

CHAPTER 5

THE WAY FORWARD: ROLLING OUT THE COURT CENTRE NATIONALLY

Identifying best practices

A BAC produced document on the IJS Court Centre lists the benefits that the Port Elizabeth Court Centre has had on service delivery:⁷⁹

- better communication with all role players who are accessible within one centre;
- improved productivity with motivated Court Centre participants physically located in one centre;
- integrated management of the court roll, docket court readiness, docket flow and docket security; and
- improved resource utilisation through the centralisation and shared use of equipment and human resources.

Given the Port Elizabeth Court Centre's contribution to improving service delivery and boosting the performance of the criminal justice system in a variety of ways, the question needs to be asked: What is the secret of the Court Centre's success? This is not an academic question. The Court Centre concept is being introduced in numerous courts throughout South Africa – almost 30 by mid-2002.⁸⁰ Identifying the best practices developed by the Port Elizabeth Court Centre will permit other centres to avoid mistakes and replicate tried and tested strategies that are successful.

Business–government partnership

There is little doubt that the Court Centre's integrated approach, whereby representatives of four key government departments (safety and security, justice, correctional services and welfare) are all given a role to play, is the key to the Centre's success.⁸¹ By closely involving them in the work of the Centre, each of these departments takes on the responsibility of making a success of

such a collaborative approach, thereby improving the service the departments deliver to the public and court users.

The Port Elizabeth Court Centre has a fifth partner which has been crucial to its success: organised business in the form of Business Against Crime. This is so for a number of reasons.

Firstly, the private sector tends to have skills that are in short supply within the South African criminal justice system. Most senior criminal justice managers at local level are former practising magistrates, prosecutors, police officers and prison wardens who were proficient at their jobs and were then promoted into management positions. There are some advantages to such a system. For example, a court manager with a background as a prosecutor or magistrate has an intimate understanding of the work done by his subordinates. The disadvantage of such a system of promotion is that many magistrates, prosecutors, police officers and prison wardens are not necessarily good managers. Moreover, they have generally not received any training in management skills.

It is fair to say that the state lacks the human resources required to effectively implement the Integrated Justice System. This lack of resources is at its greatest in respect of project management skills and, to a certain extent, information technology skills.⁸² The success of the Port Elizabeth Court Centre relies heavily on project management skills to integrate and streamline the various components of the Centre, and to co-ordinate the activities of the Centre's professional staff who are employed by a number of different government departments. BAC Eastern Cape provided a full-time project manager to the IJS in the province, who devoted much of his time to assist and conceptualise the Court Centre in Port Elizabeth.

Secondly, to get different government departments to work together for an extended period of time is usually fraught with difficulties. Each of the IJS-related departments has separate budgets, ministers and different mandates, who all too often jealously protect their interests.⁸³ The BAC-appointed IJS project manager for the Court Centre had the necessary neutrality and independence to convince the different departments to work together for the greater good. The ability of BAC to act as neutral facilitators between different departmental interest groups created a lot of synergy between the governmental role players involved with the Court Centre.⁸⁴ In the case of the Port Elizabeth Court Centre it further helped that the BAC project manager had a policing background. This gave him credibility among the Centre's criminal justice personnel, and imbued the project manager with a keen

understanding of the practical workings and bureaucratic intricacies of the criminal justice system.⁸⁵

Thirdly, business is more flexible than government. Not tied down by public service regulations, public sector unions, budgets which require parliamentary approval, executive policy decisions and steep hierarchical structures of decision-making, business can procure skills and resources, and adapt to a changing environment much more rapidly than state departments can. In the case of the Court Centre, BAC through its business sponsorships could at short notice refurbish the Centre, send Centre staff on training courses, and use its staff to work on Court Centre-related activities – something that would have been difficult for public servants and their departments to do.

Finally, the criminal justice system can function effectively only if the different departments work together. However, because of the reasons already mentioned and the lack of capacity in many departments, this kind of co-operation is often lacking. As a result departments and their staff can get so focused on their own activities that the “bigger picture” is ignored. BAC, with its mandate to assist with the implementation of an *Integrated Justice System*, is in a strong position to keep everyone’s energies focused on achieving the overall objective of developing a Court Centre where the activities of four departments are seamlessly integrated.

Relationship building

A strength of the Court Centre in Port Elizabeth is that a number of key BAC members – the provincial chairman, managing director and the BAC project manager for the centre – devoted a lot of their time building sound relationships with the different government departments involved with the Court Centre Project.

According to Matt Gennrich, BAC’s Eastern Cape chairman, “the relationship-building phase [with departments] is crucial prior to the implementation process of the Court Centre”.⁸⁶ Kevin Hustler, BAC’s managing director in the province, echoes these sentiments: “Continuously nurturing criminal justice system contacts and relationships, at both a strategic and operational level, is vital.”⁸⁷

The BAC-appointed IJS project manager, Pieter van Straaten, drew up the implementation plan for the Centre jointly with all the relevant provincial heads of departments. Only once this had been achieved did he develop the structure

of the Centre in conjunction with local departmental officials who were senior enough to make decisions without requiring prior approval from their provincial head-office. According to van Straaten, “crucial to building up good relationships with role players in the criminal justice system was the emphasis BAC placed on its supportive role – that it [BAC] was there to support, and not to prescribe to government departments what they should do”.⁸⁸

All relevant role players should be involved in the process of setting up a Court Centre. Prosecutors, magistrates, administrative staff, clerks of the court, court orderlies, and legal aid board personnel are just some of the groups that need to be included in such a process. All these role players need to be informed about what the Court Centre is, how it operates and how it will benefit them. Such role players should also be asked what they would like the Court Centre to do for them. If possible, such suggestions should be incorporated in the development of the Court Centre. “The Court Centre should be sold as a product to all who will be affected by it. Further, the Centre must accommodate the needs of all the role players that will be involved in its operation.”⁸⁹

People are the crucial resource

It is difficult for people to work effectively under stressful conditions, especially if their success is dependent on all the members of a team. As with most criminal justice personnel, the staff of the Port Elizabeth Court Centre work under difficult conditions: limited and insufficient resources and staff, and high workloads. Moreover, Court Centre staff members come from different departments, with varying salaries, leave and other employment-related benefits.

The reason the Court Centre works effectively is largely because of the motivated personnel that work there. Most of the Centre personnel are experienced and relatively senior. They consequently do not need to be micro-managed, as they are proud of the quality of their work and possess the necessary sense of responsibility not to let the work of the Centre and their team members down.

The choice of Court Centre personnel is consequently important. Ideally, Court Centre personnel should volunteer to join the Centre, and their selection should occur on merit and ability alone.⁹⁰ According to Kevin Hustler, it is important to build momentum and enthusiasm with achievable short-term goals that can be converted as “quick-wins”.⁹¹ Matt Gennrich identifies three important characteristics of good Court Centre staff: they must be committed

to change and the process of the Centre; they must be good communicators; and they must be self-starters who accept responsibility.⁹² Hannelie Bakker, senior public prosecutor at the Port Elizabeth magistrates' court, advocates the creation of permanent posts for Court Centre personnel to create the necessary continuity and team cohesion among the personnel of the Centre.⁹³