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Community Safety

Research study on the demilitarisation of SAPS:
Visible policing in the Western Cape

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A NOTE FROM THE DEPARTMENT OF COMMUNITY SAFETY

The mandate of the Western Cape Department of Community Safety includes civilian oversight in terms of Chapter 11 of the Constitution of the Republic of South Africa of 1996. The Department is guided by the Civilian Secretariat of Police Act, 2 of 2011 and the Western Cape Community Safety Act, 3 of 2013. The sub-programme: Policy and Research within the programme: Provincial Secretariat for Safety and Security conducts research and publishes reports with the aim to contribute to improved safety, wellness and the reduction of social ills across the province.

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1. EXECUTIVE SUMMARY

Existing policy frameworks emphasise the importance of a democratic, open, transparent and citizen-centred policing approach in achieving an effective and professional police service. A notion that juxtaposes this approach is police militarisation. It is for this reason that the National Development Plan (NDP) 2030 has called for the demilitarisation of the South African Police Service (SAPS). The study involves data collected at 15 police precincts spread across the province – covering urban, rural and peri-urban areas and five police clusters in the Western Cape. A systematic random sampling was used to identify the participating precincts. Purposeful sampling was used to identify the participants. At a cluster level, the interviews included the cluster commanders, deputy cluster commanders and visible police (VisPol) coordinators; and at station level the station commander and VisPol section commanders were interviewed.

The study raised key findings in respect of police demilitarisation, inclusive of the fact that this call assumes a homogenous policing organisation. Underlying assumptions are therefore challenged and recommendations are made relevant to the VisPol environment with the aim of ensuring effectiveness and professionalism in this environment.

This study supports the *National Development Plan 2030* objective of achieving “a well-resourced professional SAPS institution staffed by highly-skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence, and respect the rights of all to equality and justice”. However, this Western Cape study has revealed that even though VisPol officers regard themselves as militarised or quasi-militarised, they lean towards adopting a more democratic institutional approach. Further to this, while there are elements to VisPol specialised operations that may contain structured, controlled and weaponised orchestrations, they are largely distinct from the kind of operations conducted by the Public Order Policing (POP) Units and the Tactical Response Teams (TRT). The study shows that even during joint operations, the sanctioned actions of VisPol are limited to specific orders, the types of weapons that may be used, and specific conduct (for example, their primary responsibility for searches and seizures during raids and joint operations). This study found that VisPol is community-centric and service orientated, and thus, not militarised. The rank structure for VisPol is important for internal discipline, command and control. The uniform serves to identify the police from other role players.

The study further highlights systemic, organisational and operational risk factors for police brutality that require decisive and urgent address and are independent from elements associated with militarisation. These include stress factors associated with blockages in promotions, deteriorating organisational discipline and weakening leadership structures, and the high levels of violent crime and conflict in communities.

2. INTRODUCTION

“True public safety requires a collaboration between law enforcement and the community.” **Betsy Hodges**¹

In September 2012, Cabinet adopted the National Development Plan (NDP) as the strategic framework for government planning (across all branches and spheres of government) for the attainment of its 2030 vision. The NDP proposes a vision of South Africa in 2030 in which all South Africans feel safe at home, school and work. It further proposes the vision that “the police service is a well-resourced professional institution staffed by highly-skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence and respect the rights of all to equality and justice.”² The NDP therefore prioritises making the police service professional, and the demilitarisation of the police.³

Among other things, the NDP envisages “demilitarising the police service”. It states that:

“The decision to demilitarise the police force, moving away from its history of brutality, was a key goal of transformation after 1994. The remilitarisation of the police in recent years has not garnered greater respect for the police or higher conviction rates. If anything, it has contributed to violence. The police should be demilitarised and managed towards a professional civilian service.”⁴

Towards the achievement of the vision put forward by the NDP, the Civilian Secretariat for Police (CSP) has commissioned a national mixed-methods study to explore the twin concepts of militarisation and demilitarisation of the police, with a specific focus on the VisPol Units within the SAPS. It investigates the conceptual understandings among leading commentators, officials and members of the SAPS with the objective of achieving a crystallised, universally acceptable definition of militarisation. Through this, it elucidates key historical developments in the transformation of the SAPS that are relevant to the militarisation continuum.

The primary aim of the study is to evaluate whether the VisPol units are in fact militarised, and if so, to determine ways of developing an effective, professional police service capable of addressing the policing needs of the South African modern-day democracy, in accordance with the NDP. The report thus covers a literature review, methodology used to conduct the study, presentation of findings and conclusions. Finally, it outlines recommendations based on the findings.

¹ Mayor Betsy Hodges. *2017 State of the Cities Address*. National Conference of Democratic Mayors [Online] Available at http://www.democraticmayors.org/2017_state_of_the_cities. Accessed on 15 March 2018.

² National Planning Commission (NPC). 2012. *The National Development Plan: Vision 2030*. The Presidency: Pretoria, at p. 350.

³ National Planning Commission (NPC). 2012, *Loc cit*, p. 350.

⁴ National Planning Commission. 2012. *Loc cit*, p. 350.

3. LITERATURE REVIEW ON POLICE, POLICING AND POLICE MILITARISATION

This review investigates the culture and orientation of the police within our constantly evolving constitutional democracy. It contextualises the nature of policing within the governing policy and legislative frameworks.

3.1. Developing the conceptual framework

3.1.1. Definitions: Description of main concepts and variables

The discourse on the dynamics of militarisation would be incomplete without looking at what policing is. The first part of this literature review attempts to create an understanding of policing and the evolution thereof in the South African context.

3.1.1.1. Policing

The definition that the current study adopts is provided by Burger, who defines policing as:

“... all those lawful activities, whether proactive or reactive, performed by the police in the process of providing their prescribed services such as reassuring the public; creating a visible deterrence; and executing their law enforcement, crime investigation and public order functions.”⁵

3.1.1.2. Democratic policing in the context of the police service vs. police force debate

The evidence which arises from this research does not support the views contained in existing literature that there is a lack of clarity on the police's posture as a 'service' or a 'force'. Rather, there are existing conceptual challenges in reconciling the nuanced concept of police militarisation, or the different degrees thereof, with the possibility that this notion can be manifest simultaneously with democratic policing postures. Conceptual clarity assists in developing a workable way forward. Whereas the notion of police militarisation has been better clarified by Kraska and Burger, on the other hand, Nalla's work explores the factors that underpin a democratised police service – the converse of police militarisation – with a focus on police

⁵ Burger, J. 2014. Presentation on *Community and Sector Policing*, before the Khayelitsha Commission of Inquiry, 12 May 2014. [PowerPoint]. Institute for Security Studies, Pretoria.

perceptions.⁶ In determining what constitutes a democratic police service in various transitional democracies, Nalla found that where democratisation was viewed as key to their functions:

- Police officers viewed their primary goal as serving people.
- They felt very positive and optimistic about citizens' role in working with the police.
- They considered themselves accountable to citizens.
- They believed in the rule of law.
- They were supportive and positive of community policing activities.⁷

Essentially, Nalla posits that "...what policing means in a democracy [is based on] the underlying premise... that a police officer serves as an agent of the community and his/her responsibility is to serve and protect community members."⁸

Nalla observed that the "democratisation" of the police was facilitated by, inter alia, training in human rights, with the central focus being the notion of democratic policing, which refers to police organisations whose primary goal is to protect the fundamental rights of citizens. Importantly, the guiding principles underpinning democratic institutional transformation were:

- protection of human rights;
- transparency in police activities; and
- accountability in upholding the rule of law.⁹

3.1.1.3. *Police militarisation*

In order to understand police militarisation, attempts should be made to define police militarisation based on available literature. Kraska has written extensively about police militarisation and posits that militarism is:

"...an ideology focused on the best means to solve problems. It is a set of beliefs, values, and assumptions that stress the use of force and threat of violence as the most appropriate and efficacious means to solve problems. It emphasizes the exercise of military power, hardware, organization, operations, and technology as its primary problem-solving tools."¹⁰

⁶ See Nalla, M.K. 2009. *Democratic Policing: A comparison of police officers' perceptions of their role and function in transitional societies* in Journal of Criminal Justice and Security [11:4] pp 520-535.

⁷ Nalla. 2009, *ibid*, at p. 520.

⁸ Nalla. 2009, *ibid*, at p. 521.

⁹ Nalla. 2009, *ibid*, at p. 522.

¹⁰ Kraska, P.B. 2007. *Militarization and Policing— its Relevance to 21st Century Police in Policing: A journal of Policy and Practice*. [Volume 1, Issue 4] [Online] at p. 1. Available at <https://academic.oup.com/policing/article-abstract/1/4/501/1440981>. Accessed on 19 December 2017.

According to Kraska, militarisation is the process of arming, organising, planning, and training for, threatening, and sometimes implementing violent conflict.”¹¹ He further stresses that to “militarise” means to adopt and apply the central elements of the military model to an organisation or situation. Police militarisation, therefore, is the process whereby civilian police increasingly draw from and structure themselves around the tenets of militarism and the military model. It includes the employment of military tactics and equipment by average law enforcement officers.¹²

According to Kraska, militarisation includes the polarisation between the community and the police, with a culture of secrecy and highly centralised decision making. Juxtaposing this, Nalla's analysis hinges on a community policing approach. Nalla's approach finds resonance in the *SAPS Manual for the South African Police Service* which highlights that *community policing* is a philosophy that guides police management styles and operational strategies.¹³ It emphasises the establishment of police-community partnerships and a *problem-solving approach* responsive to the needs of the community. The type of problem solving referred to is different to the secretive, untransparent and centralised problem-solving approach adopted by militaristic institutions. Community policing is based on the idea that the objectives of the SAPS can only be achieved through the collaborative effort of the police, other government institutions, the organisations and structures of civil society, and individual citizens.¹⁴ Such a definition supports Nalla's community-centric policing approach.

Burger's propositions straddle the approaches of Nalla and Kraska, and put forward the notion of community policing, which focuses on creating a smarter, more efficient, well-disciplined and community-oriented police service. Burger summarises the main elements of community policing as follows:

- the structured consultation between the police and different communities about local problems, policies, priorities and strategies;¹⁵
- adapting policing strategies to fit the requirements of particular local circumstances as well as the development of a customer orientation in the rendering of services;¹⁶
- mobilising all resources available to the community and the police to resolve problems and promote safety and security;¹⁷

¹¹ Kraska. 2007. *ibid*, at p. 1.

¹² Kraska. 2007. *ibid*, at p. 1.

¹³ Department of Safety and Security. 1997. *Community Policing: A Manual for the South African Police Service*. Department of Safety and Security: South Africa [Online] Available at http://www.my-community-business-security.org/support-files/cpf_manual_final_community_pol.pdf. Accessed on 19 December 2018.

¹⁴ See Burger, 2014, *ibid* at note 2.

¹⁵ Burger. 2014, *ibid*.

¹⁶ Burger. 2014, *ibid*.

¹⁷ Burger. 2014, *ibid*.

- accountability to the community through mechanisms designed to encourage transparency¹⁸ (for example, through the Community Police Forum (CPF) and neighbourhood watch support and participation); and
- changing the policing focus from a primarily reactive focus on crime control to a proactive focus on addressing crime and violence.¹⁹

The abovementioned points are important indicators that should be viewed alongside those posited by Nalla and Kraska. The following section focuses on the key indicators for police militarisation as identified by Kraska.

3.1.1.4. *Indicators for police militarisation: the Kraska framework*

Kraska identifies four dimensions that indicate police militarisation (or its absence), namely: material, cultural, operational and organisational. These are discussed below.

3.1.1.4.1. *Material indicators*

Material indicators are publicly visible, and the appearance thereof incites certain impressions and perceptions about the police. These indicators facilitate the establishment of a police identity in the minds of the public. These indicators include insignia, equipment, uniforms and weaponry.²⁰

3.1.1.4.2. *Cultural indicators*

Culture can refer to “a wide range of observable events and underlying forces that operate at ... the visible surface level artefacts such as physical environment, order of dress, language, stories told, and observable rituals and ceremonies; and publicly espoused beliefs and values”.

Culture at this level provides a basic sense of identity and the values that develop self-esteem. According to Alvesson, the term “organisational culture” is therefore a varied concept. He sets it out to comprise of collectively shared ideas and cognition; symbols and meanings; values and ideologies; rules and norms; the collective unconscious; behaviour patterns; structures; and practices. Organisational culture includes values and assumptions about social realities. Organisational culture further provides “the shared rules governing cognitive and affective aspects of membership in an organisation, and the means whereby they are shaped and expressed”.

¹⁸ Burger. 2014, *ibid*.

¹⁹ Burger. 2014, *ibid*.

²⁰ Kraska. 2007, *ibid*, at p. 3.

Schein states that occupational cultures develop particularly where members are trained in the same way with the same values, and where they have extensive shared contact with others in the same occupation. The development and perpetuation of an occupational culture that is associated with policing was thus highlighted.

Research suggests that the behaviour of police officers is influenced by the culture of the organisation itself. It has been asserted that culture guides and constrains the behaviour of members of a group. It has an influence on individual, group and organisational behaviours. Organisational culture has been strongly associated with psychological strain, employee retention, job satisfaction, and organisational commitment.

Early research proposed that police behaviour was influenced by the police culture and the backgrounds of police recruits who tended to view violence as legitimate and who were preoccupied with maintaining self-respect, proving masculinity, and "not taking any crap". Police culture has also been generally regarded as the by-product of modern police work, with common themes relating to the danger of the street environment, the authority to use violence, shift work, bureaucracy, conflict between frontline officers and managers, and vague and conflicting mandates. It is often viewed as a set of beliefs shared by all police officers that stem from an adaptation to hostile working conditions and are reinforced through a process of socialisation and solidarity.

Importantly, evidence suggests different cultures may arise across policing functions and teams such as tactical response and community policing, and detective work may be affected.

To locate the discourse on organisational culture within the framework of police militarisation further, Kraska posits that cultural indicators of police militarisation include the extent of martial language and martial weaponry.²¹ Cunha and Curran highlight certain aspects of military culture, which includes anonymity, desensitisation, depersonalisation, stoicism (the need to control emotions, where the inability to do this signals weakness), and a command climate that discourages getting help.²²

Another important aspect of policing that needs to be explored is whether there is any association between police brutality and police militarisation. It is important to understand police brutality and police conduct in the context of their mandates.

²¹ Kraska. 2007, *ibid* at p. 3.

²² Cunha, K. and Curran, E.R. 2013. *A Brief Military Culture Overview*. [Online] Available at <http://www.co.grafton.nh.us/wp-content/uploads/2013/11/Military-Culture-PDF.pdf>. Accessed on 8 January 2018, at pp1, 3 and 14.

3.1.1.5. *Is it a question of militarised policing versus community policing?*

Burger questions whether police brutality and misconduct can be linked to the militarisation of the SAPS. He argues that blaming militarisation for police brutality is “aiming at the wrong target”.²³ While Burger does not dispute that unacceptably high levels of police brutality are prevalent across South Africa, he disputes that police militarism is the cause thereof.²⁴ He argues that in order to understand the cause(s) of police brutality, it is necessary to look objectively at statistics and other information before ascribing police misconduct and brutality to police militarisation. Like Kraska, Burger points out that all police agencies, in varying degrees, exhibit elements of militarism.²⁵

Overall, Burger cautions attempts to link civil claims to police brutality or the militarisation of police. He supports assertions made by Kraska, stating that police agencies across the world generally share similar responsibilities and legal powers. He points out that in most cases they are armed and trained in the use of force, including deadly force. However, he contends that when command and control systems are weak, these powers are likely to be abused.²⁶

In addressing some of the aspects associated with police militarism, Burger highlights that where police agencies – such as in jurisdictions like the United Kingdom – sought to democratise their law enforcement agencies in the 1980s by, for example, replacing the term “force” with “service”, the result was largely superficial and had very little practical value.²⁷ He contends that “the formidable powers of the police and the often extremely dangerous and unpredictable situations they face require that they align themselves with the kind of strict discipline, training, and command and control practices that are normally associated with the military.”²⁸ The situation in South Africa is not an exception.

Notwithstanding the above, he asserts that an alignment with some of the desired practices of the military, as with good practices in any other institution, does not suggest that the police should duplicate the military. The military and the police have different mandates. Burger therefore takes a critical approach to previous policy statements by the Presidency, the Minister of Police and the National Commissioner made over the preceding years. He observes that these previously intended militarisation processes were about much more than re-establishing the inherent elements mentioned above (strict discipline, training, and command and control practices). Instead,

²³ Burger, J. 2013. *Police brutality is again in the spotlight in South Africa, but demilitarisation will fail to address the real causes in ISS Today*. [Online]. Available at <https://issafrica.org/#/iss-today/blaming-militarisation-for-police-brutality-is-aiming-at-the-wrong-target>. Accessed on 14 December 2017.

²⁴ Burger. 2013, *ibid*.

²⁵ Burger. 2013, *ibid*.

²⁶ Burger. 2013, *ibid*.

²⁷ Burger. 2013, *ibid*.

²⁸ Burger. 2013, *ibid*.

militarisation, as contemplated, bordered dangerously close to establishing an alternative military institution. However, except for the ranks, no other intended changes materialised.

3.1.1.6. *The positive leadership styles in the development of policing culture*

Though the police culture originates and is maintained by frontline workers, organisational culture is usually defined from the top of the organisation down. This presents an added advantage for a change process as senior officers are uniquely placed to influence changes in behaviour. Research suggests that different policing functions correlate with different leadership and working styles, and that there is a relationship between police culture and individual officer working styles.

Commentators have, in particular, identified and validated three different working styles: (1) the traditional crime-fighter style; (2) the order maintenance/service provider style (that is focused on visible presence, preventive surveillance and service); and (3) the professional style, where officers are more concerned with providing a visible presence and service to citizens, yet they also consider crime fighting to be important. This is in direct contrast to the commonly held idea that all officers view the police reality in the same way.

Leadership styles and leadership is central to the development of police organisational cultures. This is because organisational culture is usually argued to be defined from the top of the organisation, filtering down. The socialisation process may produce both positive and negative outcomes for policing for a variety of reasons. Exposure to certain officers can lead to a small percentage of officers displaying inappropriate behaviour. Similarly, socialisation with senior officers or other peer group members who embody appropriate values may contribute to the internalisation of these positive. This is where police leaders have an opportunity to influence the adoption of appropriate and positive policing cultural norms.

3.1.1.7. *Training and the perpetuation of policing culture*

It has been observed that in respect of the perpetuation of organisational culture, the socialisation process intensifies when new recruits graduate from the police training academy and begin on-the-job training. Contact with training officers represents more of a formal socialisation process, whereby recruits are informed on what to do and expect. On the other hand, contact with senior officers and other peers is informal in nature and likely to be more about how things operate in the real world. Researchers have pointed out that:

"...it is very rare to encounter ... officers who do not have the shared experience of being told to forget all the crap they learned at the academy, as they are now in the real world".²⁹

3.1.1.8. Operational indicators

Operational indicators refer to elements and operational patterns modelled after the military. They include military modelling in areas of intelligence, supervision, handling high-risk situations, war making or restoration/stabilisation.³⁰

3.1.1.9. Organisational indicators

Organisational indicators include martial organisational arrangements, such as command and control through ranking structures, or elite squads of officers patterned after military special operations that are deployed to patrol high-crime areas (as opposed to the traditional "officer on the beat").³¹

3.2. Contextualising the problem

The concern with police militarisation has become a global phenomenon and South Africa is not an exception.³² Police militarisation as stated above is:

"...the implementation of an ideology which stresses the use of force and threats of violence to solve problems, and using military power as a problem-solving tool".³³

Kraska contends that to militarise the police means that it incorporates the central elements of the military model. Police militarisation is the process whereby civilian police increasingly draw from and pattern themselves around the tenets of the military model.³⁴ This contradicts the functions of the police service as posited by Nalla and Burger, who view that the work of the police (as a service) involves serving people and protecting their rights. This requires the police operations and characteristics to be different from that of the military, which is constituted to suppress and conquer

²⁹Workman-Stark, A.L. 2016. *Chapter 2: Understanding Policing Culture in Inclusive Policing from the Inside Out*. Springer International Publishing. [Online]. Available at http://www.google.co.za/url?url=http://www.springer.com/cda/content/document/cda_downloadaddocument/9783319533087-c2.pdf%3FSGWID%3D0-0-45-1601154-p180639668&rct=j&frm=1&q=&esrc=s&sa=U&ved=0ahUKEwiWu8q4n8jYAhUnIMAKHQJ2CUgQFggZMAA&usg=A_OvVaw0jCpQeSO53qsG5Bg7bINnY. Accessed on 8 January 2018, at p29.

³⁰ Kraska. 2007, *ibid* at p3.

³¹ Kraska. 2007, *ibid* at p3.

³² Tabassi, T. and Dey, A. 2016. *Police Militarisation is Global*. [Online] Available at: <https://www.wriirg.org/en/node/26140>. Accessed on 07 April 2017.

³³ Kraska. 2007, *ibid*.

³⁴ Kraska. 2007, *ibid*.

the enemy. In this context, the principles of minimum force and the ability to analyse situations wherein force should be used is a key behavioural element for professional policing and it is critical for the police to adhere to this important principle.

According to the White Paper on Policing,³⁵ our key policing policy frameworks establish that the SAPS is required to deliver services in a way that respects the Constitution and democratic policing principles.³⁶ Furthermore, our fledgling democracy experiences challenges based on genuine frustrations related to service delivery. The police service is normally the first state institution expected to respond to such service delivery frustrations, which makes policing more challenging.³⁷

An essential element of life in a democratic society is the right to protest. Over the last two decades, South Africa has witnessed a steady increase in the rate of public protests – the root causes of which fall outside of the mandate of the police. However, the police are increasingly being called upon to respond to large numbers of protest incidents, some of which turn violent. It is often during these incidents where police action is subjected to increased levels of public scrutiny. The crux of the issue, however, is that the ability of the SAPS to effectively maintain public order necessitates a shift in approach to maintaining and restoring public order. The ability to deliver on this mandate is dependent on the police being adequately structured, trained and capacitated to be able to restore public order within the constitutional perimeters of acknowledging the rights to dignity, bodily integrity and peaceful protest, and the need to remain citizen-centred in its approach to dealing with incidents of public violence.³⁸ Police also require support from and joint interventions with the government departments that are the source of the community frustration that led to the protest.

As stated, the complex, ever-changing nature of crime imposes another significant burden on the police to constantly review and assess its approaches to combat these new and constantly evolving forms of crime, while at the same time, having to meet its constitutional obligations. Historically, this balancing act has proved challenging.

To give context to the abovementioned challenges, it is worth stating that the 2016/2017 crime statistics in the Western Cape indicate a murder rate of 51.7 per 100 000 of the population; second highest to Eastern Cape (55.9/ 100 000). The provincial murder rate is higher than the national rate of 34 per 100 000.³⁹

³⁵ Civilian Secretariat for Police. 2016. *White Paper on Policing*. [Online] Available at http://www.policesecretariat.gov.za/downloads/bills/2016_White_Paper_on_Policing.pdf. Accessed on 14 December 2018.

³⁶ *White Paper on Policing*. 2016, p. 9.

³⁷ *White Paper on Policing*. 2016, p. 10.

³⁸ *White Paper on Policing*. 2016, p. 15-16.

³⁹ Department of Community Safety. 2017. *Western cape Provincial Crime Analysis Report (2016-2017)*. Western Cape Government: South Africa, at p. 10.

A total of 10 police precincts (7%) out of 150 account for almost half of the murders and attempted murders in the province. The murder rate of the top 10 police precincts (100.7/100 000) is three times higher than the national rate (34/100 000). Philippi East police precinct recorded the highest murder rate for two consecutive years, namely 203.4/100 000 of the population in 2015/2016 and 246.9/100 000 in 2016/2017 financial year respectively. Nyanga police precinct follows with 129.8/100 000 in 2016/2017. These two police precincts are situated in close proximity to one another. Both are listed as part of the provincial top 10 police precincts and top 30 national police precincts. The Nyanga police precinct with 281 murder cases, maintains its position as having the highest number of murders in the country over the past decade.⁴⁰

Furthermore, the rate of the 17 community-reported serious crimes in the Western Cape was the highest in the country (5 644.8/100 000). The province also had the highest rate of attempted murder, common assault, theft out of motor vehicles, residential burglary, drug-related crime, and illegal possession of firearms.⁴¹ According to the Department of Community Safety Western Cape 2016/2017 Crime Analysis Report:

“The high murder rate in the province could be attributed to a range of factors, which includes the proliferation of weapons (fire arms), gang violence, drugs, alcohol and interpersonal violence. By and large, the top 10 precincts (with the highest crime rates) experience high population density or overpopulation, poverty, and the proliferation of informal housing.”⁴²

According to Kraska, since their inception the police worldwide have been to some extent “militarised”. This argument is substantiated by the contention that the foundation of military and police power is the same, namely the state-sanctioned capacity to use physical force to accomplish their respective objectives (external and internal security).⁴³ Experts have thus argued that any contention that the police are or are not militarised is simply misguided, and that this is a nuance easily overlooked by police analysts who react defensively to using these organising concepts.⁴⁴

This approach encourages a one-dimensional conceptual lens, isolating police action as being either militarised or not. He contends instead that any analysis of militarisation of civilian police has to focus on where the civilian police fall on the continuum – culturally, organisationally, operationally, and materially – and on which part of the continuum they are located at any given

⁴⁰ Department of Community Safety. 2017, *ibid*, at p.10.

⁴¹ Department of Community Safety. 2017, *ibid*, at p. 5.

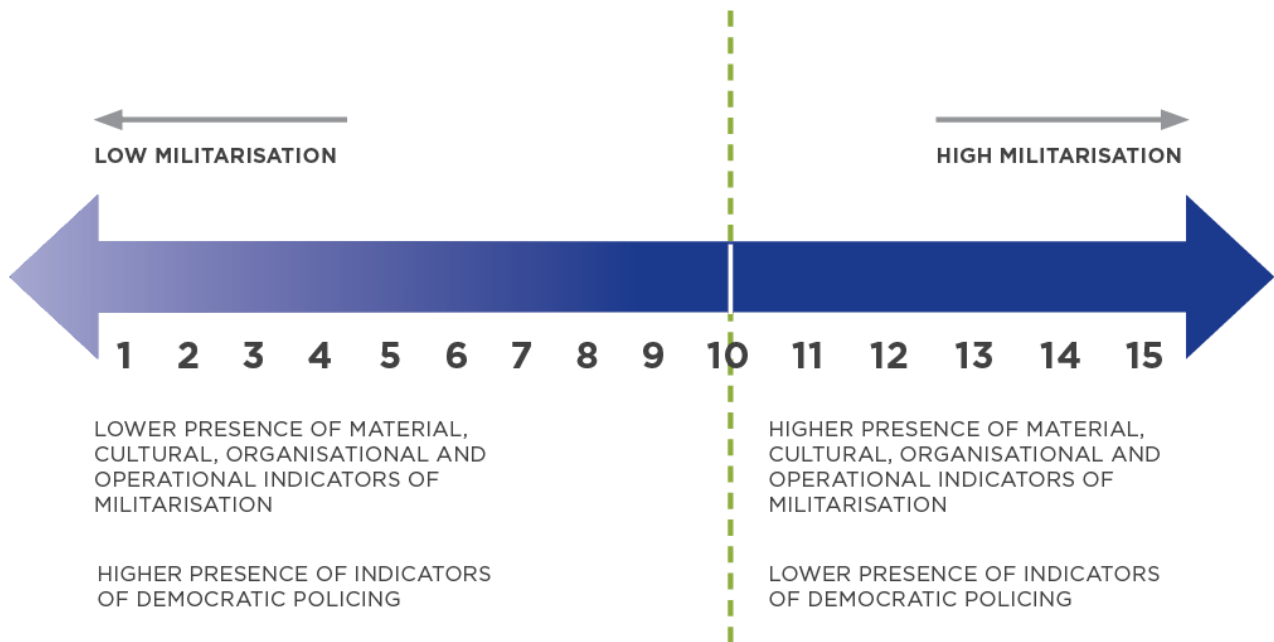
⁴² Department of Community Safety. 2017, *ibid* at p. 11.

⁴³ Kraska. 2007, *ibid*, at p. 3.

⁴⁴ Kraska. 2007, *ibid*, at p. 3.

time (high militarisation vs low militarisation).⁴⁵ The militarisation/democratic policing continuum is presented below. A democratic police service will be on the low level of militarisation mainly because there are limited indicators that can associate it with militarisation. The opposite is true for a militarised police. The challenge is to accurately locate the police or a police unit in this continuum.

Figure 1: Militarisation/Democratic Policing Continuum⁴⁶



3.2.1. The militarisation, demilitarisation and remilitarisation continuum in South Africa

In the lead-up to the first democratic elections in South Africa, the inappropriateness of apartheid policing methods in a democratic society introduced a process of wide-ranging reform. The Interim Constitution, the *Constitution of the Republic of South Africa, 1996* and the *South African Police Service Act of 1995* consolidated these reforms into law.⁴⁷

The *National Crime Prevention Strategy of 1996* (NCPS) and the *1998 White Paper on Safety and Security* further articulated government's response to the changing nature of policing in the country and its commitment to creating a safe and secure living environment where "all people are and feel safe".⁴⁸

⁴⁵ Kraska. 2007, *ibid*, at pp. 3-4.

⁴⁶ Adapted from Kraska, 2007, *ibid*.

⁴⁷ *White Paper on Policing*. 2016, p. 6.

⁴⁸ *Ibid*.

In September 2012, Cabinet adopted the NDP as the strategic framework for government planning towards attaining Vision 2030. The NDP reaffirmed the need for a police service that forms part of an integrated criminal justice system that is demilitarised, professional and community-centric. These new developments necessitated that the *1998 White Paper on Safety and Security* be reviewed and that a policy that speaks specifically to the policing environment within a democratic dispensation be developed.⁴⁹ This includes entrenching the values of democratic policing and in doing so, constantly striving for a police service that is efficient, effective, accountable, trusted and respected by all, while contributing towards ensuring the conditions for growth and prosperity of the country.⁵⁰ Such reforms are indicative of a country that is moving towards the demilitarised end of the militarisation/demilitarisation continuum. In this context, the *White Paper on Policing, 2016* affirms the imperative that the police are required to uphold, protect and champion the rights enshrined in the Constitution and the Bill of Rights.⁵¹

3.2.2. Why is police militarisation a problem?

The problem with police militarisation becomes clearer when analysing the traditional security dichotomy, as explained by Kraska. With reference to the United States' experience, he compares the military and police, positing that the military is responsible for ensuring external security through the threat and practice of war while the civilian police are responsible for ensuring internal security through the enforcement of laws.⁵² The history of South Africa and many other countries indicates that it is inappropriate to utilise armed forces in a policing role on a permanent or semi-permanent basis.⁵³ This perspective is based on the following:

- Armed forces are not trained, orientated or equipped for deployment against civilians. They are typically geared to employ maximum force against an external military aggressor.⁵⁴
- Ongoing employment in a law and order function may lead to the defence force becoming politicised and increasingly involved in non-military activities.⁵⁵
- Such employment may also undermine the image and legitimacy of the defence force as well as the police amongst sections of the population.⁵⁶

In conditions of war, a different set of laws applies (international humanitarian law for example, and the suspension of certain constitutional rights).⁵⁷ Resultantly, there is a relaxation of laws that protect

⁴⁹ Ibid.

⁵⁰ *White Paper on Policing, 2016*, p.7.

⁵¹ *White Paper on Policing, 2016*, p. 6.

⁵² Kraska. 2007, *ibid*, at p. 1.

⁵³ Department of Defence. 1998. *South African Defence Review* [Online] Available at <http://www.dod.mil.za/documents/defencereview/defence%20review1998.pdf>. Accessed on 8 January 2018,

⁵⁴ Department of Defence. 1998, *ibid*.

⁵⁵ Department of Defence. 1998, *ibid*.

⁵⁶ Department of Defence. 1998, *ibid*.

civilians against violations of basic rights such as those protected by section 35 of the Constitution (including the prohibition of arbitrary arrest and detention), the right to freedom and security of the person, and to life. It has thus consistently been argued that the military and the police are meant to be kept separate. The laws in relation to the use of force by the military are not the same as the use of force by the police, the latter of which is governed by strict constitutional principles, rules and regulations.

3.2.3. The outer limits for the reasonable and proportionate use of force by the SAPS

The concept of demilitarisation and remilitarisation cannot be divorced from the issue of the use of force by SAPS members. The following section explores the circumstances under which SAPS members may use force, or may in some way impinge upon the constitutional rights to bodily integrity or property of persons (which may warrant the use of force). These areas hold discretionary elements and what is reasonable under the circumstances, in terms of the required use of force, may be open to interpretation. In these instances, directives from higher-ranking commissioned officers and departmental policies, and the members' understandings thereof, are critical.

Against the backdrop of constitutional provisions that protect the safety of security of the person and protect against violence from both public and private sources, section 13 of the SAPS Act sets a general statutory boundary for the members of the SAPS to exercise their powers and to perform their duties and functions within the strict confines of the law and the Constitution.⁵⁸ The Act explicitly states that such powers are subject to the Constitution and that due regard is to be shown to the fundamental rights of every person.⁵⁹ Members are further obliged to perform their official duties in a reasonable manner.⁶⁰ The Act specifically states that where a member in his official capacity is authorised by law to use force, he or she may use only the minimum force that is reasonable under the circumstances.⁶¹

Furthermore, section 49 of the *Criminal Procedure Act* (CPA) provides for the use of force in effecting arrest. It provides that if any arrest or attempt to arrest a suspect is made and the suspect resists the attempt, flees, or resists the attempt and flees, when it is clear that an attempt to arrest him or her is being made, and the suspect cannot be arrested without the use of force, the arrestor may, in order to effect the arrest, use such force as may be reasonably necessary and proportional in the circumstances to overcome the resistance or to prevent the suspect from fleeing. The

⁵⁷ See *State of Emergency Act* (No. 64 of 1997); and Chapter 2, *Constitution of the Republic of South Africa of 1996*.

⁵⁸ Section 13 (1) of *South African Police Service Act* (No. 68 of 1995).

⁵⁹ Section 13 (1) of *South African Police Service Act* (No. 68 of 1995).

⁶⁰ Section 13(3)(a) of *South African Police Service Act* (No. 68 of 1995).

⁶¹ Section 13(3)(b) of *South African Police Service Act* (No. 68 of 1995).

arrestor is permitted to use deadly force that is intended or is likely to cause death or grievous bodily harm to a suspect if he or she believes on reasonable grounds that:

- the force is immediately necessary for the purposes of protecting the arrestor, any person lawfully assisting the arrestor or any other person from imminent or future death or grievous bodily harm;⁶²
- there is a substantial risk that the suspect will cause imminent or future death or grievous bodily harm if the arrest is delayed;⁶³ or
- the offence for which the arrest is sought is in progress and is of a forcible and serious nature and involves the use of life-threatening violence or a strong likelihood that it will cause grievous bodily harm.⁶⁴

Therefore, the legal framework on the use of force largely regulates the said use through the principles of proportionality and necessity. The interpretation and application of these two principles will largely depend on the SAPS training, instructions and command, and control structures. It is unclear to what extent the SAPS interpretation of proportional and necessary use of force is in line with how courts may interpret the same principles when ruling on civil claims or criminal prosecution for excessive use of force.

Bruce has argued that due to a lack of understanding, skill, or experience, police officers often use force unnecessarily in spite of their good intentions. Consequently, the risk of endangerment and harm is heightened and opportunities to resolve incidents peacefully are lost.⁶⁵

3.2.4. Legal reforms

The police's legal empowerment to employ the use of force is critical to the discourse on militarisation, particularly in the context of our constitutional democracy. Section 49 of the *Criminal Procedure Act* (CPA) governs the use of force, including deadly force, by the police when effecting arrest.

In 2012, Parliament adopted an amendment to this section, which significantly lowered the threshold for using deadly force when effecting arrest. The amendment creates an enabling environment for the use of deadly force by the police, which may in turn impact public perception and opinion of the police, and of the lack of accountability for such use.⁶⁶

⁶² Section 49(2)(a), *Criminal Procedure Act* (No. 51 of 1977).

⁶³ Section 49(2)(b), *Criminal Procedure Act* (No. 51 of 1977).

⁶⁴ Section 49(2)(c), *Criminal Procedure Act* (No. 51 of 1977).

⁶⁵ See Bruce. 2011, *ibid* at p4.

⁶⁶ See CSPRI. 2011. *Submission to the Portfolio Committee on Justice and Constitutional Development on the Criminal Procedure Amendment Bill B39-2010*, 24 August 2011, at paragraphs 7, 14, 16, 17 and 22. Available at www.pmg.org.za.

The new provision has been extensively criticised by civil society organisations in that it is too permissive for the police's use of deadly force and allows it beyond scenarios where it would be strictly necessary, despite the general legal prescription that the use of force be regulated by the principle of necessity.⁶⁷

Against this backdrop, Bruce reflected on the control of the use of lethal force under section 49 of the CPA, pointing out that numerous prominent incidents of the misuse of lethal force by the police (with reference to those which occurred in the year 2011) have contributed to the issue becoming a focus of concern in South Africa. Bruce contends that the proper control of the use of lethal force needs to be prioritised by the SAPS because of the serious consequences that can result from its use, and also because it is so vital to police safety.⁶⁸

The excessive use of force may be indicative of increased police militarisation, and juxtaposes principles of democratic and constitutional community policing. Therefore, the perceptions on the powers to use force and parameters for the use of force by VisPol were analysed in this study, and will be discussed.

3.2.5. Independent Police Investigative Directorate complaints

The Independent Police Investigative Directorate (IPID) was established by the *Independent Police Investigative Directorate Act of 2011* (IPID Act).⁶⁹ It is an independent oversight body mandated to receive complaints from the public and investigate serious allegations of criminal behaviour against members of the SAPS and the Metro Police Services (MPS).⁷⁰ The IPID must investigate:

- any deaths in police custody;
 - deaths as a result of police action;
 - rape by a police officer, whether the police officer is on or off duty;
 - rape of any person while that person is in police custody;⁷¹
 - any complaint relating to the discharge of an official firearm by any police officer;
 - any complaint of torture/assault against a police officer in the execution of his/her duties;
- and⁷²

⁶⁷ See CSPRI. 2011 *ibid*; See also Institute for Security Studies, *Submission to the Portfolio Committee on Justice and Constitutional Development on the Criminal Procedure Amendment Bill B39-2010*, 24 August 2011; Bruce, D. 2010. *Shoot to kill – the use of deadly force by police*. Paper presented at the ISS Conference: Policing in South Africa. 2010 and beyond, Muldersdrift, 30 September and 1 October 2010, p. 8; Bruce, D. 2011. *Beyond Section 49: Control of the use of lethal force in SA Crime Quarterly* (No. 36) pp. 3-12. ISS: Pretoria [Online] Available at <http://www.iss.org.za>. Accessed on 17 December 2017.

⁶⁸ Bruce. 2011, *ibid*.

⁶⁹ *Independent Police Investigative Directorate Act (No. 1 of 2011)*.

⁷⁰ IPID Act, ss. 2 to 4.

⁷¹ IPID Act, s. 28(1)(a), (b), (d) and (e).

⁷² IPID Act, s. 28(1)(c) and (f).

- corruption allegations following a complaint initiated by the Executive Director or referred by the Minister of Police, an MEC or the Civilian Secretary of Police. This may include the investigation of systemic corruption allegations.

The SAPS is legally obliged to immediately inform IPID of any matter listed above, and the IPID Act criminalises the failure to comply with this reporting obligation.⁷³ To a certain extent, IPID statistics provide an insightful indication of the excessive use of force and the abuse of policing powers. The matters investigated relate to cases that occur while the victim is in police custody, or those that arose as a result of police action. The limitation of IPID statistics is that they do not distinguish conduct between VisPol units and other SAPS units. However, whether or not the VisPol was involved in directly assaulting or committing any other impugned act, an interface with the VisPol members upon arrest of the victim may be inferred in all cases. In this process, the duty of care and all other legislative and regulatory obligations to ensure the safeguarding of the victim comes into effect. Legally, thus, doctrines of common purpose or the application of *dolus eventualis* (or other doctrines that infer intent) or negligence may result in criminal and/or civil liability on the part of VisPol members. In this context, the presentation of the IPID cases should therefore not be misconstrued as if they all relate to VisPol units nationally and in the province only.

3.2.5.1. Complaints received – comparison of national and Western Cape data

Figure 2 below indicates the number of complaints received by IPID nationally from the 2012/2013 to the 2016/2017 financial years, in all categories of complaints. Table 1 shows 30 885 complaints recorded for the five past years. Notably, complaints of common assault accounted for 61,8% of all complaints, and in the 2016/2017 financial year 54,6% of the complaints were for common assault.

Table 1: Complaints recorded by IPID annually: national figures⁷⁴

National	2012/13	2013/14	2014/15	2015/16	2016/17	2012/13- 2016/17 Total	Proportion of complaints (2012/13- 2016/17)	2016/17 Proportion of complaints
Complaints of assault	4 131	3 916	3 711	3 509	3 827	19 094	61,8%	54,6%
Complaints of torture	50	78	145	145	173	591	1,9%	2,5%
Complaints of rape by a police officer	146	121	124	112	112	615	2,0%	1,6%
Complaints of rape in police custody	22	19	34	23	20	118	0,4%	0,3%
Deaths as a result of police action	431	390	396	366	394	1 977	6,4%	5,6%
Deaths in police custody	275	234	244	216	302	1 271	4,1%	4,3%
Other complaints	1 673	987	1 225	1 148	2 186	7 219	23,4%	31,2%
Total cases	6 728	5 745	5 879	5 519	7 014	30 885	100,0%	100,0%

⁷³ IPID Act, s. 29(10 and 33(1)).

⁷⁴ Source: IPID Annual report, 2012/13-2016/17

Complaints of assault and torture speak to police brutality, and are examined further in this study. Nationally, complaints of torture increased by 246% from 50 in 2012/2013 to 173 in 2016/2017, whilst the overall number of complaints increased by 4,3% from 6 728 in 2012/2013 to 7 014 in 2016/2017 (Figure 2). On average, nationally, two in three complaints (62,2%) recorded by IPID have been assault cases over the period under review. For four consecutive years (2012/2013 to 2015/2016), assault cases accounted for more than 60% of reported cases. It is only in 2016/2017 that allegations of assault contributed to 54% of the total complaints.

Figure 2: Complaints recorded by IPID annually: national figures

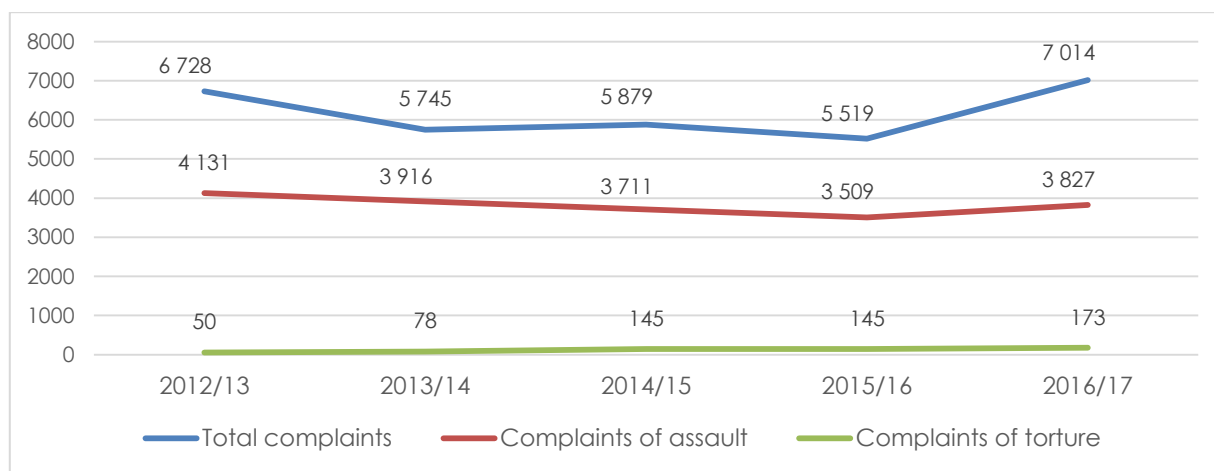


Figure 3 below shows that the Western Cape recorded 5 048 complaints of assault and 18 complaints of torture for the period 2012/2013 to 2016/2017. Over the period under review, complaints of assault accounted for 73,9% of the total complaints (6 831) and complaints of torture constituted a negligible 0,3% of the total number of complaints recorded in the province. For the 2016/2017 financial year, two thirds (65,9%) of the 1 383 complaints were complaints of assault.

Table 2: Complaints recorded by IPID annually: Western Cape figures

Western Cape	2012/13	2013/14	2014/15	2015/16	2016/17	2012/13-2016/17 Total	Proportion of complaints (2012/13-2016/17)	2016/17 Proportion of complaints
Complaints of assault	1 142	1 046	1 078	871	911	5 048	73,9%	65,9%
Complaints of torture	0	4	11	2	1	18	0,3%	0,1%
Complaints of rape by a police officer	37	25	32	15	20	129	1,9%	1,4%
Complaints of rape in police custody	1	5	5	8	6	25	0,4%	0,4%
Deaths as a result of police action	37	34	40	39	25	175	2,6%	1,8%
Deaths in police custody	29	27	21	27	20	124	1,8%	1,4%
Other complaints	394	113	268	137	400	1 312	19,2%	28,9%
Total cases	1 640	1 254	1 455	1 099	1 383	6 831	100,0%	100,0%

In the Western Cape, more than two-thirds of complaints recorded by IPID annually since 2012/2013 to 2016/2017 have been assaults. For instance, in 2013/2014, out of the 1 254 cases reported, 1 046 (83,4%) were cases of assault. For the other periods, the proportion represents between 65,9% in 2016/2017 and 79,3% in 2015/2016. The high proportion of complaints of assault may be explained either by a more violent police service in the Western Cape than national averages, or that residents of the Western Cape are quicker to complain about police behaviour – legal or illegal – than the national averages. Overall, the actual number of complaints of assault show a declining trend over the period (Figure 3). The number of complaints of assault and torture in relation to the total complaints reported in the province are presented in figure 3 below.

Figure 3: Complaints recorded by IPID annually: Western Cape figures

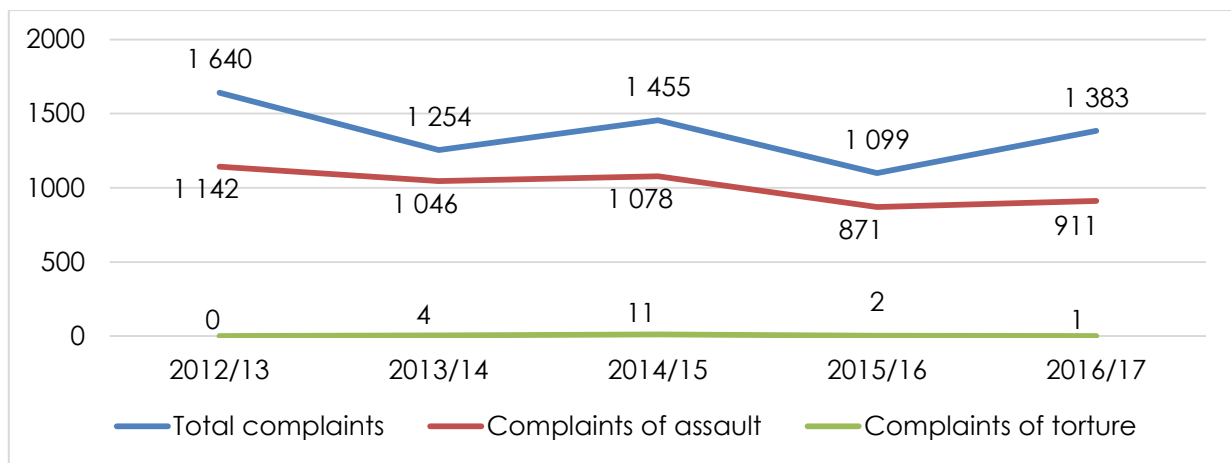
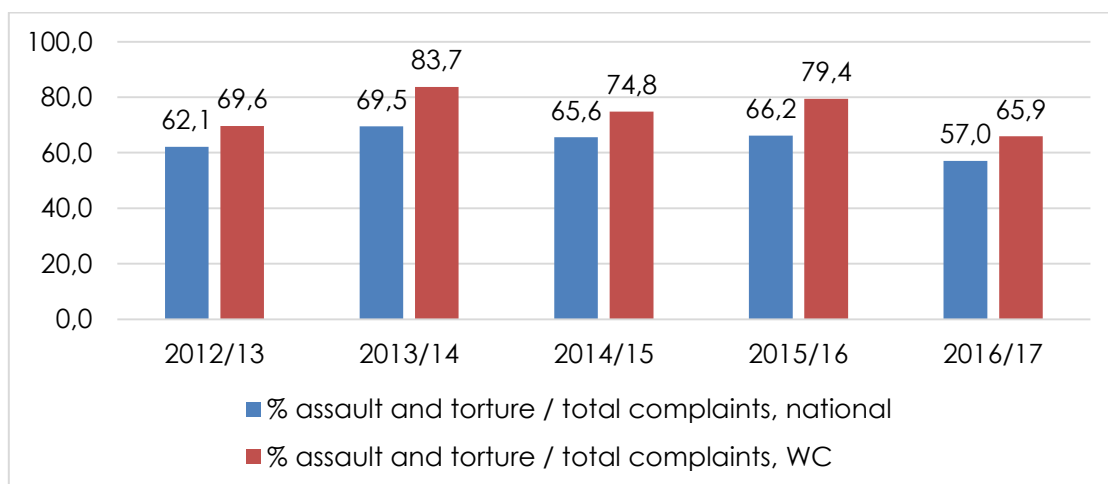


Figure 4 represents a comparison of the proportion of complaints of assault and torture against overall complaints, both nationally and in the Western Cape. This confirms that on average, the Western Cape records more complaints of torture and assault than nationally.

Figure 4: Proportion of Western Cape complaints of assault and torture in relation to the national complaints



Interestingly, a comparison of the proportion of incidents of rape (by a police officer or in custody) and of death (as a result of police action, whether the force is used legally, such as in self-defence, or illegally and in custody) contained in figures 5 and 6 below show that Western Cape figures are either similar to or lower than national figures. This supports the thesis that the Western Cape police commit a proportionally higher level of assault and torture than members in other provinces. This may also indicate that members in the Western Cape fall short of indiscriminately using force, and that they are more mindful of implications of the loss of life of victims than members on the national level.

Figure 5: Comparison of percentage of deaths as a result of police action and in custody compared to the total number of complaints

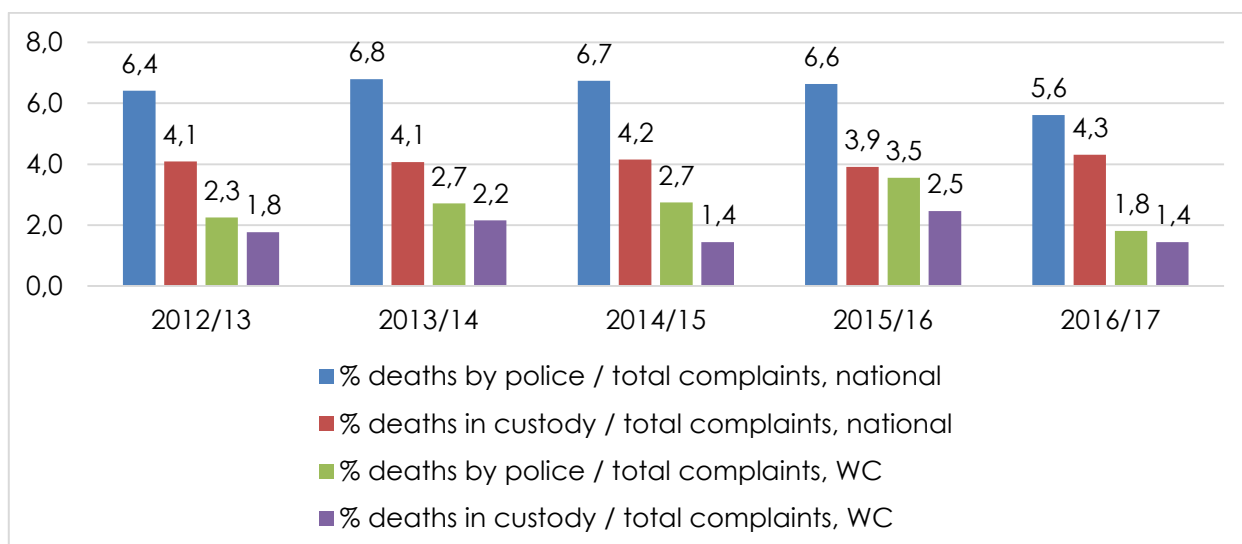
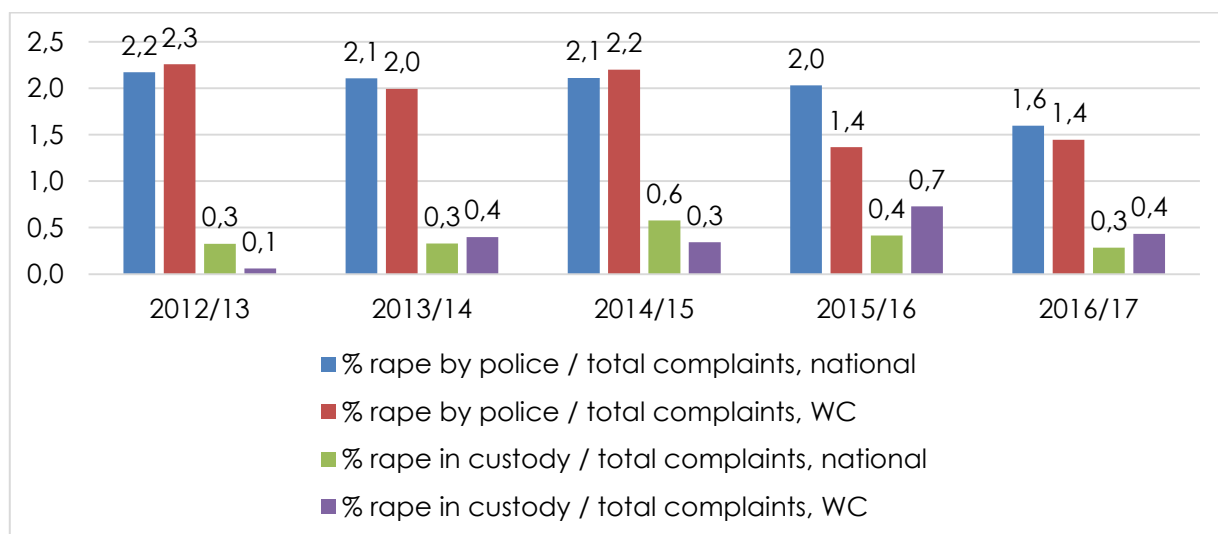


Figure 6: Comparison of percentage of rape by police and in custody compared to the total number of complaints



The presentation of IPID cases, mainly assault and torture, are better indicators of police brutality and violation of human rights by the police in general. As stated before, the cases presented above are not exclusively related to VisPol and may have been committed by other units within the police.

3.2.6. Accountability

In their 2013 study, Muntingh and Dereymaeker looked at de facto impunity of the police, inter alia, in instances of rights violations against suspects, convicted persons and detainees (who fall under the protection of section 35 of the Constitution). They point out that "it remains a rare event that SAPS officials are prosecuted and convicted for assault, torture and actions resulting in the death" of these persons.⁷⁵ They posit that impunity in respect of rights violations perpetrated by state officials is prevalent across a broad spectrum. They trace this impunity to South Africa's historical development, and note particular structural legacies and watershed moments in this history. These include the security forces inherited by the Government of National Unity (GNU) in 1994; and the failure by the National Prosecuting Authority (NPA) to prosecute apartheid-era perpetrators of rights violations. They also note that obligations under international human rights law and treaty monitoring bodies have not been, and are not, consistently upheld and enforced by the post-1994 governments, which further evokes perceptions that the State is not held accountable.⁷⁶

The authors contend that at the functional level, the State has not acknowledged the high incidence of rights violations as a systemic problem, and has therefore fallen short of developing

⁷⁵ Muntingh, L. and Dereymaeker, G. 2013. *Understanding Impunity in the South African Law Enforcement Agencies*. Community Law Centre, South Africa, at p. 4.

⁷⁶ Muntingh & Dereymaeker, *Loc. cit.*

the required systemic level responses and solutions to them. Rather, they have opted to focus on managing the media fall-out when high-profile violations surface.⁷⁷ While the State has put in place structures that are meant to address rights violations by law enforcement officials (such as specialised oversight institutions, the courts and Parliament), these structures are not functional.

The SAPS inherited structures, processes and systems that were antithetical to the values and principles enshrined in our current Constitution.⁷⁸ The 1994 democratic government inherited a law enforcement apparatus to which universal human rights standards were “alien”. The South African Police (SAP) and the South African Defence Force (SADF) were the primary instruments of the apartheid government for maintaining its version of law and order and for keeping the regime in power by suppressing political dissent. In this system, violence and coercion were ingrained in the modus operandi of the police, both on the streets as well as in prisons.⁷⁹ The authors argue that important legal and policy developments in the policing system were deficient in material ways, which further undermined SAPS's accountability. As a result of de facto impunity, the police have suffered a legitimacy crisis with public confidence in these institutions having sharply decreased. As a measure to address impunity, the authors argue that it is required that transparency and accountability be strengthened to ensure the transformative ideals of the Constitution.

3.2.7. The influence of public policy on policing

3.2.7.1. The National Development Plan

One of the over-arching national policies (or policy roadmaps) is the NDP. Chapter 12 of the NDP sets as a national goal the “Building of Safer Communities”.⁸⁰ The NDP starts from the principle that personal safety is a core human right necessary for human development, an improved quality of life and enhanced productivity.⁸¹ The NDP proposes a vision of South Africa in 2030 in which all South Africans are and feel safe at home, school and work. It further proposes the vision that “the police service is a well-resourced professional institution staffed by highly-skilled officers who value their work, serve the community, safeguard lives and property without discrimination, protect the peaceful against violence and respect the rights of all to equality and justice”.⁸²

Of the five priorities set out by the NDP, which are aimed at ensuring the achievement of this vision, is to make the police service professional; and the demilitarisation of the police.⁸³

⁷⁷ Muntingh & Dereymaeker, *Loc. cit.*

⁷⁸ *Constitution of the Republic of South Africa, 1996.*

⁷⁹ Muntingh & Dereymaeker, *ibid* at p. 5.

⁸⁰ National Planning Commission (“NPC”). 2012. *The National Development Plan: Vision 2030.* The Presidency: Pretoria, at p. 349.

⁸¹ NPC. 2012, *Loc. cit.*

⁸² NPC. 2012, *ibid*, p. 73

⁸³ NPC. 2012, *op cit*, p. 350.

In working towards the professionalisation of the SAPS, the NDP proposes inter alia linking the SAPS Code of Conduct to promotion and discipline. The NDP emphasises the importance of the code of conduct as a tool to foster professionalism with the police service. The NDP states that disciplinary cases involving a breach of the code should be prioritised.⁸⁴ Within this paradigm, members of the police service charged with misconduct should immediately be suspended until the cases against them are finalised.⁸⁵

The NDP further proposes that a code of professional and ethical police practice be developed, which should form part of the compulsory training programme for all recruits. It recommends that a failure to pass the course on the code should result in suspension or dismissal.⁸⁶ Furthermore, off-duty activities of SAPS members should also be regulated by the code.⁸⁷

Pre-1994, the police service was a highly militarised establishment, wherein members identified themselves as being part of a "force" rather than a "service". "Civilianising" the police was therefore a key objective of transformation immediately after the 1994 elections. This process was envisaged to entail professionalising the police, establishing rapport with communities, developing confidence and trust in the police, and promoting positive community-police relations.⁸⁸

The process of civilianising the police was thought to necessitate the changing of police insignia and force orders.⁸⁹ Also, the shift included a change from military ranking structures to civilian rankings. This change ensued from 1995 to 2010.⁹⁰ In 2010, the ranks reverted to military ranks, and the National Police Commissioner General Bheki Cele stated at the time that:

"We have taken a stance as this government is fighting crime and fighting it tough. The rank changes are therefore in line with our transformation of the force, not only in terms of a name-change but a change in attitude, thinking and operational duties."⁹¹

This change took place in the context of increasing violent crime, high levels of community frustration and fear and a perception that police would command greater respect from communities if they had military ranks.⁹² The process was also precipitated by an increase in the number of police killings. Many viewed this process to be a "remilitarisation" of the police service.

⁸⁴ NPC. 2012, *ibid*, p. 353.

⁸⁵ NPC. 2012, *ibid*, p. 353.

⁸⁶ NPC. 2012, *ibid*, p. 390.

⁸⁷ NPC. 2012, *ibid*, p. 355.

⁸⁸ NPC. 2012, *op cit*, p. 355.

⁸⁹ NPC. 2012, *op cit*, p. 355.

⁹⁰ See *new police ranks in South Africa, welcome to SAPF* (1 April 2010). [Online] Available at <http://fromtheold.com/news/new-police-ranks-south-africa-welcome-sapf-2010040117527.html>. Accessed on 7 March 2018.

⁹¹ Cele, B, cited in *New police ranks in South Africa, welcome to SAPF* (1 April 2010). [Online] Available at <http://fromtheold.com/news/new-police-ranks-south-africa-welcome-sapf-2010040117527.html>. Accessed on 7 March 2018. See also NPC. 2012, *op cit*, p. 355.

⁹² NPC. 2012, *op cit*, p. 355.

However, there is no tangible evidence to suggest that the remilitarisation of the SAPS as a whole, in the absolute sense, had an effect. The current study supports this finding. In support of this assertion, Burger cautioned that “as much as ‘militarisation’ was not the answer to the problems facing the SAPS in 2010, so too will ‘demilitarisation’ or another change in the police rank system miss the fundamental issues”.⁹³

He identifies weak command and control, and a lack of proper internal oversight structures that ultimately result in poor discipline. He asserts that what is needed is the appointment of capable officers to senior positions as well as internal structures that can hold them accountable.⁹⁴ Burger concurs with Newham, who asserted that the foundation for addressing these problems is already provided in the NDP.⁹⁵ Burger contends that all that is now needed is the political will to implement these elements.

3.2.7.2. *White Paper on Policing (2016)*

The *White Paper on Policing* constitutes one of the core policy documents for policing in South Africa. The focus of the White Paper is on the core areas of policing and law enforcement aimed at reducing crime and building safer communities as called for by the NDP. As such, emphasis is placed on the role of the SAPS and the Metro Police Services (MPS) in achieving this goal. It further provides a framework and guidance for the development of policy over the medium term.⁹⁶

Developing an accountable, professional, competent and highly skilled police service as defined in the NDP forms the key thrust of the *White Paper on Policing* (hereinafter referred to as the White Paper). South Africa is entitled to a police service that delivers high-quality services while maintaining high standards of professional conduct and discipline, and exhibiting exemplary leadership and management.⁹⁷

3.3. On the way forward

The organisational culture of the police instils the type of mind-set required among officers to deliver citizen-centric policing. The continuous improvement in training and the professionalisation of the police service in this rights-based philosophy, together with clear standing orders and standard operating procedures, must allow for enhanced levels of tactical and situational awareness by officers. Added emphasis must be placed on ensuring high standards of discipline and proper management.

⁹³ Burger. 2013, *ibid.*

⁹⁴ Burger. 2013, *ibid.*

⁹⁵ Newham, G in Burger. 2013, *ibid.*

⁹⁶ *White Paper on Policing*. 2016, p. 7.

⁹⁷ *White Paper on Policing*. 2016, p. 7.

Another central feature of policing within a democracy is the constant review of police actions, such as the use of force, as well as ways in which the police conduct their work and adopt innovative technologies.

The discourse on demilitarisation is thus about values and conduct, and about the police service displaying an unwavering commitment to its constitutional mandate as a civilian police embracing a human rights culture. At the heart of a civilian-centric police must be a police service that is responsive to the needs of diverse communities.⁹⁸ This kind of police service must continually demonstrate an approach to policing that is fair and professional, and whose actions and conduct are subjected to regular review and oversight.⁹⁹

The orientation of the police in South Africa must be underpinned by a firm commitment to giving effect to the values and principles of democratic policing. Central to this is creating an environment that facilitates building sustained community support, integrity, transparency, accountability and participation.¹⁰⁰ At the local level, the SAPS must be equipped to respond to the risks, vulnerabilities and policing needs of the disparate communities it serves.¹⁰¹

An intelligence-driven approach forms the backbone of the duty to detect and deter crime. Collated and verified crime information informs, amongst others, targeted police patrols, local operational planning and efforts to improve and strengthen crime investigation, reduction and prevention. Generating the kind of information needed to better understand the type of crime, violence, threats and vulnerabilities that disparate communities face must be supported by a community-centric approach to policing.¹⁰²

Making the necessary inroads to deal with the complex nature of crime and criminality in South Africa must be supported by policing that is guided by a detailed analysis of intelligence, crime risk and vulnerabilities information. To this end, the police service of the 21st century requires dedicated capacity to provide said quality and type of crime analysis and analytical products that would allow the service to respond both tactically and strategically to a range of crime challenges in the most effective and efficient manner.¹⁰³

When it comes to avoiding the development of militaristic tendencies within the SAPS, the question is whether the answer lies merely in "professionalisation" or in the decisive and fervent cultivation of a human rights paradigm throughout the organisation. The sentiments of Lekota in 2015 may

⁹⁸ *White Paper on Policing*. 2016, p. 14.

⁹⁹ *White Paper on Policing*. 2016, p. 15.

¹⁰⁰ *White Paper on Policing*. 2016, p. 16.

¹⁰¹ *White Paper on Policing*. 2016, p. 16.

¹⁰² *White Paper on Policing*. 2016, p. 34.

¹⁰³ *White Paper on Policing*. 2016, p. 33.

therefore be worth exploring and pursuing, where he averred that the establishment of “a constitutionally compliant police service is essential to our enjoyment of real freedom”.¹⁰⁴

4. METHODS OF RESEARCH

4.1. Research organisation and settings

The Western Cape Province research study formed part of a national study by the National Civilian Secretariat for Police.¹⁰⁵ Separate studies were conducted by provincial secretariats. The Western Cape Province data was collected by the Western Cape Department of Community Safety, as mandated by the Secretariat. The data was collected from 24 January 2018 to 1 February 2018.

A tenth (15) of the 150 Western Cape police precincts and 20% of the 16 police clusters were identified through systematic random sampling. The sampled stations are located in the four district municipalities, namely: West Coast, Eden, Cape Winelands and the City of Cape Town. These stations are a mixture of rural/urban and mixed stations. The sampled police stations include stations that had a noticeable number of assaults by police, and torture complaints by civilians reported to IPID. Delft and Mitchells Plain form part of the national top 30 police stations and top 10 police stations in the Western Cape Province. Moreover, the SAPS Western Cape categorised Delft, Mitchells Plain, Atlantis and Worcester police precincts as gang priority stations.

The research sites comprised the following:

- precincts in the rural Southern Cape (Albertinia, Oudtshoorn, Heidelberg, and KwaNonqaba);
- rural precincts along the West Coast (Atlantis, St Helena Bay, Piketberg);
- precincts in the urban metropole (Mitchells Plain, Delft, Athlone, Kirstenhof, Milnerton, Rondebosch); and
- outlying peri-urban precincts (Worcester and Durbanville).

Data was also collected in five policing clusters, which comprised Da Gamaskop, Wynberg, Milnerton, Mitchells Plain, and Vredenburg. At a cluster level, the Cluster Commanders, Deputy Cluster Commanders and VisPol coordinators were interviewed. In the main, most of the clusters did not have a Deputy Cluster Commander. At station level, the Station Commander and VisPol Section Commanders were interviewed. Due to the unavailability of the Provincial Commissioner

¹⁰⁴ Lekota. 2015, supra.

¹⁰⁵ Under the auspices of section 206(3) of the *Constitution of the Republic of South Africa of 1996*, sections 4 to 6 of the *Civilian Secretariat for Police Service Act* (No. 2 of 2011), and section 3 of the *Police Service Act* (No. 68 of 1995).

and Deputy Commissioner in the Western Cape during the study period, these interviews did not take place.

4.2. Description of methods

Examining Police Militarisation with Specific Focus on the Visible Policing (VisPol) Function is an exploratory study that employs a mixed-method approach of qualitative and quantitative research at the data collection, processing and analysis phase. The study includes an overview of relevant literature, which draws from a diverse range of sources, including recognised scholars and experts in the field of policing; government and departmental websites; and publications by non-governmental organisations. It reviews the legislative and policy frameworks within which the SAPS operates as is relevant to the issue of police militarisation.

The qualitative aspect of this research study provides an in-depth insight into the complexity that is inherent to the phenomenon of police militarisation. The nature of the study allows for an identification of the salient factors or variables that are of relevance to the research findings.

Field data was collected by way of scheduled, structured interviews based on an established questionnaire that contained a set of questions with fixed wording. The Civilian Secretariat for Police provided a standardised questionnaire, but allowed provinces to add further probing questions. Thus, in the Western Cape, additional questions were added that further probed the different dimensions of the militarisation/demilitarisation continuum, with particular reference to Kraska's framework. Additional questions therefore, for example, probed the effects of the cultural, operational and material indicators (such as insignia and symbols) on the psyche of police officers, which have been argued that they are perceived as militaristic¹⁰⁶

This type of interview presupposed prior information, an understanding of the problem under investigation, and a need for more specific information. It was structured in such a way that the list of issues under investigation was constructed prior to the interview. The list contained precise open-ended questions, and further probing questions, which were largely based on "possible replies" by respondents, with the need for further elaboration. While there was a small margin for the interviewer to request clarification and ask further probing questions, where needed, a standard questionnaire was used in order to minimise the influence of the researcher. This enabled a more objective comparison of results.

Both content and thematic analyses were applied in the qualitative sections of this research. To some degree, the research is organised against the backdrop of Kraska's framework, in that it explores the four dimensions of the military model that Kraska puts forward as tangible indicators of police militarisation, namely material factors; cultural factors; organisational factors; and

¹⁰⁶ See Western Cape research questionnaire: *Examining Police Militarisation with a Focus on the Visible Policing Function of the SAPS*. Annexed hereto as Annexure WC 1.

operational factors. Using this framework, as well as propositions by Nalla and Burger, the research explores the abovementioned indicators to facilitate the investigation into police militarisation within the VisPol units of the Western Cape SAPS. These elements provide the thematic and content framework for the analysis and presentation of the results of the study.

4.3. Limitations of the study

Limitations of this research include the following:

4.3.1. The sampling methodology is more appropriate for a quantitative rather than qualitative study. The latter calls for a purposive sampling methodology due to the small sample size and the actual study objectives.

4.3.2. Only the top management structures in the province and stations form part of the study sample, while the officers from lower ranks of non-commissioned and commissioned officers were excluded from the study. The study therefore focused specifically on station commanders, VisPol commanders, clusters commanders and VisPol coordinators. The ordinary VisPol members who interface with the community on a daily basis were not interviewed. These officials are active on the ground to a larger extent and may have been in a better position to provide rich qualitative data on VisPol operations as experienced daily and at the coalface.

4.3.3. The study sample was confined to interviews with senior higher-ranking members of the SAPS in the Western Cape. An interesting observation is that through their expressed views there appears to be intergenerational tension between younger (newer) members and older senior members. The views expressed therefore have a particular bias, which could have been mitigated with views from junior members.

4.3.4. The study did not solicit community views and opinions on demilitarisation of visible police in the province despite VisPol members being the unit within the SAPS that frequently interacts with communities across the province.

4.3.5. The scope of the study excluded interviewing the commander responsible for SAPS training in the province. Thus, the study could not determine whether or not, or to what extent, training contributes to militaristic behaviour and tendencies amongst SAPS graduates.

5. RESEARCH FINDINGS

5.1. Study sample demographics

WESTERN CAPE PROVINCE DEMOGRAPHIC DETAILS: VISIBLE POLICE DEMILITARISATION STUDY 2018		
SAPS rank	no.	%
Major Generals	2	4,7%
Brigadiers	7	16,3%
Colonel	13	30,2%
Lieutenant Colonels	6	14,0%
Captains	11	25,6%
Warrant Officers	4	9,3%
TOTAL	43¹⁰⁷	100,0%
Number of years employed in the police service	no.	%
0 – 5 years	0	0
6 – 11 years	0	0
12 – 18 years	1	2,3%
19 – 24 years	5	11,6%
25+	37	86,0%
TOTAL	43	100,0%
Number of years employed in current position	no.	%
0 – 5 years	24	55,8%
6 – 11 years	12	27,9%
12 – 17 years	2	4,7%
18+	5	11,6%
TOTAL	43	100,0%
Race	no.	%
Black African	11	25,6%
White	13	30,2%
Coloured	17	39,5%
Indian	2	4,7%
TOTAL	43	100,0%
Gender	no.	%
Female	12	27,9%
Male	31	72,1%
TOTAL	43	100,0%

¹⁰⁷ Fifteen police stations and five clusters were visited. The station and VisPol commander were interviewed per police station and at police cluster level the cluster commander and VisPol coordinator were interviewed. Only two of the five police clusters had deputy cluster commanders. One station had two commanders assigned to lead the VisPol unit; hence both were interviewed in addition to the station commanders.

Age	no.	%
35 – 39 years	0	0,0%
40 – 44 years	2	4,7%
45 – 49 years	13	30,2%
50+	28	65,1%
TOTAL	43	100,0%
Highest qualification	no.	%
Matric	9	20,9%
Diploma	20	46,5%
Postgraduate diploma	1	2,3%
Degree	8	18,6%
Postgraduate degree	5	11,6%
TOTAL	43	100,0%
Army experience	no.	%
Prior defence force service ¹⁰⁸	7	16,3%

Of the 43 study participants, 90% (39) were commissioned and 9,3% (4) were non-commissioned officers. A fifth (20%) of the sample members were SAPS senior managers comprising two major generals and seven brigadiers. The colonels and the lieutenant colonels accounted for 44,2%, and captains accounted for a quarter of the participants.

A total of 30,2% of the respondents were within the 45 to 49 cohort. It should be noted that those members in the 45 and over cohorts were constituted by members who grew up under apartheid and were employed in the SAPS during those years, prior to the police force transformation into a police service.

Eighty-six per cent (37) have been employed by the SAPS for more than 25 years and 11,6% have been employed by the SAPS for 19 to 24 years. The majority (55%) had been in their current position for less than five years, namely: station commander, VisPol commander, cluster commander or VisPol coordinator. Notably, more than a quarter (27,9%) had been in their current position for six to 11 years. Only five respondents have been in their current position for more than 18 years.

Further to this, two in five (39,5%) were coloured, followed by white (30,2%) and black (25,6%) respectively. A total of 72,1% were male, whilst females accounted for 27,9%, indicating that the SAPS is a male-dominated institution. The majority (65,1%) were above 50 years of age, and 30% (13) were in the 44 to 49 cohort. Respondents' academic backgrounds ranged from diploma to postgraduate degree. The highest academic qualification recorded was a doctoral degree in

¹⁰⁸ Jointly, these seven members served 17 years in the SANDF.

police science. Of the 43 respondents, only seven worked for the South African Defence Force (SANDF) before joining the SAPS. Jointly, these officers worked in the SANDF for 17 years.

Overall, the respondents in the study were experienced commissioned police officers who had grown in the VisPol environment. They are not young, as half of them are above 50 years of age and would possibly soon retire. Their upcoming retirement signals a potential loss of institutional memory.

5.2. Working environment

In examining the working environment of VisPol members, the study includes an overview of the daily duties of respondents; changes that the officers have observed over the years; and whether or not these changes have been positive or negative. These themes are discussed below.

5.2.1. Daily duties of the station commander: Overall, the daily duties of the station commander appear to be dictated by the crime landscape within the given police precincts. Largely, station commanders have the overall responsibility of managing and controlling all sections and units that constitute the police stations, including the community service centres (CSC). They are responsible for ensuring the smooth functioning of these units. Their tasks include: the supervision of staff; allocation of tasks to members; monitoring the deployment and services rendered within the CSC; dealing with public complaints; ensuring that members are doing their jobs in preventing crime; ensuring that the development needs of subordinates are met; studying crime patterns and threats and embarking on measures to investigate and mitigate them; monitoring the conditions of the station, ensuring cleanliness, visiting suspects and addressing their problems, if any; ensuring the effective deployment and safety of members; ensuring the accountability of the other commanders; attending meetings and communicating with the community (formally and informally); ensuring good relations with the community; providing support in terms of resources (vehicles and human resources); managing finances according to the PFMA; ensuring responsive services to the community; conducting administrative functions; attending to CSC registers; overseeing court processes; and evaluating operations and making required adjustments where needed. They also ensure the enforcement of policies and regulations.

5.2.2. Daily duties of the VisPol commander: Unlike the station commander, the VisPol commander is responsible for one of the three sections at a given police station, i.e. visible policing. Their functions seem to vary by police station. However, generally, the VisPol commanders lead the uniformed police, and are key in ensuring effective command and control in their sections of responsibility. They deploy the members and vehicles; conduct physical inspection of vehicles, equipment, firearm, radios, and exhibits; study daily crime

reports (to be informed of trends therein); conduct operational planning; check reported cases; conduct operations (stops, searches and seizure); ensure that operations are conducted properly; ensure that the frontline service attends to complaints on time; ensure that ordinary people are treated with dignity; oversee the CSC; enforce discipline; inspect crime pattern analysis and threats to be informed of serious crime committed in the precinct; effect arrests; identify risk factors for crime (crime generators, i.e. drugs, alcohol); allocate available resources to the four shifts; set up operational plans; ensure that the shifts carry out their functions; attend to administrative work; and provide feedback to the station commander and cluster about the VisPol environment. They also attend community meetings and determine whether complaints from the community have been addressed. In addition, they conduct inspections of the cells, station buildings and vehicles.

5.2.3. Daily duties of the cluster commander: The cluster commanders are responsible for four to 10 police stations, depending on the geographical area. Their main responsibilities are to oversee crime operations for the cluster, determine dates for operations, oversee the smooth running of the cluster, and liaise with the provincial office in terms safety, security and operational issues.

5.2.4. Physical working spaces

Researchers observed that while most members were located in proper structures, in one instance the physical work space of the police was not conducive to optimal performance. One of the precincts visited was situated in a Wendy house without air conditioning in stifling heat. At the time of the visit, the temperature was 30 degrees in the St Helena area where the police station was located.¹⁰⁹ Police station inspection reports compiled by the Department of Community Safety: Directorate Monitoring and Evaluation confirm that there are police stations in the province that operate in adverse office conditions. Wittingly or unwittingly, such conditions impact staff morale, efficiency and productivity.

5.2.5. The rural vs urban setting

The police viewed working in rural areas as quite different to working in urban areas. There are contrasting views about the environment. Those in urban areas were perceived as receiving more opportunities to gain experience due to the concentration of crime in and around urban centres and the higher level of activities by organised groups or civil society. One participant said:

¹⁰⁹ South African Weather. 2018. *St. Helena Bay weather forecast*. Available online at <https://www.accuweather.com/en/za/saint-helena-bay/1142934/month/1142934?monyr=1/01/2018>. Accessed on 12 March 2018.

"...it is very quiet and peaceful here in this coastal town. So much so, that, I want to go back to Cape Town. It's too dead for me here... I am used to action... I rather want to be deployed in the place of someone in Delft..."

On the other hand, members located in urban areas stated that it was tough policing these urban areas as a result of rapid population growth, the proliferation of informal settlements, and community conflicts. It is evident that there are unique challenges for members who work in respective urban and rural areas.

5.3. Organisational change and its impact

Some participants could not or did not identify any organisational changes since entering the VisPol environment. Understandably so, because more than half (55,5%) have been employed in their current posts for less than five years. However, as 90% of the respondents were in the SAPS service for longer than 18 years, these respondents outlined a range of general changes witnessed within the police service. Specific changes observed include: the transition from police force to police service; the change from areas to clusters and the abolishing of area commissioners' offices; and the changing of military ranks to civilian ranks and back to military ranks. A significant change noted is the movement towards more community-centric policing models. This included the establishment of sector policing, community police forums, and social crime prevention units. They also referred to the establishment of specialised units, such as the Family Violence, Child Protection and Sexual Offences (FCS) units and Tactical Response Teams (TRT). These changes presented a mixture of positive and negative outcomes. One notable change observed and expressed by almost all respondents is job promotion.

5.3.1. Promotions

Promotions were raised very strongly by participants as a contentious process within the SAPS. The relevance of promotions lies in the weight participants had assigned to this process. The majority of participants raised promotions as a stress factor for members, which causes frustration and anger. Participants highlighted the need for a clear policy and/or process for effecting promotions.

"In my time there, there was no re-writing of college exams. Nowadays, they say 'not yet competent'. In my day if you failed, you failed. Prior to 1994, there was a clear understanding in terms of promotion policy. Nowadays you can see the next day when you come, this one is now a captain - he became a captain overnight - these are some shortcomings where individuals are promoted to management."

This view represents the sentiments held by some of the respondents and echoes NDP recommendations for improved promotion criteria. Participants stressed the need for consistency, and defined and known criteria for promotion.

“Now what happened pre 1994, before you could be promoted to an officer you'd first have to go on 3 to 6 months training to have all these things getting into you ... Now after 1994 you get situations where one day the person is the one who never got into management, the next day he has to run a station.”

Respondents attached pride, achievement, recognition and value to promotions. One participant summarised the value of promotion as follows:

“Promotions ... It would give people a sense of achieving something. You want to be at least a brigadier or a lieutenant colonel when you retire. It gives you pride and money.”

Conversely, the lack of promotions seems to have a negative effect on policing and police members. It is said to demoralise older members and affects the attitude of officers in general. The below statement alludes to the impact of lack of promotion:

“There is a lack of promotional opportunities. Some members are not motivated to go to work in the morning. This is a negative aspect – this makes people negative towards their jobs.”

The above, as well as statements reflected elsewhere in this report, suggest an intergenerational tension between younger (newer) and more senior members, and also reflect an expectation on the part of the SAPS members to be promoted after a certain amount of time, regardless of performance. One participant noted that:

“We see lately that some young people have been promoted above others with experience and we can't see why.”

5.4. Challenges impacting the effectiveness and operations of the police

5.4.1. Increasing violence and sophistication of crime in the community

There are various factors that create an impetus for the adoption of militaristic strategies. The external factors at macro level, such as globalisation; the accompanying transnational nature of crime; and rapid advances in the development of information communication technology (ICT) have created the space for the establishment of intricate networks of criminal activity, and the introduction of new modes of criminality, such as cybercrimes and trafficking in illicit goods, drugs and people.¹¹⁰ These forms of crime make it particularly challenging to determine crime sources, due to more sophisticated methodologies of communication amongst criminals.¹¹¹ The findings of the current study confirmed the complexity of crime that is brought by technology. One participant exclaimed that "the crime rate is just too high!"

These challenges are not new, and have been identified as early as the 90s: It had been observed that the level of crime has increased in South Africa since the process of transformation began in 1994.¹¹² With this, the traumatisation and suicide rate of SAPS officials have soared. Apart from other implications, the escalation of crime in society in general means an increase in the amount of traumatic incidences to which police members are exposed, as well as a heavier workload. The intensification of the fight against crime has made extra demands on the professional and emotional resources of the police.¹¹³ In South Africa, members of the police service are challenged by various potential stressors such as the high crime level, organisational transformation, and a lack of resources.¹¹⁴ It requires the police to innovate and develop knowledge and skills that were not obtained when they joined the police service.¹¹⁵

Surprisingly, the findings of the study suggest that the VisPol units are not equipped or orientated to address these challenges brought by technology. Most respondents did not explicitly indicate any incorporation of ICT, or intelligence-driven or problem-solving approaches, even though some participants identified the latter as important to their functions.

¹¹⁰ White Paper on Policing. 2016, p. 9, p. 32.

¹¹¹ White Paper on Policing. 2016, p. 9.

¹¹² Van der Walt. 2001, in Young, M. 2004. *Exploring the meaning of trauma in the South African Police Service*. (Thesis) Submitted in partial fulfilment of the requirements for the degree PhD (Psychotherapy) in the Department of Psychology at the University of Pretoria [Online] Available at <https://repository.up.ac.za/bitstream/handle/2263/27855/Complete.pdf?sequence=9>. Accessed 5 March 2018, at p. 7.

¹¹³ Thom. 1995, in Young. 2004, *Loc cit*.

¹¹⁴ Rothmann & Van Rensburg. 2002 in Young. 2004, *Loc cit*.

¹¹⁵ Young. 2004, *Loc cit*.

Generally, participants noted that they face numerous social challenges, which include increasing levels of violence and crime, but the challenges observed do not appear innovative enough to necessitate the use of technology to respond to these challenges.

On a domestic level, the police continue to face considerable challenges in curbing the high levels of violent crime prevalent across South Africa. The White Paper recognises that the high rate of violent crime in South Africa is one of the factors that continues to present new challenges, particularly to those on the front line, such as the SAPS,¹¹⁶ but also to all spheres of government.¹¹⁷ Appropriate strategies are of particular importance to VisPol police, who are at the coal face, and who are often the first responders in cases of victimisation.

The problem of increasing violence cannot be divorced from the proliferation of illegal firearms. In reviewing the problem of the proliferation of firearms, a holistic approach must be adopted aimed at dealing with illegal firearms, while not ignoring the issue of legal firearms used by criminals.¹¹⁸

One participant highlighted challenges in respect of the above:

"Organised crime syndicates have access to heavy artillery including shotguns and R44 combat rifles, whereas ordinary VisPol officers are usually equipped with standard 9mm pistols. Only those specially trained to use the rifles and shot guns are permitted their use, under supervised control. However, many VisPol officers are not certified as competent to use these firearms. POP and TRT units are permitted to use these rifles and shotguns, in the ordinary course of their sanctioned operations."

It is clear that the complex, ever-changing nature of crime places a significant burden on police members to constantly review and assess their approaches to combat new and constantly evolving forms of crime, whilst at the same time meeting their constitutional obligations.

5.5. Understanding police militarisation

Any project to demilitarise the VisPol should firstly consider whether these units are in fact militarised. Indicators identified in the literature review above that point to militarisation include the language used within the organisation; how members of the organisation view themselves compared to recognised military structures; the weaponry used; and other material factors. Self-identification is important, as it indicates the culture, ethos and ideologies that drive members. The study attempts

¹¹⁶ *White Paper on Policing*. 2016, p. 9.

¹¹⁷ National Planning Commission, 2012. See Also: O'Regan, K. and Pikoli, V. 2014. *Towards a Safer Khayelitsha: Report of the Commission of Inquiry into the allegations of Police Inefficiency and a breakdown in relations between SAPS and the community of Khayelitsha* ("Khayelitsha Commission Report"). Cape Town, at p. 55.

¹¹⁸ *White Paper on Policing*. 2016, p. 15.

to determine the SAPS managerial understanding of VisPol militarisation in the context of existing knowledge of police militarisation.

Interestingly, the respondents' understanding of police militarisation shows that many link police militarisation with rank structure, uniform and authority, and acknowledge that there are practices and activities that can be traced from the military – the rank structure and uniform being but two. One participant aptly summarised his understanding of police militarisation as follows:

“Police militarisation refers to ranks and the rules that go with it. It refers to the levels and the protocol linked with that.”

Another participant added:

“I would say that police militarisation is part of the way we serve the community outside in an unfriendly way. It is like saying ‘We are the law. We are in charge and we can do what we want to do.’”

Participants also suggested that militarisation denoted “a [cavalier] show of force or authority”. They stated that:

“...in some areas some SAPS members do have this attitude – in the way they act to ensure peace and order, without listening to what people have to say.”

In the above quote, the participant appears to suggest that there are militaristic elements in how the VisPol members conduct themselves in executing their duties. However, a common theme arising from the research was that the majority of VisPol members view themselves as NOT militarised, but as a civilian-oriented unit and the first port of call to communities. They hardly believed that the SAPS post-1994 is militarised, citing that they are a service and not a force anymore. They felt that the new dispensation is premised on police becoming community-centric and upholding the South African Constitution, i.e. a democratised police service¹¹⁹. In investigating the above indicators, a participant was noted to have stated:

“The [VisPol] is not really a military organisation. We are based on the military in terms of uniform, discipline and insignia. The community wants to see someone in uniform representing the law and the country and authority. At this stage, and in this regard, the uniform and insignia play a major role.”

It was added that:

¹¹⁹ The primary goal of the police is to serve and protect people. The police accept that they must work with the community. They are accountable to the citizens, believe in the rule of law, and are supportive toward and positive about community policing activities.

“Visible policing is not fully militarised. If people look at the police as a first-responder, then they see them more as a civilian interacting with the community. We don't talk down to communities.”

Participants made attempts to clarify the importance of rank structure and the wearing of uniforms. They linked the wearing of uniforms to discipline, and as an important element to maintain the proper and necessary command and control within the organisation, but did not equate this to militarism or being militarised. According to one participant:

“The VisPol is not militarised. We have uniforms, insignia and symbols, but that is for command purposes only. Without the command structure you would have problems. Discipline is very important due to the authority and power the police have.”

There is a clear distinction made between how the VisPol operates, and how militaristic institutions like the military and defence forces function. This was common across all responses, as one participant indicated:

“It is different. I've seen how the army operates. They use force. In my opinion, the way in which the police operate, [especially] now with civil claims, the people are more mindful of how they operate and do things.”

Participants showed a greater consciousness about how they operate, and this may be attributed to an increase in the effectiveness of oversight measures.

VisPol officers emphasised the importance of the separation between militaristic institutions and the VisPol:

“I think they must keep it separate (the army and VisPol)... because we have different functions. They were trained to fight on the borders and for the country. We were trained differently from that.”

Throughout the process, respondents compared the training that the military receive to police training. In distinguishing between the VisPol as a “service” and the army or military as a force, a participant added that “a force is militaristic, which is very different to a service, which we are”.

While these differences were conceptually clear, it appeared that members often found these nuances difficult to balance:

“But it's very difficult for a lot of people to change from a force to a service. Also, criminals will take advantage of it. You need to have a different approach depending on the situation. You cannot have a soft approach with a hardened criminal.”

A deterrent to militarisation is the community. Police are aware that there is a very low tolerance towards militarised policing. The communities are also increasingly becoming more aware of their rights. For recalcitrant members who opt to conduct themselves undemocratically and outside the boundaries of the Constitution, this poses a problem:

“... if we do an operation where things are not being done right because we do it in a militarised way, people are going to complain. Because, this is what demilitarisation is telling me: if I want to go raid a drug house, I must ask the person, 'Can I please raid your house?' Because this is what we must do to search a person. I must ask him, 'Can I please search you?' And if he says 'No', I must ask him to come and accompany me to the police station so they can search him here. And if that guy doesn't want to get into the vehicle, and a fight breaks out, then what? So you may have intent, but if I ask the person, and he says no, and it's his right to say 'No', then it makes our work very difficult. And that is where demilitarisation comes in. We don't have the right just to take a person and bring him to the station to come and search him here. We must ask him. And that is why I said it is going to be a problem.”

The above statement further indicates a lack of knowledge from some police officials of the legislative and regulatory framework governing searches and seizures, including the possibility of requesting a search warrant and the possibility of conducting a warrantless search.

Based on Kraska's definition of police militarisation, the SAPS and VisPol are leaning towards the militarisation side of the continuum, mainly by using the central elements of a militarised police service, namely: uniform, rank structure, and language use. The question worth asking is whether these central elements, which by and large are rooted in the military, in addition to drills, salutations, hierarchies and the use of instructions, constitute the necessary conditions to define the SAPS (or VisPol for that matter) as a militarised unit. Participants in the study advanced the position that the police, and VisPol specifically, are not militarised owing to a community-centric approach to policing.

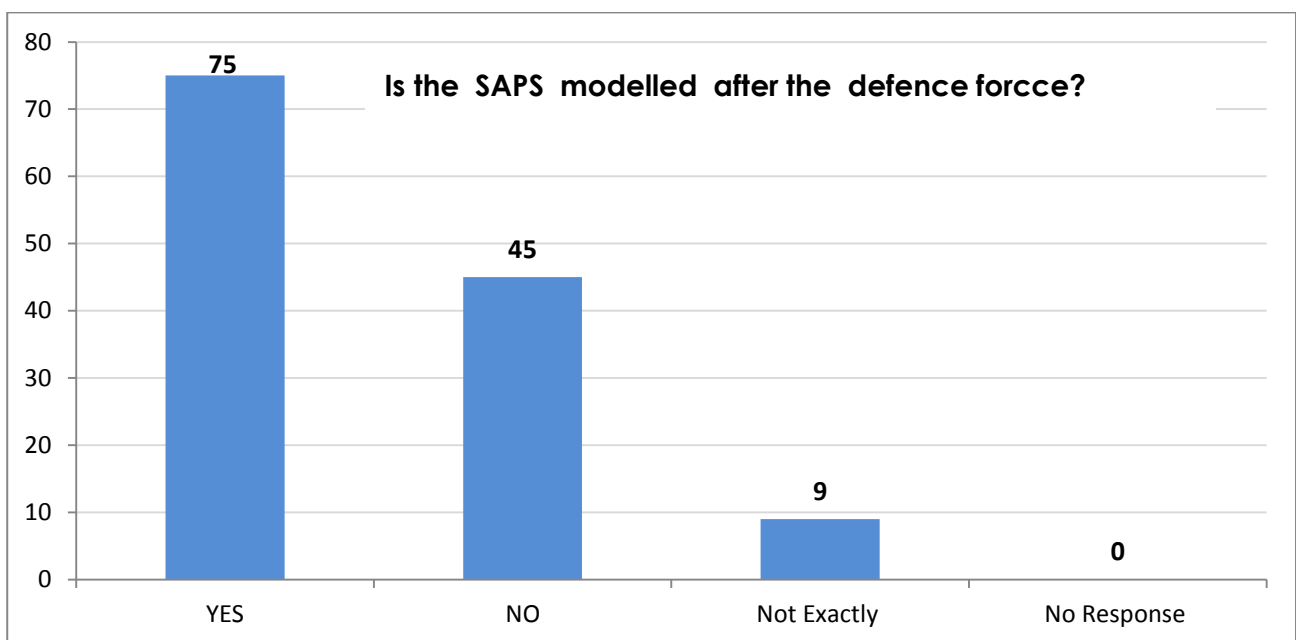
5.6. Perceptions of VisPol militarisation with a focus on operational and organisational indicators of militarisation

The following section provides a graphic illustration of participant perceptions of the SAPS VisPol unit regarding militarisation, using Kraska's operational and organisational indicators as the units of analysis. The percentage of responses is indicated, and a total of 33 of the 43 interviews were analysed for this section.

5.6.1. Defence Force (Military) Modelling¹²⁰

As stated previously, operational indicators of SAPS VisPol militarisation include whether the unit(s) bears elements and operational patterns that are modelled after the military. The participants' views were explored on whether they viewed the VisPol as bearing elements and operational patterns that are modelled after the military (Figure 7 below).

Figure 7: Defence Force/Military Modelling



Interestingly, an equal percentage of participants perceived the VisPol units to be modelled after the military (45%) and not modelled after the military (45%). Just 9% thought that units were 'not exactly' modelled after the military.

One participant who felt that the SAPS was not modelled after the defence force or military said:

¹²⁰ In this section, percentages indicated have not been rounded off to the next number where the percentage point preceding the decimal was below 0.5. This resulted in totals tallying up to 99% in some instances.

"[If you look at] the 101 complaints, then you can see that the police is demilitarised. So you can't say that the police fall in the same category as the defence force."

It should be noted that the SAPS 101 complaints enable members of the public to raise their dissatisfaction with services or conduct of SAPS members (apart from those directly lodged with or referred to the IPID). It represents an important check on police conduct, and empowers and protects members of the public from misconduct on the part of the police.

Another participant reported the following view:

"You can say that in the old regime the police was modelled after the defence force. But after it became a service, we started to move away from that."

In the statement above, the *force vs. service* dichotomy is raised, where a force is perceived to be militaristic, and a service is not. An additional response highlights the limitations placed on the use of force, and the different roles played in the community:

"The army uses maximum force. SAPS doesn't always use maximum force. It does the resolution [of the problem]. It has a different role."

Some participants took a middle-ground approach and replied that the VisPol was "not exactly modelled" after the defence forces. This group, albeit small, recognised that the current police service has elements of both a militarised force and a demilitarised service. One participant stated that:

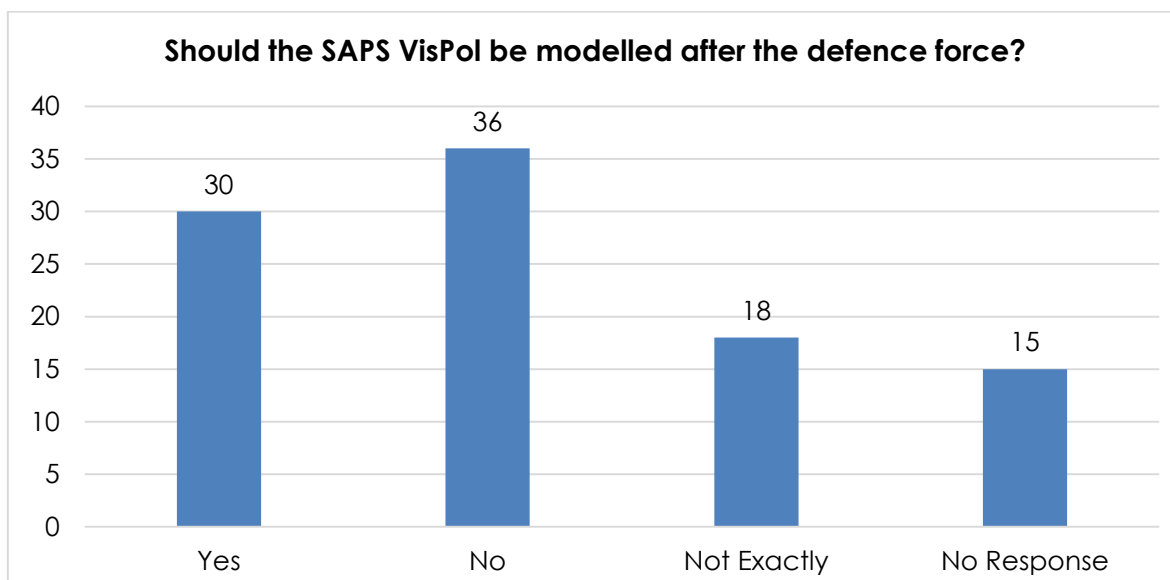
"[It is] not totally [modelled after the defence forces]. When I was a student it was referred to as quasi-militarised (half-militarised). The army will drill towards the pole to hoist the flag - for me, as a VisPol member, we can still walk towards this thing, we don't need to drill... That we are quasi-military is for me an indication that we do only a small part of what the army does. VisPol is where you have the salute and the respect of (subordinates) standing up [that are similar]."

The 45% of participants who perceive the VisPol to be modelled after the defence force qualified their responses, stating that VisPol was only militarised in a few aspects:

"With regard to whether the police service is modelled after the defence force I would say, in a sense, yes: with regard to our insignia and ranks."

Given the above responses, participants were asked whether or not they felt that the VisPol should be modelled after the defence force.

Figure 8: Whether the SAPS VisPol should be modelled after the defence force/military



More than a third (36%) of participants felt that VisPol should not be modelled after the defence force. One participant highlighted its unique role in serving the community:

"I see the defence force as just there in case we need them. We should not be modelled after them. We are an entity in our own right and must be modelled to suit us. The army is for the borders. We both have ranks; senior officers we need to account to. That's it. I don't know much about the defence force. Their task is protection. They don't serve the community."

A total of 30% of the participants said that the VisPol should be modelled after the defence force. In the majority of these cases, members cited the need for military discipline, rank structures, and command and control as key factors that need to be replicated within the VisPol environment:

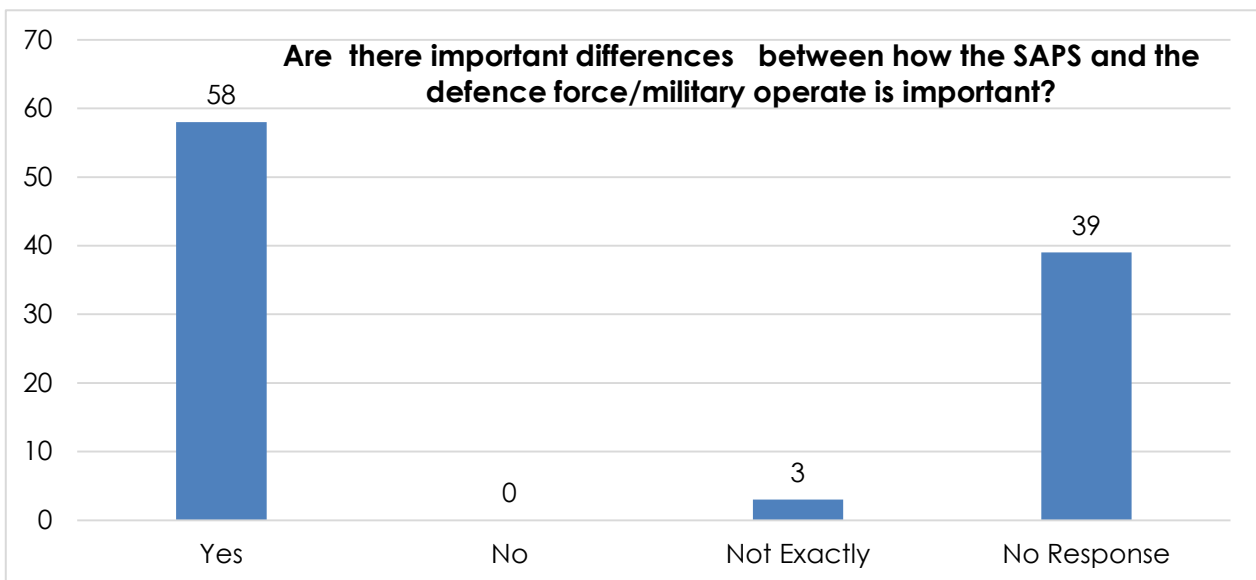
"We need similar discipline to the army in the SAPS. I say so because when you say something a person listens and acts in time. This is what is needed. Ranks would help with this because we are dealing with serious issues and people needing assistance. If you have a large organisation and people don't carry out the orders, it is not how it should work."

For a few participants, defence force modelling was linked to how they are perceived in the community. They linked the appearance of militarism to the ability to garner greater respect from the community. It was thus stated that although the VisPol was not modelled after the defence force:

"... It should be. After SAPS shifted to a service, they moved away from militarisation. The community gained more rights than the police. In the old dispensation, SAPS was modelled on the defence force. If you see what is happening in the community, the police can't do anything because the people don't care about the police as they know the police should serve them. The community don't have respect for SAPS anymore."

The point of not being modelled after the defence force was also viewed by participants as an approach that gave the community more rights. They also felt that as a result of this and the check on policing powers, that they "couldn't do anything". Some participants were disgruntled with the "service orientation" of the VisPol, which may pose a threat to service delivery. It is unclear why 15% of participants declined to answer the question of whether or not VisPol is modelled after the defence force.

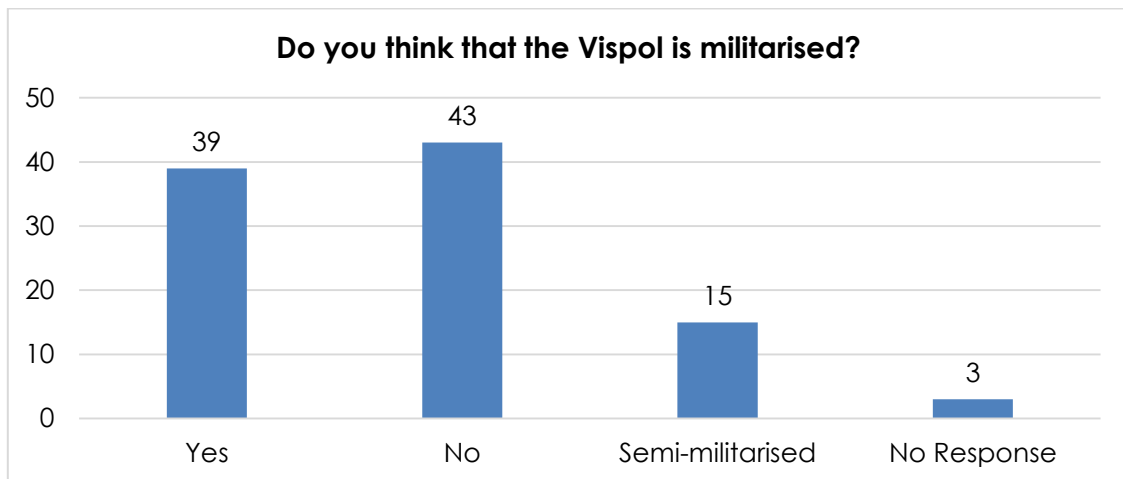
Figure 9: Difference between the SAPS and the defence force/military in terms of operation



In regard to the differences between VisPol and more militaristic units and structures, the majority of participants indicated that these differences are important (58%). These views were largely premised on the notion that VisPol works on the ground with communities, whereas the defence force is mandated to protect the country's borders from high-level violent threats that the VisPol were not trained or equipped to handle. According to one participant, whose views were similar to many others, "both have different roles and responsibilities".

More than a third (39%) of participants did not respond to the question, however, most participants provided the answer in their responses to different questions. A mere 3% of participants could see no difference between how the SAPS and defence force operate.

Figure 10: Whether or not the VisPol is militarised



In response to the question of whether or not the VisPol is militarised, 43% of respondents thought it is not. Numerous reasons were cited. One participant provided a very nuanced response:

“Visibly, it looks like we are militarised but we are not – it is just rank and discipline [that are militaristic].”

This view was supported by another participant who introduced “service orientation” to the conversation, and stated that:

“Not. Not in the bigger picture. We are client-focused. We are not militarised when we go to a client.”

Fifteen percent (15%) of participants indicated that the VisPol is semi-militarised. One participant stated:

“The only thing that I see that is militarised is the rank setup. Our functions further are not militarised. I see the necessity for the rank structure to maintain discipline in the police. If you take away the rank structure, there won't be discipline. That is where the militarisation stopped. Our service is oriented towards the community. We work hand-in-hand with CPFs and sub-forums; without them we will lose the fight against crime.”

There was a marginal difference between participants who thought that the VisPol is militarised and those who thought it is not. More than a third (39%) of participants indicated that the VisPol is militarised. However, this finding must be read with the caveat that many members did not have a clear understanding of police militarisation.

Participants who thought that the VisPol is militarised based their responses largely on the fact that there is discipline within the ranks, and that they incorporate “military” rather than “civilian”: ranks. They also ascribed militarism to participating in parades and drills, which they regarded as important features within the VisPol environment.

Those who indicated that the VisPol is not militarised premised their view on the identification of the SAPS as a service, rather than a force. These views are further qualified where members expressed their views on the differences between the VisPol as a service rather than a force, as well as the differences between VisPol and more militaristic units and structures, such as the public order policing units (POP units), tactical response teams, and the army and defence force. This further supports the finding that there is a lack of clear understanding amongst respondents of what the militarisation of the police actually entailed.

Figure 11: Whether or not VisPol should be demilitarised

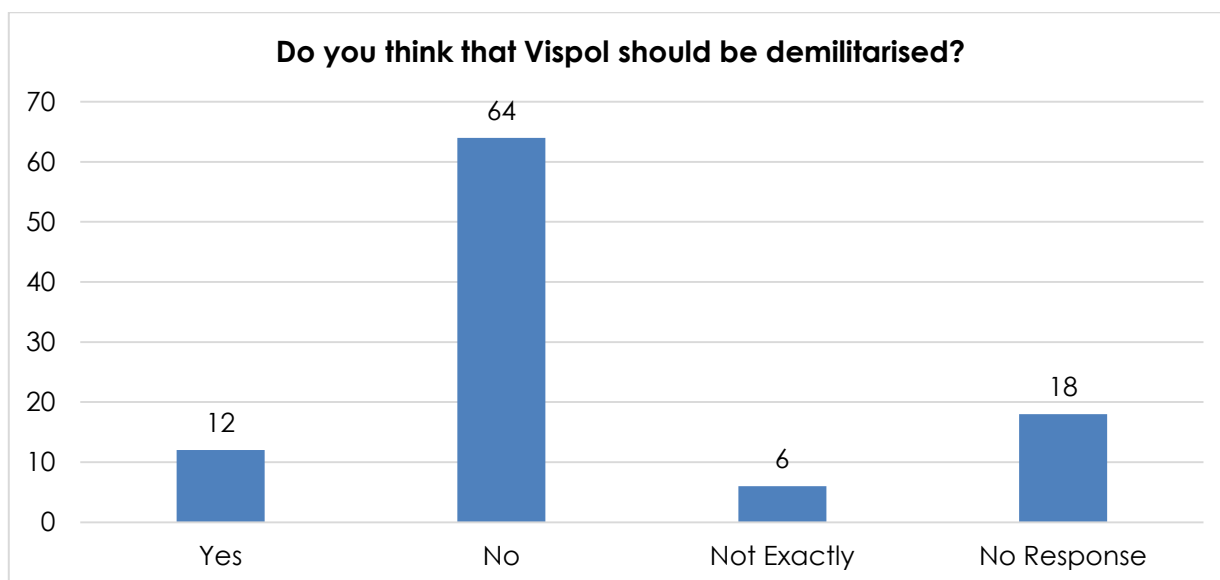


Figure 11 indicates that the majority of participants (64%) thought that VisPol should not be demilitarised. A small minority (12%) expressly stated that VisPol should be demilitarised. However, it is unclear on what basis these statements were made. It appears that the statement reading that VisPol should not be demilitarised stems from the participants' willingness to maintain their ranking structures and uniforms. However, the latter can be maintained in a demilitarised police service.

5.7. Organisational culture

A democratic and professional police organisation is one that places an emphasis on serving communities responsively and effectively. Most members of VisPol interviewed in the Western Cape displayed a positive response with regard to their work. This feeds into a positive organisational culture in response to the question of what it means to be a part of the police service. A participant said:

"I decided to come to the police service to serve people. I came to the police in a very different era. At that stage, people were afraid of the police. I felt that I would rather be on this side of the community service centre and help the community..."

VisPol members are also aware that their environment is highly regulated. This poses a check on police conduct, which is necessary in our constitutional democracy, and given the legacy of policing in our country:

"If you look at the police – there are lots of rules and regulations. That tells me that as the police, you have to look a certain way and behave in a certain way."

All members viewed the VisPol as a service to the community. One participant summarised the view held by many that:

"To be part of the police service to me is a big pleasure. Because the police service is one of the institutions that make sure the people of this country remain safe. It is the one institution that is protecting all the people of South Africa..."

Participants appeared to identify with the organisation (SAPS) and the service they render to different communities. One participant expressed his views as follows:

"For me, it is about services to your community, and the fact that we must protect the interests of our country and keep the people in our country safe. We must also work together with the community as one, and in so doing find solutions to our crime problem, to get information from the community, to make our work easier."

5.8. Significance of insignia and symbols

According to Kraska, material factors like symbols hold significant meaning to the police. In this context, the study explored this aspect further by ascertaining the meanings participants attach to the symbols, insignia and rank structure. Instead of symbolising militarism, members viewed insignia and symbols as tools to instil pride in what they do.

"In regard to the insignia, uniforms and symbols of the SAPS: I am proud of wearing what I am wearing; 90% of people in the police look neat in the uniform. Especially when we put on our ceremonial uniform, then you can get goose bumps."

These also play an important role in self-identification, as well as identity within the VisPol, and in the community. Some viewed these factors as indicative of authority and some viewed the ranks and police symbols as very important to members:

“The community must know there is an authority to address the laws of the country and that they represent the authority of the government. The police insignia, uniform and symbols [lead to] respect for authority. The uniform and symbols is a symbol of the authority of the state.”

“They are very important. People can easily identify who is a police officer and what he stands for. If the insignia is not there you would not be visible. There would be chaos without this. So anyone can approach him or her. Some criminals use the uniform to fool the public. It is important to know what rank you are meeting with, what the powers are and how the person can assist.”

All respondents identified that the rank structure and symbols are important in maintaining discipline within VisPol:

“It is a symbol of discipline. The look of students out of college at a parade, you feel proud of the members standing there. If you take away these things there will be no discipline.”

5.9. Significance of police ranks

Participants indicated a desire to maintain their rank structure as an important tool to ensure effective command and control, and discipline. Discipline is of critical importance within the SAPS, hence almost every second respondent stressed discipline or the lack thereof. Overall, ranks were associated with internal discipline.

“... I don't want to see the police go back to other ranks again. Like we did twice before, when we went to the civilian ranks; when we had the superintendent and senior superintendent. And then we were lieutenants and majors and then they took that away again. I don't know what thinking is going into this, but you know, they never asked us for inputs on those things – never.”

They also have a particular significance in how the members perceive themselves, and how they think the community perceives them, given the rank structure:

“When community members see us, they will ask, now what rank are you? And then they will maybe tell us that they were in the army, reflecting on how things changed. But if they

change the ranks again as easy as they did – it is confusing the members. And it takes away from that person that is wearing the symbols for that kind of rank. It is really taking away from it.”

The majority of participants indicated that the rank structure should remain in place because of the perceived outcome thereof, namely a higher level of discipline. The rank structure is widely viewed as a central element of the required command and control within the SAPS. This is also linked to the ability to provide assistance to the public:

“I would maintain the status quo and keep the ranks. We need similar discipline to the army in the SAPS. I say so because when you say something a person listens and acts in time. This is what is needed. Ranks would help with this because we are dealing with serious issues and people needing assistance. If you have a large organisation and people don't carry out the orders, it is not how it should work.”

All participants felt very strongly about the importance of rank and associated insignia to maintain proper command and control, and in clarifying and assigning responsibility within the VisPol environment specifically, and within the SAPS in general:

“Our insignia, uniforms and symbols reflect the rank structure of the organisation. So for us, as officials within the organisation, we need to understand whatever rank that you are in, and the functions thereof. Obviously it goes along with the post that you are in. You have more responsibilities. Whatever rank you are in, with each rank there goes a responsibility and seniority. In some areas and in some ranks, the junior rank has got more work and responsibility than the senior rank. If you are like me, I am the captain and I have a warrant officer: the warrant officer has more responsibility and the captain does the supervising, but the work in itself is being done by the warrant officer...”

Lastly, whereas certain equipment may be regarded as adding to the perception of militarisation, this equipment is often sanctioned and made compulsory by a different department (The Department of Labour for example), and further endorsed and mandated by the SAPS leadership. The research revealed however that SAPS members in the field do not like some of the equipment, as it is a major impediment to their effective functioning. When referring to the bullet-proof vests, one participant noted the following:

“If you take the bullet-proofs – there are lots of fights about this. But the instruction they say comes from the Department of Labour, which prescribes the uniform, boots, pistol, handcuffs, torch and bullet-proofs. The bullet proofs are 5 kg... and by the end of the day, it becomes 30kg...we have the situation like last week where the temperature was ...

[extremely hot] ... so people sweat at a high speed ... So people come with medical papers that say they can't wear the bullet-proofs ... so can you use this thing [the certificate] to tell people 'Hey, don't shoot at me, because I have this thing [certificate]...'??! Now you can't use these people on the outside."

From the statement above, it is apparent how such constraints impede the SAPS in rendering an effective service. It should be pointed out that there are light-weight alternatives that are not as cumbersome as those currently in use, and yet offer the same protection to the wearer. These innovative changes and approaches may go a long way in improving working conditions, addressing the perception of militarisation, and ensuring a better service to communities.

5.10. A democratic service culture

Organisations are accompanied by distinct cultural traits, such as values, norms, rituals, ceremonies, and verbal expression. These features arguably affect the behaviour of managers and employees within the organisation.¹²¹

Whereas the findings show that the VisPol unit does not operate democratically internally, in respect of external relations, they seek to communicate and engage with the public. They are more open to receiving input from the public as they try to foster joint problem solving. The latter should however be distinguished from the notion of "joint decision making". One member described this process as follows:

"We are having an imbizo this evening. What we picked up was that our murders increased – especially in [the informal settlement in my policing precinct]. And most of the murders are 'stabbing' murders. And since December last year until now, I picked up that it is the youth that are involved in these murders. So we are going to address the parents tonight and ask them to step up to the plate – because these children are their children."

In line with the community-centric approach that has been mentioned by participants as a defining feature of police service that works for and with the community, one participant reported the following:

"On a monthly basis, we will sit with our CPF and they will report on their cell visits. Previously, the CPF did cell visits and this really helped us a lot. It was a good management tool for us and helped us to look at things where they are not going the way they should, and to help us to put things into place."

¹²¹ Alvesson. 2002, *ibid* at p. 24.

However, establishing good relationships with the communities is not easy. There are many challenges encountered by members according to participants. One participant noted the following:

“... I wouldn't have talked about this kind of relationship five years ago, because it was very difficult. But now, we have a way of reporting things to each other, and we get to solve things together.”

The VisPol officers in particular, under their banner of social crime prevention, work very closely with communities:

“...there are the projects I run with the aged, with the schools, my projects within the community itself. I am now busy with my mobile owners, where they want to establish a forum to address their problems, I met them last night. I am in the process of starting a forum for them. Most of them are foreigners. And we need to strengthen the relationship between the foreigners and the citizens of the country. There are mobile owners [spaza shop owners] who are also citizens, so that is why I want to strengthen the relationship between citizens and foreigners. So we can have better communication, and we can work things out if there are problems which arise. So for me, it's all about prevention. It is better to prevent, than to sit with a problem later.”

These statements support the finding that VisPol is community-centred, and this is, as such, an indicator of a demilitarised police service. This has been the line of argument advanced by participants throughout the study.

The nuance, however, comes with regard to the internal functioning of the VisPol (and the SAPS in general). It would appear that internally, the organisation does not function democratically. This means that lower-ranking officers are not given a voice within the organisation in certain decision-making processes. There are also indications that there is a culture of “gagging” and bullying within the organisation. In this context, the abuse of power against junior officers is indicated to be a common occurrence. This is cause for frustration amongst members:

“Sometimes I feel I would like to say my say in a meeting to a guy who abuses his rank. Then and only then I want to say my say to give my side of the story otherwise you have autocracy.”

This autocratic approach stifles the ability of members not only to express themselves and raise important issues that are observed on the ground, but it also creates a clash of components, which impedes efficiency within and the effectiveness of the SAPS:

"If you compare captain to lieutenant colonel, then you will find that because I am the junior rank to that lieutenant colonel, he may be in another component, but I still have to abide by whatever he is saying or instructing because of his rank. Yet, he is in a different component. So now there is a clash of components here. I have a problem with that because I am doing my bit in my component or I am responsible for my component but then another person with a higher rank, in another component enforces his rank on you and you cannot say no or not comply."

It is largely because of this internal inequality that members perceive the SAPS to be militarised:

"It feels as if we are becoming more militarised. We are a 'shouting' organisation. The people at the higher level shout at the ones below, and he shouts at the one below him. When the general talks I listen. No one inside is treated with respect. How can we treat people outside with respect? We need a structure, but not an army."

The inherent threat in such an autocratic approach is evidenced by the above statement. The member points out how internal conditions affect external service delivery. Internal transformation and democratisation is called for in as far as garnering views from and fostering respect in relation to junior officers. Showing respect would not equate to easing the slack on the command and control of the organisation, as internal discipline need not be detrimentally impacted, but rather, enhanced. Further to this, job satisfaction and occupational wellbeing will rise. Inevitably, this will have a positive spill-over effect in the area of service delivery.

5.11. The perceived rights of suspects

Regarding the manner in which VisPol members perceive the rights of suspects, many participants appear to provide common responses and almost all responses were prefaced with: "I don't have a problem with the Constitution." However, it is still clear that this is an area of difficulty for the police, despite intimations to the contrary. One participant stated the following:

"I don't have a problem with the rights afforded to suspects by the Constitution. Somewhere people need to understand that once a suspect is in custody they forfeit some of their rights. But we all have rights. This is not a threat."

The responses suggest that members may be experiencing difficulty operating within the new constitutional framework. It was not always evident that participants understood the rights of a suspect. Another respondent pointed out the following:

“Without saying that they are right or wrong – my members feel that *they* [*the officer’s emphasis*] don’t have rights as police officers. They think that it is only those people that they are putting in the cells that have rights.”

This perception is evidently a cause of great frustration for members. This is owing to the challenges experienced in the justice system, as discussed elsewhere in this study. Reflecting on one of these responses:

“Suspects are given too many rights by the government. What makes it worse is that within an hour of arrest and court appearance, suspects are released. [This town] has a huge house-breaking problem and the suspects are repeat offenders. The government needs to make the rules stricter to better deal with ... repeat offenders.”

5.12. Police brutality

Generally, there is consistency in terms of the police understanding of what constitutes police brutality. Mainly, the use of excessive force or more force than necessary, and the disrespect of human rights fall within the ambit of police brutality. One VisPol commander stated that when police “handcuff a suspect and torture him afterwards”, this constitutes police brutality, amongst other things. Many participants expressed the need to use force in a proportional manner, and that police brutality was unacceptable. Whether their understanding of proportional and necessary use of force complied with the judicial interpretation of these two limitations on the use of force was not tested in this study:

“Police brutality is when a person oversteps the rights of another person and when they become the aggressor. The SAPS has the power to apply force but only until the threat has been subdued.”

While respondents often stated that police brutality was unacceptable and that police brutality should never happen, one participant was open about the following fact:

“We also had a few IPID cases – complaints of assaults by police officers. I do investigate these and send my report to the police commissioner. He will decide how to deal with the member.”

Incidences of police brutality impede upon the levels of trust a community places in the SAPS, and threatens the relationship between the police and the community.

One participant noted the challenges in this regard:

“We went through a very difficult time, and in 2012, when the IPID Act came in, in that year in April, we had a death here, in custody, in the cells, and it put us through major, major challenges with the community. The community didn’t trust us, and it was very hard on the members. But, from there, we were able to build a bond between the SAPS and the community.”

5.13. Risk factors for police brutality

In response to factors that contribute to police brutality, one station commander summarised factors that contribute to police brutality as the “lack of confidence as a result of non-specialised training”. There are various practical and psychological considerations that support this view.

In support of the need for proper training, a participant stated the following:

“A lot of police brutality comes when people don't have the correct arresting techniques. Mostly, brutality comes in during arrest.”

This was echoed by another member who pointed out the following:

“To enhance the training we need new arresting techniques and to learn self-defence.”

The once-off provision of some training (which appears to be only at the beginning of the member’s career in the SAPS) is insufficient. One member complained that:

“There are no follow-ups. Like the use of the tonfa – I did it once in college and that was that. I never had a refresher course to refresh my mind ... The training is not enough...”

Use-of-force training should however emphasise de-escalation and flexible tactics in a way that minimises the need to rely on force (like the use of the tonfa), but particularly lethal force. Police agencies that have emphasised de-escalation over assertive policing have seen a substantial decrease in officers using force, including lethal force, without seeing an increase in officer fatalities. The pepper spray, tonfa, taser, and service pistols that are easily accessible to officers are meant to be tools of last resort¹²². Training should emphasise this and should focus on de-escalation using effective open-hand techniques, given that the situation calls for such approaches. More comprehensive tactical training would therefore assist in preventing the unnecessary use of force.

¹²² See Stoughten, Seth. (12 December 2014). *How Police Training Contributes to Avoidable Deaths*. [Online]. Available at <https://www.theatlantic.com/national/archive/2014/12/police-gun-shooting-training-ferguson/383681/>. Accessed on 19 March 2018.

By changing officer training, agencies should start to shift the culture of policing away from a “frontal assault” mindset toward an approach that emphasises preserving the lives that officers are charged with protecting.¹²³ Additional factors include the institutionalisation of physical fitness.

Personal circumstances of members were cited as factors contributing to police brutality. In addition, excessive stress levels, frustration, workload, constant pressure and other working conditions account for other reasons for police brutality. The emotional strain on members and the constant pressure were confirmed by one participant who identified these risk factors:

“With younger members, they have not developed coping mechanisms. Every day you are exposed to horrible situations and things. But I expect them to bring in results and sometimes we don't care how they do it. This causes a problem.”

Although brutality is generally regarded as an uncalled-for action by the police towards a civilian, owing to the officer having a low tolerance level, participants also cited community provocation as a risk factor:

“Regarding the factors that might contribute to police brutality, I have seen that at some stages the police are provoked by the community. I have dealt with some instances here. The police are threatened by the community. At management we ask them to report it.”

The nature of work and working conditions wittingly or unwittingly account for reasons for police brutality. One participant attempted to paint a picture of the exposure to negative situations that officers encounter almost daily and summarised his observations as follows:

“It is important to understand that we have to deal with negative things every day. Members need to arm themselves against negativity every day. Our members must be forced to go for counselling quarterly to get rid of this negativity. Currently, you only have to go if you are referred by your commanding officer. But people don't volunteer themselves. They are cowboys (who don't cry).”

A common issue raised was the anger and frustration experienced by members. Of the factors that give rise to this, internal systemic issues were identified:

“Members think they are unfairly treated by the system, because of the [lack of] promotions, etc. Some members feel they personally don't achieve.”

¹²³ Stouten. 2014, *ibid*.

What was interesting though is the realisation that a policing model that is grounded on human rights culture can contribute to a solution. One participant highlighted the importance of a human rights culture to prevent police brutality:

“Regarding the factors that might contribute to police brutality: If you have a human rights culture you would not assault ... The SAPS know what will happen if they engage in this kind of conduct.”

5.14. Domestic violence

While this study did not specifically focus on or probe domestic violence and femicide by members of the SAPS, due to the high risk factors within the police environment and its endemic nature in society as a whole, the fact that it was raised during the research should be viewed as inevitable.

The extracts below are recollections of two such cases by respondents during this study. Apparently, these cases, as narrated by the participants in the study, emphasise the effect of the working environment on members and their families and the link to associated domestic violence.

The most heart sore situation for me in my career was... there was one guy in 1995, I was then head of the CPU, so on 5 December, he said to me: "Hey man, in the line of duty, I will kill ... I'll shoot you dead man."

But that one, he loved a firearm. So I said, "Give me your firearm", and took his firearm to the station commissioner and said that I can't utilise this man outside please. They then put him in the CSC. Then one day, on the 5th of January 1996, he cleaned the office. But the lady who was posted as charge office commander was drugged with depression meds...but this guy, he cleaned up, he cleaned the floor, he was tearing up papers, and throwing stuff out, and he said that the only place that he must be was in the safe. And I said no, you can't go in there, there are firearms in there. But somehow he got the keys and got into the safe.

He took two firearms, and four magazines, and loaded it, he came to me, I was busy, and he asked me where the station commander was. I said he was not there, but there was urgent stuff that I was dealing with. So, he was gone, and about half an hour later, they call me to tell me there was some danger – the officer was at home – and he had a firearm on him.

I told them to get the bullet-proofs, we had the R5's – we were ready... we went off to his house, where we had to leopard crawl inside. The first body we came across was the body of his wife. She was shot six times. She was six months' pregnant at that time. We leopard crawled further, we

found him on his back, he shot himself through his chin. Then we got to his child, five years old. Now this child was on his knees, and it seemed like he held the child to him and shot the child through the side of the temple, because the child's eye popped out...¹²⁴

Of the many issues raised by this case, one was the access to firearms by officers, even though they are or should be listed among high-risk members and prohibited from such access entirely. There should be greater vigilance exercised by commanding officers, especially where the behaviour of members is erratic and out of the ordinary. In the above case, the commanding officer observed a difference in the behaviour of the member, but did not act on this observation. It is understood that members are under immense strain and face extremely high workloads. However, greater attention should still be paid in this regard.

There is not enough done in respect of members who are experiencing emotional difficulties, other than an instruction that their firearm should be removed. This does not address the threat. Such members should be obliged to attend prolonged therapeutic sessions, rather than being punished, and they should not face institutional stigma for undergoing such important processes.

Another case that was narrated is presented below:

The other case was in 1992, 24 December. A member shot his wife, then he shot at us. He had his baby in his arm. She was two years old at the time. He put his gun against his baby's head and shot her dead. He got 20 years for the murder of his child. And that is where you feel: "God, isn't there something that I could have done?"... but you can't.

During this study, on 1 March 2018, Cape Town witnessed the murder of a 27-year-old female friend of a police officer (aged 41), and her 54-year-old mother in Mitchells Plain by the officer before the officer committed suicide. Again, this raises many questions around how the police deal with the risks and threats of femicide and domestic violence by its members internally. In this case, the imminent harm could not have been more evident than, according to a fellow officer, after they managed to "calm him down" before he left the premises of the victims the evening before the incident occurred. The perpetrator said:

"As ek terug kom, gaan ek almal vrek maak. (If I come back, I will kill of all you.)"¹²⁵

The murder-suicide was perpetrated with a police service pistol. Cases such as this, when viewed through the lens of the militarisation or demilitarisation of the SAPS, may be ascribed to SAPS

¹²⁴ The case study was related by the acting station commander for the precinct, with reference to his engagement with the perpetrating officer at that time, immediately prior to the incident.

¹²⁵ Serra, G. (6 March 2018). *I was dating a married cop accused of his lover's murder* [Online] Available at <https://www.iol.co.za/news/south-africa/western-cape/i-was-dating-married-cop-accused-of-his-lovers-murder-13613918>. Accessed on 8 March 2018.

militarisation. However, this reductionist approach denies the opportunity to interrogate systemic issues within the SAPS, which are critical risk factors for the types of perpetration mentioned in this section. This is because within the militarisation paradigm, as pointed out by Kraska, Burger and Nalla, there is a tendency to focus on the material or observable phenomena – in this case, the use of police service pistols or weapons to commit femicide, murder and suicide.

As many issues as these cases raise, there are as many opportunities for the prevention of such violence, which were missed because commanding officers were overwhelmed with administrative tasks at the time, or because peers failed to apply the DVA provisions that allow for the arrest of aggressors in the face of imminent harm to others. This aspect is beyond the scope of the Employee Wellness Programme, and includes emergency referral processes and systems to address members who pose a risk of imminent harm or danger to themselves and to others, prior to the escalation of a violent attack.

Early warning systems should thus ideally detect sudden unusual and erratic behaviour (such as the manic cleaning out of offices and tearing up of papers and documentation) and requests for safe keys to weapons, especially where members have been prohibited such access. Also important are verbal cues of members who seem to seek help from peers and colleagues. Expressed threats are clear indicators, and should be acted upon immediately, and with earnestness.

5.15. Mitigation of risks for police brutality

To solve factors contributing to police brutality, respondents stated the following:

“Coping mechanisms should be part of training - how to keep cool under difficult circumstances. We are exposed to violence and the horrible side of life every day. It is a bigger problem for the young ones. When we pick up that a lot of them are dealing with horrible things we will bring them all together and have a group debriefing (with a counsellor). However, they are dealing with so many horrible situations, and you cannot do every time.”

It is interesting to note that the above quote was one of the very few responses that held that stressors impinging upon the psyche of the police have external origins. Yet, this response is prefaced by a statement of the need to learn how to keep “cool” – to maintain one’s temper – under difficult circumstances. There is a lot of frustration experienced by members, and the one issue raised uniformly in this research was the issue of perceived unfair labour practices through what are perceived as arbitrary promotions, the feeling of workplace stagnation, and the autocratic nature of the SAPS within which junior members feel gagged and victimised by senior officials. Existing research shows that this trend is not new. In 2004, one member in Young’s study

reported that he could, and always did, cope with the work-related trauma.¹²⁶ According to this 2004 research:

“He has never participated in trauma debriefing and neither did he request therapy during his career. He experiences his work as meaningful and believes the latter incidents come with the territory of being a police officer. However, he despises the lies, deceptions, injustices, corruption and favouritism which he currently experiences in the South African Police Service. He cannot separate his identity from that of the organisation and seriously contemplates ending it all, not by resigning, but by killing himself.”¹²⁷

The respondent referred to above was a 37-year-old male who was ranked as a captain and was married, with one child. He was diagnosed with major depression, irritable and aggressive behaviour, anxiety attacks and suicide ideation. His clinical history indicated no previous personality disorder or psychopathological behaviour.¹²⁸ The problem that brought him to therapy was that he could no longer tolerate the lies, deception, injustices, corruption, nepotism and administrative “red tape” within the organisation. He was promised a certain post and promotion, which did not materialise.¹²⁹ The researcher noted an observable trend in many similar cases.¹³⁰ Indeed, in the current study, workplace stresses, perceived unfair promotion and perceived injustices due to systemic challenges were on the forefront of threats identified by participants.

The current study revealed mixed responses in respect of help-seeking behaviour of officers, particularly with relation to the usage of the Employee Health and Wellness service available to the police. Overall, the participants were of the opinion that the Employee Health and Wellness service is not an adequate mechanism to address the challenges. At best, Employee Health and Wellness programmes are voluntary; at worst, SAPS members do not attend sessions and those who do attend are not always cooperative, thus rendering the programme ineffective.

¹²⁶ Young, M. 2004. *Exploring the meaning of trauma in the South African Police Service*. (Thesis) Submitted in partial fulfilment of the requirements for the degree PhD (Psychotherapy) in the Department of Psychology at the University of Pretoria [Online] Available at <https://repository.up.ac.za/bitstream/handle/2263/27855/Complete.pdf?sequence=9>. Accessed 5 March 2018.

¹²⁷ Young. 2004, *ibid*, at p. 4.

¹²⁸ Young. 2004, *Loc cit*, at p. 3.

¹²⁹ Young. 2004, *ibid*, at pp. 3-4.

¹³⁰ Young. 2004, *Loc cit*, at p. 5.

5.16. Understanding demilitarisation

The study reveals that there are different views on what constitutes demilitarisation, but it would appear that it boils down to the abolition of rank structure, and stripping the police of their uniform and firearms. The general sentiment is that the SAPS, let alone the VisPol, is not and must not be demilitarised because demilitarisation (de-ranking) would take away the authority that the SAPS has both internally and externally. Participants argue that police demilitarisation will take away the discipline and respect amongst SAPS members.

It is worthwhile to stress that the SAPS is an organisation that is driven and governed by and through instruction: national instruction, provincial instruction, cluster instruction, and standing orders. The enforcement of these instructions takes a centre stage in the lifespan of the organisation. Instructions appear to be the cornerstone of the organisation. The execution of operations and compliance are premised and dependent on an organisation with members who have been trained to listen to and implement instruction. The study seems to point out that demilitarisation of the police service, and VisPol in particular, will have an adverse effect on the service and its mandate.

In exploring participants' understanding of police demilitarisation, it appears that participants mainly associate militarisation with ranks. As one noted:

“With regard to demilitarisation: We went through that process a few years ago. But even though they demilitarised, the standing orders were the same, the discipline process was the same. The only thing was the ranks that changed.”

In the current study, the majority of the participants (64%) rejected the idea of demilitarising VisPol and only 12% supported the idea that VisPol should be demilitarised. The rest refrained from responding to the question directly, even though they rejected the idea in their responses to other questions. Some participants, in providing recommendations on the way forward, articulated noteworthy fears and concerns of the members in respect of demilitarisation. One participant stated the following in respect of the NDP:

“The members, in that plan [NDP], their safety must not be jeopardised in this. It's easy to write a plan - to sit around a table and have a caucus or imbizos and compile a plan, but I think a plan like this must be thought through very thoroughly, because you are endangering the lives of members. Police killings are getting worse. This is going to make it worse.”

Respondents could not explicitly outline interventions that are in place to demilitarise VisPol; partly because they argue that VisPol is not militarised, and partly because it appears that there is nothing in progress. Those who cited examples of demilitarisation made reference to the establishment of partnerships with community policing structures, CPF and NHW, as well as the implementation of sector policing.

6. CONCLUSION

Militarisation, and conversely demilitarisation, are both extremely nuanced concepts that encapsulate a range of ideas within themselves. To be militarised denotes more than the incorporation of the material or operational factors that have been outlined in this report (as per Kraska's framework). It requires the entrenchment of a militarised culture, above all, which would in turn influence the operations of the police.

The generally agreed framework for police militarisation indicates that a militarised institution would contain the central elements of the military model. However, in practice, and following from this, the theory that has been developing suggests that this binary view is not consistent with the nuanced realities of the policing environment.

Police militarisation is therefore viewed on a continuum, with a higher concentration of indicators for militarisation being reflected on the "highly militarised" spectrum, while a lower concentration of such indicators would suggest that the institution would be located on the lower end of the spectrum.

Nalla and Burger hold a converse, but reinforcing view to that of Kraska, who developed the notion of the militarisation continuum. Nalla and Burger's view is that the work of the police (as a service) involves serving people and protecting their rights. This requires the police operations and culture to be different from that of the military, which is constituted to suppress and conquer the enemy. They posit that while there may be militaristic elements associated with the police (with specific reference to VisPol), these types of institutions contain community-centric, service-oriented and democratic elements, which mitigate the view that they are militarised.

A stark finding was the lack of understanding of what militarisation (and flowing from this, what demilitarisation) encapsulates and means. This indicates a disconnect between the theoretical discourse and practice, and between knowledge-generating systems and practitioners who work in the field. As the study shows, junior officials require the transferral of knowledge and information from their superiors. They rely on their superiors for the development of their knowledge and understanding. Since there is confusion around demilitarisation and militarisation on the part of the senior members who participated in this research, one may infer that this would be mirrored in

lower-ranking officials. However, to arrive at a conclusive finding, this must be tested through research with junior-ranking officials.

A few participants expressed concern about the fact that members were not consulted on the issue of demilitarisation. They stated that “they believed that this was what was already decided”, even though they did not have a clear understanding of what demilitarisation entailed. This lack of understanding of what demilitarisation would entail, or whether it was intended for VisPol, caused apprehension amongst members.

Some inputs were slanted towards a greater acceptance of some change to “demilitarise” the police. Participants here indicated that this was required to improve VisPol services. However, the same participants reflected that the ranks should not change, and that they should not have their equipment or weapons taken away.

It would appear that all participants were not clear as to how a demilitarised VisPol function would look in the context of what VisPol members are currently doing, as guided by their mandate. The study reveals that the more democratic police units are, the less they can be viewed as militarised, even though there may be certain material and operational elements that are typically identified as “militaristic”.

As highlighted throughout this paper, the NDP and the White Paper set out an approach to policing that emphasises the need for a skilled police service; and a policing environment that is demilitarised, within which diversity is accommodated, where members are accountable and have integrity, and where members adhere to human rights, encourage volunteerism and provide a service that is community-centric.¹³¹ However, the study overall shows that there is a lack of understanding of the term “militarisation” and consequently, “demilitarisation”. The NDP itself fails to create a clear and coherent understanding of this concept.

The NDP recommendations on the demilitarisation of the SAPS fail to reflect cognisance of the fact that the SAPS is not a homogenous institution, but rather that it is made up of distinct units, each with specific functions. Each unit is given the requisite training and powers that are commensurate with their functions and purpose.

¹³¹ *White Paper on Policing*. 2016, p. 9.

7. RECOMMENDATIONS

- 7.1. The effect of the perceived demilitarisation and remilitarisation on the policing environment – A crisis of identity:** There are two things that appear to contribute to an apparent crisis of identity within the SAPS (VisPol). First, the change in the police ranking structure from what was perceived as “militaristic”, to a civilian structure, and then back to the military ranking structure created confusion among the ranks. Second, VisPol wears two faces – one, upon which the obligation is to deal democratically, openly and transparently with members of the public, whom they must protect and keep safe; the other has to be decisive, strategic, and sometimes forceful in dealing with perpetrators of often violent crime in the community. Both facets require particular skill sets, in the absence of which, members may feel overwhelmed in dealing with either or both.
- 7.2. Purposeful recruitment:** The SAPS should focus on recruiting highly motivated and energetic and passionate candidates, and not persons who seek to join the SAPS for the mere purpose of being employed. Specific psychometric tests should be developed to assess such motivation, and psychological stability of members. The focus should be on quality rather than quantity.
- 7.3. The need for experiential learning and improved training:**
- 7.3.1.** The SAPS training process must balance theoretical and practical (experiential) learning. The process should afford an incoming trainee assignment to a police station for no less than three months so that he/she can be rotated to all relevant divisions at the police station. Thereafter, he/she ought to attend the theoretical training at the training college.
- 7.3.2.** An assessment should be done of the extent to which the content of the training promotes militarisation or democratic policing.
- 7.3.3.** Importantly, use-of-force training should emphasise de-escalation and flexible tactics in a way that minimises the need to rely on force (like the use of the tonfa), but particularly lethal force. Police agencies that have emphasised de-escalation over assertive policing have seen a substantial decrease in officer uses of force, including lethal force, without seeing an increase in officer fatalities. The pepper spray, tonfa, taser, and service pistols that are easily accessible to officers are meant to be tools of last resort.

Training should emphasise this and should focus on de-escalation using effective open-hand techniques, given that the situation calls for such approaches. More comprehensive tactical training would therefore help prevent the unnecessary use of force. By changing officer training, agencies should start to shift the culture of policing away from a “frontal assault” mindset toward an approach that emphasises preserving the lives that officers are charged with protecting.

7.4. Safeguarding and enhancing spaces of learning within the VisPol environment:

Station lectures and parades have been identified as strategic vehicles to instil and enhance professional and democratic policing. Participants indicated that they are kept up to date on legislative developments through parades and station meetings. The parades and station lectures should be safeguarded as spaces for critical knowledge transfer. Furthermore, they should be maintained as dynamic learning spaces for the entrenched constitutional transformation of the police institution, to help instil a culture that fosters professionalisation.

7.5. Operational guidance and mentorship of junior officers:

Senior officers should provide practical guidance and mentorship to junior members during operations. Cluster and station commanders and more experienced officers must be mandated to regularly accompany junior members in the field, as a measure for imparting critical field operation skills, and to ensure that senior officials have their fingers on the pulse of crime trends in their community, and where their units require improvement.

7.6. Systematised and mandatory debriefing for optimal functionality:

Members should receive debriefing after they encounter situations where they were required to use excessive force, in order to develop their understanding and ability to function effectively within a constitutional framework, while performing their required duties in the optimal and most effective manner.

7.7. Employee health and wellness:

Regular clinical psychological assessments are important for the identification of the increasing risks to police wellbeing. Identified stressors include both external pressures and internal factors. An early warning system and appropriate interventions need to be established for members who display risky behaviour in respect of femicide, domestic violence as well as suicide. To mitigate risks, regular debriefing sessions must be made compulsory for all members. Where members require focused therapeutic programmes, this should be made available on a confidential basis. The culture around the importance of

mental health should be transformed to ensure that members are not stigmatised for seeking help or receiving help, and measures applied are not viewed as punitive, but rather, normal. Systemisation and mandating processes would address this issue in part.

- 7.8. Staff promotions:** Clear policies and procedures in respect of promotions that address the perceived negative practices should be developed. There may be a need to review the policy to remove the ranks of major and lieutenant in a manner that addresses concerns regarding the creation of a top-heavy structure, while at the same time addressing the need for vertical progression within the organisation. This should further be done in a manner that addresses the need for officers in the field.
- 7.9. Equipment:** Some of the current VisPol equipment seems to be an inhibiting factor to effective operations. While material indicators of militarisation have been discussed in this report, findings suggest that members feel that the boots (as opposed to the "tackies" that were discontinued because of complaints that they looked too militaristic) are an inhibiting factor. They feel significant discomfort because of them, and they are reported to impact their mobility. This is also true in respect of the bullet-proof vests, and it is recommended that investment be made in available technologies that offer the same protection, but which are lightweight and allow for greater manoeuvrability and dexterity on the part of the wearer. This is an important consideration for VisPol members as first responders to increasingly violent crimes in communities.
- 7.10. Internal climate polls:** This type of assessment is important to determine workplace experiences, and ways to address and improve working conditions and workplace satisfaction.
- 7.11. Operational feasibility of change:** An important factor that appears consistently in the research is that any changes should always consider the practical implications that would potentially be ushered in as a result. Some of the changes have proved to inhibit the effective operations or wellbeing of the members in the workplace. It is therefore recommended that any change should be widely consulted, and based on evidence that arises from similar contexts. Input should be solicited from junior and senior members of the SAPS when fundamental changes are contemplated for the organisation, particularly those that will have an operational bearing.

- 7.12. Addressing the information gap:** There seems to be a gap between theoretical and academic views on the one hand and the perspectives of practitioners or members involved in field operations on the other, particularly as you go lower down the hierarchy. However, to qualify this, whereas thought leaders like Kraska, Burger and Nalla have identified important practical nuances and developed their theories accordingly, practitioners are cut off from these important theoretical developments and discourses. Amplifying the views of members on the ground and involving them in research and change initiatives is therefore of critical importance. It is similarly important for practitioners and members who are involved in field operations to maintain engagement with developments in the theory and policies that pertain to policing in particular. Commanding officers should ensure that such information is made accessible to junior members.
- 7.13. Implications for further required research:** While this study addresses the issue of militarisation or demilitarisation from the SAPS perspective, and answers important questions in relation thereto to some extent, the next question would be to interrogate the concept of the professionalisation of the SAPS. The latter would include how professionalism looks in the context of the VisPol environment in particular, given its unique and polarised function in our modern-day, constitutional, democratic society. One of the central questions to ask is what does professionalism mean to VisPol members and what does a professional VisPol service look like?

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Regulation of Gatherings Act (No. 205 of 1993)

Riotous Assemblies Amendment Act (No. 30 of 1974)

South African Police Service Act (No. 68 of 1995)

State of Emergency Act (No. 64 of 1997)

**EXAMINING POLICE MILITARISATION WITH A FOCUS ON THE VISIBLE POLICING FUNCTION OF THE
SAPS: WESTERN CAPE, 2017/2018**

CIVILIAN SECRETARIAT FOR POLICE SERVICE (CSP): RESEARCH DIRECTORATE

&

WESTERN CAPE DEPARTMENT OF COMMUNITY SAFETY: POLICY AND RESEARCH

SAPS INTERVIEW SCHEDULE

This tool is to be used in interviews with members of the South African Police Service (SAPS), Western
Cape Province

Name of interviewer		Interview ref. number:
Name of respondent		
Rank of respondent		
Cluster		Police station:
Date of interview		
Time of interview	from:	to:

INTRODUCTION

Introduce yourself to the respondent and say the following:

- i. This study aims to assist decision makers in the development of strategies and policies to achieve an effective and professional police service.
- ii. We would like to ask you some questions about your experiences concerning the SAPS Vispol function.
- iii. This is not an evaluation of your work, and there is no right or wrong answer. Your honest and critical view is important to us.
- iv. Everything you tell me is for the purposes of exploring aspects of the SAPS VISPOL function only, and will be kept strictly confidential. Your name and personal details will not appear in the report.

- v. You will get the opportunity to add input to the draft report prior to its finalisation, to ensure the accuracy of its content.
- vi. You may ask me any question about the research and I will answer you honestly.
- vii. We seek your permission to record the interview, strictly for transcription purposes. We want to give you the assurance that your contributions will be recorded accurately, that we will not interpret your responses out of context, and that we will not lose any of your valuable inputs. The recording will be deleted immediately after the transcription, and no other parties except the researchers will have access thereto during all relevant times.
- viii. We anticipate the interview to last 45-60 minutes.

May we record the interview?		Do you have any questions?	
Yes	No	Yes	No

Questions from the respondent:

- i. May I start the interview?

Yes	No
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1. General information

1.1. How long have you been employed in the police service?

1.2. How long have you been employed in your current position?

1.3. [Mark the appropriate box (X)]

Black African	
Coloured	
Indian	
White	
Other (please specify)	

1.4. [Mark the appropriate box (X)]

Male Female

1.5. Please indicate your age group [Mark the appropriate box (X)]

18 - 24		40 - 44	
25 - 29		45 - 49	
30 - 34		50 +	
35 - 39			

1.6. What is your highest qualification? [Mark the appropriate box (X)]

No schooling	
Less than matric	
Matric	
Diploma	
Degree	
Post graduate diploma	
Post graduate degree	
Other (Please specify):	

1.7. (a) Have you ever served in the defence force?

Yes	No
-----	----

(b) If yes, for how long?

2. Organisational culture

- 2.1. What does being a part of the police service mean to you?
- 2.2. What qualities are important to be effective as a visible policing (VisPol)?

3. Material factors

- 3.1. What do the police insignia, uniform and symbols mean to **you**?
- 3.2. Why are insignia, uniforms and symbols important to the SAPS as an organisation? Please elaborate.

4. Operational factors

- 4.1 (a) How would you describe the relationship between the VisPol officers and the communities they serve?
 - (b) What are the reasons for your answer?
- 4.2 What do the VisPol units do in the following joint operations?
 - (a) with the public order policing unit
 - (b) with the tactical response teams (TRT)
 - (c) with the armed forces (like the army or defence force, for example in peace keeping initiatives)
- 4.1. What is your opinion on the rights afforded to suspects by the Constitution?
- 4.2. What does the proportional use of force mean in the context of VisPol functions?

5. Institutional factors

- 5.1. (a) Do you think the police service is modelled after the defence force?
 - (b) In your opinion, should it be modelled after the defence force or not?
 - (c) Please elaborate.
- 5.2. (a) What are the essential **differences** between how the police service operates, and how the defence force operates?
 - (b) Are these differences important?
 - (c) Please elaborate.

- 5.3. (a) What are the essential **similarities** between how the police functions, and how the defence force operates?
(b) Are these similarities important?
(c) Please elaborate.

6. Working environment

- 6.1. What do your daily duties entail?
6.2. Since you have joined visible policing, have there been any organisational changes? Please elaborate.
6.3. Have the changes mentioned above been negative or positive? Please elaborate.

7. Legislative framework knowledge

- 7.1. As a commanding officer, what actions do you take to empower junior officers to conduct themselves within the parameters of the law? Please elaborate.
7.2.
(a) Based on your knowledge, are the VisPol officials compliant with legislative frameworks governing the SAPS?
7.3. If no:
(b) What are the factors contributing to non-compliance? If yes, (c) what informs your answer?
7.4.
(a) Do you think that the police college training enables VisPol officials to understand policing in general?
7.5. If yes:
(a) How?
7.6. If no:
(b) How can training provided be enhanced?

8. Militarisation

- 8.1. What is your understanding of police militarisation?
8.2. (a) Do you think that visible policing is militarised? (b) What are the reasons for your answer?

- 8.3. According to your understanding, what is police brutality?
- 8.4. In your opinion, what are the factors that might contribute to police brutality?
- 8.5. What actions need to be taken to solve factors contributing to police brutality?

9. Demilitarisation

9.1. The National Development Plan (NDP) vision 2030 calls for the demilitarisation of the police service.

(a) What is your understanding of the demilitarisation of the police service?

(b) What is your understanding of the demilitarisation of visible policing?

9.2. What interventions are in place to demilitarise visible policing? Please elaborate.

9.3. In your knowledge, has any progress been made in terms of the above-mentioned interventions in regard to demilitarising visible policing? Please elaborate.

9.4. (a) Do you think that visible policing should be demilitarised? (b) What are the reasons for your answer?

9.5. In your opinion, what should be done to demilitarise visible policing as per the NDP recommendations?

9.6. Are there any additional comments you would like to provide in relation to police demilitarisation?

Thank you for your participation.

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**Western Cape
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