminogenic effects on the incarcerated person.

⁹ NPA Annual Reports.

Figure 4: Reasons for admissions to Pollsmoor



Fourthly, the evidence suggests that inconsistencies in the implementation of drug policing risks exacerbating inequalities between policed communities and, as a result, further undermine trust in the police and the criminal justice system as a whole. Indeed, Pollsmoor admission data shows that 80% of drug possession remands in custody at Pollsmoor emanate from only six police stations: Cape Town Central, Grassy Park, Manenberg, Mitchell's Plain, Philippi and Woodstock. When compared to the murder rate at each of these stations, Woodstock is the only station that indicates a positive correlation between drug policing and the murder rate, indicating that the drug policing may have a positive impact on the murder rate (less murders where there is an increase in drug policing).

Ms Redpath's recommendations were four-fold: Drug policing should be focussed on requests from the community ("community-reported drug crime" vs "crime detected as a result of police action");

it should be based on reports of harms vs mere use; it should prioritise problematic use and it should not be based on numeric targets.

5.8. Presentation by Prof Monique Marks, Durban University of Technology

Prof Monique Marks (DUT) gave input on police perceptions and drugs, reflecting on her ethnographic research, conducted jointly with Dr Simon Howell, in how Durban Metro Police execute their day-to-day policing activities in relation to drug operations and their perceptions on these.

Firstly, the Metro Police officers mentioned their frustration of constantly arresting the same people repeatedly. They felt their work to be useless and futile, as though they were wasting resources and time. This was a constant narrative amongst police.

Secondly, despite performance management through arrest quotas and an expectation that law enforcement will always comply with the same standard operating procedures (SOPs), Prof Marks reflected on the police constantly using their discretion, which falls outside the law and the SOPs. Officers can make a choice to police, which is a positive element. She emphasised the practicality of police officers. She indicated how they yearn to perform functionally and implement solutions that work. In relation to policing drugs, this would entail that the police stop focusing on users.

Thirdly, the researchers engaged in a series of dialogues with SAPS and the Durban Metro Police in collaboration with the Kwa-Zulu Natal Department of Community Safety and TB-HIV Care for possible alternatives to the way policing is currently done. These dialogues resulted in two dominant perceptions– firstly, the simplistic understanding of policing, which is to just follow the operational rules is false. The police want solutions to refrain from constantly arresting the same people without seeing any change. Secondly, the lack of referral spaces makes it difficult for the police to be able to refer juveniles to places where they can get adequate medical assistance, which is currently unavailable.

Some police officials also recommended the establishment, as a pilot, of “drug consumption rooms”, a harms reduction-oriented intervention where people can go to safely consume drugs. There would be police and medical observation to ensure that there are no overdoses. These spaces prevent people from consuming in the streets, thus also protecting the general population, including the youth, from being exposed to drugs.

The police want to focus on their core mandate, which is to ensure safety. In the South African context, it often means dealing with serious crimes and broader public order issues. The police want to be viewed as human beings that have the authority to serve people. Unfortunately, they are being perceived as people who do not enact change.

Finally, Prof Marks advocated for the decriminalisation of drugs as the more something is criminalized, the more it becomes harder to deal with. The police want to play a part in the drug-use programme and to be given access to safe treatment spaces.

6. SUMMARY OF DISCUSSIONS

After the presentations, participants engaged in broader discussions on the topics presented.

Jesse Laitinen (Khulisa Social Solutions) outlined Khulisa's programme, which works closely with the courts and has started a diversion programme for drug users. It has started seeing some best practices of community reintegration. Of note is the fact that SAPS has started to identify people who could go through diversion programmes, instead of incarcerating them.

Anine Kriegler (UCT) suggested that we need to differentiate between possession and dealing, because the law enforcement response to both should be very different. Also, she said that SAPS should be criticised if arrest numbers for drug possession are increasing, because all evidence shows that (i) it has no impact on safety and that (ii) crime has increased in many areas where drug policing has increased. Also, she made the point that, if drugs can enter prison, a highly controlled environment, it is illogical to expect that drugs can be taken off the streets. The focus should rather be on supply reduction. Finally, she commended the Western Cape Government for adopting the harms reduction language in relation to alcohol (the Alcohol Harms Reduction Game Changer) and hoped that the same approach and wording would soon be adopted in relation to illicit drugs.

Prof Cartwright (UCT) spoke about the successes of the Neighbourhood Safety Officers (NSOs) in Delft, who are community members deployed in the neighbourhood to provide and promote safety in a non-confrontational manner. The NSOs as well as DSD, CoCT and law enforcement officials meet regularly around "Focus Tables" to reflect on problems encountered and attempt to develop solutions in relation to specific youth at risk.

Dr Sigamoney Naicker (WCED) insisted that the drug problem had worsened in the last 20 years, and that it was ineffective to deal with the problem in a fragmented way. A coordinated strategy and an integrated approach was therefore needed.

Many participants reiterated the need for a harms reduction approach to drug prevention, instead of a hard-line approach which has not resulted in an increase in safety. A reflection is needed on the extent of the harms caused by the drug user or trader, which should determine the need or not for a law enforcement response. Also, arrests can have adverse effects, worse than the arrest of the drug user: For example, if a parent is arrested and detained, his or her child will be left unsupervised for the duration of the detention, thereby increasing the risk of the child's exposure to crime. Drug-related crimes are largely victimless crimes and should therefore not lead to systematic arrests.

Several participants reflected on the need, but also the dangers of policing drug houses. Indeed, research has shown that by arresting a king-pin or closing certain drug houses only, a vacuum will be created which risks resulting in a turf war and a power struggle, and a resultant increase in violence. Therefore, the most effective way of dealing with drugs is to dismantle the supply of drugs at a higher level of the supply chain, not at the level of drug houses.

7. WHAT ARE THE KEY CHALLENGES AND SOLUTIONS?

The second part of the PNP on Drugs was aimed at reflecting on three key questions to develop recommendations on how to address the issue of drug policing. Those questions were: What is working well?; What are the key challenges?; What needs to change?

7.1. What is working well?

The participants highlighted that several pilot initiatives around the country were models of what is working well. These included the Community Orientated Substance Use Programme (COSUP) at the University of Pretoria, Khulisa Social Solutions, the Neighbourhood Safety Team in Delft supported by the CoCT, the Durban Metro Police approach to policing drugs and the SADPW as a platform for developing innovative and evidence-based solutions. All these initiatives have several traits in common: they are community-orientated, aim to integrate all stakeholders and importantly, focus on reducing harms.

Khulisa Social Solutions was further seen as a success because of its rights-based and client-based approach (what is implemented for one client is not automatically implemented for the other). Furthermore, it does not recommend rehabilitation anymore, for which there is no scientific evidence that it works, but rather provides new ways of being individual, community and family.

The Prevention of Organised Crime Act 121 of 1998 (POCA Act) was seen as another element of success, in what it can potentially offer. However, several participants recommended that it be used more efficiently.

Some law enforcement officials (both from SAPS and MPS) have used their discretionary power to stop arresting drug users as they realised the devastating effects of such arrests and their lack of impact on safety. Some participants noted this as a success.

SAPS' support to the Local Drug Action Committees, coordinated by DSD, was mentioned as another success. These platforms are used to ensure dialogue and coordination between all stakeholders active in drug prevention and combating at local level.

7.2. What are the key challenges?

Generally, participants reflected on the failures of the current approach to drug policing.

A key challenge noted by numerous participants is the high number of arrests of drug users and the almost exclusive focus by law enforcement on users rather than on traders, which leads to the marginalisation and criminalisation of individuals and communities, and a decrease in police trust and legitimacy without an increase in safety and security. In effect, law enforcement is targeting the wrong individuals. This often opens a pathway to more serious crime committed by criminalised drug users. Finally, this leads to the frustration of police officers, who see their work as being useless and futile.

Another key challenge is the fact that different government components, as well as civil society organisations, work in silos and don't share information. However, there is a need to collaborate for greater impact.

A further key challenge was the fact that the POCA Act was not used to arrest high-flyers. In addition, it appears that the NPA should be chasing these convictions.

Dr Keith Scott mentioned the risks associated with the recent Constitutional Court case decriminalising dagga.¹⁰ Indeed, because consumption in private spaces has in effect been decriminalised, this means that middle class individuals will find it easier to consume in private spaces (away from children, for example) than in poor communities.

Another key challenge was understaffing, both in SAPS and MPS ranks, as well as DSD social workers.

7.3. What needs to change?

Two broad recommendations were made by participants on how to address those key challenges.

7.3.1 The need for a harms reduction approach to drugs

Firstly, the need to focus on a harms reduction approach to drugs was the most recurrent recommendation from participants at the PNP on Drugs. Indeed, the evidence shows that drugs are increasingly available and affordable, which means that drugs will not be removed from the streets. It would be more effective to build community resilience to the availability of drugs. This requires a change in the legislative and policy framework. Existing policy spaces should be used to advocate for such change.

A harms reduction approach should be adopted by all law enforcement agencies but also by all other government departments, NGOs and other civil society organisations who provide support or otherwise engage with drug users.

- (i) An important component of a harms reduction approach to drugs is the need for information sharing and public education on the harms of drugs, on alternatives to drug use and on support structures available. For example, SAPS and MPS could, instead of arresting drug users who do not commit any other crime than using drugs, provide them with such information.
- (ii) Another component of a harms reduction approach to drugs is the need for alternatives, such as referral spaces or job opportunities. Some also mentioned the need to pilot novel alternatives such as consumption rooms or syringe exchange programmes. A key element is to learn from best practices within South Africa and from around the world, learn how these best practices can be adapted and/or expanded, test these and learn lessons for extension and/or replication. SAPS could play a key role in advocating for such alternatives, with the support of others. SAPS should also oversee protecting such safe spaces.

¹⁰ Minister of Justice and Constitutional Development and Others v Prince; National Director of Public Prosecutions and Others v Rubin; National Director of Public Prosecutions and Others v Acton and Others (CCT 108/17). The Constitutional Court ruled on 18 September 2018 that section 4(b) of the Drugs and Drug Trafficking Act 140 of 1992 and section 22A(9)(a)(i) of the Medicines and Related Substances Control Act 101 of 1965 "are inconsistent with the right to privacy entrenched in section 14 of the Constitution and, therefore, invalid to the extent that they make the use or possession of cannabis in private by an adult person for his or her own consumption in private a criminal offence."

7.3.2 The need for the efficient policing of drugs

A second broad recommendation related to the efficient policing of drugs. How should the different law enforcement components ideally police drugs?

- (i) A first component of this recommendation relates to the need to focus policing on the drug trade rather than on the drug use. An important discussion on this at the PNP on Drugs was the need to remove drug houses. All agreed that drug houses had to be removed. Community members lamented the fact that SAPS and the DGTT were not closing drug houses, suspecting corruption or a general lack of willingness to do so. Several experts spoke about the risks associated with closing drug houses. If not coordinated and orchestrated, there is a risk of an increase in violence and displacement of the drug trade. Therefore, an effective closure of drug houses requires that all drug houses in an area be targeted simultaneously.
- (ii) A second component of this recommendation is to review police performance standards in relation to drug policing. Police performance on drug policing should not be measured through arrests. Performance standards could be: a decrease in people using drugs in public spaces; a decrease in overdoses, or a decrease in arrests for drug possession.
- (iii) A third component of this recommendation is to build spaces for dialogue and support to those who police drugs. Such support would focus both on psycho-social support for individuals, but also spaces for engagement on what kinds of good practices should be promoted. Indeed, police officials must be viewed as thinking, knowledgeable professionals who are solutions-driven.

7.3.3 Other recommendations included:

- All stakeholders should aim to work collaboratively instead of blaming specific agencies or institutions. Impact will only be increased with an improved system through better collaboration. The criminal justice system needs to work collaboratively and needs to work towards a common goal of effectively making communities safer, rather than having its performance measures on outputs that are not linked to safety. Better coordination between SAPS and the MPS, starting with better information sharing and clearly defining roles and responsibilities, would be an important starting point.
- Several participants insisted on the need to experiment, to take risks and to assess successes and failures of piloted interventions. Drugs are an extremely complex, wicked, problem and require an alternative solution to what is being proposed currently. The problem requires innovative solutions that are based on evidence.
- Several participants insisted on the need to capacitate and support local safety structures, including CPFs, NHWs and NGOs. There needs to be a strong network of organisations to provide support to individuals and families.

7.4. What must be prioritised and by whom?

WHAT MUST BE PRIORITISED	BY WHOM
Improve collaboration between law enforcement agencies.	SAPS, CoCT, NPA, Courts, DCS, DoCS
All stakeholders to engage on the feasibility, limitations, possible successes and challenges of adopting a coordinated and evidence-based harms reduction approach to drugs.	SAPS, CoCT, DoCS, DSD, WCED, Department of Health, civil society
Development of information campaigns through booklets, social media etc. on the dangers of drugs, which would be made available by all stakeholders, including law enforcement.	DSD, Department of Health, DoCS, SAPS, CoCT, civil society
Assess the current challenges of and the needs for alternatives to drug use, and establish those	Department of Health, DSD, communities
Explore the possibility of testing harms reduction-driven pilots for drug users, such as consumption rooms.	Department of Health, DSD, SAPS, CoCT, DoCS, academia, communities
Address understaffing within SAPS, MPS and DSD (including a review of the 12-hour shift).	SAPS, CoCT, DSD
Pressurise SAPS and the MPS to focus policing on problematic users, abusers and traders instead of users, as the evidence indicates the numerous negative consequences of such approach.	Communities, academia, civil society, DoCS, SAPS, MPS
Conduct coordinated and high-level interventions when closing drug houses, taking into consideration the risk of increased violence if such interventions are ill-informed, ill-planned and/or ill-executed.	SAPS, CoCT, DoCS
<p>Advocate that law enforcement agencies review their performance management standards in relation to the policing of drugs.</p> <p>Alternative indicators could be:</p> <ul style="list-style-type: none"> - Number of people using drugs in public spaces (decrease indicates success); - Number of overdoses (decrease indicates success); - Number of arrests for drug possession (decrease indicates success). 	DoCS, communities, civil society, academia
Provide adequate psycho-social support to law enforcement officials.	SAPS, CoCT
Create spaces for exchange and dialogue on best practices, innovation and how these can be replicated and/or expanded.	SAPS, CoCT, DoCS, academia, civil society, community representatives
Capacitate CPFs and NHWs to discuss the above recommendations and take them forward in their communities.	DoCS, CPFs, NHWs, SAPS, CoCT

8. CONCLUSION

This report provided a comprehensive overview of the issues discussed and the recommendations made, at the PNP on Drugs, which the Department co-hosted with SAPDW on 11 October 2018.

Input from seven presenters was provided on three broad themes: the policing of drugs from a community perspective, from a law enforcement perspective and from the perspective of civil society and academia. The presentations created the platform for in-depth discussions with participants from different backgrounds, with the aim to assess how the policing of drugs could be more efficient and result in increased safety for communities.

Recommendations largely revolved around two themes.

Firstly, many participants recommended to adopt a harms-reduction approach to drug policing and to drugs in general. This required evidence-based information sharing on the harms of drugs, on alternatives to drug use and on support structures available; the need for evidence-based alternatives to drug use that have proven to work and/or tested as pilots, and more broadly the need to adopt the language of harms reduction rather than a hard-line approach that advocates for the combating of drugs.

Secondly, many participants recommended a change in the way drugs are policed. This would require the need to focus on problematic users, abusers and the drug trade rather than on the drug use; a review in performance management of the policing of drugs, and a need to build spaces for exchanges and dialogue, as well as adequate psycho-social support for all stakeholders.

In addition, most participants insisted on the need for more and better coordination between all stakeholders, primarily between the different components of the criminal justice system but also more generally between all stakeholders involved.

Also, there is a need to review and enhance capacity of government institutions active in this space, but also local safety partners, such as CPFs and NHWs.

9. ACKNOWLEDGEMENTS

The Department of Community Safety wishes to thank all the participants in the seminar for their valuable contribution towards a successful seminar.

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ANNEXURE A - INSTITUTIONS REPRESENTED

The following institutions were represented at the 2018 PNP on Drugs:

The Big Issue Magazine

City of Cape Town

Cape Town Drug Counselling Centre

Dullah Omar Institute, University of the Western Cape

Durban Metro Police

Durban University of Technology

Forum of Cape Flats Civics

Khulisa Social Solutions

Mitchell's Plain CPF

Ocean View CPF

SA Drug Policy Initiative

South African Police Service

Tambo Village NHW

TB-HIV Care

University of Cape Town

Western Cape Department of Community Safety

Western Cape Department of Local Government

Western Cape Department of the Premier

Western Cape Education Department

Western Cape Department of Social Development