

# **COMMUNITY POLICING AND THE CRIMINAL JUSTICE CYCLE**

*A paper presented to officers of UPDF, UPF and UPS attending leadership training-NALI, KYANKWANZI.*

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## **1.0 INTRODUCTION**

Any attempt to list recent initiatives aimed at improving the crime prevention capacities of the police and the image of the force invariably places community policing at, or near, the top of the list. Indeed in Uganda like in many other countries including the U.S.A and the U.K, community policing has emerged over the past ten to fifteen years as a major thrust of police activity. At the same time, the idea of community policing (or at least its rhetoric) has begun to take hold in countries across the world; from emerging democracies to highly regimented states. What is apparent however is that community policing varies from country to country.

However, what cuts across the spectrum of the approach in all these countries, is that community policing is viewed as building cooperative relations between the police and members of the public. This is a critical programme that seeks out citizen input and assistance in dealing with crime and other social ills. The underlying idea is that the police are not capable of dealing with the root causes of crime on their own. Instead, the police should build coalitions of individuals and groups appropriate for preventing the root causes of crime. Since the realm of crime and crime prevention is not only the preserve of the police my argument is that community policing is not relevant to the police alone, but also the whole spectrum of the Criminal Justice Cycle.

The administration of criminal justice in Uganda is a shared responsibility which extends beyond resolving cases. It includes the administration and management of services that facilitate the processing of cases, before, during and after court. It goes beyond the conventional sense of investigation, arrest, detention, trial and incarceration.

Traditionally the Criminal Justice Cycle is composed of a chain of institutions, namely the Ministry of Justice, the Courts of law, the Uganda Police Force (UPF), the Director of Public Prosecutions (DPP), and the Uganda Prisons Service (UPS). For example the Ministry of Justice plays an important role in securing the budgets for the Courts of law in Parliament; the UPF deals with crime before charging the offender in court; the DPP adduces evidence in courts during trials, and private advocates plead on behalf of their clients in court; the UPS handles remands and convicts committed by the courts.

However, the concept of justice also extends to the services rendered by other bodies with quasi-judicial functions i.e. UHRC, Non Performing Assets Recovery Trust (N.P.A.R.T), the Tax Appeals Tribunal, the Center for Arbitration and Dispute Resolution (C.A.D.E.R), Uganda Amnesty Commission, the Inspectorate of Government (IGG), the Law Council and the LC courts.

All the above institutions have one basic function that cuts across. Apart from performing their Constitutional and other legal obligations, they are mandated to ensure that criminal offending does not re-occur in society. This is what is known as pro-active action against crime or crime prevention. However, these institutions in the Criminal Justice Cycle are faced with an increase in crime levels, challenges of acceptability as dispute resolution centers, corruption and above all negative public image. This therefore calls for pro-active methods of preventing crime. The most important contemporary approach to crime prevention world wide is community policing.

This paper therefore, is geared at inducing a focused discussion by officers attending this leadership training on the important role community policing plays in the Criminal Justice System (CJS) and how the community policing approach can be further consolidated in this country. Whereas the policy is geared at pro-active policing as a principal method of policing in this country, further studies and practice in many countries show its effect and relevance on the C.J.S as a whole. The question is, does community policing play a fundamental role in the improvement and delivery of the C.J.S? If so should it be adopted as a focused government programme designed to improve efficiency and effectiveness in crime management for all the C.J.S institutions? In this paper, I will look at the conceptualization of community policing in Uganda, and argue its relevance to the Criminal Justice Cycle.

## **2.0 CONCEPTUALISATION OF COMMUNITY POLICING IN UGANDA.**

Community policing may be defined in simple terms as an approach where the police and the communities jointly work in partnership to prevent crime. The purpose of community policing is to encourage police – citizens' partnership in the cause of crime prevention. The basis for community policing in Uganda is both Legal and doctrinal.

Legally, the Constitution enjoins the Police under article 212(d) to cooperate with the public, other security organs and the population generally in the performance of its functions. Indeed the Constitution provides a similar responsibility to the other criminal justice institutions. It is also the duty of the citizen under article 17(f) of the Constitution to co-operate with lawful agencies in the maintenance of law and order.

On the other hand doctrinally, the Government of Uganda believes in delivering services through a people- centered approach. Therefore, the police must deliver services through a system that induces communities to become partners in all security matters. Members of the public must largely be involved in assisting the police to deliver quality service to the communities as partners and beneficiaries of a secure society.

The concept of community policing is now considered as second generation policing. The new paradigm in police work requires the integration of traditional police duties and functions into life and activities of communities. The purpose of community policing is to encourage public/ private partnership in the fight against crime. It emphasizes two core ideas; community partnerships and problem solving. Whereas community partnership means building mutually trustful and respectful relationships between the police and community members, problem solving is uncovering the basic issues facing a community and to develop and implement creative solutions to those problems.

The approach is intended to make each community to understand that, it is largely responsible for 'policing' itself and to encourage community members to find solutions to local crime problems, gain more interest and confidence in police work, and to become more willing to assist the police in all their activities. For this to be achieved there is need for a high degree of mutual trust, confidence and benefit between the police and the public.

Community policing is therefore, a far different model than mere police - community relations. In its intrinsic value, it represents a fundamental shift of the basic role of the police- a shift from traditional policing practices to community partnerships. Traditional law enforcement methods have generally failed to adequately eliminate crime and the fear of crime. Law enforcement agencies now recognize the need to solve social problems by revitalizing community partnerships for producing a cooperative process of identifying police priorities, providing a more effective method of achieving the jointly nominated goals and, broadening the scope of police actions and distributing more widely the responsibility for producing results.

Community policing therefore, is both a philosophy (ideology) and an organizational strategy that allows the police and community residents to work closely together in new ways to solve the problems of crime, fear of crime, physical and social disorders, and neighborhood decay. The philosophy rests on the belief that law- abiding people in the community deserve input into the police process, in exchange for participation and support.

Community policing means, that crime and disorder are not just police problems, but community problems. Communities have an obligation to work together with the police to solve these problems. In the past, police defined themselves as “law enforcement”, and crime control was their turf. If crime increased, it just meant there was a need more cops. Today, there is increasing recognition that partnerships with groups of all sorts are an effective way of controlling crime. The major consideration therefore, is that the basis of community policing is the joint effort between the citizen and the police in addressing the local crime problems.

Therefore, in Uganda crime prevention initiatives and civic security must be decentralized to the basic manageable units of society i.e. through Local Councils and other organized communities and stakeholders such as NGOs, religious, business and transport communities, LCs and government agencies, organized communities of foreign nationals etc. The renewed focus is on solving problems consistent with the community’s expectations in addition to enforcing the laws. This is what represents our vision for delivering quality police services in this country through the collaborative efforts of many dedicated citizens as well as stakeholders. Truly, this is the future of policing in Uganda.

### **3.0 THE CRIMINAL JUSTICE CYCLE IN UGANDA**

Crime may be defined as an act, omission or disobedience of the law forbidden under pain of punishment. As opposed to tort, it affects the interest of the community as a whole. On the other hand, justice is simply defined as upholding of rights and the punishments of wrongs. To ensure that justice is done, a number of institutions are involved in a cyclic formation hence the Criminal Justice Cycle. This is designed to ensure that justice is not only done but is seen to be done. To avoid persecution, one institution can not be responsible for investigations, prosecution and judgment of an offender. That is why, a criminal offender, or suspect goes through a number of institutions that are independent of each other, and some times monitoring each other in order to ensure that justice is done.

3.1 The cycle starts from Local Council Courts. These courts are provided for under the Judicial Power Act of Local councils of 1988. They were given powers to try simple criminal cases mostly misdemeanors such as simple assault. The purpose for the establishment of these courts was to make justice more accessible through the judicial process and this is done through the judicial proceedings (orally or otherwise). Cases certainly take a shorter time to be settled and the proceedings are simpler. These courts range from LC1- LC3 courts.

However, there are several challenges in ensuring justice in these courts. Generally, there is ignorance of the law on the part of those who administer justice in these courts. There is also an attempt to usurp the powers of the Committee by one person mainly the LC chairman who becomes the sole administrator of justice. He or she becomes the investigator, the prosecutor, the pleader and the judge. Some times he or she is the complainant. The punishments given are most times not synonymous with the offence committed while others are illegal e.g. corporal punishment or banishment from the village. The right of appeal is not explained. In some cases there are no records of proceedings on the basis of which to access the case on appeal. Where they exist, the records are too brief to be based on when appealing. These cases are not funded and therefore, the courts are prone to corruption and inefficiency. They also take on matters that they are not legally mandated to handle e.g. defilement and rape or cases whose jurisdiction in terms of territory or property involved is beyond them e.g. an LC1 court awarding compensation of 5 million shillings. This case would ordinarily be handled by the Magistrate Court.

Community policing therefore, must start from here. The community policing strategy must begin at the neighborhood level. Local Government administration in Uganda is delivered under the L.C. system. Therefore, implementation of community policing must be achieved under the LC system. In the urban areas especially in Kampala city however, due to high levels of population and crime, community policing must be based at zonal level. The purpose is to build partnerships between the police, other security organs with the LCs in order to prevent crime or ensure equity in the delivery of justice. Police officers must work together with LCs to change those conditions that allow crime and disorder problems to take hold in a particular neighborhood. There is need for partnerships in identifying and prioritizing local crime and disorder problem, to analyze why those problems exist, and to develop collaborative strategies for addressing them.

Community policing at this level is critical in information gathering. Communities need to be security conscious and report any criminal activity. Citizens must be educated, sensitized and trained to recognize public safety concerns and reporting criminal behavior in order to allow the Police to intervene early and effectively with specific crime patterns or individual career criminals. This information is also vital in conducting and planning for patrols to deter crime in localities. Ensuring focused and coordinated high visibility foot patrols based on zones and beat areas and maintaining effective communication and coordination with LCs help to prevent crime.

Through community policing programme, the members of the Local Council committees would be educated and sensitized on the law, court procedures, rights of individuals and how to exercise court powers. The general objective is to avoid these courts to act *ultravires*. This would in term improve delivery of justice and crime prevention in general.

At LC level, community policing would assist in conducting focused meetings where ever it will be necessary, in order to address issues concerning the underlying causes and conditions that contribute to crime problems in any community such as gangs, drug abuse, access to small / light weapons etc- that are contributing to crime in communities. Issues such as registration of residents and visitors would be discussed and implemented. LCs would be encouraged to keep an up to date list of all people in the areas and what they do for a living. This helps to monitor illegal activities and crime in general.

3.2 The second level of the Criminal Justice Cycle is the police. Art. 212 establishes the functions of the police. These can be summarized as to maintain law and order; protect life and property; prevent and detect crime; and cooperate with civilian authority and other security organs and the general public.

In administering justice, the police have major challenges. These include inter alia; poor logistics and low manpower, poor training, delays in investigations, corruption, high backlog of cases, lack of information on crime and criminals and poor response to crime incidents. These and many others compound the need to prevent the occurrence of crime.

There is no better way the police can play a vital role in the administration of justice than crime prevention. A high crime level does not only mar the image of the police and other elements of the CJS but also it destabilizes the security and tranquility of the country and erodes the democratic structures that have been built through great sacrifice. Crime prevention is not only a very important function of the police but also it is the nerve centre of all police activities and has wider implication to the stability and security of any government. Economic development and investments cannot take place in a much more pragmatic way if crime especially economic crimes are not controlled. We must realize that those countries that have developed much faster have among other things controlled crime drastically, especially by the use of the communities. Singapore, Malaysia and Japan are some of the countries with a prominent community policing model that involves the business community in the fight against crime and hence triggering investments. South Africa has embarked on a community policing model known as Business Against Crime (BAC) in order to fight against crime, improve its international image and promote development.

Community policing is the most prominent contemporary crime prevention approach. Communities through this approach are encouraged to form partnerships with the police for the purpose of identifying problems, taking precautions, and offering suggestions for eliminating the causes of crime. Rather than simply wait to respond to calls, undertake investigations, make arrests and assist in prosecutions, community policing seeks to take action and prevent behavior before a crime has occurred. Community policing encourages community intelligence which is a prerequisite for crime prevention. It directs operations such as patrols hence improving reaction time to incidents of crime.

On the other hand, crime prevention especially community policing-led crime prevention helps in gaining from economies of scale. In the long run, the police use few resources, such as transport, funds, salary, allowances and personnel involved in fighting crime. Community policing creates “civilian police” officers, who do not need to be paid or facilitated to report, inform or prevent crime. As long as the population is sensitized, educated and constructively engaged, they will fill the gaps left by lack of resources needed by police to do their job. Community involvement assists the police to benefit directly from public resources e.g. donations by the communities to assist the police in performance of their work e.g. through provision of police posts, police booths, motor vehicles or rent. All this is possible if the public appreciate our work through joint involvement.

Crime prevention through community policing also, assists the police in criminal investigations. A community that is apprehensive of the police can not avail itself in critical situations where evidence is required. Many would be witnesses have not come up during investigations and court trials due to poor police image and lack of public involvement. This can be reversed through public sensitization about crime investigations.

Crime prevention through community policing helps in the promotion of human rights and freedoms e.g. reduction of murders means respect of the right to life. Prevention of thefts is a positive act towards promotion of the right to own property. This in turn promotes democracy, Constitutionalism and human rights.

3.3 The third level in crime justice cycle is the Directorate of Public Prosecutions. The directorate is established under Article 120 of the Constitution. Its functions are stated in Art. 120 (3). They include directing the police to investigate any information of a criminal nature, instituting criminal proceedings against any person or authority in any court with competent jurisdiction other than a court martial, taking over any proceedings of a criminal nature, and discontinuing criminal proceedings at any stage before judgment is delivered. Other functions include giving advice to the Criminal Investigations Directorate (CID) in particular and other government departments in general on the conduct of criminal investigations.

However, there are also a number of challenges the directorate faces. These include among others; insufficient number of prosecutors, Resident State

Attorneys and insufficient funding which lead to backlog of cases and delays in prosecutions resulting in long remands and congestion in prisons. Quite often than not, there are complaints of corruption against directorate staff.

Community policing is relevant in addressing the above concerns especially sensitization of communities about the law, court procedures and the role of the public in prosecutions. They need to be sensitized about reporting corruption during investigations and blatant negligence on the part of directorate officials who are not performing their roles. Although the directorate is not directly charged with prevention of crime, the ultimate reason for prosecuting suspects is to prevent crime. For this reason the directorate needs to join the police in community policing and crime prevention programmes.

3.4 The fourth level in the cycle of criminal justice is the Courts of law. These range from the Courts of Judicature to local council courts. The courts of judicature as outlined in Art. 126(1) of the constitution are; the Supreme Courts, Court of Appeal (which also acts as the Constitution Court), the High Court, and Subordinate Courts (i.e. Magistrate courts). There are also specialized courts to administer justice for certain categories of people (e.g. the family and Children's Court and the General Court Martial).

The major areas of concern continue to be, general technicality of both civil and criminal proceedings for litigants and the more mundane problems of staffing, backlog of cases and inadequate access to justice for the poor and inefficient legal aid system. There are also concerns about corruption, mistrust of the judicial systems by the people and general delays.

This therefore, calls for a more coordinated programme in community policing with the courts of law if these challenges are to be ameliorated. Community policing definitely assists in sensitization of the public about law, legal and court procedures, and would help improve the image of the courts if channels of communication are opened especially in reporting corruption and inefficiency.

3.5 Last but by no means the least, the Uganda Prisons Service. It is established under Art. 215 (1) of the Constitution. Its core duties are to provide safe custody of prisoners, produce prisoners to court, and ensure humane treatment and rehabilitation of prisoners. The UPS faces the

challenges of low personnel, congestion of prisoners and research has showed that prisoners do not reform while in prison.

As part of their mandate, the prisons service works hand in hand with organizations that help resettle discharged prisoners back to their communities. This helps rehabilitation efforts and to forestall victimization.

The UPS need the help of civil society organizations as well as Government organs such as probation, LCs and the police to achieve this. Community policing is very important. The public need to be sensitized about discharged prisoners and how the community can help in resettlement and rehabilitation. By doing this, re-offending is averted. Other security organs need to be pro-actively involved at this level of criminal justice administration. These include among others; intelligence agencies, Amnesty Commission, C.A.D.E.R, and UPDF. The later for instance is mandated under Sec. 3 of the UPDF Act and Art. 209, of the Constitution to foster harmony and understanding between the defence forces and civilians. This is a criminal justice role that they play at any stage of the Criminal Justice Cycle.

#### **4.0 CONCLUSION**

Community policing emphasizes building relationships between police and community members for crime prevention. Policing is a community activity and service. Therefore, its style must be relevant to the expectations of the people. Communities that are empowered and clear about their problems are more willing to support the police and any other institution in the Criminal Justice Cycle, in devising strategies, and to commit their resources to achieve solutions to the problems identified. Crime prevention is a very important function of the police and any other institution in the cycle. It is the nerve center of all Criminal justice activities. Community policing is relevant at every single stage of the Criminal Justice Cycle. It starts with the community and ends with the community. Hence the cycle can not be complete and meaningful without the involvement of the community policing approach. Every institution in the Cycle needs to embrace and support community policing.

For God and My County.

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