

OCCASIONAL PAPER

**Community voices**  
*on*  
**policing in transition**

**CLIFFORD D. SHEARING  
MZWAI MZAMANE**



COMMUNITY LAW CENTRE  
University of the Western Cape

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*Go to the people  
Live with them  
Learn from them  
Start with what they know  
Build with what they have*

*With the best leaders  
When the work is done  
The task accomplished  
The people will say*

**WE HAVE DONE THIS OURSELVES**

(Motto of the Namibia Development Trust)

## **Preface**

The voices of the people whose words we present in this report are those of a few Capetonians who have experienced South African policing directly in one way or another. They are voices of women and men, blacks and whites, poor and rich, people with little schooling and those with learning. They are voices of heroes of great renown and of those whose heroism has been less visible. They are voices of pain, of enormous generosity and of great insight. They are voices of optimism, love and humanity. They are determined voices tempered in the crucible of struggle, of people who have felt and understood oppression. But they are also voices of forgiveness and, above all, of healing.

These voices, we believe, represent the thoughts and feelings of millions of South Africans. They are voices about policing, but their message extends beyond this issue to a vision of a new South Africa. Their message is that, while they are not willing to forget, they are willing to forgive, to heal, to transform, and to build a new South Africa with those who were their enemies.

This is an extraordinary message of hope and reconciliation. May we, our police and our leaders be wise enough to heed its wisdom.

*Clifford Shearing*  
*Mzwai Mzamane*  
June 1992

## **A note on Clifford Shearing**

Clifford Shearing is a Professor of Criminology and Sociology at the University of Toronto, a Visiting Research Professor at the Community Law Centre at the University of the Western Cape, and a visiting Professor and Research Associate at the Institute of Criminology at the University of Cape Town. He is undertaking a comparative study of public order policing for the Goldstone Commission. He is a member of the Police Board established under the provisions of the South African Peace Accord.

Professor Shearing has published extensively on theories of policing and regulation. His book on the transformation of South African policing (co-authored with Professor Michael Brogden) will be published by Routledge later in 1992.

*Power may justly be compared to a great river; while kept within bounds, it is both beautiful and useful, but when it overflows its banks, it is then too impetuous to be stemmed; it bears down all before it, and brings destruction and desolation wherever it comes (Andrew Hamilton, 1735).\**

## Introduction

If South Africa is to become a democracy that respects civil rights those institutions that operated to maintain the repressive structures of apartheid will have to be fundamentally transformed. One such institution is the South African Police. A police force appropriate to a new democratic South Africa will have to be responsive to the needs and concerns of the South Africans who have for so long been the victims of apartheid. This report takes a step in this direction by presenting the views of a few South Africans in the Cape Town area who have been active in the struggle for democracy, on what should be done to transform the Police so that they will promote, rather than retard, this country's transition from oppression to democracy.

## The research

Discussions were held with people within the Western Cape who had been involved in the struggle for democracy through a number of different institutional affiliations. Sometimes the interviews took place on a one-to-one basis while at other times they took the form of a group discussion. All took place before the unveiling of the draft Peace Accord that was finalized in August 1991. Their purpose was to canvas suggestions for the reform of the South African Police during the transitional period. No attempt was made to sample opinion in a representative fashion. Our objective, rather, was to identify and articulate the voices of people from a variety of backgrounds who had been active in the struggle for a new South Africa and, through them, to explore ideas for Police reform. In total 45 persons – academics, clerics, community workers and organizers, lawyers and politicians – were interviewed. The most striking feature of the research is the extent to which these very different respondents expressed similar ideas both about the problems facing South African policing and the reforms required to establish a police force that would promote peace and security during the transitional period.

The interviews were not tape recorded. The quotations cited below are taken from fieldnotes. A draft report was made available to the people with whom we had spoken and we asked them to let us know if we had associated them with ideas with which they felt uncomfortable or if we had quoted them incorrectly.

## The problem

Our respondents argued that the root of the problem with South African policing is the Police mandate to maintain order and the perceptions and attitudes that this order produced. A well known cleric expressed this understanding of the problem as follows:

White attitudes to human life, to black life shock me. Someone can be arrested, say, on the knowledge that they have stolen something of small value. But if that person were to run away, the Police can shoot to kill them when they should use just enough force to demobilize him, shoot' them in the leg or something. This attitude to life, to black life,

\* This passage is taken from the defence of John Peter Zenger in a trial that was instrumental in establishing the freedom of the press in the USA; cited in Harper's, December 1991:6.

*With the Police one has the most explicit form of "us" versus "them."*

to all life, we see in riot control. Where the crowd to be controlled is black, the Police have used unjustified force. But it's very different if the crowd is white. We saw it again in Ventersdorp [a small town in which the Police clashed with a political party that supports apartheid and favours a white-fatherland]. The Police would never have allowed a black crowd to get as close. We see it in the fact that we, all of us, remark when a white life is lost.

Apartheid, a deeply oppressive and fundamentally unjust order, has not been easy to maintain. One of the consequences of this has been the resort by the South African Police to a brutal style of policing intended to intimidate and subdue those who sought to resist apartheid. One of our respondents summed up the problem as follows:

With the Police one has the most explicit form of "us" versus "them." Coercion is so open, their control and power is not subtle. Its very coercive. Police are the most tangible form of state oppression.

This fact has led to a deeply entrenched enmity between the Police and the oppressed people of South Africa that has fundamentally soured police-community relations.

They were enforcing laws that are fundamentally unjust and so they were totally unpopular. The resentment against the laws spilled over onto them.

...  
We in the community are so negative about the Police, both consciously and unconsciously. For example, when I asked my son of two what we should do about the Police he said that we should shoot them.

One of the consequences of this enmity has been the perception among disenfranchised South Africans that the Police, as the enemy of the people, were legitimate targets in the struggle for liberation.

Attacks on Police were seen as attacks on an institution, not on individuals. We dehumanized the Police. This is still the perception. So anger is directed against the state through the Police as the most hated target.

The actions that have earned the Police their reputation arise from the requirement of their job, namely, the maintenance of an oppressive order. The police have been trained and directed to use their coercive capacity to compel compliance with apartheid. Central to this management system is a "securocratic" ethos or culture that expresses itself at all levels within the Police organization. This ethos portrays the brutality that characterizes South African policing as both necessary and justified.

The whole Police ethos is hostile towards the people. Their understanding of what it means to be police is fascist.

...  
The Police believe they can do anything. They are so powerful. They are above the law.

...  
Those against whom the laws were directed were to a large extent seen as second class citizens or worse. The Police came to be a law unto themselves. Whatever they did was reinforced by a sense of race superiority. Whites saw themselves as demi-gods who were above the law.

South African policing, it was argued, was fundamentally racist despite the fact that Police were racially mixed, because the Police culture was fundamentally racist.

There is a racist Police culture that even black policemen take on. A black policeman tells jokes like an Afrikaner and speaks like an Afrikaner. He speaks and writes like them. This is a culture within which these people are trapped. We need a deep understanding of what these people are ensnared into. They tell jokes about Boesak and Tutu. These things overlap with religion. The Police go for conservative religions. It is a conservative culture.

I am somewhat concerned that there seems to be an over-concern with race in regard to future planning. Acknowledging the racist history of the police is important but it is essential in establishing future policies to accept that much of the oppression carried out within the SAP has also been carried out by black police officers. [Some people] tend to give too much emphasis to the idea of bad white cops and possible good black cops hidden somewhere in the structure. I think that in terms of transformation it would be preferable to look at a comprehensive racist police ethos which must be dealt with and acknowledge that within the police ethos at present both black and white cops are victims of that ethos.

The Police management system, through the ethos it promotes and through its recruitment strategies, seeks to ensure that officers within the South African Police are committed to the values of apartheid. Police officers do not simply act the way they do because they are told to do so by government, but because they participate in a culture that encourages them to believe they should.

The presence of a deeply entrenched "cop culture" makes police reform difficult.

The Vlok/Malan [ministerial] shuffle is unlikely to change things. If they move these guys and even the Generals on the top then what about the guys on the ground? These are the guys that have to be controlled. They are shifting around guys at the top but are not getting to the guys on the ground. The solution is solving the problem on the ground.

Such comments were, however, balanced by a recognition that a police ethos exists in the context of upper echelon support and encouragement.

I acknowledge that the guys on the ground probably play the racism out more than others, but top level change in respect of the hierarchy sending very strong anti-racist messages down could have quite a substantial effect.

In this regard the South African Police are no different to police elsewhere in the world. Police everywhere tend to develop a commitment and an organizational ethos that promotes a particular style of policing. What differentiates the South African Police from most Western police forces is the explicitly racist order they are required to maintain, the brutality of their policing and the extent to which it is sanctioned by law.

Thus, our respondents doubted that President De Klerk's plea for a police that would promote democratic processes and protect communities would be successful. As evidence of this several respondents contrasted the effectiveness of the Police in promoting the order of apartheid with their inability, since De Klerk's call for reform, to respond to the escalating violence in the country. One of our respondents, a cleric, expressed this cynicism as follows:



If the Police could exercise control during the state of emergency, if they could control things so exactly, if they could specify at a funeral precisely what should be done, what the route of the march should be, who could speak and so on and make sure it happened, why can they not exercise the same control now? During the emergency they acted with such enthusiasm. You could not break one emergency regulation in comfort. How could they ferret out the MK [the ANC's military wing] infiltrators who were coming into the country when this would have been planned and executed with such secrecy? How could they waylay and catch so many and now they can't apprehend people who act in broad daylight? People who now have time to shoot and kill and run away without being apprehended while the Police are there on the scene in their Casspirs [armoured vehicles]. Nothing has shown them up more glaringly than the unarmed commuters who apprehended the train killers. How can the Police have become so inept? They should be worried about their reputation. They should be worried that with so many killings they have not brought anyone to justice. Yet, right from the State President down they are defended. De Klerk does not express outrage. But let the victims be white and let's see how quickly they respond or whether they have the same kind of equanimity.

*How do you turn people around and convince them that the people they treated as the enemy were now their friends, the potential government?*

One of our respondents in commenting on these sentiments cautioned against leaving the police ethos in place and simply redirecting it to a new target.

There appears to be an implied desire to have the SAP act with its state of emergency vigour in dealing with the political violence presently being experienced in the country. Possibly one of the overall problems within the SAP is its extreme vigour and it may be more necessary to instill in the police a sensitivity and moderation accompanying a political redirection. The police may be persuaded to this, as it should be quite clear to them by now that where they want to ensure law and order, for example, at marches, approaching it with sensitivity rather than the old state of emergency vigour, the results are far better.

The conclusion drawn from this analysis was that the Police, like so many of South Africa's existing institutions, were apartheid specific. The Police constitute a pillar of apartheid that cannot easily be put into service to dismantle apartheid. If the South African Police are to be available as resource that promotes democratic values and respects human rights, its structures and culture will have to be fundamentally transformed. This transformation will be difficult.

We were operating under a system where part of the community were enemies. No holds were barred for the Police against that enemy. How do you turn people around and convince them that the people they treated as the enemy were now their friends, the potential government?

It was this question that our respondents argued had to be addressed if police reform was to be successful.

Our respondents did not object to the idea of a South African Police committed to a politically defined order. They did not argue for a non-political Police in this sense. Indeed, they argued strongly for a politically controlled police committed to a politically defined order. What they objected to was the Police commitment to apartheid and the fact that the De Klerk government who defined the order and controlled the Police was not representative. Their concern was not that the Police were political but that they were partisan.

In my view the notion that the police can or should be non-political is rubbish. The police must always be political in a fundamental sense, though there is a difference between this and the police as a partisan political tool. The SAP has been a party political tool that has supported existing power relations. We are going to inherit this police in the new South Africa.

Our respondents' concern was how to reform this inherited police in ways that would ensure that it would be committed to promoting democratic processes and the protection of communities. The following sample of comments from a group discussion reflects the sentiments of the majority of our respondents.

The ordinary person on the street would like to stop normal criminal activity, assaulting people in the street etc. People want access to law and they don't have it.

...  
No one lays charges any more with the Police. People have given up. If you try and lay a charge you are likely to get assaulted. The Police are often drunk on the weekend. One is scared to go to the Police. We want guarantees that we will not be harmed if we report crimes. If you report a crime you are likely to end up in prison. ... When you are trying to lay a charge the officers intimidate you by playing with their guns.

...  
The critical issue is how to get the SAP to do their first and foremost job. ... They walk around and patrol on Friday afternoons when they are not needed and are nowhere to be found on Friday evenings when they are. The Police are afraid to provide protection to the people. There are simply not enough local police. You can't have 8 police officers for 70 000 people.

...  
The Western Cape Civic Association wants to have a meeting about the taxi war but we are nervous about having one. We are afraid to meet because we are afraid of a shooting. The launch of the United Civics association was postponed this month because we were too afraid to meet. But we can't ask the Police for protection. Yet if someone throws a stone at a white shop you will be arrested but if a black is killed nothing happens. The problem is not police intelligence. It all depends on what they want to do and how they want to use it. The Police police differently in different areas, it depends on the class and the race.

...  
The problem with the Police is that they do not respond to citizens' calls for assistance. So gangsters literally get away with murder. The Police have absolutely no regard for the community. There is a tremendous increase in crime in our schools. Principals report this but the Police fail to respond. But things are very different if students happen to come out and march. Then you find a whole army of police coming out. In addition, we find the Police protecting shebeen owners. Who should they be protecting? The community or the shebeen owners? Suppose a woman is assaulted by her husband and calls for the Police. She is told to get down to the police charge office and lay a charge. But when she comes to lay the charge the Police won't accept it. Similarly, the Minister says if you have complaints about the Police please feel free to lay a charge with the Police. But not only will the Police not accept a charge but they intimidate you for laying it.

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The Police do nothing about ordinary crime. A person can get killed and yet nothing is done. This is not a political matter. They are able to do something about ordinary crime now. Indeed, they have in the past. The fact that they are not dealing with such matters is a government instruction. They want to create a state of anarchy. They hamper the communities' efforts to control ordinary crime. Once the community comes out and patrols then the Police come out and start searching the people doing the controlling. They look for small knives, etc. But they do nothing to disarm the gangsters who are causing the trouble.

## Interim government

In developing ideas about how to respond to the problems just outlined, our respondents concluded that a legitimate government with the will and capacity to reshape the Police was the essential starting point.

The present government cannot and should not control the Police during the transitional period. It is not clear why they have not been able to control the Police. Perhaps it is because they don't want to control them or they cannot. We [he and others in his ANC Branch] suspect they don't want to. Why? Because the Police have been targeting the ANC and its supporting structures. This, and the violence, has successfully stopped all ANC campaigning and has hampered its recruitment drive. So the question is who benefits from the Police action? The government. Thus, they don't want to control the violence because it suits them. This is our strong feeling. There is a minor feeling that they can't control the Police. Not all the police support De Klerk's moves. Most of the police are attached to right wing organizations. They make this very clear to you when you are in detention that they regard De Klerk's moves as shit. In the Police raid on the COSATU offices in 1988 in Johannesburg the Police vans displayed right wing emblems. So there is a belief among some of our members that De Klerk can't control his Police.

*They don't  
want to control  
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because it suits  
them.*

This argument that De Klerk was not in control of the South African security forces was voiced on several occasions. One of our respondents, who is active in the Democratic Party [a party represented in the white legislature], had this to say.

At the moment, control of the security forces lies outside of the cabinet. Vlok [the Minister responsible for the South African Police at the time of the interview] has no control. He is not in charge of the Police. He now knows that he is being lied to. He does not get accurate information. He accepts that he is not getting the right information. The Police have become a law unto themselves. They are linked to military intelligence. It is there that control lies. They have become part of military intelligence. There is very close cooperation between the police and military intelligence. They are part of the security establishment. De Klerk tried to involve himself in policing, to establish an independent police force. When he left in July to go overseas he lost control. It went straight back to where it was. Even assuming De Klerk is sincere, the problem is that there is no politician strong enough to take control of the security establishment.

Whatever their analyses of the reasons for the failure of the De Klerk government to reform the Police, our respondents agreed that what was critical was the establishment of a government with the legitimacy, the will and the determination to insist that the existing Police ethos be eliminated

and a new ethos appropriate to democratic policing be fostered. This, they argued, required the establishment of a legitimate government to oversee South Africa's transition to democracy. Such a government would only be able to bring about the changes in policing required if it was understanding, fair and tough.

What to do about the Police in special units? First, with respect to the Askaris [people who worked for the liberation movement who became agents of the South African Police] one must remember that they were turned by the threat of death. They were coerced. They must be given a choice. Their security must be secured. They should be allowed to return to the community and be accepted back into it. To make this possible the People should be educated about their circumstances and the threats they were subjected to. Right wing police officers are another matter. The Nationalist Party has been very soft on them. They too should be given a choice. Either they play the role of normal police or they should be disciplined. They should have the role of normal police explained to them. They should be told what a normal police force should do. We must remember that they are also victims and so should not simply be fired. They should be given a choice to reform or face the consequences. The Interim Government must put its foot down. It should be an either-or matter. We must also remember that unlike the situation in Zimbabwe and Namibia these police officers, if they resign, have nowhere else to go. They can't go "down South." They are going to have to stay and adapt whether they like it or not. Of course, they might resign and join the AWB [a right wing Afrikaner organization that has adopted symbols that bear a striking resemblance to Nazi symbols] which is why we need self-defense units because their victims will be our communities. We don't expect Police attacks but we do expect right wing attacks.

I think that some type of working group may be the most efficient way of bring this about. Rather than regionalized approaches to police reorientation a national task force which has a very clear mandate to reorientate police direction going around region to region over a period of a year may well have a more effective result. This would encourage national consistency. The communities' role in that reorientation would then be, after they too have met with the national task force, to monitor the changes within policing in their region.

## Change from within

Our respondents realized that formal training alone was not enough to reform the Police but they recognized it as essential. Police training had played an important part in the creation of the present Police and would be important in the creation of a new Police.

The present South African Police had been taught to expect blacks to be violent and to regard them as enemies and this guided their responses.

What happens in training is that the trainee is given a perception of the community. The ideology and world view of the instructors is important. The religious content of training is important. The values it undermines and endorses. Religion is a very dominant factor in our police training. It is in training that Police are given a perception of what is crime, why people steal and don't steal. It is here that the function of police is presented.

What was required, it was argued, was alternative training programmes, perhaps prepared under international guidance, that would help constitute

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a different sensibility and a different way of seeing the world. In particular, it was argued, the riot police and those police who had received minimal training are the ones that need to be systematically retrained.

It is the riot police and the "kitsconstables" [literally "instant constables" who receive very little training] who are ungovernable. They are not there to protect the community. They need to be taken back to their barracks for training so that they can learn to protect. The Police must not be bribable. At present there is no relationship between the local police and the riot police. One gets an agreement with local commanders but then the attacks go on because it is the riot squad that is involved. The riot squad needs to be retrained and then integrated with the local police. ... We don't want riot squads or kitsconstables. Get rid of them and integrate their members into the local police. There are local police who we respect and who we are prepared to work with. We will begin to trust the Government and the Police if it commits itself to disbanding these groups. If action is taken. But this will require drastic measures.

Training, it was argued, must be understood as more than the development of technical skills but the development of a new mind-set.

We need to think beyond [technical] training to a holistic vision of the society we want and look at police training within that context. We need to look at the police function in relation to the state and the community. We need to contextualize "law and order." We need to decide what are the values that should be embodied in "law and order." Values like integrity, compassion and being a servant of the people. My grandmother talked about the police as "dienders," that is, one who serves. Its more than arresting and "donnering" [hammering] people. You are intervening on a personal level. It is out of this concept that one shapes posters and slogans.

This, of course, was not meant to imply that technical training was unimportant or divorced from a "holistic vision."

A priority is training. Our cops need training in things like crowd control. At present they have a tendency to panic. What we need is a complete review of training. I found in Britain that crowd control with horses worked wonderfully, it is certainly better than crowd control with bullets. Police in the mid-eighties here all went through re-training. Riot training seemed to be organized around video's of people being hacked to death. It was training designed to induce a violent response.

A point raised by a group of Dutch police officers who were on a tour of South Africa was that alternative training should be given to groups of people who work together regularly if it is to have any effect on the Police culture.

It is not enough to train individuals as they then come back and face peer pressure that undermines their training. What is necessary is to train whole groups so that they change together, so that the peer values change.

Several of our respondents argued that training should directly involve people from the community who would bring with them a community perspective. Training should not be simply a police affair.

We don't want police educating police as this simply reinforces the status quo. It reinforces a defensive position on the part of the police.

*We need to think beyond training to a holistic vision of the society we want and look at police training within that context.*

They agreed that in South Africa it would be useful to have community groups come and talk to police officers.

...  
The community ought to be involved in training. There ought to be seminars by religious leaders, social workers, doctors, etc.

In commenting on the use of community resources one of our respondents expressed concern that they might be used in such a way that their input would be marginalized.

I worry about the idea of bringing outsiders into police colleges because of the danger of their input being marginalised. If they are brought in it is important that they are made a very clear feature of the course. Students should be examined on what they had to say and attendance should not be voluntary.

Our respondents all agreed that there were police officers whose attitudes and practises were so entrenched that they could not be retrained. For these people the only option will be to remove them from the police force. Some people were simply too deeply committed to the apartheid style of policing to change.

We need to clean the slate. Most of the police are victims but there are a few elements who have shaped the ethos of the police force and we need to remove them. And these people are not irreplaceable. They are very replaceable.

...  
Certain people within the Police are beyond retraining, they can't improve, and need to be banned. These people whom we all know must be removed immediately. There are certain people who will never be trusted by the community.

Most of our respondents, however, cautioned against a policy based on revenge.

Reconciliation means there can't be revenge. At most there can be a public accounting of what was done. This is what the whole issue of amnesty is all about. At first I didn't support the idea of a general amnesty but now I am persuaded. If you have amnesty without an openness and revelation of what has gone beforehand then you have the whole revenge aspect emerging. I believe that what is required is a certain moral purging of the police regarding previous criminal actions. This of necessity would not require personal identification of policemen involved in illegalities, but acknowledgement that such illegalities had taken place and making public of such illegalities.

What one has to do is to encourage certain people on the bench, the police, etc. to go into early retirement. Revenge — I don't know how to draw the line once you get started. There is nowhere to stop.

While some police officers have to be removed to transform the Police culture, others have to be supported and encouraged. There are many police officers within the Police who will be willing to develop and practise a new style of policing. These officers should be supported.

We need to talk and to realize that some police are on our side. In the Police there are people who are poor, who the state doesn't care about, doesn't care about their families. They are victims who have become tools of the state. This is something we have to come to terms with. But the fact is that the white working class don't see themselves as having unity with blacks. An important challenge is to get black and

*There are certain people who will never be trusted by the community.*

*Reconciliation means there can't be revenge.*

white police to understand that they are doing the dirty work for the regime that doesn't care about them. We have to find ways of winning them over. We need to reach out to these ordinary people, reach out to them.

While the culture of the Police is generally conservative, there are, it was argued, people within the Police who would practice a more progressive style of policing if they could be assured of support.

Within the force there are people who are sympathetic to change and the development of a more progressive stance, especially among people of colour but there are also some officers among the whites. But there is resistance from white officers from the top as well as from the bottom as change will threaten their privileges.

...  
You might be able to win over the average black policeman because they don't like what is going on. One must distinguish between special units and ordinary police officers. The ordinary guys can be won over. We must draw them closer to us. We can also draw some whites closer to us who don't like what is going on. Not all police are antagonistic. We must try and cooperate with these groups. We must support and praise them when they stand up against what is happening. We must support any actions of resistance that they take.

More specifically it was argued that:

Progressives within the Force need to be protected from above. It is necessary to purge the police force of bad elements especially those in top positions.

...  
Within the Police now, the ability of "good cops" is lessened because funding is going in the wrong direction. It is worthwhile to try and release the energy of good cops. Once one facilitates a change in ethos to a more progressive one then the old ethos cops will leave. The difficulty will be that if they leave they will leave lots of benefits behind. Cops don't get paid well but there are good benefits.

This point was reinforced by a police officer who participated in a panel discussion on policing organized by a local community organization. Our notes on what he had to say when he was challenged by the community about the way in which the Police respond to community concerns include the following remarks:

Nothing positive has been said about the Police at this meeting. Everything that has been said so far is negative. But I am a state official, a worker, I cannot change the role of the Police. I cannot change the Police. If you want to change the role of the Police you are going to have to change the Police Act. We have regulations and we have to abide by them. It is not that we do what we want. We have Standing Orders.

The support of progressive elements, however, was regarded as more than a matter of changing the management style of the Police. The community too had to change its approach to the Police.

The community must begin to discriminate between good and bad police and good and bad policing and stop simply throwing stones at everyone. We should include progressive police in our meetings and workshops.

*The ordinary  
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over. We must  
draw them closer  
to us.*

One strategy suggested for providing "progressive" police officers with the support they needed was to assist and support the Police and Prison Officers Civil Rights Union (POPCRU) which has, hitherto, not been recognized by the Government. This union, it was argued, has attracted progressive officers willing to promote change within the Police and the prison service and to "blow the whistle" on brutal practices. The fact that all the police officers who had associated themselves with POPCRU had been fired was a major disincentive to progressive police officers to stand up and promote a more humane and community-oriented style of policing.

The issue of recruitment was seen as closely linked to culture change:

We need to think about why people become police. In rural areas it's one of the ways of staying in the rural areas. Many people fear the city. They want to stay in an area they are familiar with. There is often some family link, for example, their father was a policeman. To become a policeman is a shortcut to power and status. You become an authority figure. In the rural areas a policeman outranks a teacher. And to be a police officer you don't have to be very gifted. People's motives for joining the Police are important. These motives are appealed to by the Police in their recruitment. Becoming a police officer has nothing to do with being a friend of the people. If that happens it is an exception. It is this that creates the image of the Police.

The argument advanced was that the selection criteria for police officers in the past had sought out people appropriate for the old South Africa. New criteria would be necessary to build a Police appropriate to a new South Africa. What is required, it was argued, is for the Police to actively to seek out recruits who have been "socialized differently."

A recurrent theme in discussions about the introduction of a different vision into the Police through recruitment was the importance of hiring more women, as they would bring a different set of experiences to policing. The issue of gender was frequently coupled with race as two issues that police reform will have to address:

The Police organization is predominantly male and this needs to change. Race and gender ratios have to change. Affirmative action is required. We need a complete change in how the police are seen.

Another respondent, in noting the tendency to subordinate gender to race in thinking about transformation, had this to say.

I don't think that [gender] should be regarded as a 'secondary issue' or even as 'another issue' at all. It seems to me that it is inextricably tied into the central problem which the project is addressing — it is a *dimension* thereof. I see it as essential that a managerial climate be created within the Police that refuses to tolerate not only racism but also sexism, with *all* that this entails. Women and girls constitute 50 percent-plus of the South African population. I believe that 'even' in a transitional phase the gender dimensions of the policing problem must be addressed.

*The Police organization is predominantly male and this needs to change.*



## External review

Internal change, it was argued, would only be successful if it was coupled with a review process that made the Police accountable to the people of South Africa as a whole.

The Police have operated in a culture that has not understood the concept of the rule of law. Due process was flouted with impunity. The flouting of the rule of law was legal. It is difficult to get people to realize that there were norms, canons to be observed.

No government, either the De Klerk's or a new one, can exercise effective control over the South African policing system if what police officers did is not visible to the government. Similarly, the citizenry cannot develop confidence in the Police unless they are confident that Police activity is being made public and that the "dirty tricks" that have characterised South African policing are no longer prevalent. A civil rights lawyer put this argument as follows:

We must break Police secrecy. There are a few areas that require secrecy (e.g., sources who must be protected in drug investigations) but not many. Secrecy must be the exception not the rule. Look what happened in the Harms Commission [an inquiry into Police hit squads], the investigating officers said that all the records had disappeared. We must have some kind of outside control. We need local groups who can be both a liaison with the Police and a watchdog. We need external checks. Things like select committees of parliament must have access. Other bodies that should be given access are law societies and law commissions. There must be access to police dockets. Access to information not only helps litigation but also accountability. The Police will also act more effectively under scrutiny. At this time, the level of investigation is pathetically low. Often in the dockets there is no clear evidence of the Police doing an investigation at all. We need monitoring. We have not had a lot. We have had eyewitness reports but not systematic monitoring. Outside group must bite. How do you police the police? You need an external system.

Another respondent generalized this to include all security forces:

A critical question we need to deal with is how do the police relate to local structures, to civil society. There needs to be more openness. The kind of secrecy that exists is just not acceptable. This applies to the ANC as well with respect to MK [the armed wing of the ANC]. We actually have to insist that they are the arm of a particular political strategic approach. We must see to it that at every NEC [National Executive Committee of the ANC] meeting there has to be a report from MK about security. If they plead secrecy then a report has to go to at least the President and one other person. They must not be allowed to become a force unto themselves. That element of secrecy must be removed. Secrecy is based on the assumption that the majority of the people are the enemy and that must not be allowed. One can't have the cooperation of the people if they are not given access to secrets.

<sup>c</sup> Secrecy could be eliminated, it was argued, through an effective monitoring system.

A mechanism must be found to place the Police under scrutiny. There must be a system whereby the Police can be required to account to the community for their actions and for the community to indicate to them

*Secrecy must be  
the exception not  
the rule.*

how they should operate. What is required is education for both the Police and the community. For all this there needs to be a "national commitment" and procedures established to implement it.

Just how such a system should be constructed was a matter of considerable uncertainty. In particular, our respondents differed over what role an international presence should play during the interim period. The flavour of this debate is captured by the following comment:

We have to find a way of dealing with police hypocrisy when they say one thing and do another. People are killed by the Police, there is evidence, but nothing is done. No policeman is genuine in South Africa. Maybe what we need is some sort of impartial body. The question is how do we compel the Police to do policing. The problem is that they have an ideology and they are favouring a particular side. The SAP has no respect among the people. You find that you have spoken to a Colonel and then Sergeants give their own orders that counteract what the Colonel agreed to. When you question them they say: "Fuck the Colonel." They don't seem to have a commander. But when it concerns their people they know who to talk to and who to take orders from. Local people talk to commanders and share with them their problems. But when they take it to their commanders within the Police they distort the picture and then get approval for what they were doing. Commanders will not listen to the people. Complaints just get investigated internally and then nothing is done. We don't believe in UNTAG [the United Nations monitoring group used in Namibia during their transition]. They were drinking beers with the police in Namibia. UNTAG members came from Western countries who have been supporting this regime. You need legal people who know the rules. We have worked well with Lawyers for Human Rights, Black Sash, the DP [Democratic Party] monitors. We need a mix of local and international monitors. They need to report both to Kriel [the Minister of Police] and Hani [the commanding officer of MK] and both need to investigate what is going on. We need an adequate complaints mechanism that has a rapid response unit.

*There must be a system whereby the Police can be required to account to the community for their actions and for the community to indicate to them how they should operate.*

Another respondent expressed similar reservations as follows:

The history of the international community acting as monitors does not impress us. We are not impressed with what happened in Namibia. International police monitors do not understand the conditions on the ground. Pretoria is very sophisticated and they will be fooled. They were fooled in Namibia and they will be fooled here. We believe that local groups will be more effective.

A similar point was made by another respondent:

An external force will have agony anyway because all our police speak Afrikaans. On the other hand maybe with international connections one will be able to get outside leverage. It wouldn't be a safe job for international monitors. It will be difficult to get into place and they will easily be closed out.

Another respondent, a sociologist, worried about the possibility of monitoring working to legitimate rather than transform South African policing.

Bringing in an outside authority is a straw at which people are clutching. But it worries me to bring in police experts as monitors. There is no reason to suppose that they will do better here than they do elsewhere. At worst they would simply legitimate what was happen-

*Women are used to dealing with aggression. Women must be represented in any formal monitoring.*

ing here. The trouble is that they will not have knowledge of local conditions. This happened in Namibia where UNTAG had rings run around them by both sides. For such a force to work it would need information. The problem is that they would find it difficult to get this information independently of the channels that are the problem. I worry that what we would be putting in place would be a structural dynamic that would provide outside legitimacy for whatever happened and this would make it even more difficult to challenge the Police.

Notwithstanding these concerns, our respondents all believed that some form of monitoring was required and most proposed a combination of local and international monitors. This consensus was expressed by a cleric who has spent much of his time supporting communities in rural areas:

The ideal would be to meet local needs and take advantage of local resources but within regional and national guidelines. One needs national monitoring groups. It would be worth experimenting with a model that would have international involvement and supervision with local participation.

Several of our respondents stressed that in South Africa women had traditionally played a crucial role in responding to and monitoring police actions. This has been done formally by women's groups such as the Black Sash who have developed a systematic monitoring capacity. It has also been done by women on a more informal basis.

Women have a long history in monitoring. Gangs won't fight women because they are their mothers. Within Civics [local organizations set up in the absence of legitimate municipal authorities] it is the women who are most militant. Women are used to dealing with aggression. Women must be represented in any formal monitoring. The successes in local struggles, for example in finding shelter, often come when women put their foot down, when they say "that is enough". So women are well equipped to defend the community from a rapacious police. How to do it? In every township there are women's groups.

Among the concerns expressed in assessments of UNTAG's experiences in Namibia was their inability to intervene in ongoing police action:

A major problem with the UN monitors, that had led to a lack of legitimacy, was that they could not intervene to correct matters or stop something from happening. It is imperative for monitors to be able to keep track of what local commanders are doing during "unrest" situations and be able to recommend action to them and, if necessary, to their superiors. The idea would be to establish a right of monitors to contact superiors and, if necessary, very senior officers, perhaps via a hot line, to make recommendations with respect to the situation on the ground. The command structure would still have the right to reject these recommendations. If they were rejected, however, it should be possible for them to report this to the public at large and to whatever interim structure was responsible for this aspect of governance.

Another respondent expressed his support for intervention in the following terms:

If people are not able to see the watchdog in action it won't mean anything. In rural areas there has been so much police abuse of power. In these areas Police are more starkly organized to safeguard whites and to use laws to do this. I like the idea of monitors who intervene.

Yet another respondent had this to say:

There must be as much access as possible to the highest levels. One must be able to by-pass the normal chain of command. Otherwise the system will simply sustain itself, partly because of the bad apples and partly because of the whole ethos of the organization that permeates the chain of command. We can't wait to change this so we need to bypass it.

Intervention at a policy level, of course, requires more than the identification of wrongdoing. It requires analysis. One of our respondents who works with a national monitoring organization expressed this as follows:

What is needed is not simply an investigation of incidents but of how things are run. Not just criticism, surface criticism and surface analysis but an analysis that touches the organization. There needs to be a thorough investigation of the lines of command and the organization of the Police.

As several of the above quotations suggest, many of our respondents believed that the day-to-day actions of the Police were directed by an occupational culture that encouraged "dirty tricks." This culture, our respondents argued, was sustained through the tacit support of police management. The reform of this culture required the elimination of secrecy both within the police organization through clear lines of command and externally through external review.

Our respondents were united in the belief that whatever form the monitoring took, the process should be external:

People must be able to go to an independent committee with their complaints about the Police. The Police must be accountable to someone. They can't simply be accountable to their Colonels.

There doesn't seem to be enough disciplinary control of the police from within. The image with the people is not very good. What is needed is a revitalization of the whole police system. There are lots of allegations of a hit squad. What is needed is an investigation of what has happened from the top. We need some impartial inquiry. Anything but an inquiry by the Police or the Army them-selves.

One of the reasons cited for the necessity of an external authority was the importance of ensuring that the review process would operate proactively and not simply wait for complaints. One of our respondents discussed this as follows:

When evidence comes out, no one does anything about these things. They say they can't act in the absence of a specific complaint, but you don't need specific complaints. One needs an institution/mechanism that will act if information comes out. Such a group should jealously want to guard the integrity of the Police. They should pick up evidence that comes out, act on it and make it public. It is important that the public can witness the process and see what is happening.

## **The Police and the community**

An argument developed by many of our respondents was that if the South African Police were to be persuaded to engage in "normal policing" and protect communities, these communities would have to know more about what they should expect of their police. Policing in South Africa had been a repressive affair for so long that communities did not know what police

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should do or how they should be treated by them. Only when communities knew what to expect of their police would they be in a position to forcefully inform the Police of what they required by way of police service and to insist that the Police respect their rights. What was required, it was argued, was the encouragement of a "rights culture." Such a culture would empower people by encouraging them to insist upon their rights as citizens. These rights included the right to protection by the Police as victims and the right to be treated with respect and dignity.

A community educated in this way operates as a constraint on the Police, who can't get away with as much. This is, in part, because people are able to mobilize a defence that mobilizes the courts as a constraint on the police. In addition, there is simply pressure from the community that comes about through the exposure of police action.

Several of our respondents noted that there was already an infrastructure for community education within South Africa in the form of organizations such as advice offices and legal education programmes. Such programmes should be encouraged to engage in community education about the sort of policing appropriate to a democratic country. In thinking aloud about the problem of community expectations, one of our respondents, who works as a field officer for a social welfare agency, had this to say:

Because of the violence it is terribly difficult for us to organize. People are scared to come out in defense of their rights. People in our communities are scared to exercise normal civic rights. Some public statement must be made about Police policy that says when and where they will be prepared to intervene. The whole issue of what is a crime and what is not is unclear and this needs to be made clear. The Police make normal political activity criminal. The Police use the security legislation to make everything criminal. Here there is no such thing as civil society. People don't know what their rights are because everything you do can be criminalized. Even if one has a law to back oneself up with, the Police run circles around us. You have what you think is a legal picket and then you are told about some municipal ordinance which prevents what you are doing. When one is coming to protest they pick people up for parking incorrectly. They find some law to use. Then you end up paying an admission of guilt fine just so that you can get home for the weekend. Take the example of children's rights. They are not respected. Not so long ago the teachers went out to demonstrate to protect kids' rights and then they were arrested. The thing is so enmeshed that you move easily from political to criminal activity. So as people you don't know where to begin.

This analysis, of course, does not simply apply to the South African Police though the situation here is particularly acute. Police all over the world use law in an enabling fashion to justify their action. What respondents were proposing was a limitation of the scope available to the South African Police to function as a partisan tool of the white minority.

In commenting on how the South African Police had sought to escape the restraints of community control, one of our respondents pointed to the use of special squads:

Say you have some normal political activity taking place, like a march or a demonstration. Then they bring in other police, not your local police. So you don't know who they are or who to go to, to control them. They bring in the riot police. Very often you don't know who

*People in our communities are scared to exercise normal civic rights.*

you are dealing with, the local police or a central unit. The local police tend to be better, more neutral because they stay in the community.

Many of our respondents proposed the establishment of a more open system of communication with the Police that would provide for ongoing community-Police liaison. Several respondents referred to attempts communities had made to do this and the difficulties they had encountered. One comment by a community leader was as follows:

Its difficult for us to talk with the Police. As an example, we organized a meeting with the Police. We wanted to see the local commander and talk things over with him. So he brought with him the heads of all his departments and they took over the meeting. They had an agenda. We had to hijack the meeting just to be heard. But they didn't want to listen. We were talking about local issues but they were only concerned with political issues, for example, their claim that the ANC were brainwashing the youth. We soon became very despondent about what we could achieve. As soon as we want to do something they hijack us. As soon as we go to the authorities with an issue there are 15 police vans waiting and then we get arrested. These are normal civic issues. The Police in our community are police and judge and jury. Something neutral needs to be built in. For example, if we are assaulted by a local MP and we want to lay a charge we can't. The Police simply will not accept the charge. When we came as a group to lay a charge the riot squad from [a nearby city] was called in.

Another respondent had this to say:

Within the community at present there is absolutely no faith in the Police. The Police must change their image and not be seen to be acting for a particular party but to be concerned about the welfare of the entire community. We want people to be warned before action is taken, we want warrants produced before houses are searched.

An idea put forward to improve the relationship between the police and the community, which has a particular South African resonance where "workshops" have been used and developed as a form of democratic decision-making in the absence of legitimate political structures, was that police-community "workshops" should be established to permit the Police to learn more about what their communities require of them.

Women's issues need to be taken up. When women go to the Police about assaults they are told that these are domestic matters. Women's groups through NICRO [an organization concerned, among other things with crime prevention] are trying to educate and workshop the Police. But the Police ignore this.

...  
[We] need to draw up guidelines on how the Police should operate and have workshops for the Police and the community in which these guidelines are presented so that both parties understand their roles.

In exploring this idea of community liaison and community control of local police functions, one of our respondents had this to say:

At the national level there has to be political control and at the local level there has to be community control. We need to deal with the question of how civil society relates to the state, that is, civil society seen as church groups, women's groups, etc. Civil society is a watchdog but it also has a positive role. It is important that the local community control what happens. For example, say that there is a

*Within the community at present there is absolutely no faith in the Police.*

million rand available for development in Unit 2 at Khayalitsha, then we need to involve people in its expenditure; there need to be forums where people get together and decide how they will spend their budget. The state can make proposals as to how it should be spent, but at the end of the day the community must decide. The state can indicate what it wants but the people must decide. This is the lesson of Eastern Europe. It is only through forums in which people can argue about priorities that one will be able to get decisions that are accepted as legitimate by the people. We must have such forums for the Police. We must have forums that will control the Police. The Police should be able to come to such forums and make a case. The Police should present their plans in an informal way and the community must be able to come to a decision. There must be some way of giving the local community power. This is a two way street. The community must feed into the Police plans but there must also be a way in which the Police can feed into the community, because they do have a point of view.

All our respondents agreed that the relationship between the Police and the community needs to be transformed. While they acknowledged that this was ultimately a project for the longer term, they also felt that this relationship was so bad at the moment that it simply had to be addressed immediately. The Police and the black community have to learn to trust each other and work together to preserve peace. Our respondents believed that this requires a change of attitude and response on the part of both the Police and the community.

The people, it was argued, had to give the Police a chance, to give them the benefit of the doubt by moving from a stance of resistance to one of cooperation and support. This would require a reciprocal change on the part of the Police. Further, the Police would have to take the initiative and demonstrate that they were in fact friends and not enemies. Many of our respondents acknowledged that progress had already been made on this front. The local police, in particular, had already begun to change from a political police to a community police.

There has been a significant change in the Police since the move to depoliticize them. They are now more tolerant. They are more open and we can make demands in a way we couldn't before. There is a shift.

Some respondents, however, worried about the meaning and depth of these changes:

Since de Klerk's speech senior police seem to be professional, amiable and reasonable. The question is – is this genuine or does it mask a different, older reality?

Our respondents maintained that one of the most, if not *the* most, important transformation required was for the Police to accept the rule of law and the due process requirements associated with democratic policing. Without respect for the people there could be no community trust, and without trust the Police and the community could not work together co-operatively.

For cooperation to be established, our respondents argued, the Police have to learn to listen to the community and to respond positively to what they heard.

We need to sit together and develop strategies to overcome our problems.

This requirement was endorsed by comments made by both a contingent of Dutch police officers and a Canadian police chief who was visiting South

*At the national level there has to be political control and at the local level there has to be community control.*

Africa at the time of the study. One of the members of the Dutch contingent expressed it this way:

One of the things we need to do as police is to spend more time listening to victims, especially women. We need to take victims and people generally seriously.

The Canadian police chief went further to argue that listening to the community was essential for change.

The reason that police have changed in Canada is that there was a demand for change, a public will that insisted that the police change. We had reactive policing but the public said to us that they were not satisfied with this. The public lost confidence in the police. The will of the public has been expressed through new legislation which mandates more adequate policing in response to community concerns.

For the Police to be more responsive to the community, our respondents argued, regional and local commanders had to be given more autonomy to develop programmes in response to community needs. They argued that a major obstacle in the path of more adequate community participation was the presence of special squads, in particular riot squads:

What is required in South Africa is a flatter Police organization so that local officers have more say in what happens. This will help to lessen the control of the most conservative police officers in the SAP who are at the general rank. In addition, one should move away from the use of specialists and specialist squads. Police officers should be generalists.

Greater local autonomy, it was stressed, should take place within a context of central direction and the maintenance of standards of police competence.

On the issue of policy generally, policy needs to be coordinated at a national level via a national policy. This should establish guidelines for training. At the same time, one requires local participation and initiative and the flexibility to allow local differences in policing policy. Police have been used as national policy enforcers and they need to become more responsive to communities. One needs to establish a body mandated by the community to monitor and direct policing.

As this respondent indicates, if the Police are to be responsive to the community, the community must be able to monitor and advise the Police in a formal, structured fashion. One of our respondents acknowledged that establishing an ongoing process of police-community liaison was going to be very difficult in the absence of trust.

The problem in controlling the Police by using some form of police-community liaison is that it will be very difficult for the community to come to trust the Police. There is so much suspicion. To get the people to trust the Police is going to be a long and heavy task. The security police are the least trusted and there is no way that this is going to go overnight.

Police-community liaison and cooperation, it was argued, will mean more than simply the Police doing policing in ways that are supported by the community. The community will have to become actively involved in supporting the Police. This will require a programme of community education to foster trust because the community will be reluctant to actively support the Police.

*One of the things we need to do as police is to spend more time listening to victims, especially women.*



What we need to do is to get people to participate in policing. The problem is that people won't do it. They won't support their civil duty. People must be encouraged to do their civil duty.

In reflecting on how this might be done a respondent had this to say:

Neighbourhood Watch here means "how to trap a terrorist." But beneath all this there is a useful concept. One can see it functioning in townships more positively. In Mannenberg the people formed themselves into groups that responded to concerns that the Police were slow to act in response to. This happened in the late 70's. It was more of a crime prevention function. They had a network system and a hooter would go off and then the men would come out. It was then abused by guys who got drunk and the Police eventually closed it down. ...In South Africa the society is increasingly ours so that we have to realize that working with the Police is no longer collaboration but is rather coordination. It is so important to constantly empower people. We don't want to take the responsibility necessary to look after ourselves. We must find a way of not abdicating this responsibility to a professional outside force.

*We must find a way of not abdicating this responsibility to a professional outside force.*

## Conclusion

This report presents the results of a process of community consultation within the Cape Town area in which the knowledge of people who have been active in the struggle against apartheid and who have experienced South African policing directly forms the basis for proposals for police reform.

The people we talked to view the South African Police as a central pillar of apartheid that uses its force to privilege a white minority at the expense of the majority of South Africans. The heart of this oppressive structure, they argued, is a culture that instills in police officers attitudes and practices appropriate to their oppressive function. This culture is a fundamental impediment to the emergence of a new democratic, non-sexist and non-racist South Africa.

Although this culture is deeply embedded and long-standing, our respondents believe that it could be replaced by a new police ethos appropriate to a new South Africa and that this change could take place quickly. The key, they argue, is a combination of organizational change and external review that would work together to limit the expression of the old attitudes and practices and actively foster new ways of seeing and acting.

Organizational change will require the creation of a managerial climate within the Police that refuses to tolerate sexism, racism and brutality; and will also require changes in training, the fostering of progressive sensibilities within the Police and closer links between the Police and the community. Externally, what is required is a system of accountability that will hold both the Police and a legitimate government accountable for Police action through the application of standards of policing appropriate to a new South Africa.