

A CRITICAL ANALYSIS ON THE SOUTH AFRICAN POLICE SERVICE'S MANAGEMENT OF CIVIL PROTESTS

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Abstract

This study aims to reveal the perceptions toward the use of force and highlight some differences, if any, between male and female officers. Because use of force is an intrinsic part of police work, this study also aims to examine whether members have adequate intelligence gathering about civil protests, as well as, if the in-service training affect police officers' attitudes toward halting the use of excessive force. A quantitative research method was utilised. One hundred and three respondents from the Public Order Policing (POP) Johannesburg, POP Pretoria, as well as, POP Springs participated in this study, amongst others, to identify the underlying causes relating to police brutality during civil protests. The findings showed that the respondents were split on their responses on statements that attempted to determine if there were specific strategies in place for the officials to adequately respond to civil protests in South Africa. The findings further highlighted that males disagreed more on this statement as compared to their female counterparts. From these responses, it appeared that more male respondents, as compared to the females, were of the perception that there were specific strategies available to deal with civil protests in South Africa. The findings further indicated that respondents from POP Springs were more of the view, as compared with the other two stations, that there were no specific strategies available to deal with civil protests in South Africa. Based on the findings, the author recommend that in order to deal with the challenges of POP towards management of civil protests, the SAPS requires better training of personnel, adequate intelligence to predict civil protests, the establishment of contingency plans and the re-equipment of POP units.

Keywords: Brutality, civil protest, crowd management, democratic policing, violence

JEL Classification: K42

1. INTRODUCTION

There is long-standing scholarly interest in civil protest in South Africa (Nyar & Wray, 2017:27). A large part of the academic literature produced on such activities focused on the study of activist politics and social movements (Bond & Mayekiso, 1996; Ballard, Habib & Valodia, 2006; Mahlangu & Ndabeni, 2013; Nathan, 2010; Omar, 2006). Nyar and Wray (2017:27), point out that there is a growing body of qualitative work on civil protest, often area and case study based, which has led to a richness of depth and range of analysis about civil protest. However, empirical research on police perspective regarding this phenomenon, is yet to be studied by the academics in South Africa. Given the urgent need to analyse, predict and strategise around civil protest, interest is growing particularly from the side of policymakers in measurement of how the South African Police Service (SAPS) responds to civil protest and the cycles of protest. Research indicates that South Africa is considered as the protest capital of the world, as it displays the most highly rated in regard to public protests as compared to other countries (Buccus, 2017; Suidlanders, 2016).

2. LITERATURE REVIEW AND RESEARCH HYPOTHESES

2.1 Strategies in place toward halting police brutality

Prenzler, Porter and Alpert (2013:343–356), reviewed the literature on reducing police use of force and noted that police departments can reduce the levels of force used to enforce laws and maintain order. The findings by Prenzler *et al.* (2013), revealed that there was evidence that reductions in use of force were positively correlated with reductions in adverse consequences of force for both citizens and officers, as measured by fatalities, injuries and complaints. While not specifically designed to test explanations of police use of force (or excessive force), the case studies showed evidence for the effectiveness of a range of interventions that can be linked to individual, cultural and organisational explanations, as outlined by Lersch and Mieczkowski (2005), in Prenzler *et al.* (2013:354).

2.2 In-service training

Teaching officers when it is appropriate to use force and which options are best suited for different situations, can only be achieved through training. Use of force training must be accompanied by clear and concise department policy. The policy must outline when the use of force is permissible, what tools may be used and what training methods will be used, so that the officer is clear about what is expected of him (Wittie, 2011:17–21). The training must be twofold: the officer must be trained in how to assess a threat, as well as how to counter a threat (Hall, 1996:26).

2.3 Intelligence gathering and the need for control

The police are also tasked with preventing or managing disorder. The tension between these competing duties, affects how the police react to public order situations and contributes to their noted desire to maintain as much control as possible over their often precarious working environment (Waddington, 1994:367–385). One way in which the police have sought to balance these competing duties and maintain this control, is by using as much information as possible to improve their plans and responses. The success of this form of ‘intelligence-led policing’ is dependent on access to reliable and timely information about what is likely to happen, or is already happening at a public order event (Werren, 2013:22). Werren (2013:22), points out that it would appear that, using such intelligence-led tactics, can offer benefits to both the police and those attending public order events. While these specific tactics are relatively recent inventions (at least in name), the principle of gathering information, before and during a major public order event, is well-established. Doing so, theoretically enables the police to better judge their actions and arguably lead to better planned and more proportionate public order policing.

2.4 Public protest and police brutality in South Africa

Alexander, Runciman and Maruping (2015:24), are of the view that turning to the proportion of crowd incidents classified as ‘unrest’, the average for the 17 years was precisely 10.0%. The trends indicate that the average for 1997–98 is 13.5%; for 1999–2007 it is 8.2%; and, if 2010 is excluded, from 2007 to 2013 it is 12.0%, with the highest figure, 15.1%, being recorded in 2012. The total number of crowd incidents, especially those defined as ‘peaceful’, declined rapidly after the

2006 reorganisation and probably, in large measure, because of it, then it rose steeply in 2010 as a consequence of the Fédération Internationale de Football Association (FIFA) World Cup (Burger & Omar, 2009). Prior to the FIFA World Cup, as the country marked the 34th anniversary of the Soweto uprising against apartheid rule, sporadic marches spread out across the country to denounce FIFA and the government for their spending priorities when millions live in poverty.

2.5 Police brutality, command and control

The United Nations (UN) (2011:iv) points out that, for the police to be able to take responsibility for actions and wrongdoings, they need to receive proper direction. They also need to be well prepared and equipped to carry out their functions in a professional way, and need to be assured of proper working conditions. Line managers must supervise their staff and police actions and operations need to be reviewed and evaluated. Moreover, effective police accountability involves many different actors representing the different layers of modern-day democracies, including government representatives, the parliament, the judiciary, civil society actors and independent oversight bodies, such as national human rights institutions. Primarily, it involves the police themselves (UN, 2011:iv). Pilay (2016:29), concurs that, as much as the police are trained, it would not help if there are nobody to give direction. Unlike most training exercises that police undergo, commanders are given separate training from their subordinates, whereas in public order training exercises, the commander is given training with his/her members. The reason for this is that commanders, in the execution of their duties, need to give the proper command so that members act in concert, and in so doing display professionalism. The UN (2011:1), advises that efforts to enhance police oversight and accountability must focus on three key-related priorities: Firstly, where policing has been militarised and may be undemocratic and authoritarian, efforts must be made to enhance civilian control over the police. Secondly, it is necessary to increase public confidence in the police by upgrading levels of police service delivery, as well as by investigating and acting in cases of police misconduct regarding police brutality. Thirdly, reducing corruption within the police is crucial. The main challenge for the SAPS is to respond to these manifestations within the spirit and context of a community-orientated policing model and the Bill of Rights. This requires a realistic balance between acknowledging the rights of citizens to demonstrate, versus the police's need to ensure peace and stability.

2.6 Hypotheses

In order to obtain information on police officers perceptions about police brutality and as well as contributing to the gap in the literature toward officers' perception of management of civil protest, the author composed a survey below with three hypotheses in mind.

H1: There are no current strategies in place toward halting police brutality.

H2: In-service training affect police officers' attitudes toward halting the use of excessive force.

H3: There are more members with intelligence gathering about civil protests, which positively affect police officers' attitudes toward halting the use of excessive force.

3. RESEACH METHODOLOGY

3.1 Research design

For the purpose of this study, a quantitative method was utilised. Supporting this quantitative strategy, a single cross-sectional descriptive survey design was adopted. A cross-sectional survey collected data-making inferences about a population of interest (universe), at one point in time (Davies, 2007:84). Descriptive statistics were analysed using the Statistical Analysis System (SAS) software.

3.2 Sampling

The sample consists of 78 (75.7%) male and 25 (24.3%) female participants. This ratio also reflects the ratio of the population of police officers working in the three policing areas. The least number of respondents at N=23 (22.4%), were from Public Order Policing (POP) Johannesburg, whereas both POP Pretoria as well as POP Springs, yielded the same number of respondents, at N=40 (38.8%) respectively. This study implemented a non-probability approach and, more specifically, a purposive (judgmental) sampling technique. Purposive or judgmental sampling was therefore, chosen for three practical reasons: (1) because of the widespread location of the different areas of sampling across the Gauteng Province, (2) the author was not sure if the sample would be representative of the

entire POP population and (3) in essence, the present study remains exploratory in nature and extent.

3.3 Data collection

The measurement items in this section were in the form of five-point Likert-type scales, with one denoting strongly agree, to five denoting strongly disagree because they are easy to construct and administer and participants find it easier to access (Bradley, 2010). Out of the 389 questionnaires that were distributed, only 103 were usable for final analysis as depicted in Table 1 below.

Table 1: Empirical survey results

Statement	Agree %		Disagree %	
	Female	Male	Female	Male
1. There are no current strategies in place toward halting police brutality in South Africa	74.7	27.3	25.3	72.7
2. I am more knowledgeable regarding crowd control	44.8	73.4	55.2	26.6
3. In-service training affect police officers' attitudes toward halting the use of excessive force	85.9	66.9	14.1	33.1
4. More members in my station specialised with intelligence gathering about civil protests	52.4	93.2	47.6	6.8
5. There is adequate strategic information with respect to the SAPS dealing with civil protests	53.0	55.0	47.0	45.0
6. There is a communication centre that handled relevant information from civil protests	14.8	17.5	85.2	82.5
7. I have been trained on how to use most of the anti-riot equipment in our station	88.9	93.4	11.1	6.6
8. There are more members with intelligence gathering about public protests	66.4	89.0	33.6	11.0
9. Intelligence gathering regarding public protests positively affect police officers' attitudes toward halting the use of excessive force	55.7	53.8	44.3	46.2
10. There are more members with intelligence gathering about public protests, which positively affect police officers' attitudes toward halting the use of excessive force	55.6	73.9	44.4	26.1

4. RESEARCH ANALYSIS AND DISCUSSIONS

When it comes to current strategies in place toward halting police brutality in South Africa, equally lopsided responses were noticed between the genders. By

contrast, a majority of the female (74.7%), as compared to male (38.0%), respondents agreed more regarding the statement. With the steadily rising appearance of civil claims by the public against the SAPS, communities' expectations and demands shifting toward cooperation and communication with the SAPS, one could argue that it is time that the perception differences between the genders be evaluated for the monetary, practical and political benefits. In the 2015/2016 financial year, civil claims escalated to R14.6bn, of which R290m was paid out. Another R7.3bn was either cancelled or reduced. Most of the cases related to illegal detention, shooting incidents, as well as illegal arrests (South Africa, 2017:np). Research indicates that male officers are more likely to use deadly force and receive more complaints than female officers (Harris, 2010: 216-225; McElvain & Kposowa, 2008: 505–521). As depicted in Table 2 below, respondents from POP Springs were more in agreement (64.5%), than the other two stations POP Pretoria (39.7%) and POP JHB (36.8), that there were no specific strategies available to respond adequately to public protests. Therefore, based on the gender and station variables, H1 was neither accepted nor rejected.

Regarding statement two, the majority of male officers agreed more (73.4%), compared with female (44.8%), that they have experience or knowledgeable regarding crowd control. The results indicate that female officials were less confident regarding crowd control. The implications for the SAPS are, that it is essential to establish guidelines, prepare all their officers equally with crowd management training and to instill confidence in their officers, and be observant of the warning signs that an officer's actions are inappropriate, can save a department from civil and criminal liability. Preparing and supporting the members, can also keep the officers from becoming reluctant to use minimum force where necessary, putting a risk on officer safety. Marks (2005) in Potgieter (2012:39), reflecting on the POP unit in Durban, points out that the prevalence of brute force and unprovoked violence was something of the past and a more peaceful approach to crowd management had been adopted. The unit was also demilitarised. However, Marks noted that although there had been important changes in training, policy and governance, these did not necessarily render changes on an operational level, successful. Changing norms and the organisational culture was also more challenging than the adoption of policies and training processes.

For the statement, in-service training affect police officers' attitudes toward halting the use of excessive force. A significant majority of female officers

(85.9%), compared to male officers (66.9%), agreed more. The responses indicated that female officers were of the strong view, that being the POP members require a certain level of skills, that comes through special training. Kargin (2016:489), concurs that a part of this training, is to be trained in the use of force, to be able to use force within numerous different circumstances. Regarding the statement that more members in the station specialised with intelligence gathering about civil protests, statistically significantly ninety-three percent (93.2%) of the male respondents and fifty-two percent (52.4%) from the female agreed. In addition, statistically significantly more respondents from the POP Pretoria did not agree that more members in their station specialised with intelligence gathering about civil protests. POP JHB agreed more (66.5%) with this statement.

The statement that there is adequate strategic information with respect to the SAPS dealing with civil protests, was supported by both genders: the female respondents by fifty-three percent (53.0%) and the male by fifty-five percent (53.0%). These are indeed encouraging responses to support POP members how to respond during complex situations, which have an impact on the critical relationship between police and the communities they serve. The primary goal of the strategic information is to achieve consensus surrounding core use of force issues, identifying those topics of particular urgency and proposing effective strategies that respond to the most critical areas of concern. Regarding responses per station, significant responses for the statement came from eighty percent (80.2%) of the POP Pretoria respondents who agreed and fifty-five percent (55.7%) from POP Springs. As depicted in Table 2 below, POP JHB disagreed more (58.9%) with this statement; there is adequate strategic information with respect to the SAPS dealing with civil protests. Even though both units did not support the statement, however, it is clear that the respondents expressed mixed feelings.

The statement that there was a communication centre that handled relevant information from civil protests, was rejected by both genders: the female respondents by eighty-five percent (85.2%) and male by eighty-three percent (82.5%). Support for the statement came from eighteen percent (17.5%) of the male respondents and fifteen percent (14.8%) from the female respondents. This is discouraging for the respondents, to view their leaders with not leading by good examples. This negative view would probably not aid the formation of friendships and good relations between the community and the POP units. An assessment of

the stations' responses, suggest that more respondents from POP JHB highlighted that the respondents agreed (56.8%), as compared with POP Pretoria (44.5%) and POP Springs (34.6%), that there was a communication centre that handled relevant information regarding civil protests. A response rate of ninety three percent (93.4%) from male and eighty-nine percent (88.9%) from female supported the statement that respondents have been trained on how to use most of the anti-riot equipment in their stations. Responses per station, refuting the statement came from forty-one percent (41.1%) of the respondents from POP Springs and seven percent (6.6%) from both POP Pretoria and POP Johannesburg. It seems thus that the respondents from POP Springs had less confidence on how to use most of the anti-riot equipment in their station as compared to the other two stations. Regarding the responses from POP Springs, this means that there were stumbling blocks that impede the progress in the training of members.

Regarding the statement that there are more members with intelligence gathering about public protests, eighty nine percent (89.0%) of the male responses and sixty six percent (66.4%) from the female agreed, while thirty four percent (33.6%) of the female responses and eleven percent (11.0%) from male disagreed with the statement. Statistically significantly, more respondents (78.3%) from the POP Pretoria indicated that they agreed with the statement as compared with POP JHB (63.4%) and POP Springs (51.6%) who disagreed. The POP Johannesburg respondents disagreed more with this statement than the other two stations, thus they were more of the perception that there was a communication centre that handled strategic information from civil protests as compared with the other two stations. Regarding H2, from the research findings, the majority of the respondents agreed to the statement. Therefore, the hypothesis supported.

Table 2: Agreement/Disagreement per station

Statement	Johannesburg			Pretoria			Springs		
	N	Agree %	Disagree %	N	Agree %	Disagree %	N	Agree %	Disagree %
1	23	36.8	78.3	40	39.7	52.2	40	64.5	32.5
2	23	45.6	54.4	40	41.3	58.7	40	56.2	43.8
3	23	82.6	17.4	40	23.4	76.6	40	45.7	54.3
4	23	83.4	16.6	40	20.2	79.8	40	54.8	45.2
5	23	41.1	58.9	40	80.2	19.8	40	55.7	44.3
6	23	56.8	43.2	40	44.5	55.5	40	34.6	65.4
7	23	93.4	6.6	40	93.4	6.6	40	58.9	41.1
8	23	36.6	63.4	40	78.3	21.7	40	48.4	51.6
9	23	75.3	24.7	40	53.3	46.7	40	68.7	31.3
10	23	32.7	67.3	40	40.1	59.9	40	44.3	55.7

The statement that intelligence gathering regarding public protests positively affect police officers’ attitudes toward halting the use of excessive force was supported by both genders: female respondents by fifty-six percent (55.7%) and the male respondents by fifty-four percent (53.8%). Disagreement for the statement came from forty-six percent (46.2%) of the male and forty-four percent (44.3%) from female respondents. This difference could indicate that though the

establishment of a good and effective threat analysis is an absolute necessity that has to be established with a lot of planning, supported by sufficient financial and logistical resources. POP Johannesburg (75.3%) and POP Springs (68.7%) respondents agreed more with the statements with respect as compared with the POP Pretoria (53.3%) respondents. Perhaps just as important is the adequate training to respond to civil protests, officers from POP Pretoria may be less confident with their relationship with Crime Intelligence. These findings highlighted the benefit of to identify hotspots which must be considered and provide guidance for the deployment and/or allocation of equipment. The use of intelligence as part of policing of public protests and gathering is essential. The relationship between the POP units and crime intelligence can not only assist in the planning of deployments at protests and gatherings but also assist the POP unit to identify possible threats and targets proactively (Ministry of Police, 2013:24). Regarding the statement that there are more members with intelligence gathering about public protests, which positively affect police officers' attitudes toward halting the use of excessive force was supported by both genders: male respondents by seventy four percent (73.9%) and the female respondents by fifty-six percent (55.6%). Disagreement for the statement came from forty-four percent (44.4%) of the female respondents and twenty-six percent (26.1%) from male respondents. Table 2 depicted that the POP JHB respondents disagreed more (67.3%) followed by POP Pretoria (59.9%) and POP Springs (55.7%). Therefore, H3 (There are more members with intelligence gathering about civil protests, which positively affect police officers' attitudes toward halting the use of excessive force) were not supported.

The above findings highlighted female respondents were less knowledgeable regarding issues relating to crowd management. The SAPS is expected to ensure that the treatment of women within its rank and file does not result in lesser empowerment as compared to their male counterparts. The implications to the SAPS are that strict compliance with the applicable legal framework would not be possible as some of the female officers based on the findings, would not be able to ensure the success of the implementation of relevant pieces of legislation or maintain the balancing act between human rights and the enforcement of a specific law. Such deficiencies have had a long-lasting adverse consequence for the victim, the perpetrator, as well as the law enforcement agencies as a whole, the justice system and society in general. No exceptional situations may justify a departure from this best practice of adequately empowering all law enforcement officials, so that when circumstances demand otherwise, these members would be

able to enforce the law within the confinement of the human rights culture. Therefore, the leadership within POP units should take a range of measures to ensure that all members are constantly exposed to special training that enhances their crowd control interventions skills, as well as improving their communication skills, in order to work in cooperation with communities as well as other relevant stakeholders. The prevention of violence during civil protests and avoidance of the need to resort to force by the SAPS, should be guiding principles in the management of any public order situation in South Africa.

According to the Ministry of Police (2013:10), current international research supports continuous police training in crowd control and management. Education and training in crowd control depend on a knowledge of management system available within the police, which capture operational reports on successes and failures. A knowledgeable management system is an organisation's ability to capture lessons-learned, and best and worst practices in the context of crowd control operations. The greater challenge in this area is that crowd control and management training appears, by all intentions, to be an internal police matter to benefit all citizens. This requires clear and comprehensive police leadership, to ensure that such training actually occurs within all appropriate police structures. In principle, every law enforcement agency is required to conduct and document semi-annual training for all officers on the lawful and appropriate or professional use of force and deadly force.

5. MANAGEMENT AND POLICY IMPLICATIONS

As indicated by the findings, it is apparent that male officers do not have the same perceptions as female officers. These findings encompass males advanced knowledge for the job, as well as their ability for the tasks. Females on the other hand appear to perceive their responses as less effective. Times have however changed, somewhat dramatically, now calling for the adequate development of all officers, despite gender. It has been nearly two centuries since the entry of women into the law enforcement arena, yet as is apparent in the survey results, the views regarding the level of training amongst female population still loudly linger. The findings in a way, could negatively enforce the stereotype which view women as too weak for the job, while women continue to perform the tasks effectively. Perhaps with some policy admissions and revisions, women can continue to infiltrate the law enforcement arena, and males can begin to view them as a capable, effective and desired part of law enforcement.

As seen by the survey, research findings indicated that female officers were less knowledgeable regarding issues relating to crowd management. This indication alone should speak volumes to administrators, educators and politicians. Adequate training, which emphasises on less physical force, more understanding on crowd management and quite possibly intelligence gathering skills needed to empower female officers. Funds are necessary to initiate training plans and programmes to educate female officers on crowd management and increase skills for better communication. This will lead to less perceived differences and more non-violent resolutions. Policymakers could look at this initial step of research and its implications and conduct more in-depth research across the nine provinces towards professionalisation of the POP units.

6. CONCLUSION

The primary objective of this research article was to identify the underlying causes relating to police brutality during civil protests. The findings showed that there were split responses on the statement regarding current strategies in place for the officials to respond to civil protests. The relevant improvements in the use of intelligence gathering ahead of civil protests, would also go a long way ensuring that the SAPS POP units respond adequately. The lack of tactical and low level of communication skills identified as some of the underlying causes of police brutality. Evident to these findings was the manner in which the SAPS handled the Marikana protests. Before the massacre, police attempted to disperse protesting miners whilst in possession of live ammunition. The SAPS' action to take live ammunition to the protesters lacked intelligence, hence many people were killed. It is therefore, of utmost importance, for the SAPS members to act in full compliance with the legal framework governing the use of force and firearms and for them to comply with the highest possible standards of discipline and professionalism in that respect.

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