

F M S P

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Beyond 'Good Cop' / 'Bad Cop': Understanding Informality and Police Corruption in South Africa

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Policing Research at the Forced Migration Studies Programme

South African policing stands at a critical juncture. The police have negotiated more than a decade of democratic change. Still, there is growing uncertainty about whether the South African Police Service (SAPS) remains capable of meeting the challenges of building an open democratic society. On the one hand, the police are responsible for addressing a crime problem that is now of a scale and character with few international parallels. On the other, we find that public confidence in the police is low. High-profile stories, such as the charges laid against former Police Commissioner, Jackie Selebi, have dominated the headlines. However, negative public perceptions of everyday encounters and relationships with local police officers are equally concerning.

For several years now, the Forced Migration Studies Programme (FMSP) has been working with the police and communities in South Africa. Our work has primarily been motivated by a need to address the challenges that international migrants present for domestic policing and crime-fighting initiatives. As part of these efforts, we have identified a range of problems between the police and migrants, including:

- Non-nationals' failure to report crimes;
- The relationship between cross-border mobility and criminal activity;¹
- The protection of migrants' rights when they are arrested for immigration offences;² and
- The impact of immigration enforcement responsibilities on police work.

Over the last year, the last issue on this list has emerged as a more central feature of our research. This has largely been a result of increasingly reliable evidence that migration policing – already recognised for its negative impacts on the Department of Home Affairs (DHA)³ – might also be affecting SAPS' capacity to fight crime.

Unfortunately, much of the work on these issues has ignored SAPS' views. Given this, we initiated a project to study the police experience from the 'inside'. The project involved work in five stations across Gauteng. At each of these stations we have worked with a large number of police officers to understand the nature of their work and the principles which guide their everyday practice of policing.

This research has produced a vast amount of primary data and – we believe – a range of new and more constructive insights into the changing face of policing in South Africa. In addition to providing us with policy-relevant guidance on immigration policing, the study looks more generally at the nature of 'informal policing'. These insights will be presented over the coming months in a series of reports.

1: T. Araia. 2009. 'Human Smuggling Across the South Africa/ Zimbabwe Border', Forced Migration Studies Programme: MRMP Occasional Report, Johannesburg, available at <http://www.migration.org.za/>, retrieved on 15 September 2009.

2: Consortium for Refugees and Migrants in South Africa. 2009. 'Protecting Refugees, Asylum Seekers and Immigrants in South Africa', available at <http://www.cormsa.org.za/research/cormsa-reports/>, retrieved on 15 September 2009.

3: D. Vigneswaran. 2007. 'Undocumented Migration: Risks and Myths [1998-2005]', Chapter 3 in L. Landau and A.

Wa Kabwe-Segatti (eds.) Migration in Post-Apartheid South Africa: Challenges and Questions to Policy-Makers, Agence Française de Développement, D. Vigneswaran [with the assistance of Tesfalem Araia, Colin Hoag and Xolani Tshabalala]. 2010. 'Criminality or Monopoly? Informal Immigration Enforcement in South Africa', Journal of Southern African Studies, 36, (in press).

Report One: One Burden Too Many? A Cost-Benefit Analysis of Immigration Policing in Gauteng

In the first report, we looked specifically at how SAPS' responsibility to enforce the Immigration Act (n. 13 of 2002) impacts upon its capacity to fight crime. The prerogative of ordinary police officers to investigate suspected immigration offences leads to large numbers of deportations from South Africa, deterring unwanted migration, upholding South African laws, and helping to combat certain categories of illegal immigration activity. At the same time, this activity:

- Draws large amounts of human and financial resources away from visible policing strategies;
- Creates an irresolvable tension between SAPS' responsibility to police communities and its responsibility to protect South African borders; and
- Impacts negatively on police integrity.

The report uses these findings to arrive at a set of specific policy recommendations for SAPS in Gauteng, which have broader relevance for SAPS nationwide:

- Clarify the responsibility of the police under the Immigration Act in order to limit the discretion of individual officers;
- Incorporate immigration policing into provincial and national budgetary estimates and planning processes; and
- Change immigration policing strategy from localised, ad hoc policing of immigration laws to the development of targeted policing initiatives to combat transnational crime.

Report Two: Beyond 'Good Cop' / 'Bad Cop': Understanding Informality and Police Corruption.

Whereas the first report offers concrete suggestions for improving immigration enforcement practices, the second report, which follows below, examines a different set of issues in a more exploratory manner. Specifically, this report aims to understand 'informal police behaviour' within the SAPS. Informal practices are often equated with corruption and deliberate abuse of process, and understood as subversive and abnormal. We show that this is not necessarily the case. Informal behaviour often blurs the personal and professional lives of police officers without taking the form of actual corruption or deliberate abuse. Far from being exceptional, it is a central and, in some cases, essential aspect of police officers' daily work. A view of the wide range of informal policing practices, from the relatively harmless to the outright illegal, reveals that the image of the corrupt or abusive officer as a 'bad cop' is of little use in addressing the challenges of creating a disciplined and effective police force. Not all police officers are 'good cops' either. Hence, many of the 'top-down' disciplinary approaches which have been used in response to corruption may have been inappropriately conceived. Given the complexities of the issues that are opened up in this report, we have not presented this material as a final word, but as a series of provocations to create debate on the influence of everyday informal police culture on police practice.

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Beyond 'Good cop' / 'Bad Cop': Understanding Informality and Police Corruption

Introduction

By Darshan Vigneswaran and Julia Hornberger

One of the biggest obstacles to effective police reform in South Africa is our poor understanding of the police. The policies and programmes we currently use to improve performance within the SAPS have often been developed with a highly stylised caricature of police behaviour in mind. Take, for example, the issue of 'petty' corruption.⁴ According to many, petty corruption consists of a series of once-off acts by poorly paid and disenfranchised officers who exercise their discretion to refrain from arresting or fining a civilian in exchange for money or goods.

It is not surprising that many people understand corruption in this way. Building on a series of anecdotal accounts of civilian encounters with police officers – in personal experiences, news stories, gossip, and rumour – the caricature reinforces a pervasive stereotype of the 'African' policeman: as a corrupt official waiting at a roadblock to trap unwary civilians for personal benefit.⁵ Blatantly corrupt casual exchanges do occur. But the resulting stereotypes are still deceptive, in the following ways:

- a) They are heavily biased towards an outsiders' perspective of everyday police behaviour;
- b) They tend to represent corruption in its most sensational and aberrant form; and
- c) They fail to understand the broader social and organisational context within which such exchanges take place. By focusing on the personal and moral predilections of the individual officer, they depict civilians as passive actors without personal agendas of their own.

Similar criticisms can be extended to a range of other negative stereotypes about ordinary police officials: that they are 'lazy', 'uneducated', or 'scared' to deal with criminals. These labels stem from a combination of South Africa's historically negative perceptions of the old South African Police (SAP) and more recent frustrations with increasing levels of crime and insecurity. It is understandable that South Africans hold these views, especially considering that police officers have sometimes failed to adequately manage and/or challenge negative perceptions of their performance. However, these stereotypical images also have enduring and unfortunate outcomes. They present complex and deeply rooted dilemmas surrounding efficiency, training, and morale in simplistic and pejorative ways. They also encourage an antagonistic and equally problematic response from the police. Police officials, and those who might wish to defend their efforts, often resort to equally simplistic stereotypes, depicting all SAPS officials as unerringly honest, hard-working, professional and brave. The result tends to be an unhelpful stalemate between two equally unlikely images of police behaviour: a 'good cop' vs. 'bad cop' debate.

If we have any hope conceptualising appropriate policies and programmes for the SAPS, we need to develop a richer and more nuanced understanding of police culture and practice. This understanding would have to be informed by some frank admissions about the nature and extent of informal and illegal police behaviour.⁶ While a small group of researchers have sought to develop precisely this type of understanding of police behaviour, their work has not yet radically transformed policy and practice. This is partly due to the fact that simplistic, 'good cop' / 'bad cop' answers to questions of why and whether police officers engage in morally and ethically dubious behaviour continue to suggest that we ignore the unavoidable informality and ethical ambiguity of real police work.

⁴: As opposed to 'organised corruption'.

⁵: M. Nuijten & A. Gerhard 'Corruption and the secret of the law' (Aldershot: Ashgate, 2007).

⁶: See for example: A. Altbeker, 'The Dirty Work of Democracy: A Year on the Streets with the SAPS', (Jonathan Ball: Johannesburg, 2005), G. Newham, 'Management for the Promotion of Police Integrity at the Station Level', Faculty of Management, University of the Witwatersrand, (2001), J. Steinberg, 'Thin Blue: The Unwritten Rules of Policing in South Africa' (Jonathan Ball: Johannesburg, 2008)

Let us begin with the view of ordinary police officers as 'bad cops'. This view locates the problem of corruption within the individual police officer. It encourages the continued use of conventional policies, procedures and mechanisms to address, correct or eliminate dubious behaviours. These conventional approaches focus on the task of rooting out 'bad apples' within the service, so that 'good' police officers engaged in 'normal' policing can continue with their work. Much of the literature that responds to problems of corruption or poor performance with calls for more effective oversight and reporting mechanisms or the more effective use of internal intelligence and disciplinary procedures flows naturally from this line of thinking. If, instead, we accept that corruption and/or misbehaviour stems less from the motivations or morality of 'bad' or 'abnormal' individuals and more from the organisational frameworks, cultures and dynamics that together define the nature of policing in South Africa, we are forced to consider that our existing policies are not fit for purpose.

In contrast, the caricature of ordinary officials as 'good cops' can blind us to the ethical risks of certain aspects of policing. A good example here is the range of initiatives used to encourage a 'community policing' approach in South Africa. When one begins with the assumption that corruption or informal behaviour on the part of officials is unlikely or highly aberrant, then the act of opening up the police to greater community involvement appears largely unproblematic. However, if we recognise that some quasi-legal, informal and illegal practices by police officers are being supported, encouraged, and exploited – if not initiated – by civilians, community policing can appear as a more contested and potentially concerning phenomenon.⁷ If your ordinary police officer is not defined as a 'good cop', then encounters and entanglements with the public will always present a range of challenges to their integrity and professionalism

Part of the difficulty in developing an improved understanding of why police officials often act outside of the bounds of their formal and legal mandate is that we tend to adopt a very narrow and legalistic understanding of 'corruption' or, in this case, 'petty corruption' as the starting point for our research on informal police behaviour. 'Corruption' is often defined as 'the abuse of entrusted power for private gain' while 'petty corruption,' involves 'everyday' abuses of this kind by 'low- and mid-level public officials in their interactions with ordinary citizens'.⁸ When this sort of definition is employed in analyses of ordinary police behaviour, it generally involves restricting the inquiry to small range of activities, including:

- 'solicitation' (the act of a person asking, ordering or enticing someone else to commit bribery or another crime);
- 'facilitation payments' (a small bribe, also called a 'facilitating', 'speed' or 'grease' payment; made to secure or expedite the performance of a routine or necessary action to which the payer has legal or other entitlement);
- 'bribery' (the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, fees, rewards or other advantages); and
- 'extortion' (the act of utilising, either directly or indirectly, one's access to a position of power or knowledge to demand unmerited cooperation or compensation as a result of coercive threats).⁹

While this range of 'petty' abuses of power for private gain is undoubtedly a central facet of contemporary police corruption in South Africa, we argue that these behaviours cannot be meaningfully understood unless they are seen in the context of a wider range of behaviours that fall outside the provisions of policy and legislation. Only a certain – and often quite small – range of police officers' activities while on duty are specifically contemplated and circumscribed by statutes and legal procedures. Like any person at work, police officers chat with one another and with members of the community, transport themselves from place to place, stop for snacks during

7: J-P. Misago (with L. Landau and T. Monson), *Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa*, (International Organization for Migration, 2009), available at <http://www.migration.org.za>, retrieved 15 September 2009.

8: Transparency International, *The Anti-Corruption Plain Language Guide*, (Transparency International, 2009).

9: Transparency International, *The Anti-Corruption Plain Language Guide*, (Transparency International, 2009).

lulls in their day, and manage aspects of their personal lives during shifts. The majority of these sorts of activities are essential features of police work, but you will find no reference to them in legislative documents, case files and police manuals. They are not necessarily unethical or illegal, but neither are they part of conventional and legal understandings of 'normal' or procedurally correct police behaviour.

In order to explain this concept, let us take an example from our study. In Concept Note 1 we try to unpack what is perhaps South Africa's most clichéd caricature of corruption: the officer's request for a 'cool drink'. We explore interpret an act that we would ordinarily classify as corruption (i.e. members of the public giving SAPS officers money to buy food in exchange for small favours) as one sub-component of a continuum of food acquisition and provision practices. These include an array of informal behaviours that do not fit the classical definition of petty corruption. The 'non-corrupt' practices include:

- 'Non-prescribed' behaviour: officers choosing where to shop for their meals and drinks during their shifts;
- 'Charitable' behaviour: officers handing out presents to wary children; and
- 'Gifts': storeowners casually handing over food or drinks to officers without expectation of favours or friendship.

We do not mean to suggest that 'corrupt' gifts of food or drinks are unproblematic. There should be firm boundaries between permissible and prohibited forms of gift-giving or exchange. Rather, the point we make is that analyses which focus only on exchanges with community members that are patently illegal (in this case, exchanges of food in a context of solicitation or as facilitation payments in kind), will not understand a variety of interactions with the community which occur in officers' daily search for sustenance. It is important to pay attention to forms of exchange that blur the boundaries of public and private interaction and may occasionally 'spill over' into what we have defined above as 'petty corruption'.

Methods

Police officers commonly present what they consider to be an acceptable face to researchers. This 'self-censorship' can be a challenge to obtaining a reliable view of police officers' occupational, informal and personal perceptions. Given the stigma attached to corruption, formal interviews and surveys often fail to get beneath surface-level indicators. For example, when asked the reasons behind illegal police activity, police officers commonly offer the catch-all explanation that they 'are not paid enough.' In order to get beyond some of these familiar tropes, we selected participant observation as a research method. Participant observation involves accompanying and observing peaking, the method involved researchers 'tailing' a handful of police officers on a daily basis over an extensive period of time in order to build up a relationship of relative trust. Each of our researchers has spent a period of six months regularly visiting one particular police station and accompanying a limited number of police officers in their everyday tasks. Besides driving around with police during day and night shifts, they have attended to particular cases and shared the idler and more mundane moments, spending time with officers at the police station in their offices, in the Client Service Centre, in the backrooms near the cells, and so on. Importantly, this allowed the researchers to directly witness the interactions of police officers with a variety of people, and to witness situations in which police officers' actions were clearly informed by past experience and expectations. The extensive time spent with police officers also gave rise to numerous informal conversations about officers' backgrounds, their family situations, and opinions on current affairs, among other things. These less direct interviews were a way of establishing the particular identity of individual officers, the kind of social networks in which they moved, and the types of advantages and pressures these networks provided and exerted on their professional lives. Observations were recorded through occasional note taking during the course of a day and extensive research-diary writing at the end of each day. In their research diaries, our researchers describe each day in great detail: recording not just what was said but also how it was said, as well as non-verbal interactions and important details of the settings. Daily diarising included preliminary reflections and interpretations of each day's events, enabling researchers to constantly adapt the research focus in the light of insights gained.

In total, this project involved five embedded researchers working across five separate stations across Gauteng. We did not take a strictly comparative approach, but aimed to get a global picture of everyday policing by exploring the variety of manifestations of informality evident at different stations. We began by selecting a diverse range of researchers to conduct the research, from different national, racial, ethnic, and linguistic and gender backgrounds. Police officers are inclined to reveal particular elements of their work to particular types of people, so this diversity served to limit the risk of constructing an overly biased, personalised account of policing. We then chose stations that included combinations of dense inner urban, township, wealthy suburban and semi-rural settings. Our researchers also worked with a range of station ranks, from reservists to captains. Finally, we were able to accompany officials with a diverse array of responsibilities, including desk work in the Client Service Centre, detective work with informants, operational policing, and community liaison work with sector managers. While each of our researchers has worked individually in these settings, they have consistently consulted with one another as a group, sharing and commenting on field notes and testing and drawing out implications of the findings. This has allowed us to develop insights on policing in Gauteng that are less idiosyncratic than a participant observation approach may ordinarily produce, increasing our confidence in the validity of the claims put forward in this report. Given the sensitivity of many of the findings and the risk of reprisals for both researchers and officials, we have anonymised the names individual officers and stations in this report, using pseudonyms for the former and code letters for the latter. Stations Township A and Township B are both located exclusively in township precincts. Station Township/Rural C is a police station covering township, outer-suburban and semi-rural areas. Station Inner-City D is located in an inner-city commercial zone. Station Inner-City/Suburban E is located in an inner-city high-density commercial and residential zone, but incorporates an area of wealthy suburban low-density housing.

Table 1: Description of Station Precincts

Station Pseudonym	Areas within Station
Township A	Township
Township B	Township
Township/Rural C	Township, semi-rural, outer-suburban
Inner-city D	High density commercial
Inner-city/Suburban E	High density commercial, high-density residential, low density suburban

Findings

Using the participant observation approach, we have been able to build a range of novel insights into the inner workings of police culture, practice and organisation. In this report, we use these insights to reframe and rethink a number of key issues on the police transformation agenda, particularly as regards the performance, probity and professionalism of ordinary officials. The practices we examine do not necessarily qualify as classically 'corrupt,' but by conventional definitions, many of them involve marked deviations from procedurally correct policing. Our aim is not to condemn these activities but merely to shed light on them in a way that, we hope, will illuminate the context in which more classical forms of corruption may become established. The context in question, sketched in the sections below, incorporates qualitative aspects such as police officers' personal relationships within their world of work, their financial and administrative constraints, their understanding of success in police work, and the degree to which they are able to find meaning, excitement or reward in the job.

'Setting them Up to Fail': The Institutional Context of Informal Behaviour

In post-Apartheid South Africa, we have hoped that SAPS would be able to develop, in partnership with independent judicial and monitoring agencies, the necessary devices to monitor the behaviour of its officials and, where necessary, impose sanctions. The working assumption has been that SAPS' traditional strict hierarchy, code of conduct and internal discipline would help the organisation to introduce the new procedures and standards that accompany democratic transition, while rooting out those individuals considered 'bad apples' within the newly reconstituted service. In some respects, as evidenced by various cases taken up by the Independent Complaints Directorate (ICD) and internal disciplinary agencies, this has worked. However, in other respects it has proven notably insufficient.

Local police officers have been tasked with new challenges around domestic violence, international drug smuggling cartels, and illegal immigration. Yet, they have been asked to deal with these problems using largely locally and intuitively developed knowledge and reactive crime-fighting methods. This has created an environment in which station managers and individual officers often lack the skills or expertise to effectively fulfil their obligations. It has also opened up a range of interactions which demand the invention of operating procedures 'on the fly' or the reliance on customary forms of knowledge and techniques.

In this report, we explore how this context generates forms of policing that may prove resistant to conventional monitoring and disciplinary procedures. In particular, we examine how the most junior ranks of SAPS officialdom are socialised into policing behaviour. On some occasions, they have come to regard improper or illegal behaviour as 'part of the job'. First, in our previous report 'One Burden Too Many?', and in Concept Note Three, we explore the problematic results of SAPS' responsibility to enforce immigration laws. We specifically examine how this tedious form of non-criminal law enforcement has been passed down to the lowest rank of SAPS official: the reservist volunteer. Reservists work without remuneration, deploying a set of administrative laws that are backed by the significant penalty of deportation, and in relation to a community of law-breakers that lacks access to, or even awareness of, their rights and responsibilities. In these respects, reservists have been 'set up to fail' – placed in a context in which every circumstance lends itself to the promotion of illicit activity – and we document the range of classically corrupt exchanges with suspected illegal foreigners that reservists use to maintain a livelihood. Middle-level managers in charge of supervising the reservists find themselves having to 'stem the tide' of illegal immigration from an uncomfortable position: on the one hand, they are aware that regularised 'corruption' takes place; on the other, they lack the tools to prevent and/or detect each and every corrupt exchange. To make things worse, there is no policy and strategic guidance determining the place of immigration enforcement in their broader crime-fighting responsibilities. In other words, classically defined petty corruption in the immigration enforcement system – a criticism often raised by migrant rights advocates – is not necessarily

about the predatory nature of individual police officers, or 'bad cops.' Rather, it is an unsurprising consequence of asking unremunerated members of the force to enforce an unenforceable law.

Moving beyond issues of corruption, and to a separate context in Concept Note Eight, we examine another informal process that is worthy of attention: the way in which student constables are socialised into a culture where both legal and illegal forms of violence are represented as intrinsic facets of their working lives. Recent discussions of amendments to s. 49 of the Criminal Procedure Act have tended to accept the idea that the excessive use of force is most commonly a result of brutal or unruly individual officers over-stepping the bounds in 'dangerous' arrest situations. However, in our work, we found that the more prominent dynamic involved senior officers mentoring and encouraging junior officers to mete out punishment on the street or use illegal violence to obtain confessions and information. In particular, we show how specific techniques – in some cases resembling torture, with the use of pepper-spray and plastic-bag suffocation – are handed down as a foolproof 'tool-kit' for extracting confessions. Reflecting on public responses to Police Commissioner Cele's oft-quoted 'shoot-to-kill' remarks, this section shows how the command to use excessive force actually works itself down the chain of command within the SAPS. This ethos is reiterated and reinforced by community expectations, which only recognise police authority in so far as it is displayed in violent and often excessively violent ways.

The Police We Want: Performance of 'Good Cop' and 'Bad Cop' Roles

The South African public has accused its police officers of many things, often without taking into account its own role in the dynamics which produce 'unwanted' behaviour. Over the last decade, the expectations of South African voters have expanded from an exclusive focus on political transformation to a more complex set of demands around a series of socio-political crises. Issues of HIV/AIDS, rising inequality and economic recession are some of the key areas where the government needs to show that it is not simply acting in accordance with the constitution, but also achieving real results on the ground. Crime is another issue of this sort. As national leaders become more inclined to offer frank recognitions of the scale of the problem, it is not surprising that members of the public tend to latch on to the few available indicators of success and demand improvement on these terms. On the one hand, there is a general feeling that the police need to prove that they are 'good' by illustrating statistical declines in crime rates and increases in arrest rates. On the other hand, individual victims of crime want to feel that the police are prepared to be 'bad' on their behalf, by delivering rough-and-ready justice to perpetrators of crimes. While it is important that SAPS officials are consistently pressured to remain responsive to the public, these two desires have had some unfortunate results, often leading to scenarios where, instead of making genuine and lasting efforts to improve efficiency, capacity and integrity, SAPS officials develop 'smokescreens' and dubious compensatory practices to keep politicians and voters happy, and/or to convince themselves of the meaningfulness of their identity as 'police'. This illustrates how practices, such as police brutality, may originate not from the inherent 'bad apple' qualities of an individual officer, but from a complex context of expectations and challenges that give rise to imperfect strategies.¹¹

The first of our examples of this phenomenon is the use of violence as an investigative and interrogative tool. During the initial years of democracy in South Africa, there may have been a temporary hiatus in the liberal use of violence as means of eliciting confessions, punishing suspects, or expressing police authority.¹² But, with public concerns quickly shifting from an interest in reforming state violence to a widespread call for crime control, those inhibitions have been quickly erased by an 'ends-justify-the-means' mentality. This has also allowed for recourse to the 'old ways of doing things,' with short-cut methods regaining ground over the more difficult, tedious and laborious techniques of non-violent investigation, crime control and crime prevention. In Concept Note Eight we show how this dynamic encourages the use of violence to

11: This argument reiterates similar themes to those introduced by J. Steinberg, 'Thin Blue: The unwritten rules of policing in South Africa', (Jonathan Ball: Cape Town, 2008).

12: J. Hornberger 'Don't push this Constitution down my throat. An Ethnography of Police Transformation in Johannesburg South' Africa (Ph.D. Thesis: Utrecht, 2007).

recover stolen goods and firearms, and to force confessions in this regard. Firearms have become a highly symbolic object which the police use to perform the process of investigation for the public and themselves. Firearms hold out a promise of certainty: through a ballistic test, a gun may produce conclusive proof connecting a suspect to an unsolved murder case. We show how, because of this, a firearm case is used to compensate for a series of other unresolved cases: a proxy for a more effective or permanent solution to crime. These findings point to the potential problems of the increasingly popular notion that violence is the only way to respond to violent crime.

A different example of this 'smokescreen' dynamic is described in Concept Note Six. Here we discuss how, in a context of resource-poor policing, responding officers may conjure up an illusion of effective policing. This serves as a comfort both to victims of crime and to the police themselves, through empty assurances about the gathering of evidence. In this particular example a police officer holds out the ill-founded promise that an expert will arrive to dust for fingerprints at a victim's home. It is clear that for the officer in question, the narrative constructed about the possibility of expert involvement in the case reflects not a concern for evidence gathering but a desire to reassure both the officer and the victim with the notion that 'something might be done' to solve the crime. Though not very convincing, the officer's performance of faith in the police as classic crime solver – the investigative force of romanticised American police shows – serves to avoid an uncomfortable situation in which both police officer and victim must acknowledge the fact that the police can do nothing to solve the crime. The officer is able to leave, at least momentarily, with his identity as law enforcer intact, and the victim is left with some degree of comfort that the 'state' is attending to his plight.

As the example above illustrates, 'smokescreens' are not necessarily constructed deliberately by cynical police in order to dupe members of the public. The performance of a law-enforcer identity is a means of coping with and investing positive meanings in an officer's duties. Here, displays of courage, aggression or simple faith in a struggling policing system may act as substitutes for actual power and success. Also in Concept Note Six, we describe the story of a police officer who adopts an attitude of aggression and reckless fervour in pursuing a suspect. In performing this exaggerated persona, he conjures up the image of a responsive police service, ready for action in the face of serious crime. However, after the undertaking in question fails, very publicly, the police turn their aggression and frustration upon a harmless group of youths, who seem to become substitutes for the criminals that got away. The case reveals how the pressure to fulfil the public demand for police responsiveness and success, together with the demoralising effect of failure, may play out in unexpected and unsavoury ways.

The policing of minor offences, such as drinking in public, can easily be seen as a component of 'bad cop' agendas, providing ample opportunities for solicitation or extortion of bribes. However, Concept Note Five shows how the policing of these seemingly minor offences also has a performance aspect, allowing for the manipulation of so called 'success' statistics. The case reveals how sex workers, foreign nationals, and people who drink in public are often arrested to increase the numbers on police officers' performance sheets, only to pay a fine and be released almost immediately. Similar policing may occur at road blocks, and round-up and cordon-off operations. The high arrest numbers achieved appear to justify the effort and public disturbance that these strategies require, but the arrest successes rarely include any serious criminals, and therefore impact only marginally on serious crime. We argue that this boils down to a deeply held desire by police to be seen as 'good cops' – both in their own eyes and in those of their seniors and the general public. Yet, in pursuing this agenda their policing rarely has an impact beyond the next performance review. At the limits of meaningful or successful policing, officers may resort to forms of surrogate policing, including posturing, pretence, the use of violence, and the substitution of foreigners or harmless youths for 'real' criminals.

The Double-Edged Sword: Community Policing as Democracy and Disparagement

There is a mutually supportive relationship between the public demand for the SAPS to 'get tough on crime' and the unlawful behaviour of the police, which speaks of an ambivalent relationship between police behaviour and public morality. This leads us directly to the third theme of this report: the problematic relationships between SAPS and the communities in which it operates. For some time now, democratisation has been regarded as a core objective of the police transformation agenda. Community Policing Forums (CPFs) have been seen as the essential tool for promoting democratisation by providing local community members with a direct means of liaising with their local police and monitoring the services that SAPS provides.

The CPF phenomenon has rarely been analysed in relation to the less formal means by which the behaviour of SAPS officials is increasingly being sanctioned and influenced by local communities. Our reports draw attention to some of the risks of encouraging the police force to adopt a more responsive stance to their communities. In part, this recognition stems from the simple fact that South African communities are complex entities. They represent the entire spectrum of South African life and therefore influence the police in different ways. More specifically, when police officers become integrated into their communities, this not only empowers them to collect intelligence, encourage compliance, and improve their own responsiveness, but may also engender behaviour that does not fit our image of a functioning democratic police force.

For example, in Concept Note Seven we examine the often strained conversation between police officers and members of township communities. In the new South Africa, police officers are no longer shielded from critical – often acerbic – public attitudes. They regularly confront popular discontent in their daily work, sometimes in the humiliating form of popular support for a criminal who is resisting arrest. On other occasions they simply encounter a public deploying the demeaning stereotypes of police behaviour that we have already discussed. These stereotypes are not baseless or without historical origin, but they do not encourage police reform. Instead, they often encourage the police to develop a set of similarly negative stereotypes and opinions about 'the community': as ungrateful, uncooperative and even 'criminal'. More problematically, they encourage officials to develop a whole range of rationales for avoiding the difficult task of making genuine changes in their behavioural patterns or policing style. In short, confrontations between police and community members can make police officials defensive and prevent the development of the sort of open and constructive relationships that are the ultimate objectives of the CPF policy.

Even when SAPS officers develop more mutually supportive relationships with communities, this can have untoward impacts on police behaviour. For example, in Concept Note Two we explore the various ways in which SAPS members literally 'feed off' a particular township community, fulfilling their basic need for sustenance while on patrol. In teasing out some different ways in which officers from different racial groupings engage in this essential ritual, we show how the simple act of acquiring food serves as a way of expressing different relationships – from the authoritarian to the beholden – to inhabitants of the township. It also functions as a rationale for the exchange of petty gifts between officials and civilians. Some of these exchanges are entirely harmless, expressing the community's growing support for its protectors. Others may raise an eyebrow or two. As noted above, the discussion of these exchanges allows us to add meaning and context to one of the archetypal – almost clichéd – labels for a corrupt exchange in Southern Africa: the officer's request for a 'cool drink'. From an outsider's perspective the 'cool drink' concept is simply a cynical code word for an act of extortion, bearing no real connection or relationship to thirst or hunger. The important point here is that food may represent an entry point into ambiguous relationships. On the one hand, informal acquisition of food may lead to more worrying forms of collusion and complicity between officers and civilians. On the other, it may also serve as a crucial means of establishing bonds between the police and communities where they were for so long regarded as unwanted outsiders.

What this shows is that community policing – not so much the kind that occurs in formal meetings, but the idea that the police should be systematically carrying out policing in close contact and in co-operation with the community – is a double-edged sword. On the one hand, we cannot imagine democratic policing to take place without this kind of trust and intimacy. Without trust and reciprocity, there can be no end to the negative spiral of disrespect and fear between police and civilians. But if relationships of trust are built in an environment a) which lacks much experience of the police as a public institution; b) where the boundary between the legal and the illegal has always been blurred; and c) which is characterised by sectional divides, then this will also be where classically ‘corrupt’ behaviour starts. In this context, the building of relationships and the channelling of concerns, the flow of information and tip offs, and the building of comfort with each other may all ultimately translate into privileges for some over others. Here, friendship with a police officer may become, for a community member, the determining factor of their relationship with the law and its enforcement.

The building of relationships of trust in such an environment can also exacerbate the fact that the exchange of intelligence does not take place in an impersonal way but through personalised reciprocity. In Concept Note Six, we see this in the relationships between a detective and his informers. The role of the informer, carrying a long history in South African policing, stands in the place that might otherwise be occupied by a community willing to trust the police without reservations. In the case mentioned here, the exchange between the police officer and his informers goes beyond the kind of formalised arrangement where the informer receives both protection and other material rewards in exchange for information. The money the police officer is given to remunerate informers is not just used to pay the informer but also serves as a ‘kick-back’ for the detective. The informer acts as a temporary ‘girlfriend’ for the detective, providing not only intelligence but also sex. What this illustrates is that a relationship between informer and police officer, which in some cases already substitutes for a functioning relationship between police and community, can easily become over-personalised. The irony is that this over-personalised relationship seems on a case-to-case basis to produce precisely the kind of intelligence that enables effective policing. This clearly shows that the relationship of trust and exchange of intelligence which would be the key to effective public policing seems to be taking place primarily in personalised ways.

This is not to say that community policing should be discarded, or that it should only take place in a highly formalised environment in which the police officer does not build personal relationships. Rather, it is to say that community policing has both positive and negative potential, and should not be understood as inherently good or bad. Recognition of such nuances is necessary in order to create space for policies that guide police as to the most useful and least ethically problematic use of relationships that come easily, and train them to build such relationships when they are more difficult to establish.

The personalisation of policing clearly shows that even the best efforts by police officers can easily become entwined with illegal behaviour. It has long been a truism that what makes a good police officer is also likely to make him/her a bad police officer; an insight nicely captured by the expression ‘to catch a criminal you have to have the mind of a criminal.’ This tendency is even more likely to take root if it takes place at the kind of blurred interface between police and public that we encountered in our research.

Such haziness and looming pitfalls could produce, or help explain, the socially intricate abusive practice of ‘stealing time’ referred to in Concept Note Four. A police officer chooses to avoid the challenges presented by even the most marginally proactive policing. In an astonishing manner, she refuses to leave the charge office, to carry a firearm or to assert her police authority in any way. Even confined to the station, she passes the time not by completing the paperwork, but by playing computer games, chatting with colleagues and using the phone for personal calls. In the meantime, the most straightforward administrative tasks are stretched over days, turning her inertia into outright neglect. Her own justification for this state of affairs is that she entered the police force coincidentally and unintentionally and has failed ever since to identify with the role of a

police officer. Strangely enough, her inactivity does not attract the censure of her colleagues. The reason for this may be that, for her male colleagues, she serves as a counterpoint that reinforces their identity as manly, courageous, responsive officers. She is free to express her fears of the outside world and remain couched within the safe shelter of the station, while her male colleagues face the dangerous tasks outside. This dynamic might contribute to the necessary but nevertheless partly self-deluding image of their masculine prowess.

Alternatively, what she is doing may not be so exceptional after all. The seemingly familiar terms 'hiding within the police,' which colleagues use to characterise this female officer's avoidance of work, suggests that this kind of behaviour is, informally, well known and possibly common. While she represents an extreme prototype 'hiding within the police' may be a common counter point to the smokescreens police establish to create the illusion of effective policing. It may also be that this response cannot be separated from the sense of futility that under-resourced police officers share and the difficulty they face in finding meaning and identity in the role of the police officer.

This last aspect illustrates the way in which, rather than being seen as abnormal and exceptional, informal, and in some cases unethical, practices by fellow officers are not necessarily condemned outright by police officers. Most of them understand the inevitability (and in some cases necessity) of such behaviour within the broader picture of their everyday work. In addition, these practices are not necessarily covert but well known to police officers, to the extent that a particular informal language may develop to describe them.

Conclusion

By identifying and formulating the informal aspects of police culture, we hope to provide a lens through which a more realistic assessment of policing may be made. Such an assessment will be an essential basis for informed and effective policy interventions. The aspects we examine are informal and unofficial, and would in many cases be conventionally defined as deviant policing practices. They are qualitative aspects of policing, which differ greatly from typical, measurable performance indicators (such as numbers of arrests), and many would not be captured through conventional survey research. Nevertheless, they constitute a major part of everyday policing, and most rank-and-file police officers would instantly recognise them. They are part of the tacit and practical knowledge which police officers use to manage and survive in their jobs, and they shape police officers' interactions with each other as well as with those being policed. However, due to the tacit and practical character of this knowledge, and the informality and procedural 'deviance' of many of the associated practices, it is not recognised as official knowledge. Arguably, it is kept out of the official realm because it threatens the image the police service projects of itself as an instrument of the state that, on a daily basis, enforces the line between legal and illegal in an otherwise unruly society. The knowledge about informal police culture that we present here suggests a different picture, where police are constantly operating at and across this seemingly clear boundary. It also seems that senior-ranking police officers who have moved from everyday policing to management and strategic planning seldom bring their knowledge of the moral and practical murkiness of everyday policing to their policy and planning activities.

We therefore hope that, by making informal police culture the focus of this report, we will dislodge it from the realm of unrecognised, tacit knowledge and place it at the centre stage of our discussions. Our contention is that any policy to change policing should be informed not by what police would like us think they are, or what civilians constantly claim they are, but by what they really are. Only then will policies move beyond pandering to public opinion and artificial discourses, and begin to take root in the everyday practice of police officers in South Africa.

PART A: Bribery in its Social Context

There is a long-standing tradition of regarding bribery from an economist's perspective. Econometric analyses explain bribery as an activity which takes place because police motivations for material wealth tend to naturally take precedence over their motivations to uphold the public good or their fear of disciplinary sanction.¹³ In part, this explanation of bribery rests on an overly stylised image of the phenomenon, as a 'once-off exchange'. The same activity can look very different when we place it in its social context and interpret it as part of the unbroken flow of an individual police officer's life, or the social relationships which maintain order within the police service.

In the next four concept papers we seek to reformulate our understanding of bribery in three different ways. The first two Concept Notes develop typologies which relegate our public caricatures of bribery to a more appropriate and minor position within broader repertoires of informal social exchanges between police officers and civilians. Concept Note One looks at bribes as part of a range of exchanges between officials and the public that involve food. The paper asks us to consider whether the notion of a 'cool drink' is simply a cynical request for money or part of the more ordinary manner in which South African communities use Food as Intimacy, to relate to and sustain one another and express cultural proximity, social hierarchy and relationships of trust or obligation. In Concept Note Two we describe the various Forms of Bribery which police officers may engage in while on patrol. We use this analysis to show how relationships and exchanges that anticipate an illegal exchange of money or goods often also involve means of upholding the law and maintaining 'respect' for an officer's authority. This challenges the idea that bribery is only about the breach of legal and moral principles. Concept Note Three builds on this last challenge, but takes a slightly different approach. Here, instead of describing the various forms of social exchange we have observed, we set out to identify how station level priorities make bribery and other forms of illegal behaviour an attractive option for individual officers, particularly the reservists doing the dirty work of the SAPS. Finally, Concept Note Four looks at the misappropriation of resources from a slightly different angle, examining how one police officer engages in the practice of 'stealing time'. We explore how some officers might build up rationalisations of inappropriate behaviour over time, as they follow a career path that begins as a reluctant recruit and concludes as a disappointed official.

¹³: See for example: R. Bowles & N. Garoupa. 1997. 'Casual Police Corruption and the Economics of Crime', *International Review of Law and Economics*, 17, pp. 75-87.

CONCEPT NOTE ONE

More than a 'Cool Drink': Officers' Relations to the Spaces They Police

By Sian ÓFaoláin

During the two months I spent riding along with the police, I began to notice patterns of social and spatial division among the officers I was working with and the places they work in. My first recognition of this occurred on my first day of field observations, when a large, multiracial group of officers was on the hunt for a man who had shot two police officers the night before. During the breaks, when the members awaited instructions, they slowly separated into distinct racial and linguistic groups. While there is no doubt that all kinds of divides and differences exist within the police service – as they exist within every group and society – it became clear that race was still one of the overriding categories. It seemed central to the way police officers related to the spaces around them, the people they worked with, and the kinds of relationships they built among themselves. My awareness of these divides increased after observing two very different reactions to and receptions of two very similar scenes.

Scene 1:

As we drove through Township C, the officers pointed out a few other street performers singing or dancing in public spaces for money. They told me that the performers and the music style were Zimbabwean. I asked if they liked the music, and the quieter officer smiled and said 'Yes. It has an African beat.'

Scene 2:

Another day, we passed one of the same street performers, who had attracted an audience. The reservist became alert, and warily pointed it out as 'a gathering.' The inspector's response was that the gathering seemed to be peaceful. The reservist then complained, 'Why do they have to play music so flippin' loud?'

The first scene suggests the officers' familiarity, comfort, and appreciation of the performance. The two officers in the car were black South Africans, originally from Limpopo. The officers went along with the 'African beat' and sympathised with the crowd watching the performance. Familiar with the culture of Zimbabwe and of Township C, they pointed out the distinct country of origin of the dancers and the music.

The second scene suggests a sense of suspicion, unfamiliarity, and contempt. The inspector and reservist in the vehicle were white, Afrikaans speaking South Africans. The reference to an unidentified 'gathering,' as well as the need to discern whether or not it was peaceful, indicated that their judgment of the situation was based less on familiarity with local culture than on experiences of volatile group gatherings containing the latent threat of violence. Finally, the reservist's reference to what 'they' were doing contrasted starkly with the black officers' more specific identification of the performers as Zimbabwean: the reservist lumped all township residents into a single group, whereas the officer in the first passage distinguished between different sections within the population. These examples illustrate how differently police officers may relate to the spaces where they work. The examples also raise questions about how familiarity with a policing environment, mediated through the experience of race, may relate to policing styles and decisions.

Food as a Social Lubricant Between the Police and Community

Based on observations of police at Station Township/Rural C, this paper argues that the most poignant illustrations of the complex racial and social divisions among the police force appear through their everyday interactions relating to food. In many academic studies of food, there is an emphasis on 'food as a marker of difference, including such classic sociological variables as gender, age, class and ethnicity which frequently 'make a difference' to eating patterns'.¹⁴ Such studies argue that class distinctions, gender roles, and cultural differences are inscribed and enforced through food preferences and eating habits. Taking food as a marker of difference and otherness can allow us to examine cultural practices through this particular lens, looking at holiday meals or the significance of food preparation. For the police, however, I focus on the practical choices they make around the consumption of food during their normal shifts. These choices are everyday habits and functional responses to the need to eat, rather than rational choices. As such, they may offer insight into deeper social and cultural preferences and divides. Further, the topic of food is private in its relation to the body, and as such offers a juxtaposition with the public duty that police officers are performing.

At the everyday level, officers spend most of their time free from direct supervision and make decisions about how to spend their time. Neither eating nor acquiring food are parts of their job description, but during each 12-hour shift a police officer will face a basic need to eat or drink something. Fitting into the category of everyday discretion, choices and interactions relating to food subtly reveal social and cultural values that have wider implications for how police conduct their work. Decisions and habits around where to eat may offer insights into spaces where officers feel comfortable. Just as choices about where and how to patrol can reveal officers' comfort zones, eating habits on the job indicate where and with whom police officers feel most free to relax.

Eating: Where, What and With Whom?

There is a noticeable distinction between the places where black officers buy and eat food as compared with their white colleagues. Although none of the police officers live in Township C itself, most live close by: many black officers live in another nearby township, while some white officers live in nearby suburban/rural areas. Partly because their policing area is so extensive and so varied (small Indian town, farms and highways, and the densely-populated township), there are different types of eating opportunities. In general, the black officers I have driven with routinely buy fruit and hot food from vendors in Township C, sometimes sitting down at a braai restaurant or local tavern. Within Township C there is also a shopping mall with a supermarket, a KFC, and other shops where black officers also seem to feel comfortable buying food and drinks.

On the other hand, the white police officers I have driven with tend to have coffee and snacks at a seating area outside of a petrol station off the highway outside of the township. A white inspector has gone so far as to advise me never to eat in Township C, noting that he once got typhoid from food there. One exception to this pattern came from an inspector from another police station who was providing backup for the day: she bought a 10 kilogram bag of potatoes, telling me she liked that variety and that they were a third of the price she normally pays. While there is a clear distinction among eating choices on duty around Township C, there is a strip of food stores within walking distance of Station Township/Rural C where most officers seem to feel comfortable buying fruit, bread, and lunch on their way to and from the station. In this strip is a small food market, where I have watched officers use the shop's scale to weigh confiscated dagga on the way back to the station, indicating how police officials are incorporated into the small rural community.

14: Pat Caplan, «Approaches to Food, Health and Identity.» In *Food, Health and Identity*, Ed. Pat Caplan (London: Routledge 1997), 9.

The places officers choose to eat in the station itself are also noteworthy. I have seen a number of black police officers eat their lunch in the side room off the main reception area. Either alone or in small groups, officers will eat lunch they have brought from home or food they have bought from the nearby strip mall or from the larger Township C Mall. This side room is also used for questioning suspects, filling in their paperwork, and removing their belts and shoelaces before bringing them to the cells. It is also commonly used as a visiting space where prisoners can eat lunch with their family members. I have never seen a white police officer eat in this space; instead, I saw them eating in the kitchen at the back of the station, where parades are often held before a shift begins.

Food is also a manifestation of social inclusion or exclusion among police officers. Although I have heard about braais for entire units, I have yet to observe any multiracial food event. The following example speaks to the implicit social codes that govern food-sharing among employees at the station:

We picked up some braai meat and a milk tart on the way to the station. When I asked who was coming to the braai, they kept telling me 'everyone that's at the station,' which turned out to mean all the white Afrikaners at the station. When I asked whether a specific black inspector and the other people working in the Customer Service Centre (CSC) were coming, she made a face and shook her head. She immediately explained how long she'd known the other people (15 years) and that they were practically family. When we went inside to eat, one of the black inspectors saw us and looked puzzled.

That the black officers are not even considered as part of 'everyone' at the station betrays the underlying social groupings that pervade the station culture, even among officers who often say that they love and respect their black colleagues. Although the officers who were left out of the braai also work in the CSC, those involved in the braai work in different units. Their social bond emanates from a shared cultural identity and language rather than from simply working together. The exclusion of the black members from the braai is an indication of the line between public and private lives. The officers who share a language and culture, as well as a long period of acquaintance, form part of the private, comfortable, family-like space. I do not doubt that they respect the other officers, but the difference and distance of black officers puts them in the public category, where their interactions are based on their work, rather than any personal relationship. The sharing of food, and cooperation in its preparation, mark the closeness of the social relationships. Those who are allowed to participate, through unspoken understandings of who belongs in the group, share in

Gifts: A Sign of Communal Bonds

Not only is food-sharing indicative of social relations among police officers, but exchanges of food are a key arena where food punctuates interactions between police and the Township C community. Food is exchanged between Township C residents and police officers as a performative gesture. In anthropological work, 'food-sharing has been studied as the social cement holding groups together.'¹⁵ So what kinds of bonds are formed between officers and the community? These interactions occur among different players, but each exchange indicates a certain type of relationship with unique dynamics. Whether giving food to a child, or taking it from a bottle store owner, the types of interactions the police have with the public show how they fit into the fabric of the community.

¹⁵: Carole Counihan and Penny Van Esterik, «Commensality and Fasting: Giving, Receiving, and Refusing Food,» In *Food and Culture: A Reader*. Eds. Carole Counihan and Penny Van Esterik, [Routledge: London, 1997], 92.

The following excerpts offer contrasting examples of the way police officers use their authority in interactions with local children. Consider the following example of an interaction which occurred while two white officers from a neighbouring district were in Township C to help conduct immigration searches after a Zimbabwean man had killed two police officers.

While they waited for a man to return with his documents, a curious crowd began to form. Across the street a woman with two small children was buying something from a stall. When the children spotted the police they started jumping up and down, laughing, and chanting 'amapolisa!' The male officer crossed the street and the kids began bawling their eyes out and hiding behind their mother, at which the mother and many other people began to laugh. He bought two packets of biscuits and gave one to those children and the other to another little girl. The man returned with his South African ID booklet, and we promptly left the scene as the crowd was still laughing about the children.

The gesture of buying biscuits and giving them to the children stands out from the array of interactions I observed in two ways. First, it was one of only two instances where I saw a white officer buy anything in the township. It is relevant that he was from a neighbouring station, and thus not entirely familiar with Township C. Further, he may not have felt the contempt for the place that seems to come with prolonged time there. Second, whereas his female partner made a point to wave to children as we drove through the township, the male officer did not speak to anyone in the area other than other police officers and suspected illegal immigrants. That he chose small, nonthreatening (and apparently terrified) children to interact with, and that he did so with a public display of charity, certainly defused some of the tension that the growing crowd was bringing to the scene. During another instance, when a crowd began to form, a white male officer became visibly uncomfortable and left the scene as soon as possible, later explaining to me the real possibility that 'the community' might begin to throw stones at the police. In a sense, the male officer in the example above used the children's recognition of his authority to make a peaceful gesture to the community in general. What may have appeared as a random act of kindness toward a child was an attempt to use food as a tool to gain respect in the moment.

In contrast, the other observation involving children and food occurred when I was riding in a vehicle with three black police officers.

We passed some boys playing in the street, and the driver beckoned for one to come over. He handed him an empty glass Coke bottle and sent him to the stand next to the car to exchange it for a bottle of Coke and to rinse a blue plastic cup. The boy obeyed, and as we drove on the officers took turns drinking coke from the cup.

In this example, the interaction with the child seems familiar and almost familial in the way that the driver simply expects the boy to comply. The exchange in this example is interesting because rather than treating the child as a stranger, the officer seems to treat him as a son or relative who is obliged to serve him. The familiarity in the interaction is noteworthy, since there was no indication that the boy was actually related to any of the officers. Rather, the sense of kinship seems to emanate from an assumption (and likely reality) of shared racial and cultural backgrounds. Further, the act of drinking Coke from Township C, and of sharing it around the car, is in stark contrast to the habits of the white officers I have driven with, who buy individual drink bottles from a petrol station on the highway outside of the township.

When Gift-Giving Begins to Unravel

Exchanges of food between police officers and community members become more troubling when they come from adults with business interests in the area. Specifically, on a few occasions, I observed police taking food, or money for food, from men who own shops or shebeens in Township C. While it is unclear whether these are bribes, since the exchanges do not directly relate to police action or inaction in a specific matter, such interactions certainly occur in a grey area of

potential corruption. The gifts are often food, and speak to the dynamic between police and business owners in the township. The following examples reveal some of the dynamics of these interactions.

While his partner went to buy lunch, a man came up to chat with the officer. The man went across the street to a stall and bought a banana for the officer. His partner returned and we continued driving. I asked who the man was, and he said he owned a nearby shop that sells beer.

This interaction was friendly, and it did not appear as if the man was asking for anything from the officer. However, in a place where crime is often closely related to alcohol consumption, the gesture by the bottle store owner takes on ulterior motives. Further, this did not seem to be the first interaction between the two men, suggesting that the banana was simply used to maintain an existing relationship. That we drove away as soon as the other officer returned makes it clear that there was no important business to attend to; rather, the shop owner was using the opportunity for a casual exchange with the officer.

Another instance occurred less casually, with the officers waiting outside a house. They honked the horn and actually had a neighbour go and fetch the man inside.

The vehicle pulled up behind a white BMW parked outside of a house that was gated and surrounded by a fence. After a few minutes, when the man came out, he greeted the officers and made a comment complaining about the heat. He then casually took out his wallet and gave the officers R40 out of the R80 he had there. Constable E passed the money to Constable H. As we drove away, Constable E cheerily told me that he had given them money to buy cool drinks because it was hot out. I asked who he was, and they said he owned a shebeen in Township C. They confirmed that the BMW was his.

This exchange was not of food, but rather of money with the purpose of buying a cool drink, which the officers did use it for. Their intentionality in this interaction is noteworthy. They saw his car in front of the house, and wanted to pay him a visit, though they clearly had nothing specific to speak to him about. Though completely unspoken, the man understood his role in the interaction and promptly complied with their expectations. Their giddiness as we drove off, and their pride that this powerful man had given them this gift, seemed to overshadow any doubts about the probity of this exchange. Again, such an exchange is reminiscent of bribery, but it is easy to see that the gesture serves to maintain an existing relationship rather than to cause an officer to act in the shebeen owner's best interest at that particular moment. However, the question does arise of how this relationship affects their working behaviour toward the man and his shebeen if any crime were to happen there.

The following excerpt illustrates an exchange with comparable purpose, where the officer actually gets out of the car to spend some time in a convenience store.

The officer leaned against the store counter eating something that looked like bread that the Pakistani shop owners had given him. His partner stayed in the car, and we watched as he exchanged brief words with the man behind the counter, but seemed more focused on the food. When he got back in the car, he brought a box of orange sweets they had given him and continued snacking on them. He later threw the half-empty box on the ground in the parking lot when we were at the convenience store in Rural C.

When the sergeant throws the sweets on the ground, it becomes clear that the interaction with the shopkeepers is based on the exchange itself rather than his desire for or appreciation of the food. That the interaction occurs only with this one officer and not with his partner offers another interesting element of these exchanges: they represent relationships between particular individuals. This means that in Township C some police officers selectively engage in these

exchanges some of the time with certain people, as opposed to the pervasive stereotype of police officers in other areas extorting bribes from anyone they stop.

The prevalence of food exchanges with business owners in Township C raises questions about the extent to which police officers should be engaged with the community in which they work. However, these interactions where food is exchanged occur to solidify an existing relationship and to outwardly perform a friendship. They can only occur when both parties are willing to participate. In contrast, the following two examples show that this is not the type of interaction performed by every member of the community, but rather mostly by men who own businesses in Township C. In the following example, a vendor refuses to participate in this trend:

We passed a fruit stand and the reservist leaned out the window trying to talk to the woman behind it, but she just stared at him. A man came over, and they laughed and said 'Maputo' and 'Shangaan' which made me think they were saying she was from Mozambique. The reservist bought two oranges at R1. The inspector asked the woman for an apple, and when she handed it to him and said it cost R1, he didn't take it. He tried smiling and asking one more time, but she looked at him blankly and put the apple back on the display.

This incident, where a Mozambican vendor refuses to give an officer a free apple, offers an interesting contrast to the other examples. It seems to offer some insight into how the relationship between police and newer migrant residents and women may be different. The inspector's tone when he asked for the apples was upbeat and friendly, but the vendor did not respond in kind. Her refusal to give him what he asked for, or even to smile, indicates a reluctance to play into this game of exchanges or at least unfamiliarity with the expectation.

I have only seen these exchanges in Township C take place among black police officers, mostly initiated by males, but this may be because while I was working with them the women were all trainees. While I have never seen such exchanges occur with white police officers, one inspector does have a relationship with a chef who works between Rural C and Township C. On a few occasions I have accompanied him to have coffee and tea while chatting with this friend, who he met while attending a complaint relating to an employee who was suspected of having stolen some liquor from his store.

The exchanges of food between police officers and community members demonstrate that these interactions serve as performances of a relationship. These exchanges are often clouded in motives that are ambiguous at best, particularly because the interactions involving food exchanges tend to come from actors with business interests in Township C. The gesture of giving food is not purely about eating, but about solidifying and performing an interpersonal relationship. Further, these relationships are based on the police officers' utility to the individual offering food, who has interests in protecting his business. Contrast the previous examples with the following:

As we drove, a man came up to the car and spoke to the officers. I asked who he was and they said they call him Iminwe, meaning 'finger,' because he is missing a finger on his left hand, and that he's a CPF member. We were stopped again by a man in his 50s or 60s who was missing a few teeth. They introduced me to the older man, who said he's the commander of 'the whole of Township C.' The officer clarified that he's the commander of Sector 4 and that 'he's our oupa.' While they talked, two other men came up to either side of the car and began talking as well. The man at the passenger-side window wrote down his phone number on a piece of paper and gave it to the constable.

In this interaction, the time spent chatting with community members, the exchange of nicknames and phone numbers, and the fact that the people are members of the Community Policing Forum (CPF) offer significant points of comparison for the other interactions. The relationship between CPF members and the police is meant to be one of cooperation, and by calling the older member 'our oupa' the officer was expressing familiarity and respect. Even the nickname 'Finger' is a sign of familiarity and comfort, if not very flattering. This alternative type of interaction without food may not be something that exists in opposition to the others, but it does suggest a different mode of interaction based on the community members' interests vis-à-vis the police. The exchange of phone numbers is another common occurrence that speaks to the informality of police interactions with the CPF, potential informants, and the general public.

Conclusions

Food represents social connectedness among police officers, and between officers and community members in Township C. Food and eating are telling parts of police officers' daily work. The places where officers choose to eat are indicative of the places where they feel comfortable and the people they feel comfortable around. Food also serves to punctuate interactions between police officers and community members, with a revealing pattern of business owners giving gifts of food, and money for food, to police officers as they conduct their patrols. These exchanges highlight a mode of interaction that is harmless on the surface, but that speaks to the underlying interests of those involved. The police feel good about themselves when they can perform their authority and get things from community members, and business owners make gestures to the police to solidify relationships with them that may offer some degree of protection in incidents of alcohol-related violence or xenophobic looting. However, these exchanges are not overt bribery, since they are small amounts, and given in food. Still, these questionable entanglements may lead to interference in police work and raise questions in the informal social realm of a formal public office.

CONCEPT NOTE TWO

'Pour Me Some Sugar': The Relations of Bribery

By Rajohane Matshedisho

This discussion outlines the various ways in which we have seen bribery take place in Township B's police patrols. The list we provide is by no means exhaustive, nor are the categories to be regarded as scientific descriptions of discrete phenomena. Instead, building from our fieldwork in this setting, we seek to think through the exchanges we witnessed and discussed with our respondents in order to move towards a more meaningful understanding of the phenomenon. The four categories we will outline are: (a) protection from imminent arrest; (b) a suspect's acknowledgement of habitual offences; (c) immunity against the possibility of arrest in the future; and (d) police use of subtle 'trickery' to induce payment.

Protection from Imminent Arrest

In imminent arrests, the period directly preceding an act of bribery typically involves a suspect pleading with the police not to arrest him or her (alternatively, a third party could be pleading on behalf of the suspect). The suspects or their representatives begin by apologising. If this fails then the suspects may accept responsibility for their actions and then explain that what they had done was inadvertent, innocuous, or foolish. The longer this lasts the more likely that the individual will admit to their guilt. It is at this point that a suspect may suggest a bribe. An officer may begin by indirectly agreeing to the bribe. The officer will only be very direct and explicit about the exchange if the money offered is less than what he or she is prepared to accept.

A good example of this form of bribery involved a stop for suspected drunk driving:

The officers signalled a car to stop. It did not stop. They followed it and flashed their lights until it stopped. Everyone in the car appeared drunk and they were still drinking. A police officer nicknamed 'Che' confiscated a J&B whiskey and four beers.¹⁶ He took the sealed beers to the police van and discarded the ones that were already open. Che and his colleagues then searched the suspects and their car. The suspects begged for mercy and talked it over as the offenders continued to apologise. No one was arrested. The offenders 'allowed' the officers to take their liquor and even presented the officers with a music CD. None of the officers knew the artist. They nonetheless accepted the gift.

What is striking about this exchange is the relatively trivial nature of the items which end up being the 'payment' offered in this act of bribery. The police didn't really negotiate for the beers nor care for the music CD. They ended up taking them and probably benefited from this exchange in some way but the extraction of the apology seems to have played an equally important role in deciding the outcome. The officers were convinced by the plaintive attitude of the vehicle's inhabitants and the objects appeared to serve as social lubricant to this apologia. This event reminded me of a conversation I had earlier with one student constable who said, 'It's about the suspect's attitude. If I see that you are arrogant then I will find something for which to arrest you. However if a suspect is apologetic and respectful then I forgive him'.

16: When I knocked off from the station he offered me some of the beers.

Acknowledgement of the habitual offender

For some types of offence, the exchange need not be so prolonged.

At noon I was accompanying two patrol officers in a vehicle when they stopped a red Venture. The driver of the Venture alighted and approached the patrol vehicle. Despite having not been asked to produce identification, the driver came with documents in hand. The police sat in their vehicle while the driver approached them. He showed them two documents. It turned out that the documents had not been issued in South Africa. They were two laminated documents indicating license to drive in Maputo. The two officers refused to recognise the documents and one of them said, 'Tshela tswekere,' which directly translates 'Pour me some sugar' and colloquially means a bribe. The Venture driver quickly went to his car and came back and the driver officer said, 'Just discreetly toss it inside [the car].' The Venture driver 'tossed' a R10 note. He left and they drove off too laughing and saying 'We will not leave these fools.'¹⁷

With the acknowledgement of habitual offences the suspect does not have to supplicate. The offender simply pays the bribe to acknowledge the offence. This type of exchange often takes place between police officers and taxi drivers or other motorists. They know that it is an offence to drive without a licence, registration disc or a car that is not roadworthy. However, they do it habitually and in the knowledge that if they are caught by the police, they might be able to negotiate their way out of paying a fine. So, when they are caught there is an implicit understanding between the suspect and the officer. The understanding is that it's not a serious offence and the fine is higher than a bribe. In this context, it is rational to pay a bribe of a lesser amount than a higher official fine. So in this context, bribery trumps the law.

Future Favours

Bribery also happens in the form of present favours for future ones. In this category, a civilian ingratiates himself with the police for immunity in case he or she is caught offending at some point in the future. Police officers don't police their colleagues, loved ones, friends and acquaintances. Instead, they enforce the law discriminately in the community. Friends are generally not arrested but reprimanded unless it a serious crime. One way of establishing a 'friendship' with the police is to give them at least R10 or buy them meals. There is no direct or immediate reciprocity but rather a common understanding of friendship or acquaintanceship.

One evening at 22:00 we went for the usual free coffee at Engen garage – courtesy of one of the student constables. The coffee was delicious this time! I decided to buy the officers some pies. At the checkout a civilian offered to pay the bill for the officers. He said that it was a goodwill gesture towards the police. I also realised he was driving a luxury coupé 3-series BMW. As we left, another student constable said to me, 'Such guys are big shot criminals. He is doing this to gain future favours with the police. They can ruin your job if they bribe you and the seniors find out. We once arrested one of his kind and he told us that he had R40 000 to offer us'. I was not surprised at this statement because the BMW driver had said – as he paid for the pies – 'I have to be good and polite to the officers. I can never be arrested by police when I have money and an apology for them. You have to acknowledge when you are wrong and they will forgive you.' He was tipsy of course! As we drove off the officers discussed the luxurious life that the man seemed to enjoy.

Again, it is important to recognise that this relationship does not rest purely on economics but also relies on the currying of favour and the appearance of humility and culpability. The difference between the BMW driver and the officer in terms of their respective financial clout is extreme, but the former remains mindful of the fact that money is not enough to buy his way out of trouble.

17: In effect they meant that they should extract as much bribe as they could.

Rackets Concerning Low-Priority Laws

In the early days of fieldwork some of the student constables would seek to help me 'orientate' myself in Township B. So they updated me about the place regularly.

We passed by a group of women playing a Chinese gambling game called *fafi*, and the student constable said, 'This is *fafi* – *MoChaina*. Anyway you know it. It exists in Soweto! We don't arrest them here. We don't even arrest the foreigners' I asked why and he replied, 'Its orders from above. We are not supposed to preoccupy ourselves with minor crimes. We must focus on serious crimes'

Another offence not 'fit' for arrest is craps. However, some officers have their ways of policing it.

One evening I was accompanying three officers. A reservist constable was driving. She drove towards a group of men playing the (illegal) game of dice in a dimly candle lit stand. She stopped the vehicle, slid down the car window and said, 'Hey man, get down with it. We need it.'¹⁸ The man replied, 'Eish, my sister, it's bad so far. There is nothing much. You can see we are playing with coins. The others have already passed and collected theirs.' She said, 'Whatever you have, give it to us.' The guy meekly presented some coins and one of the student constables said to the driver, 'That's nothing. Leave it.' She drove off without taking the coins. She then said to the team, 'This is one of the groups I like to harass. The other group is up the road'.

A similar situation also happened with counterfeit DVDs and CDs:

One Saturday afternoon we drove around the plaza and the student constable stopped next to two teenage hawkers who were selling pirated music. The three officers wanted an R&B CD. The hawkers told them that they did not have such a CD because they had been confiscated by the police. As they were talking one student constable said to one of the hawkers, 'Why are you looking at us like that? We don't want your money. We do get paid. All we want is a CD. So they gave them a Gospel CD. Then the diver said to them, 'Thank you for the CD. Next time they (the police) take them (CDs) let me know. I will take them from the station and return them to you'.

In the above instances the general public does not seem to know that such crimes are not regarded as serious by the Township B Station Commissioner. They don't seem to know that the police in Township B are supposed to be focussing on serious crimes such as murder, rape, robbery, hijacking, and offences involving illegal firearms. The gamblers know that the game is illegal. However, they don't seem to be aware that they are unlikely to be arrested in Township B because the station has chosen not to use its resources to police craps. Instead there is an agreement between the gamblers and the police. The agreement is that each day an officer would pass by the gambling stall to collect his money. Those gamblers that don't have such agreements have their playing boards trashed and their money 'confiscated' by the police.

Discussion: Remaining 'Clean' While Acting 'Dirty'

In all the four situations noted above, the police give the green light for bribery. They have the power to solicit or reject a bribe. However, they solicit in different ways depending on which of the four ways the bribes take place. In the case of imminent arrest, the officer usually waits for the suspect to suggest a bribe or to 'work things out.' Then the officer will indirectly accept the suggestion for a bribe. The acceptance might be verbal or gestural. By allowing the suspect to supplicate the police offer maintains his or her authority. By waiting for the suspect to ultimately initiate the bribe, the police officer temporarily maintains his professionalism and shifts wrongdoing to the suspect.

¹⁸: Using a slang expression, she meant money.

In the case of habitual offences the police usually tell the offender about the offence and then euphemistically solicit a bribe. If not, the offender might suggest it and then the police would agree. However, it is not for the offender to initiate a bribe before the offence is discussed. In this case the police respond particularly negatively when the offender simply pops out money without any discussion of the offence. The police feel like the suspect is buying them, thereby stripping them of their personal and professional integrity. In this way the police ostensibly try to emphasise their professional and moral duty. So, even though the police officer knows that bribery is wrong, at least the initial reproach reminds the offender of the possibility of police authority, ethics and responsibility.

In the case of the 'bribe' for future probability of being a suspect, the police do not solicit. Civilians understand that they might be in trouble with the law at any point in their lives. Part of avoiding an arrest is not only to obey the law but to ingratiate themselves with those who enforce the law. According to some police officers these are usually well-to-do men whose wealth is of dubious origin. However, it can also be ordinary civilians who wouldn't want to be arrested for public drinking or possession of dagga.

In the case of policing soft crimes like craps, the bribe is simply an arrangement between a particular officer and a group of gamblers. A police officer agrees to let them play the illegal game without disrupting it or confiscating the bets. Some police have their particular stalls from which they regularly take bribes. In return, the group of gamblers pay the officer varying amounts of money which depend on how profitable the game is at the time the officer arrives. The deal is made with a specific officer, and other officers are not supposed to go and collect the money from the same stall. So the gamblers buy permission to play craps in an environment where the game is illegal. They also believe that they are buying protection from harassment by other officers, but this may not be a sure bet.

These transactions are not simply a matter of arrangements and agreements. They have to be done discreetly in an environment that is safe for the officer who is taking the bribe. The public is not supposed to see the bribe. Part of prolonging the discussion about the offence and the bribe is to ensure that the area is clear of potential whistleblowers. It is for this reason that police officers rebuke suspects who pop out money immediately after they have been stopped by the police.

The relations of bribery seem to be more prominent in relations between police and male civilians. Gender seems to have a role in determining from whom to demand or arrange bribes. The only time during my fieldwork that a woman was almost involved was when she was pleading on behalf of an arrestee for public drinking and her promise for a bribe was unsuccessful. One of the soft offences is the Chinese game called fafi. It was highly policed under Apartheid. It is dominated by women and seemingly for cultural reasons, police cannot demand bribes from women, especially when these women are old enough to be their (grand) parents. Fafi players (including men) are thus relatively immune from buying rights and protection to play fafi.

In this way, a bribe is a token of appreciation. The suspect begs for mercy or future mercy. The police officer accepts the bribe, thereby making the suspect pay for the offence. It represents a certain notion of justice and fairness. It is justice because the suspect is paying for wrongdoing. It is fairness because the police officer has been merciful by understanding the plea and sanctioning a lesser punishment than criminal detention. In seeking ways to free himself from an image of a corrupt officer, the officer will reprimand the suspect about the offence and make it clear that the suspect has transgressed the law. After accepting the bribe, the officer summarily and authoritatively tells the suspect not to repeat the offence. In that way the officer retains the moral and legal authority and makes the suspect feel like an offender who was saved by a merciful officer: one who deserves gratitude. And it is in this sense that the ordinary police officer can incorporate this activity into his or her understanding of the police role as a custodian of the law and representative of the state. The officer is still meting out a form of discipline and control, and the civilian is still recognising a form of authority. In this sense both are able to emerge from these transactions with a sense of their personal integrity intact.

CONCEPT NOTE THREE

Bribery on the Beat: A View From Downtown

By Xolani Tshabalala

This discussion advances the notion that policing the streets of Johannesburg, for SAPS officials, has much to do with self regulation. This refers to the way in which every day work and conduct of police officials often appears less defined by the police hierarchy and formal organizational rules and procedure. This is exemplified by the tendency by officers to incorporate various informal enforcement practices into their street work and the inability of senior officers to regulate this practice. One morning, as I attended a police parade that precedes everyday work of officers in the field, I observed an example of this dynamic at play.

In a surprise visit to an otherwise routine parade this morning, a Superintendent expressed her worry through an address to junior officers (composed of reservists, volunteers and conscripted officers) at reports of officers soliciting for and accepting bribes during the course of their work. She promised to discipline those that might get caught taking bribes. She came across as particularly upset, and said this with the seriousness of someone who intended to carry through with her threat. Officers were attentive, unlike when she is not around, and everybody becomes a little more fidgety. As a parting note, the superintendent suggested that perhaps she should make a point of regularly checking every person's wallet when they leave parade for the field in the morning and when they come back in the afternoon, just to see if they still had more or less the same amounts of money in then. To this, everybody roared with laughter, returning to silence as soon as she carried on with the rest of what she had to say.

This particular parade was not different from many other parades. Often, morning parades work well to counter and paper over the level of informality that will ensue when the officers are out in the field. The difference with this parade, however, was the mid-session visit by the Superintendent, which appeared to reaffirm the existence of a chain of command at the SAPS. Officers were keen to show their respect for the senior officer. They held together in a unit; quiet, attentive and generally restrained from their usual chit-chat. Had the senior officer's visit been solely about inspecting the parade, little of the junior officers' disregard for formality would have come to light. Nonetheless, the disregard for the superintendent's instruction to desist from partaking in bribery and extortion, which was punctuated by a chorus of laughter, illustrates the limits of her authority.

The following discussion will attempt to highlight two main dimensions of this relationship between senior and junior officials. First, let us focus on the paradox of officers sometimes doing their visible policing duties in civilian clothes as well as the heavy reliance of the force on police reservists and volunteers. I will argue that these practices provide a condition for informality to thrive without official restraint. Second, and partly as a result of this, irregular behaviour, including moonlighting, exertion of state influence, bribery, extortion, and predatory authority, though covert and clandestine, becomes common.

Informality and self-policing

Certain, taken for granted conditions that are attached to street policing provide insights into ways of looking at police work.

After the officers that had been patrolling the streets in one sector had been called back to the station for a meeting, I had to return back to 'The Circle', an informal police rendezvous point in the hope of finding someone I was going to spend the rest of the day with. As I was walking along, in a quiet corner, snuggled in between two vending stalls, and chatting to a few lady vendors, there was Xolela, sitting quite comfortable. Xolela is one of the junior (by rank, and not experience) officers

at Johannesburg Central. He has been with SAPS since before 1994. During this particular encounter, he appeared unperturbed on seeing me, and I had the distinct feeling that he was not at all worried that he could be found out to not be 'working'. He was in civilian clothes, not partnered by anyone from the department. I immediately recalled that Xolela had not been at parade, at it struck me that as things stand, none of the senior officers know that he is 'on duty' today.

Officers like Xolela are considered seasoned, and this partly explains why he was being a loner, working the streets alone, something that is considered dangerous, especially if someone is armed. But Xolela was also 'invisible' in civilian clothing, so was not easily noticeable as a police official. Working in plain clothes is helpful sometimes, especially when officers are conducting some surveillance work or want to retain the element of surprise in manoeuvres related to tip-offs. However, when an officer spends elongated periods of time getting acquainted with the field, and the people in the field, he can also use his time for personal reasons apart from doing official work.

The practice within SAPS where, depending on the type of work to be done in the field, salaried officers may work in civilian clothes is exemplified by Xolela in the above example. This is in fact a common practice that is also loosely defined in terms of its application. For instance, reservists and volunteers are themselves not barred from working without uniform. This opens non-uniformed officers to various forms of interactions with the public. There is a possibility that by opting to be 'invisible', officers may be seeking to engage in informal behaviour, including both "a search for opportunities" as well as a facilitation of informal transactions and other exchanges.

An example of uniformed officers on an errand to wash a police minibus also illustrates the ways in which 'working the field' may mean that informal policing strategies and behaviour, even if they thrive among non-uniformed officers, may no longer be confined to the invisible domain.

On leaving the station, senior officers instructed the junior officers to wash the minibus they were going to use for the day, but did not provide them with a means of washing it. The senior officers did not offer, in the way he talked, a means of making it possible for the junior officers not to incur costs in taking the vehicle for valet. Even more interesting was the manner in which the junior officers themselves were not concerned about where and how they were going to take the minibus for valet. The driver, who I sat aside during the day explained that they were going to devise means of paying for the valet, and that the inspector expected them to do so. 'Devising means' simply meant that they were going to extract money from an offender or two, during the course of the day, in order to pay for the car wash. On this particular day I could not tell where the money eventually came from. Nonetheless, the officers managed to get the minibus cleaned.

The means available to the junior officers' in this scenario becomes clearer when we look more broadly at the 'enlistment' of reservists and volunteers in the police force. Again, it will be useful to note that the idea of reservists and volunteers is not new in the SAPS, and their role in the force has been hailed by many in and outside the organization as pivotal. From the pre-1994 times, reservists have supplied critical manpower and skill, mainly to augment the numbers of more permanent members. The significance of reservist recruitment and enlistment is two-fold. First, reservists are not salaried officers. Although they may be paid for engaging in special operations and working extra time, the understanding is that will work on a voluntary basis. Second, many reservists help with beat patrols in the policing sectors. They are provided with uniforms (although sometimes they do not wear them), firearms and other equipment to carry out their duties. For an unsuspecting civilian (or migrant), they very frequently pass for regular constables going about regular visible policing duties.

The following extract from field notes explores one of the ways in which the reservists I observed used their authority in the course of their crime prevention work;

After the formalities of ensuring that lunch will be served for us by a wholesaler at a section of the policing sector, I launched into questions about how officers feel about working for SAPS. About four officers were listening, and were at liberty to respond, which they did. I then asked the relatively experienced male if they arrest undocumented migrants at all as part of their work. He first hesitated. He then started to tell the official version; that officers are not supposed to arrest undocumented migrants because they are always offered bribes by guilty migrants. He explained that this is the instruction from the sector manager. But then, another officer cut him right off, and pointed out that most police officers that are involved with visible policing are reservists and are not paid, and yet are required to come to work regularly, even if they need to use their own transport means to do so. She explained, using herself as an example, that most non-white police officers live in townships, usually far away from the city and yet have to be at work every day except on off-duty days.

Without pointing to any particular mechanism or method of ensuring that reservists continue to make themselves available to work with the SAPS, the above account leaves the reader to imagine that within official work, there are certain forms of interaction with members of the public that provide the means for the officers to come back to work the next day. Since these are not necessarily clearly spelt out for and by the reservists themselves, they can be viewed as informal. Whether they are criminal or not is not the point, but the fact remains that bribery and other forms of illegal behaviour begin to form a part of everyday police work. A couple of examples will serve to illustrate this point.

A Mozambican man is arrested for not having legal residence papers. He is asked to make a plan, and eventually agrees to pay R200.00. A Zimbabwean woman sells sweets, cigarettes and the like at the corner of a busy part of the inner-city. She is a 'friend' of the officer that has arrested the Mozambican. On the way to the vendor woman, the police officer instructs the man to hand over the money to the woman that they will find, and the man agrees. Once there, the man does as he has been told, while the officer picks up some loose cigarettes and some sweets from the vending table. After the brief 'exchange', the officer leaves, still in the company of the Mozambican man. They walk down a few blocks before the man quickens his pace, leaving the officer behind. The next patrol along the same route includes the collection of 'dues' that have been entrusted to known individuals in the precinct.

A similar incident was observed across town.

On the southern parts of Inner-city D, an officer intercepts a Mozambican young man and asks to search him; a routine procedure, he explains. He then asks him to show his identification. The man explains that he has his passport but the visitors' visa on it expired recently. He takes it out and shows it to the officer. As the officer inspects the document, he asks the 'suspect' what else he is carrying. The young man buys CD's to sell in Mozambique. Even as he is being interviewed, he is preparing to catch a train in the evening to travel back to Mozambique. The officer, however, informs the man that he is being arrested for being in the country illegally. The conversation shifts swiftly towards settling the matter for a fee. The officer offers this as the better alternative. The man agrees, and from there the conversation shifts back to the man's business in Mozambique. During this time, the officer and the man are strolling towards a vending stall where a friend of the officer works in a nearby market place selling freshly extracted juice, a mix of cane, oranges and carrots. The suspect, or the client, leaves the money with the juice man, and they both carry on with the stroll.

Within the context of street policing, one notices that such exchanges may be sustained by, and therefore may also indicate reciprocal indebtedness between both civilians and officials. One might add that within the Johannesburg Central Policing Precinct, for various reasons, the bulk of police work is mainly directed at migrants. For police officials, informal interaction may well be a search for opportunities. For migrants, this interaction and indebtedness may be best expressed as a 'cautionary' exercise. For many migrants the realities of living in consistent vulnerability due mainly to a lack of documentation and running informal businesses on the streets may draw them into nurturing friendships with police officials as an investment, in case their protection may be needed in the future.

Nonetheless, a combination of invisibility and discretion may at times equip officers with the means to appropriate and re-appropriate the power that presides within their profession. For that reason, they may channel such interaction for various partisan purposes. By willingly engaging in these interactions, from a police organizational perspective, they become conscious, even willing participants in informal behaviour that accompanies policing.

Law enforcement officers, because of their constant interaction with members of the public in the course of their work, develop a familiarity with the sectors they police, including the people themselves. This is evident in the way almost all officers develop little enclaves to which they, from time to time, pay visits seemingly for no specific reasons. Vendors at designated stalls, street vendors, shop operators, office workers all form nodes that connect the police to the public. During the course of fieldwork, I noted that most of these points of interaction constituted of migrants. While police officers have not shied away from interacting with members of the public that are South African, the manner in which they actively cultivate these friendships with migrants suggests that they may be doing so because there is something peculiar to the interaction with foreign migrants. Many such interactions that I observed during my fieldwork invariably involved a migrant requesting to offer something to the police, or actually offering unsolicited gifts. Here is an illustration.

During a routine patrol along a busy street, a female officer I shall term Mancane disappeared into a certain house suddenly without prior notice. It turns out that Mancane has a granny friend of Indian descent who lives in this house. The other officers immediately started complaining about her numerous friendships and the fact that 'we do not patrol in people's houses'. After about twenty minutes, she obtained from the house, positively beaming. She started narrating to the officers how the granny always asks her if she could live with her, and that she is undecided on whether to agree or not. One officer pointed out that Mancane maintains too many friendships, to which she replied that she has friends practically everywhere in the central Johannesburg policing area, and that "I can get my hair fixed at Noord Street for no charge if I so wish".

After accompanying officers in the field for a while, one begins to notice that this informal chit-chat with members of the public is an integral part of police work. Chit chat develops because officers have to patrol the densely populated parts of the inner city on foot. This brings them into closer proximity with the public. On the one hand, it is inevitable that working in specific areas cultivates familiarity and friendships with the people that frequent or reside in these areas. One can expect that officers working for SAPS and the state can only ever be human actors acting in social space. On the other hand, nonetheless, the level of this chit-chat, and the willingness of officers to cultivate and maintain it, points to something of a culture of informality. When most of the officers, who have become known especially to the informal traders working in the streets of the inner-city, disappear behind a trading stall or some other corner, and rejoin a group of colleagues a few minutes later, or engage in a significant amount of chit-chat with the public, especially the traders, a whole new culture of informality becomes evident.

While one may paint a picture of state officials who regularly engage in informal behaviour, such informality may in fact mask more socially conditioned forms of interaction. In contrast to other instances of victimization of migrants, the above examples point to not only mutually beneficial form of interaction, but a culturally productive one as well. As social beings, both the officer and the migrant may not feel that they are engaging in improper behaviour. As a social register, gift giving is not condemned, quite the contrary. Individuals in society engage in gift-giving as "an action of everyday life" and even "moral duty". Some societies customarily give gifts to passers-by, although in a business sense this does appear like some form of investment by the gift giver. If such practices are not discouraged by police officers, it may mean that such officers are benefiting from them. Doesn't a migrant who gets acquainted with an officer of the law feel compelled to nurture that friendship for his own protection? Conversely, won't an officer accept a gift in the form of something that s/he may already need?

One may venture in to suggest that such social norms, which may appear as informalization of policing duties, appear entrenched in the everyday lives of both officials and migrants. This can be seen in the amount of time that officials are prepared to invest in these public-private friendships. In most instances, officers consciously insert themselves into these friendships. That way, the state official, rather than being helplessly engulfed in police official-community relations, appears to consciously condition these social interactions.

Concluding Remarks

We notice that junior officers are able, allowed, and in some respects encouraged to exercise more than the discretion that should understandably accompany their work. In doing so, police officials are careful to maintain and look after the relationships and alliances they develop with members of the public. This often happens covertly, even though the existence of such practices remains an open secret to both the organizational hierarchy and those that are policed.

CONCEPT NOTE FOUR

Stealing Time: Hiding within the Police

By Barbra Nyangairi

Often when we think of corruption we restrict ourselves to those practices which involve some form of material benefit to the official concerned. In previous concept notes, we have primarily discussed those forms of illicit behavior that have been done with some form of monetary or material gain in mind. However, there is a wide array of other ways in which police officers may 'short-change' their employers, and by extension the communities that they serve. In this concept note I experiment with this notion by looking at one official engaged in the act of 'stealing time': refusing to work and avoiding the everyday tasks and challenges of policing.

Most day-to-day police work is generally not thankful work. Shifts are long, compensation is average to say the least, and the average shift usually involves witnessing or hearing about an inordinate amount of violence and pain. Hence, I was somewhat surprised to find that even those officers who do not particularly like their work, and feel that they are being inadequately rewarded, still manage to come up with heartfelt validations for why they originally became a police officer. To my great surprise, most officers I spoke with would at one time or another come up with a more or less avid description of their 'first rites' and what had once motivated them to join. Somehow there was always some element of enchantment with the idea of serving the community and contributing to the good of the country. Not so with Constable Tshabalala.

I met Constable Tshabalala a few days after I had been to the police station for the first time. A heavy set, good natured woman with an easy smile, she welcomed me into the Client Service Centre. She said she would tell me what they would be doing for the day and that I was welcome to go out on investigation with her. But soon afterwards I realised that this was just idle talk. I only ever saw Constable Tshabalala leave the office when she went to buy lunch or dinner, and I only saw her working once: on a docket of a train suicide. She managed to stretch out this investigation over a number of days.

On my first day with her, I was still thinking that we would go and do some investigative work, when she took me to the shopping mall where we were to buy lunch for the day. I took the opportunity to find out her motivations for joining the police and the circumstances in which she signed up. Constable Tshabalala told me

I was at the Technikon when my mum told me that the due date for police applications was drawing near and she urged me to fill in the form. I filled in the form and submitted it. I was called for the first interview and then the second and before I knew it I was enrolled for the training. The training was six months long and the worst part for me was the running. It was terrible. We would be woken up at 1am and told to wear full uniform and parade. If one did not make it in five minutes everyone would be punished.

Many junior officers recount harrowing tales of their training but in the case of Constable Tshabalala, she wanted to make clear that she had never even intended to join.

She then listed other aspects of the work she deeply despised, such as wearing a gun: 'I hate the gun. I do not carry it. I leave it at home.' She also hated attending cases, especially murder cases: 'I do not usually go to murder scenes. The boys always go out on the cases and they just tell me to stay and they do it for me.' When I asked her if she ever used her gun, she told me that she never used it since she had completed training. While for some of her colleagues wearing a gun was one of the major attractions which helped them decide to join the police, she felt no such affections. The abhorrence of her gun definitely revealed some of the kind of distaste she had for her job, yet she had no other alternative for employment but to stay within the police.

My subsequent exchanges with Constable Tshabalala revealed that it was possible to go to work every morning or night and do nothing but relax the whole time. This is illustrated vividly by the night shifts I spent with her.

One of the young male detectives had been tasked with bringing a heater which Constable Tshabalala would use to warm herself. She would sit at the heater for a large part of the night until 1am when she would tell us that it was time to go for coffee at a nearby garage. We would go to the garage, have tea and buy some snacks. Afterwards we would return to the police station and sit by the heater again. It was not only Constable Tshabalala who was not doing anything – or rather doing nothing related to her job. A number of her colleagues were on the phone having private conversations for long periods. Others were playing card games on the computer.

On another night shift it was exactly the same.

I arrived at Township A on a Friday around 7pm in time for the start of the new shift. The police station was quiet and Constable Tshabalala and a data typist named Patricia were happy to see me as usual. Constable Tshabalala asked me to come and sit with them at their desk. An inspector came in with dockets and asked me to read them, which I did. There was a case of a woman who had stolen a pack of meat, Rama margarine, and pampers. I helped Patricia to type the other dockets, such as one for a car accident. At around 9pm, there was no one in the crime office except for the occasional police officers who came in to use the phone for private purposes. Patricia put on music and she began to teach me how to play computers games. Earlier I had told her that I did not know much about these games. For three hours, we played a game called 'Pilsener Babes'. In this game one undresses the 'babe' by capturing as many beer bottles as possible. From the way Patricia scored I thought she must be a pro at the game and must have been playing it for long. After some time I was able to play the game well. By the time I was enjoying the game it was around 2am and Constable Tshabalala suggested that we go and buy some tea. During this whole period, she had been warming herself by the heater. At some point she had attempted to type a docket but had left it half done as, so she said, she was bored. For the remainder of the night she was either on the phone or just talking to us. Then we went to a garage and got tea and a few snacks. When we returned we resumed the computer game. This was how the night went by and work was done for detectives on evening duty that night. This was typical as well for the day shift that I spent with Constable Tshabalala in the crime office.

Strangely enough, Tshabalala's inactivity was not particularly admonished by her colleagues, which can only be explained in two possible ways. One is that she served those male colleagues as point of comparison to give them a sense of their gendered roles. While she expressed the fears of the outside world and the need to remain inside the safe shelter of the station, her male colleagues were carrying out dangerous tasks outside. This in some way might contribute to the necessary but nevertheless partly self-deluding image of their masculine prowess.

The second explanation which can be applied here is that what she was doing was not so exceptional after all. And indeed the common expression used by police officers of 'hiding within the police,' which is used by Inspector Mofokeng to clarify Tshabalala's behaviour points towards the fact that this is an informally well-known, common practice. In a conversation I had with Inspector Mofokeng he confirmed that it wasn't just Constable Tshabalala who was relaxing in the police. It was possible to come to work and look busy even though one was not doing much work. He told me that his work was beyond the gaze of management and that this is true of most police officers' work. He said that he hated his office. The office did not inspire one to spend time there and with access to a car and unlimited fuel, he told me that he is able to pretend to be busy even when he is really doing nothing. In order to illustrate the amount of time some police officers have on their hands, he told me a story of one of his informers with whom he was having a full-fledged affair.

'I would take her to work and return her home. Our meetings had to be during the day and so I would book us into a lodge for the afternoon.' He freely admitted that while it was assumed that he was on duty and chasing 'big criminals' he would be taking time out with his informer/girlfriend. He adds 'junior policemen must be motivated but there is very little motivation, most senior officers are working in the courts, just relaxing there... Nowadays people come looking for work in the police just to hide in the police doing their thing like robbery and corruption outside work hours.'

Stealing time within the police takes many forms. Time is often stolen as people sit inside the station and do not follow up on the dockets that have already been opened. Others come to work late, others leave early and others still just book in and go out pretending to work. There are those that are totally absent from work while they are taking care of personal business outside, and there are those who do only as little as necessary to create the impression that they are working.

While it is not necessarily a 'criminal' negligence or a form of corruption that results in monetary gain, stealing time has far reaching consequences in the delivery of services. Zarafullah and Siddiquee (2001) term this negligence of duty 'responsibility lapses.' It is a dereliction of duty and it results in untold misery for the public as cases remain unresolved until they are dropped. But if we take Constable Tshabalala's story seriously and take into account that she has never identified with her job and has therefore never been able to find meaning and satisfaction in her work, we also have to see that such behaviour has a lot to do with not being able to do police work which is rewarding and publicly praised. In this sense it is yet another reaction to the gap that the futility of the police officer's crime preventing and crime detecting role leaves and the difficulty to find meaning and identity in the job.¹⁹

¹⁹: Zarafullah, Habib and Noore Alam Siddiquee. (2001) "Disecting Public Sector Corruption in Bangladesh: Issues and Problems and Public Control." Public Organization Review. Issue 1, Vol. 4.

PART B: The Dilemmas of Community Policing

South Africans want a police service that is responsive and reactive to their need for security. Yet, so much of the interaction that occurs between police officers and civilians on a day-to-day basis is fraught with confusion, controversy and misunderstanding. We have already noted some of the implications of this increasing closeness between the police and communities for the relations of bribery. So, in this Part we focus on the way in which police officers 'perform' for the public.

Concept Note Five looks specifically at our increasing demand for the police to prove their performance thru statistical measures. Concept Note Six begins by focusing on a variety of cases where police officers attempt to live up to the image of their job developed in police manuals and the media. Concept Note Seven looks at what happens when the conversation between the police and the public loses its sense of constructiveness, and the recriminations that result. Again, the aim of this part of the analysis is not to denigrate the achievements of Community Policing Forums, a facet of South African policing which we have not specifically studied, but to explore the variety of different and more problematic ways in which the police and the community are getting to know one another.

CONCEPT NOTE FIVE

Nothing Succeeds Like Success: The Manipulation of Crime Statistics

By Rajohane Matshedisho

The Dilemma of Crime Statistics

A few months ago, members of the South African print media turned their attention to the problem of police manipulation of crime statistics. Some SAPS stations in Gauteng, KwaZulu-Natal and Western Cape had been intentionally misreporting crimes and convictions in order to create an impression that they were winning the 'war' against crime. According to The Times, some of the methods used were:

1. Stockpiling, hiding and burning dockets;
2. Specifically eliminating dockets of crimes which the increase, including child rape;
3. Failing to register crimes that have a low chance of prosecution; and
4. Reducing serious crimes to lesser charges.²⁰

In response to the news, David Bruce of the Centre for the Study of Violence and Reconciliation said:

In my opinion it is a systemic problem. The direct reason for this is because stations are being put under major pressure by the police leadership because they (the leadership) are under pressure from the government. So, in an aggressive way, police stations are being told to reduce the rate of contact crimes by the 7-10 percent target set by the government.²¹

This news report draws our attention to a nation-wide demand on the police to reduce crime and the pressure at station level to do the same. This analysis does not prove that there is a direct connection between national pressures and station level responses. There is no data in my research that suggest police in Township B fiddle with their overall crime statistics. This paper rather suggests ways to understand how some police care more about crime statistics than actual policing.

The Meaning of Success in Township B

The starting point of my analysis is a comment I heard in my very first day of fieldwork with patrol police at Township B police station. One student constable jokingly ridiculed the other patrol group for returning to the station with a boy who was about nine years old.

It was around noon and some student constables were already taking a break from patrol. About eight of them were resting at the back of a bakkie at the station's car park. The group that I observed joined in the car park shade to rest as well. As the group approached, the student constable jokingly asked about the school boy, 'Is that your success?' Everyone laughed. Then one in the patrol team I was observing replied in defence, 'Of course not. The kid is truant and is taken to the Victim Support Centre. We had only one success today. He was in possession of dagga. They are charging him with that offence as we speak.'

In analysing their conversation, the two student constables are in effect comparing the idling boy and the dagga suspect. I realised that the term 'success' had more meaning to these officers than the layman's more general understanding of 'an activity or event that achieves its intended purpose.' A junior constable had taken a truant child off the streets and back to the station for possible processing with his parents, educators, and possibly social workers. This 'arrest' was not only in line with one of the directives issued by the Station's senior officers, it seems to accord with

²⁰: Laganparsad, M and Davids, N. (2009). 'How cops fiddle crime statistics.' The Times. (July 14, 2009).

²¹: Padayachee, K. (2009). 'Targets spur cops to falsify crime.' The Mercury. (July 8, 2009).

the sort of policing the South African public might want to promote: going beyond simply using force to impose the law, and taking a genuine concern in ensuring the welfare of its communities. However, for these officers, this was not considered a success in the same way as an arrest for the possession of dagga. The suggestion was that the measurement of performance was based on arrests. Success meant 'real' arrests, meaning measurable arrests. Helping the idling boy is not a success because it will not contribute positively to the officers' performance appraisal.

For me this raises two questions: what do police officers mean when they talk about 'fighting crime'? How do the police measure their fight against crime? It seems that police officers understand fighting crime as arresting those who are doing crime and preventing those who would otherwise do crime. However, they concentrate their efforts on arresting those who commit crime. Consequently, officers engaged in visible policing measure their fight against crime according to successful arrests which take place in the course of their patrols. At the end of almost every parade, the constables are reminded to fight crime. Captain Naidoo once put it succinctly in an evening parade, 'Continue to do visible policing to fight crime. Go out in the streets and make success by making more arrests.' Such statements are usually uttered to both remind and encourage the constables about their mission and job. In this paper, I examine these themes from the vantage point of the student constables who are engaged in visible policing activities. I argue that the construction of success in the everyday work of the police can tell us more about why officers fiddle with crime statistics.

Visible uniform policing is about both proactive and reactive intervention. The police wish to curb crime by discouraging people from committing offences and by arresting suspects. In order to do this, they need to establish a visible and felt presence on the streets. However, while visible policing is often justified in terms of those crimes it prevents or deters, it is not judged by the crime that did not happen but rather solely on what crime was committed and how much of it was committed. This point is particularly evident in the station's emphasis on both the weekly sector plan and the 'success form.' Each week the patrol officers are provided with these papers. At best, the officers are ambivalent in their attitude towards paperwork. Yet, they never follow the plan religiously, but almost always fill in the success form.

So, the use of success forms indicates that police work is primarily judged by descriptive statistical data. They have to show the extent to which crime exists and the extent to which they fight the crime; and they do this through the use of numbers. Based upon my attempts to listen to the way senior officers address their juniors in the parade, reading their weekly plans, and analysing the use of the success form, I think these instruments produce two main categories of crime statistics at Township B police station. The first one is the number of arrests that the patrol teams make – this is the success of each patrol team. The second one is the rate of crime over each week – this is the success of the station. These statistics are subdivided into further sub-categories. The number of arrests is subdivided according to the type of crime and the individual officer(s) who made the arrest. The weekly rates of crime are subdivided into crime rates in each of the six sectors and the overall types of crimes that were committed during a particular week. This can be diagrammatically represented as follows:

Figure 1: Diagrammatic Representation of Police Success Indicators



These categories seem to be very important and construct success in four ways at Station Township B. The first one is the poster at the Community Service Centre which highlights the mission statement of the South African Police Service (SAPS). It reads, 'Prevent, Combat and Fight Crime' in a big blue font. Even though the Constitution provides more than one responsibility for the SAPS, fighting and combating crime seems to be the primary focus of the station. Thus, the success of the station is judged by the extent to which it 'fights and combats' crime. This poster seems to be a national one for all the police stations. It is obvious that this mission is part of the government's call for the police to fight crime. I don't know whether the poster has any implications for the daily operation of the station. It only struck me as an observer that not only is fighting crime discursive in the parade and during patrols, but it is also fixed in a poster as if to remind them of the timeless and primary mission of the police to fight crime.

The second way in which categories of success are constructed in Township B's station is through updates and 'pep' talks during parades. The Senior Officer's subject of discussion is invariably 'crime'. Police and community are the targets. Police are warned and praised at the same time, and the goal is to reduce crime levels through arrests – there must be successes from every patrol. For example in one parade an inspector said:

Crime level was low last week. Keep up the good work. It is unfortunate though that when the crime level is low, none of the seniors acknowledges me. However when the crime level is high they say 'This Inspector is very useless.' I know they don't think very much of me. They say that I am useless. So that is why I want you to keep the good work so that nobody blames me for high crime levels. Remember that your purpose is to prevent and fight crime. You are supposed to protect the community and each other. You should do that proudly and professionally.

In this parade the Inspector reinforces to the Student Constables that it is the police's mission to fight crime. By fighting crime they are protecting the community. However, the community is not used as the measure for fighting crime. Instead, crime levels are used to determine the extent of crime in the community. So, by protecting the community, this inspector practically means to ensure that their work should produce statistics that show that crime levels are low. These statistics further serve as an indication to the station management of the extent to which the commanders and their patrol teams are executing their duties. Success is operationalised into statistics of crime rates.

At this point some might argue that it is impossible to quantify crime that did not happen, and to some extent they would be right. However, this neglects the fact that the way the police understand community safety is important in and of itself. In an ideal scenario the police would understand safety as including human experiences and perceptions, and would understand their success as reflecting the extent to which communities feel safe and are safe. Instead, the police seem to remove 'safety' from the community and replace it with statistics.

The third way that success is constructed is through the types of crimes in which police have successfully intervened. These include car hijackings, disturbances of the peace, murder, rape, house break-ins, robbery, illegal substances, and any offence that includes possessing or firing of firearm (licensed or illegal). These are what the station calls 'serious' crimes. These are crimes that the patrol officers usually respond to quickly when the control room announces them. What makes a serious crime? Based upon the commonalities between these categories it would appear that they are important because: (1) the community complains a lot about them; (2) they may lead to death of victims; (3) newspapers indicate the nation's concern about these crimes; and (4) the station commissioner says so. The role of the station commissioner indirectly constructs what success means because certain offences are deliberately overlooked.²² There is not supposed to be any policing of illegal immigrants, fafi gamblers, and craps gamblers. This implies that any officers who would preoccupy themselves with these crimes would not be doing their jobs. Instead, only intervention in 'serious' crimes means success. Hence the idling nine-year-old boy was not a success and the daga suspect was a success.

The fourth way in which success is constructed at Township B police station is the safety and 'victory' of the police officers. Life and safety of the officers is emphasised more than intervening in crime scenes. In a telling incident, a patrol team walked in a dark maze of shacks looking for a pair of suspects:

After finding the first suspect, they decided to look for the other in a nearby shebeen. A student constable asked one of the patrons if they had seen the second suspect. The patron agreed that the second suspect was at the shebeen and he was wearing a red sweater. The student constable asked him to get inside the shebeen to see if the guy was around. He did not find the second suspect and the patrol group went back to the police vehicles. As we walked through the maze-like settlement another student constable warned him, 'You must never get into a shebeen alone when it's that packed. It's dangerous. They can disarm you and point the firearm at you and beat you to death.'

This reprimand is a reminder that officers are taught to intervene only when it is safe to do so, and to continue to intervene while guarding the safety and life of each other. In difficult interventions where suspects resist arrest through physical fight or firearms, police deem it a cherry on top if they eventually make an arrest in such circumstances. It is typical of student constables to commend each other more about the process of arresting suspects than the eventual arrest of a suspect. If the suspect is deemed dangerous then the arrest is highly commended. The expression of physical power of officers and the achievement of victories over suspects is a process that is constructed as success in itself. In as much as the arrest will be counted as a success, the effort towards the success adds weight to it. So the degree of success is based on both the type of offence and the effort expended towards the arrest. In this regard, arrests due to public drinking are considered lesser successes than those that involve firearms.

Finally, success is one of the tools and measurements of performance. For individual officers to be taken seriously they must have high success rates in terms of numbers and types of offences. For example, in a hijacking incident one of the student constables admired, 'The truck was recovered. This is a great success for the team that intervened.' In one of the conversations with a student constable I asked about criteria for promotion. He answered, 'Previously it was based on performance and experience. However these days it also depends on your level of education.' 'How is performance determined?' I continued. He answered, 'They check if you work well with the team and that you make arrests in serious crimes.' I wanted to know how arrests are calculated because they patrolled in groups. He said that an arrest was a credit for each member of the group. Success is therefore a primary statistic in the police performance chart.

²²: There are no documents to this effect. When I asked the station commissioner about these choices he told me that when he came to Township B his mission was to fight crime and stop wasting time on petty offences such as fafi. Hence he verbally instructed the police to ignore petty offences.

The Implications of a Distorted Notion of Success

The construction of success produces several contradictions and problems. First, even though success is highly prized, it is sometimes regarded as an unnecessary nuisance. There are days when officers don't feel like making successes but they do so under duress. In one instance I accompanied two officers who said that they did not feel like working on that day. They did not have to say it because we spent half of the morning cruising and window-shopping for cars. At around noon one of them complained, 'I hate these success forms and I am not handing it in for today. After this I will knock off.'²³ I think for now we should just make sure we fill this success form.' After this, they spent the afternoon stopping and searching cars in the middle of the township. Then they completed the success form with registration numbers of those vehicles. In process one of them would intermittently ask the other, 'Don't you think we have filled enough entries?' and the other one would shake his head. Success here is a matter of filling a page without meaningful policing. The success in this context is not the actual policing but the act of returning to the station with statistics. The statistics serve as proof of work, despite the fact that it is not clear whether any work of lasting value has been done.

Second, the perception that there is a hard divide between serious and non-serious categories of crime provides a space for police corruption. The Township B community does not seem to know which crimes are policed and which ones are regarded as insignificant and not policed by the orders from the station commissioner. Police officers tend to target soft crimes and demand dues or protection fees from the offenders. The game of craps is an example in which police officers have stalls from which they collect money from the gamblers or trash their boards and confiscate the money. So while the police are in pursuit of serious crimes they also make a habit of cashing in on insignificant offences.

Finally, while the construction of success is based on preventing and fighting crime for the benefit of the community, it can also reconstruct the community as mere numbers that symbolise 'success'. The community tends to be viewed in terms of how much crime is going on rather than ways to improve the relationship between the community and the police.

One evening backup was called for a burning man in a small shack. In the atmosphere of disbelief of a burnt body, onlookers and extinguishing neighbours a Student Constable came to me and said, 'This is Township B at its best. I came to this place with a heart and I have grown hard and indifferent to such scenes.' I nodded. Then an inspector came to me and said, 'Can you see how difficult police work is?' I agreed. In the midst of the scene the police can only think of their work and the problematic nature of the community. The burning shack was a statistic typical of Township B.

The relationship between the community and the police is negative. Police go into the community to find or intervene for successes. Even though these successes mean good work for the victims, the view can be reversed if the victim becomes a perpetrator in another situation. So the construction of success is based on providing safety for the community, yet it objectifies the community as a criminal space that should be viewed with suspicion and scepticism. Practical intervention supersedes the idea and feelings of safety because safety can only be defined and executed by rooting out criminals. And the only way to prove that the criminals have been rooted out is by producing low levels of crime statistics.

23: The time was around 13:00 then. He meant that he was not going to continue to work and knock off at 18:00 as required.

Making the Parallels

With these insights from my observations in Township B, it did not come as a surprise that police in the three provinces have been manipulating crime statistics. The public pressure and outcry against rampant crime in South Africa is partly responsible for the police tendency to produce fraudulent statistics. Crime statistics are regarded as primary signs of success or failure in fighting crime. Police therefore measure their personal and professional worth in terms of these numbers. The ideal way to ensure their worth is to keep crime rates to acceptably low levels. However, given problems such as lack of resources, skills, training, and morale, crime levels continue to rise. With a culture in the SAPS that is not averse to bending the rules, one practical way to maintain their worth is to 'cook' the crime statistics. The numbers are important and the process of reaching those numbers is of secondary importance.

There are parallels between the student constables and the national police services. In the same way that the Township B Student Constables are pressured to fight serious crimes, the police are nationally pressured to lower the rate of crime. Success in Township B equals the number of arrests and a completed success form. Nationally, success means numbers of arrests, fully investigated dockets, and convictions. The patrol teams in Township B have to hand in the statistics and also see if their work translates into low weekly crime rates. Nationally police work also needs to translate into low crime rates. In Township B the success rate can be superficial or manipulated through filling in the success form for the convenience of the patrol team. Nationally the numbers can be manipulated through destroying, hiding, stockpiling, and altering dockets. The common threat in these parallels is that success is idealised to such an extent that alternative crime prevention strategies and alternative definitions of safety are neglected as supplements to the present strategy and its discourse.

CONCEPT NOTE SIX

The Futility of Fighting Crime: Filling the Void

By Barbra Nyangairi

The number of murder cases has decreased significantly over the last few years in Township A. In an area where the police used to deal with more than twenty murders a week, the rate has fallen to one. The police are keen to identify this drop as one of their successes: that their crime prevention and crime detection activities are bearing fruit and helping to protect the people.

Nevertheless such successes did not seem to alter the general feeling of futility that shrouds most police work in Township A. Crime prevention, meaning – in most simple terms – the act of driving around the township and showing police presence is often seen as a waste of time. According to one police officer, 'the police cannot be everywhere! You can be called to attend a business robbery a few minutes after you have been patrolling that particular place.' The sense that crime will continue regardless of their visible presence was exacerbated when police officers had to attend to a case of housebreaking which happened less than 500m away from the police station. They wondered how the criminals could be so brazen and neglectful of police presence and authority. For a more regular illustration of these feelings one merely has to sit in Township A's Client Service Centre. Here, one will experience the avalanche of cases of domestic violence and house break-ins that civilians come to report and one will begin to understand the metaphor of the crime wave washing away any attempt to stop it.

Saving Face – Keeping up Hope

This sense of futility is even more pronounced when it comes to the everyday practice of crime investigation. One day, when I was accompanying Inspector Dlamini, we went to visit the crime scene of a house break-in. The docket, which had only been opened a few hours before, stated that both the main house and the outside house had been broken into, and property such as DVD player, laptop, and other items which had been easy to carry had been stolen. The owners had been away visiting relatives.

When we arrived at the house the owner seemed despondent but nonetheless pleased to see a police officer. He seemed to draw quite a sense of comfort from his presence. He willingly allowed the police officers to go through his things and even urged him to inspect the bedroom which the thieves had ransacked as they had looked for valuables.

I watched as Inspector Dlamini asked the family if they had touched anything. As the homeowner miserably walked through the rubble he replied that yes, they had cleared up a little, but most things they had left the way they had found them. Inspector Dlamini tried to assure them that something would be done to find their property. He asked the man to try and find the people that might have had anything to do with the crime or any other hints that could help the police to deal with this crime. Inspector Dlamini later told me that this kind of information would be crucial but almost impossible to obtain. It was not that the people did not know who was involved in crime, and it was not that people did not hear and see things happening, but rarely would they share such information with the police or with those who they did not know. 'The reliance,' he added, 'on intelligence which seems utterly elusive, is what stalls all our efforts to solve crime.'

Despite these feelings of futility and skeptical assessments of the possibilities for a fruitful investigation, Inspector Dlamini promised the owner that an expert would come from a nearby police station to dust for finger prints. When the man asked when this would happen, Inspector Dlamini responded that he could not give him a specific time but that someone would come as soon as they were available.

As we got back into the car I asked him if he thought the fingerprint expert would come. He did not seem overly confident and explained to me that there were only a few fingerprint experts in the SAPS and that they had an insurmountable work load. In fact, the prospect of someone coming to

dust the finger prints was rather a question of chance than of probability. And by the time the hypothetical expert appeared, the owner and his family would probably have decided to move on with their lives and started to clean up their house. It then seemed that the promise that somebody would come and take fingerprints and the evocation of a technical expert had a primarily rhetorical and temporary purpose. It was not really about gathering evidence, but about comforting both the victims of crime and putting the police officer in a situation where he could declare that something might be done. It was a momentary offer of consolation to the victim which served to restore some confidence and give some hope. This rhetoric allowed for both victim and policeman to keep open a small window of possibility, even though both probably knew quite well that they were fooling themselves and each other.

When we then talked about the possibility of recovering stolen goods, Inspector Dlamini gloomily admitted that such recoveries are very rare since in South Africa there was a ready market for stolen goods. South Africa was very big and criminal networks could just move goods to other locations, he explained. The only possibility was for the police to intercept cars with suspicious looking goods and people. They could sometimes recover stolen property but this was purely by chance and not because they were working hard. Here again the element of chance came into his account as signifying the relationship between police and fighting crime, implying that crime is always something too big and overpowering, meaning their efforts will inevitably be meek and insufficient.

Performing the Bust

Such confrontation with futility may encourage police officers to feel that they need to over-perform. In some cases, it appears as though they attempt to outdo chance and to compensate for a nagging feeling of insufficiency, which can get hold of them at any time. This was illustrated by an incident of police bravado one Sunday morning in Township B.

On Sundays the pace of the township is slow and lazy. In contrast, Inspector Nxumalo seemed fervent and alert, and there was a sense of urgency with which he pulled the car out of the parking lot and left the police station at high speed. Once he was on the main road leading out of Township A, Inspector Nxumalo skipped a red robot. At first I thought that it was a mistake but as he drove on we skipped yet another three red traffic lights. It was clear that wherever we were going, it was of great importance to him that we get there soon and he seemed to want me to know this as well. Constable Sibanda who was also in the vehicle finally told me that we were on our way to a township and that Township A's task team had been called to join an operation to arrest 'three dangerous criminals who had escaped from the cells of [a neighboring police station].' When I later asked Constable Sibanda whether the breakout might have been an inside job he dismissively mumbled something about the 'criminal exploits' of the criminals in question. He clearly did not wish to be drawn into any talk that would suggest a blurring of the line of good and bad between the police and the criminals right now.

At the neighboring police station a number of men were standing and speaking in hushed tones and the air was thick with excitement. Inspector Nxumalo greeted some of the people with great familiarity. There was a woman there from the flying squad, the SAPS elite mobile chase unit. It appeared that the three escapees had been traced and the operation was intended to catch them. Once again Constable Sibanda impressed on me that they were serious criminals who had been involved in 'hundreds of hijackings and that they even once before had escaped from police cells.'

Soon after, all of the officials involved in the operation met to share and discuss details and prepare their plan. Then there was a sudden flurry of activity as doors were banged and cars began to move out of the parking area. We went to a township area. The cars were driving in procession and a marked municipality police car was

leading with flashing blue lights to alert everybody around of the importance of this mission. The marked car would intercept traffic to allow all the police vehicles to pass without interruption from other civilian vehicles. It was a great display of power. People willing and unwillingly became the audience for a mighty performance. They had no choice other than to abide and to stop and give way. The attention which the entourage seemed keen to draw to itself seemed quite out of sync with the aim of this mission, namely to surprise and catch the criminals in the house where they were apparently hiding. It was as if the police officers involved had already a hunch that the performance of power might be all they would be able to produce and deliver at the end of the day. Thus, they might as well revel in it to the fullest.

The men in the car were quiet. They cocked their guns. There was no time for talk; the tension in the air was palpable. The look on their faces told me that they were prepared for action should it become necessary. We finally got to a house, which was surrounded by shacks. All car doors were opened at once as if it had been programmed that way. The police officers left the cars at great speed and quickly moved towards the house. I could see big and small guns pointed as men rushed to surround the house. Then they broke through some doors and stormed the house. But the suspects had long left.

A little bit later as the situation had calmed down somewhat and officers came back to the cars, Inspector Nxumalo told me in a voice that revealed his great disappointment that the suspects had run off when they had heard the police coming. The feeling of a total letdown now pervaded the scene. Not wanting to admit defeat and refusing to go back to the normal routine, all of the officers' cars remained parked at this house for a good two hours. While it seemed unlikely that the suspects would return to the house anytime soon, Constable Sibanda mentioned that the flying squad was using its specialised instruments to trace the whereabouts of the suspects using signals from their cell phones, but that it would take time as the suspect's phone was off. Again, as in the case of the housebreaking where the finger print expert was evoked, here some technical expertise is evoked just as the situation is drawing to an unsuccessful end. The question of course is whether this evocation referred to a realistic prospect or whether it was more about having to face up to the failure and the need for some consolation at the imminent failure.

After a while more basic needs made themselves felt and the police officers went to look for something to drink. As we were driving around trying to find a shop we passed a group of young men who were standing in the street. They did not move out of the road as the car approached and one of them banged the rear view mirror. Inspector Nxumalo brought the car to a shrieking halt and the police officer jumped out of car with a violent preparedness and attacked the young man. They beat him and shook him. One of the young man's companions looked totally shocked but then approached and began to apologise on the other man's behalf, that he had been drunk and had not seen the car coming. The police officers eventually stopped beating him and went back into the car. When they said 'police in [my country] do not beat up people but in South Africa we deal with people.' It seemed that this incident had provided them with a welcome occasion to take out their frustrations on some harmless youth and rough him up as if he were the criminal they were actually looking for. Here, a man that the officers could reach out and take a hold of had to serve as a substitute for the real suspect who was hopelessly out of reach.

Intelligence, Informers and Personalised Informers

Policing, of course is not always futile. However, successful policing often does not involve the types of technological precision and forceful action that inspired the police officers in the two incidents I have just discussed. Instead, often genuine successes come through casual and informal relationships which many of us might regard as bordering on the inappropriate. A good example is the case of Inspector Makhubele who had a range of successful cases to offer. He once related a story that involved his use of an informer to set up some bank robbers in a sting operation:

I had spent some time looking for this one notorious criminal who was responsible for heists and bank robberies but he was very elusive. I had an informer at the time with whom I was working. He had told me that he knew about these criminals and that they had firearms and so I told him to call these people and tell them that his brother wanted to pretend a robbery on the day he was depositing money from work at a bank. The men were told that they would share proceeds with the brother. I posed as the brother and even called them to make plans but otherwise I avoided meeting them. Once the criminals were convinced that I was genuine, they agreed and asked me for the details of the car I would be using. I told them a lie and the date was set when the robbery would be staged. I kept communicating with the informer so that the informer would know what to do. I had also told the informer that he should run when they caught them so that his fellows would think that he had successfully escaped and would not suspect that he had sold them out.

We executed the plan very carefully. The informer sent me a message when they were leaving and told me the type of car they were using. I arranged a roadblock on the way the criminals were using and since the criminals did not know me it was safe for me to be there at the road block. I stopped the car and asked the occupants to get out so I could search them. When we found their weapons, two tried to run away, including the informer. We gave the informer a half hearted chase while the other one we shot in his leg. As we returned we reported that one had managed to run away. I was able to nail all the suspects for possession of illegal firearms and their finger prints tallied for some previous crimes that had remained unresolved.

This account impressed through its unerring conclusiveness. Whether this bust really happened exactly the way the officer described it is arguable, but what counts is that he made a successful arrest and that the events had allowed him to construct an account in which none of the usual pitfalls had lead the operation into a dead-end, and that the illusiveness of gaining reliable intelligence had been somehow overcome. Here the police officer can assert his full agency by highlighting how he has outwitted crime. But while the story is told with the Inspector as the main actor, it is the informer who should actually hold the lead role. The success of the operation depends most heavily on the role of the informer. It is neither technology nor is it a combative police force which has made the sting possible but it is the kind of secretive, personal relationship between a police officer and his informer who is himself a criminal but who is willing to take a risk and turn on people he knows for profit. This is not the story of generalised, impersonal, and deferred exchanges in which a society gives information to the police and in turn receives protection and security. Instead this story shows that information which leads to arrests can often only be gathered through a direct, immediate, and personal exchange. The practice of working with informers – as such not an incorrect or illicit policing technique – appears here as yet another form which stands in place for the impossibility of a more public policing.

Although the informer system can produce these positive results, it can also become a corrupting influence. Working with Inspector Makhubele, I noticed that most of the time when he had to meet his informers he went alone. He explained to me that this was for security reasons and that the fewer people who came into contact with these informers the better for their anonymity and safety. When I asked him what kind of people were being recruited as informers he told me that he only had a few male informers but that the majority of his informers were women. He explained that these women were mainly girlfriends or ex-girlfriends of suspects. Some had volunteered and some had been recruited as a trade-off for not pursuing charges against them as accomplices.

Later, when Inspector Makhubele had become less cautious about hiding the identity of his informers from me, we went to a nearby township to meet some of the female informers. It was clear that several of them had not simply been once-off informers, but that they had an ongoing relationship with the inspector. While I was grateful for this new exposure to the world of informers, after the informer had shown him a place where suspects lived, Inspector Makhubele would make sure to quickly drop me back at the station. Again, I wondered about this need for secrecy, especially after hearing a conversation between one of the women and Inspector Makhubele about his plans to marry her and her reasons for deferring his advances. She finally warmed up to the conversation, also after I had added that he would be a fool to lose such beautiful woman, and they had continued to talk in hushed tones. So on the next occasion I quizzed him about it and he told me that he had successfully managed to 'lay the woman. He began to lament that all these women wanted him and that there was nothing he could do about it.

As he was already in a rather chatty and revelatory mood he further explained to me that after successfully arresting a criminal, he would determine the amount – something between R5000 and R 50 000 – which he would give to the informer. He would then take a share of the proceeds for himself. After all, he rationalised, it had been he who had been responsible for giving the woman a job and some income and they needed to thank him for that.

While Inspector Makhubele had gotten quite used to my presence, I was still surprised that he told me this without thinking twice. It showed me that the veil of secrecy was not very thick. Entrenched as they were in the everyday practice, these practices of sexual involvement, and sexual favors, and skimming off the informer money, surfaced quickly in our discussions.

These practices show us that the role of exchange was even further personalised and that it was not a single distinct operation but a relationship strengthened through layered moments and elements of 'give-and-take' across time. While the informer system creates the possibility for instrumentalised, personalised and immediate exchange, in its everyday practice it may lose its instrumental character and become more like an ordinary relationship that is characterised by compromise and influence which work in both directions. Here, policing as a generalised exchange of information and security is displaced not just by an informer system but a hyper-personalised relationship in which information exchange is only one aspect. The irony of course is that it might be exactly these kinds of illicit and personalised practices which produce some form of success. The question remains, however, whether it is only the success that counts or whether such forms of policing constantly reproduce the mistrust between police and society in the long run.

Summary and Conclusions

The police in Gauteng face an extraordinary battle to show that they are making inroads as part of the government's 'war on crime'. In this discussion, we have revealed some of the informal ways in which they have responded to this challenge: through displays of bravado, promises of hi-tech investigation and the use of informer networks. While these cases do not reveal the breadth of SAPS' anti-crime initiatives, they force us to reckon with some of the unintended consequences of such strategies. Some of the 'bread-and-butter' solutions that SAPS should be using to tackle criminal individuals and networks do not appear to be functioning as we might hope, and this spreads disillusionment within the service. This feeling of powerlessness is sometimes expressed in relatively harmless, performatory ways, as in the forlorn officer who posits the hope that someone will come to dust for fingerprints, and in other cases in more aggressive dangerous outbursts, as we saw in the attack on the young man after the high-speed bust went awry. In this context of the prevalence of performative displays of police power, which Johnny Steinberg made the focus of his recent book *Thin Blue*, we drew attention to Inspector Makhubele's informer networks as an alternative and more integrated relationship between the police officer and the community. The paradox of his case is that in implementing a highly intuitive and straightforward technique which follows the principle of community policing and of building relationships of trust with the community, Makhubele also finds himself moving progressively beyond the pale of the law.

As with our previous discussion of falsifying statistics, this Concept Note draws our attention to the fact that the performance demands currently facing ordinary officials are having problematic effects on their conceptualisation of the notion of success within SAPS. However, this piece extends these ideas by showing that performance pressures don't stem merely from the station's expectations, but a more diffuse set of expectations about a police officer's professional code and responsibility to protect the community and pursue criminals. While it is not up to us to condone lying, lashing out, or cheating as ways of dealing with these pressures, we need to develop responses that recognise that these additional and alternative performance criteria exist, parallel to the formal systems which acknowledge success and award with pay and promotion. We also need to reflect further on the manner in which we, the public, contribute to the demands on police officials, and take some collective responsibility for those instances when officers respond through measures of which we do not approve.

CONCEPT NOTE SEVEN

'We Are Helping Them but They Are Fighting Us': Community Accusation and Recrimination in Township Policing

By Rajohane Matshedisho

Since its establishment in the 1900s, Township B has had a tumultuous relationship with the police. The police often considered the township as boisterous and unruly, and characterised by alcohol consumption. In 2009 – ninety three years later – the police think of the township in much the same terms:

Do you see what is happening? In South Africa the Bill of Rights will never work. We can't do what we were taught in college. Yes I agree that we have to respect people's rights but in South Africa you just can't. There is too much crime and violence and you have to beat the hell out of these criminals for the truth to come out. There is nothing like rights here.

So if police view the Township B community as people to be punished and disciplined, and if the community gives the police reasons to punish and discipline them, then it is a vicious cycle of crime, violence and mistrust. In this Concept Note we trace the continuation of this torrid relationship by examining the strained and often abusive conversation between civilians and police officers on the topic of policing. By showing how many of the stereotypes and accusations that make up this ongoing debate are based in a complex amalgam of truth and fiction, we aim to explain why the resolution of these tensions has been so difficult.

The Police Image of Township B

The police in Township B see the community they serve as very violent and prone to criminal behaviour. In my conversations, none of the officers spoke about poverty as a potential cause of crime. Instead, they saw alcohol abuse as the primary cause of crime and disobedience. This perception directly influenced their attitude on patrol. In one conversation with a student constable I asked him what the problem was in Township B. He enthusiastically answered at length:

Township B is very hectic over the weekends. Alcohol, robberies, and domestic violence are very widespread. Sometimes someone comes to report broken entry and stolen property from his shack. That person would be drunk and have no knowledge of suspects or any information that might help us. Then the next day he forgot everything. People here have no respect for the police so we sometimes teach them a lesson just for the sake of it. For example, sometimes if I find you holding a sealed bottle of beer, I can arrest and charge you for public drinking even though I know you were not drinking in public.

'Why do you do that?' I ask in amusement.

It's about the suspect's attitude. If I see that you are arrogant then I will find something for which to arrest you. However if a suspect is apologetic and respectful then I forgive him. If people show respect or are apologetic and say, 'Sorry officer I did not mean to do this, forgive me,'²⁴ then I will forgive them because I have a heart and I am human too.

From the police perspective, Township B is a place to teach criminals and an unruly community some harsh lessons. Police work becomes primarily disciplinary.

²⁴: As he said this he made gestures mimicking a humbly apologetic person who would usually display praying hands, lifted shoulders and an almost bowing head and trunk.

Insulting the Police

This notion of police work also influences how the police view the absence of crime. In the absence of crime, patrol officers feel they are wasting time. In one of my early days on patrol an officer said,

Thursdays are very boring. They are quiet. You see nothing. You must come on Friday, Saturday or Sunday then you will see real action. Today we it's just for you to take a tour of the township! We on the other hand will be honking at ladies!

In this way, it seems that the only type of relationship with the community that the police can conceptualise for themselves is fighting crime. The notion of being visible and thereby reinforcing feelings of community safety does not seem to count from the patrol officers' point of view. They don't think of their visibility as something that might make the community feel safe. As with their perception of success (see Concept Note 5), they view their output as something that needs to be quantifiable. Insofar as the officers see value in being visible, it is in having the public see them dealing with criminals. They want action, which of course includes arrests and force, and disciplining the criminal, preferably in public view. This, they hope, reminds the public of the consequences of disobeying the law and the police.

The public gaze is not silent though. Community members voice their disregard for the police. This is evident during arrest when some civilian onlookers directly or indirectly insult police officers. The insults are meted out in at least four categories: The first one is that police are generally illiterate or functionally literate. By that they mean they did not pass matric²⁵ and do not have tertiary qualifications. In one incident where a shack was on fire, the police officers stood observing the flames and the charred body in which only the calf bones could be seen through the night among the flames, smoke and smoulder.

The police did call the fire department but they did not come because they were on strike, as were like the doctors and ambulance workers. It was an excruciating site and some of the onlookers could not understand why it was only the neighbours who were trying to extinguish the fire. In a callous tone one civilian retorted, 'What do these tenth or eighth graders know anyway?' He was suggesting that it did not come as a surprise that police were not helping because they were incompetent and uneducated.

The following incident exemplifies the other ways in which the community insults the police:

One evening about twenty police officers were taking turns beating three suspects. As the drama unfolded, a female student constable asked some on-lookers to move away from the scene in case there was crossfire. The civilians resisted and she started shouting at them to move away. Other Student Constables backed her up and told them to move back. There was the usual altercation between police and group of civilians. The police were told how rude, illiterate and useless they were. They were told to go and attend to serious cases instead of beating people.

As the civilians were dispersed I was part of them. So as I moved around I could hear their conversations which included remarks such as: 'These people did not resist arrest. So why are they beating them?' 'She would not say these things if she was on her own. She is doing this because she has the back up of other police. They are very silly when they are in a group.' 'It serves them right. Their Zuma said that we must like the xenophobia.²⁶ Now look what these xenophobia people are doing.' 'We know our rights. They won't tell us what to do.' 'How can so many police come and attack just three people?' 'They are just as corrupt as anybody else. You will find them drinking inside police cars too!'

²⁵: Grade 12, the last year of high school.

²⁶: It would appear that some township residents have begun to use this term to refer to foreigners. The three suspects were said to be from Maputo.

In the midst of these confrontations one of the student constables despondently and angrily said as he left the crowd of civilians 'I don't understand these people. We are helping them but they are fighting us. We are helping them so that they don't get mugged by these thugs' [pointing at the 3 suspects as the police continued with the beatings]. It was difficult to listen to everything because almost every member of the crowd was quarrelling with a different officer. In the midst of those quarrel a police clapped two hard blows on a drunken man. The man fell haphazardly on the ground.

This brings me to the second category of insults: that police are useless because they are afraid of serious crimes and instead harass harmless people. Like the above example, this is often observed in motorists' sarcasm during road blocks or overt insults from onlookers during an arrest. Arrests and warnings for public drinking warnings may also evoke this category of insults. Civilians feel that public drinking is harmless. They rebuke the police and tell them to go and fight 'real' crime in the street. This insult is conflated with the complaint that police never arrive on the crime scene in time. The perception is that they don't care and are afraid of serious crimes. They arrive late intentionally in order to avoid confrontation with real criminals.

The third category of insults is that police have no right to arrest or beat criminals because they too are just as corrupt and criminal themselves. Of course the community does not refer to the police at the scene but rather to members of SAPS in general. In this category the morality of policing is questioned. The police are not seen as neutral enforcers of the law. Instead they are viewed as moral agents who hypocritically enforce ethical standards rather than the actual laws. In the community's eyes, being a moral agent ought to involve feeling guilt and shame for punishing people for crimes that one may have committed oneself. The solution would be for the police to be understanding instead of arresting, warning, or beating suspects.

The final category of insults is that the police are 'cowards'. They are cowards because they are usually arrogant and prone to violence if there are many of them on the scene. What the public mean when they say this is that police need back-up to be confident to arrest or beat suspects. On several occasions onlookers were amazed at the number of police officers who were present at a crime scene. For them, the ratio of police to suspects in a scene is too high. They also expressed their disgust at police officers who took turns to beat suspects who were not resisting.

Understanding the Context of the Community's Views

These accusations need to be understood in their context. The first context relates to the education level of the police. It is true that many of the police officers I worked with were functionally illiterate. According to the community, this implies that the police are intellectually inferior. However, if one looks at it historically, black police performed 'surrogate policing' as municipal police or special constables to augment the SAP strength and also to dissociate the SAP from white police violence in the townships around mid-1980s. Like municipal police, special constable 'Recruits required no educational qualifications, and included many illiterates. Equipped with shot guns, and dressed in functional blue overalls, they were allocated the tasks of foot patrol and riot control the work of black police men did not need a senior certificate.'²⁷ In fact, under Apartheid black police officers could not be promoted beyond the rank of sergeant because they were non-commissioned officers. It was only after the 1976 uprisings that black auxiliary police were allowed to carry firearms. Moreover a lot of officers who were recruited in the 1990s did not have a national senior certificate.

27: Brogden, M and Shearing C. (1993). Policing for a New South Africa. London: Routledge. Page 83.

The second context relates to police avoidance of serious crimes. According to the police, serious crimes are indeed dangerous and need back-up. Often police are reluctant to attend to serious crimes if they don't have necessary resources such as appropriate patrol vehicles and back-up from colleagues [see Concept Note Nine]. At other times police feel too tired to attend to these calls especially if they are not working within the sector in which the crime is being reported. However, in the streets, police also choose which crime interventions are important to them. For example most of the police officers find domestic violence intervention as a waste of their time because the complainants usually drop the charges.

The third puts police corruption in context. The community sees police as corrupt and not sufficiently morally upright to arrest other people. This evokes the argument about the principle of accepting to be policed in a democratic liberal state. By agreeing to be policed, the community accepts the authority and power of the police irrespective of the individual police officer's moral virtues or vices. In a democratic liberal court the arresting officer is innocent of corruption until proven guilty. However, the community add another dimension into policing – that police themselves must be morally upright before they enforce the law. Such ideas were acceptable during Apartheid and the police were chased out of Township B by self-defence units. The return of police to Station B since the early 1990s means that the community has accepted to be policed and thereby is expected to be cooperative. However, the cooperation also demands police to display virtue.

The final context relates to the concept of police 'cowardice'. In one of their patrols the officers I was accompanying came across a brawl in the street. A suspect ran away into the yard. It turned out he was hitting his girlfriend. There was a crowd of about twenty people in the yard. The officers stood out of the yard and did not pursue the suspect. When they returned to the car they said that they did not pursue the suspect because the lady did not seem to need their intervention. Moreover, they said that they did not want to enter the yard because they were small in numbers and could be easily disarmed by the crowd. In their training and parades the officers are told that in every intervention they should consider their safety and lives. Whereas the strength of the police lies in authority, backup, and the community's consent, the community seems to view reliance on such factors as cowardice.

Police views

Police officers have their own views about these perceptions. In all the interviews I conducted with the junior police in Township B, they gave the same answers about the animosity between police and their communities. Police officers think that the community lashes out for three reasons. The first reason is that the community is ignorant of the law. If people don't know how the law operates then they will always hate those who enforce it. All the officers said that they were not bothered by public insults during an arrest. Part of their training has socialised and instructed them to develop a thick skin to emotional abuse. The only time that police officers have to deal with the onlookers is when they are interfering with police duties. At that point the police are allowed to arrest a civilian for interference and use force if needs be.

The second reason is that the community thinks that the police make and enforce the law. For the police officer this is simply ignorance that makes them shrug at insults. In this regard, the police consider themselves as 'agents of the state.' This view reminds me of a public drinking arrest incident. The arrestee pleaded with the officers not to arrest him, but they refused and put him into the vehicle. On the way to the station the guy continued to plead with them but they refused and one them said, 'We can't. He is our success! You know public drinking is wrong yet you do it. You don't respect the police.' The constable said, 'We have already forgiven you. Now we are just doing our job!' They returned to the station to open a case against the arrestee.

The third qualm which the officers raise is that the onlookers who insult them are likely to be close to the suspect:

On my first day of fieldwork a dagga arrestee was taken to the patrol vehicle a civilian lad asked, 'Why are you arresting him?' One of the women constables retorted 'Why do you want to know? What's in it for you? What are you going to do about that information?' The lad kept quiet. Then suddenly an old man appeared at that street intersection demanding to know why they were arresting his son. He shouted 'This is my son. He does not smoke dagga. Why are you arresting him? Don't arrest him. Leave him alone!' The officers explained that he was being taken to the police station. He continued to protest and an officer told him that if he continued his behaviour he would be charged with interference. Another woman came in and protested too. She claimed it was her son. They were both told to keep quiet and go to the police station if they had any problems with the arrest lest they would both be charged for interference. The vehicle left and the officers continued with their patrol.

The patrol team was very angry about the civilians' responses and talked about it as they went along. The Senior Constable said, 'These parents are very silly. They know that their children use drugs and do nothing about it. When their children are arrested they defend them. They should tell them to stop taking drugs and we will not arrest them!' The team agreed.

Police officers say that friends and family members of suspects usually defend the suspect and view the police actions (arrest or violence) as unfair. Officers understand that friends and family members don't want their loved ones to go to jail. However, the officers usually don't sympathise with any civilian that tries to defend a suspect during an arrest. In most cases the officers get into a verbal altercation with the onlookers. Often when a suspect resists arrest onlookers may cheer in favour of the suspect, turning the scene into a spectacle.

Police officers are also aware that in as much as the community disregards them, they can also think of them as superhuman. The community can see police as macho, and brave. The police are supposed to fight crime and arrest criminals at all costs. They are supposed to be ideal life savers. In the incident of the burning shack police stood observing the flames and the charred body while the fire department did not arrive. Community members were trying to extinguish the fire. As we left the scene, one Student Constable complained, 'People are impossible! They say we are useless because we did not save the burning man. Do they expect us to throw ourselves into the fire and burn with him?' At one moment civilians think of police as scumbags and the other moment they think of them as saviours who ought to be heroic, compassionate, and merciful.

The effect of this relationship on both the community and the police is negative. Even though the police say that they shrug at the insults, it has an emotional impact on them. On one evening after parade and while awaiting patrol vehicles one of the students woefully said, 'I wish I could work at the Community Service Centre. I hate patrols. I hate getting into altercations with people in the streets. They are just bad luck!' On the side of the civilians, they are afraid of the police. Police presence might mean trouble instead of safety.

Resolving the Police-Community Relationship

The relationship between the police and the community in Township B is not completely negative. The officers do experience fruitful and supportive interactions with community members where the latter play their role as dutiful citizens offering up intelligence and alliances. However, it is worth noting that the average police officer does not experience these positive associations as part of their daily working life. This is evidenced by the fact that although many officers see the Community Police Forum (CPF) as consisting of community members who both understand police work and help police in preventing and fighting crime, the CPF did not feature in their usual conversations during patrols and parades. This issue only came up in the interviews conducted outside of their normal routines, where it featured prominently as the positive aspect of the relationship between the police and the community. A possible upshot of this observation is that advocates of community policing may need to think deeper about how they extend the constructive and democratic space of the closeted CPF to the broader sphere of police community relations. What sort of police response to crime and public insecurity do we really want? How can we make the police feel respected and wanted again in the areas where they have themselves been associated with so much human tragedy? That this is a difficult pair of questions is undeniable. That such change is possible is evidenced by the following commentary on a particularly problematic shebeen in Township B:

There is a place called Mike's. It was very notorious. About seven police vehicles were damaged by the patrons. In one incident a police firearm was lost. Police used to be afraid to pass by that place on Sundays but we fought back and patrolled that area even inside it....And now sometimes when we pass by there on Sundays we even forget it's Mike's. They respect us now and they are no longer unruly.

PART C: The Police as Perpetrators and Victims of Violence

South Africa is gearing up for a heated debate on the propriety and purpose of police violence in the wake of National Police Commissioner Cele's announcement of imminent changes to the Criminal Procedure Act. While this debate will undoubtedly be polarised, it is not clear whether both sides of the story will be accurately and empathetically told. In this section, we attempt to generate understanding about the manner in which police officers both use and fear violence in their day-to-day work. Concept Note 8 *We Must Fight Them*, looks at the manner in which police hierarchies endorse the use of force. We argue that recent provocations for the police to use violence in combating crime may have some deeply problematic outcomes, including the increased use of torture in the townships. Concept Note 9 *They Throw us With Stones* turns this discussion around by examining how police officers can find themselves in the role of the victim, when township 'mobs' turn violent. This case further problematises the question of whether police authority can be meaningfully established through the use of force in modern South Africa.

CONCEPT NOTE EIGHT

'We Must Fight Them!' Police Violence, Torture and Brutality

By Rajohane Matshedisho

One cold Friday evening, the police caught a suspect at the scene of a failed hijacking incident. The suspect's accomplices had run away. As the police were questioning the suspect they smacked and punched him repeatedly. The suspect denied ever being part of the hijacking. By the time they took him into a police van blood was dripping from his mouth. I asked one officer why they had stolen the truck. He replied, 'They thought that the truck had goods or merchandise. They were hoping to sell them so that they could have money for booze and clothes.' As we left for the police station one of the student constables said to me, 'Now we are going to do our duty. You will wait at the Community Service Centre while we do our thing.'²⁸ I agreed and we left. By this he meant that they were going to force the confession out of the suspect through violence at the station.

At the station I sat outside while they took the suspect inside. As I was sitting, one of the students searched through a dustbin and picked out a grocery plastic bag. I immediately suspected that they were going to suffocate the suspect. My suspicion was half correct but also an understatement. I turned out that they filled the plastic bag with pepper spray and then wrap it around the suspect's head. The suspect would then breathe in the pepper spray fumes which would violently and sharply attack his respiratory system and suffocate him too. Apparently, this technique rapidly produced its intended effect. Soon after, they reappeared with the suspect and said that he had confessed to the hijacking and would lead the police to his accomplices.

The unlawful use of violence is not a new facet of policing in South Africa. Policing under Apartheid was based on securing white minority rule and suppressing anti-Apartheid popular struggles. Police violence was both discretionary and sanctioned and often defended by the justice system. The transition to democracy did not erase the use of force as part of the police tactics. In this sense, the Township B incident is simply an example of a common and widespread phenomenon. However, a closer observation reveals a rather complex understanding of such violence which makes it difficult to simply label it as torture or mere 'brutality'.

The starting point of this discussion is the recognition that violence is understood as a way to discipline criminal elements in the community. The police want to be perceived as intolerant to crime and ready to physically fight criminals. One junior constable mused:

There is too much crime in Diepsloot. Township B's crime is nothing compared to Diepsloot. They have a mobile police station and it's difficult to start up a new police station. They drive all the way from Erasmia to deal with crime in Diepsloot. I think I am the right guy for Diepsloot. I will apply to work there after my training and I am going to beat the shit out of the criminals in Diepsloot.

In this way, police use and think of violence as a necessary characteristic of visible policing, a core characteristic of police identity, and indeed, an object of occupational fantasy.

Junior constables are also socialised into police violence. There are three means of such socialisation. First, during their college training they undergo something like a boot camp. During that period they are told, 'We are going to kill you and make you again.' The phrase means that training is supposed to make them feel impartial and impersonal to both human pain and subjective considerations for criminals. They are supposed to be hard-hearted and be able to inflict pain without flinching.

²⁸: He meant they were going to beat the suspect until he confessed.

The second one is learning through experience. Junior members of the force often animatedly relate stories of senior officers using police violence, from which they learn their techniques. For example, in advocating the use of pepper spray to torture a suspect, one student constable explained how it was done:

You guys know nothing. I saw the pepper spray thing from Jonker. That one deals with a suspect for only 10 minutes and the suspect confesses! Our constable is afraid of the pepper spray and says it's choking him too! Jonker is the man!

In a street robbery incident, the same student constable was part of the convoy that went to the suspect's house. It was surrounded by police while others were already inside the shack. We stood outside for about 15 minutes as the police surrounded and vigilantly looked around the area. With awe and surprise, he said to the others, 'Guys, Baloi can really smack and punch a person! Did you see how he smacked the hell out those guys?' He was referring to the three suspects that were earlier kicked, punched and electrocuted by about 20 police. They were beaten to reveal the guns that they allegedly used to mug a civilian. The student constable seemed awe-inspired by Constable Baloi's punches.

The third form of socialisation is by positive reinforcement from colleagues at the police station. For example, around lunch time on my first day of field work a seemingly senior police officer was passing by and asked the restful student constables:

'I heard you have beaten up Nzima yesterday?' A student constable proudly replied, 'Yes we beat him hard in the cells yesterday.' The police officer animatedly replied, 'That's good. You did a good job. These criminals must be taught a lesson. You see, now you are becoming real police. You are doing exactly what we taught you.' He said so with a content smile as he moved away from the student constables. The students were smiling and seemed content and confident with the compliment from their senior officer.

The final form of socialisation is by instruction from commanders to junior constables. This happens quite often during parades. The commanding officers remind the student and junior constables that violence is legitimate to a certain extent. At an evening parade, one of the commanders once emphasised,

Don't be afraid to use minimum force. The law protects you against suspects who are difficult. If a suspect points a gun at you or any officer you must shoot the suspect. Don't wait for the suspect to shoot and then arrest him and take him to the police station. Don't think that will make you look proper by adhering to the law. You must shoot them! You see in Township B it's a big thing to shoot a police. If you shot a police you become a hero in the township. We can't let that happen. We must fight them.

The limits of this violence are sometimes recognised but seldom does this recognition produce much effect. In some cases the infliction of pain on the suspect is simply hidden from public view. In one of the parades, one inspector reprimanded the junior constables about violence:

I don't want to hear the community complaining about police violence. Use violence when it is necessary. I understand that sometimes the suspect is difficult and police are irritated. Contain yourself in the streets and then you can release your frustration by beating the suspect out of public view in the station.

So even though they know that the use of violence in this manner is wrong they sanction it out of the public gaze. The inspector's comments also remind me of a confrontation between foot patrollers and one civilian who did not want to be searched. After the altercation one of the constables imagined, 'I wish that this incident happened at night. We were going to hit him hard!'

Police officers have a range of means of protecting themselves from discipline or prosecution when they use violence incorrectly. For example, I asked one student constable what he would do if he were to be charged with assaulting a suspect. One of the female student constables interjected, 'They would not be able to identify us. Look now I don't have a name tag. All that a complainant would do is to describe me and that description would be vague because there are many short and light women like me in the station.' Indeed, in one instance a student was preparing to beat a suspect and before he alighted a patrol vehicle he said, 'I am going to beat the shit out of them and I must take off my jersey and wear it underneath my vest so that I hide my name tag.'

When Do Police Use Violence?

In my observations, violence is used in three different ways. The first and most widely known is to force a confession. In this form police use violence because they believe that 'Confession is the Queen of Evidence' and that evidence will ultimately lead to prosecutions. The most common example of this form of violence in Township B is confession to ownership and whereabouts of an illegal firearm. Officers usually respond to calls to attend a firearm-related offence. They then receive a tip-off from either the complainant or witnesses. This information is enough to subject a suspect to a violent arrest and a torturous interrogation. The officers may spend up to thirty minutes torturing a suspect for a confession.

The second way in which the police use violence is when a suspect resists arrest. In this case the officers will say that they use minimum force. Unfortunately, when suspects resist arrest police officers do not rely on minimum force but are often angry and frustrated with suspects and assault them for being difficult.

The third way is pure display of power in which police would slap, hit, or kick a suspect. In these instances the officers are not looking for a confession or dealing with a resisting suspect. The suspect is smacked for 'not fearing the police.' On my first night on patrol I was chatting with some officers during a break outside the CSC when a patrol vehicle came in.

Three officers and one detainee in handcuffs alighted. The Constable said, 'Can you see that even without the vans we do make arrests?' I was immediately distracted when the detainee was beaten by the police from the same vehicle. They punched him as they escorted him to what I figured were holding cells. As they approached the building and continued to hit him they repeatedly said 'Udelela amaphoyisa!'²⁹ As I was observing this incident another detainee came from behind being pushed and beaten by the police, too. He was pleading with them not to beat him. However, they continued to beat him. All this happened in the parking lot of the station as the suspects were pushed to the holding cells.

Such incidents made me think that according to the police officers, the suspect is disrespecting the police by committing a crime. The officers equate offences with disregard for police authority. At the same time, the officers claim to be 'agents of the state' who don't make laws but simply enforce them. However, at the point of arrest, the police and justice are merged into one.

Police officers give two reasons to justify violence in Township B. The first one is that there is high crime rate in Township B and so they need to be tough on criminals. The second one is that generally the Township B community members are 'stubborn' especially when they are drunk. One student constable put it succinctly, 'We do work within the law but sometimes we have to beat these suspects. People here are very difficult and that is why we beat them. We have to teach them a lesson.'

²⁹: There is no equivalent English translation of this phrase. A closer meaning is that the arrestee has no fear or respect for the police.

Sometimes it can be tempting to believe that indeed the police are teaching the suspects a lesson. First, in all cases where police beat suspects to show them where they had allegedly hidden illegal firearms, the firearms were eventually found. The suspects also confess to ownership of the illegal firearms. In one instance, after a long and arduous bout of torture, the officers obtained confessions and found the guns of three suspects. One officer then said to me, 'Do you see that when we severely beat them the truth comes out? You must write that down!' After that dramatic incident one might be convinced about the effectiveness of police violence. What is less clear, is precisely what sort of justice this supposedly effective use of force creates.

This necessity for police violence is also reproduced in domestic disputes. In one of the conversations the police spoke of a mother who called them to discipline her unruly daughter. The officer seemed to have savoured the moment when he hit the girl with a belt. Apparently the girl was generally rude towards her mother and the police. It made me realise the paradox of police violence: the community hates the police for alleged police brutalities. Yet, when they feel powerless they invite the police to use physical force against suspects, or their own relatives.³⁰

A Historical Extension

A complainant's request for violence to be meted on a suspect is part of the history of forms of policing in South African townships. Bruce and Mokoma (1999) argue that during the 1970's and 1980's at least four forms of vigilantism can be discerned in South Africa. These are:

1. Makgotla (people's courts)
2. Self-defence units (progressive community policing units)
3. Police vigilantism (extra-legal police violence against anti-Apartheid activists)
4. Conservative vigilantism (reactionary community policing against anti-Apartheid activists and youth political leadership)³¹

In all these forms of policing, illegal violence was meted out on suspects. The violence was used to force confession and also as punishment for criminal activities. It was fighting crime with crime. From the discussion above it would appear that the South African Police Services has not only inherited the violent nature of Apartheid-era policing but is now also playing an active part in reproducing the centrality of violence in township culture. Senior officers set the tone through sweeping encouragements to use violence as protection. Young officers are taught to aspire to violence as a behavioural code and introduced to the specialist techniques on offer. The community, while more ambivalent in its relationship to police violence, also calls on its officials to mete out rough-and-ready justice. While each of these trends is understandable in its context, it is worth pausing to consider where this might lead us and whether this is indeed the type of police force that the crime problem in South Africa demands.

³⁰: A. Altbeker, 'The Dirty Work of Democracy: A Year on the Streets with the SAPS', (Jonathan Ball: Cape Town, 2005)

³¹: Bruce, D. & Komane, J. (1999). Taxis, cops and vigilantes: police attitudes towards street justice. *Crime & Conflict*, 17, 39-44.

CONCEPT NOTE NINE

They Throw Us with Stones: 'Mob Justice' in the Police Experience

By Sian ÓFaoláin

They approached the area slowly in the complete dark, expecting to hear noise. Looking out into the pitch black, faces began to appear at the windows, and they realised that there was a crowd around the vehicle. The people began rocking the bakkie and threatening to kill the police, saying they would set the car on fire. It was the constable's first day with the Crime Prevention Unit five years ago, and she was tasked with driving the bakkie. They were assigned to a call about an incidence of 'mob justice' in progress in Settlement C, a small squatter camp with dirt roads and without electricity or toilets. At that moment her life flashed before her eyes, and she thought about her husband and her two young children, thinking she was going to die there. The inspector she was driving with rolled down his window, and tried to reason with the people, saying that someone in the community had called the police and that they were there to help. Many of the people were drunk and they kept threatening to kill them, saying they never arrive when they are needed. One sober man approached and began telling the people to let the police leave in peace, so eventually the people agreed and the constable did a U-turn and drove out of the squatter camp. I asked what happened to the man, and she told me that the next morning the man was reported stoned to death in Settlement C.

This example was a story told in response to a question about the constable's worst day working with the police. The informality of the area features prominently in the account. The unfamiliarity with the area and the darkness of the unlit streets made the police feel especially vulnerable. On the other hand, the resentment of the so-called mob is felt, with their accusations that the police never arrive on time, or do not come when they are needed. Although not the heart of the story, this is a common theme in accounts of mob violence, which reveals one possible root of the animosity against the police. The constable's fear was palpable as she told the story, and she still remembered the incident vividly. Incidents like that had compelled her to transfer out of the Crime Prevention Unit. The feeling of terror is also apparent in her neglect to mention the fate of the man until I asked; for an officer who is studying to serve the public and who takes pride in her position in the South African Police Service, even in her memory her own life and safety comes first and foremost.

The fear of 'mob violence' is a reality that police have etched into their minds. It is an experience often infused by ideologically heavy narratives of the past, and kept alive by constant reappearance of similar violent encounters that are deeply rooted and shaped by mutual fear and antagonism between communities and police. The experience of 'mob violence' transcends social boundaries within the police, and is one that all police officers recognise as a threat to their work. Their fear of such situations is clear in their anxiety when (large) crowds gather, and comes out when they talk about their worst days at work. In these accounts, individuals become indistinguishable from each other and the community or a group of people an anonymous mass that no longer acts according to reason or restraint, and is deaf to any attempt to communicate. One captain explained to me that you have to remember that policing in the township is difficult, and that he was 'sure that 50% of the community hates us.' 'People might become violent against the police,' he told me, 'throwing stones for example, since their siblings might have been killed by police, or they themselves might have been maimed during that political thing [Apartheid]'. Stemming from years of negative experiences with security forces under Apartheid, distrust of police in black communities is not surprising. The potential for 'mob violence' – encounters with volatile groups of township residents – is an important challenge facing police in their everyday work, and speaks to the continued distance between police and the communities they work in. The fear and sense of helplessness police experience in relation to the potential or reality of such volatile groups is significant for public officials whose duty is to protect others. This increases their tendency to see such groups as undifferentiated mobs.

Interviews conducted by the Forced Migration Studies Programme after the xenophobic violence in May 2008 asked residents of townships across South Africa how they usually deal with crime. Answers included:

- 'The police normally come and take that person, if he is still alive.'
- 'Criminals get beaten.'
- 'He was attacked first, then later they called police.'
- 'They will beat you up and you will be taken to the police'
- 'In this area when we catch thieves we beat that person until police arrive.'

The prevalence of so-called 'popular justice' to deal with local criminals is easily translated and merged with the phenomenon of 'mob justice' and highlights that this is a reality in many places. Typically, local residents detain and attack a suspected thief or murderer before the police arrives to arrest the suspect. While none of these particular interviews were conducted in Township C, the perspective of the police is corroborated by these accounts.

The possibility of 'mob violence' is constantly present in a police officer's mind. The following example shows how fear of 'mob violence' shapes the way these officers respond to a drunken driving accident:

We saw a car speeding toward us with a man holding a beer can standing out of the sun roof. The inspector shouted at them to stop and then did a u-turn to chase after them. When we turned the corner, we saw the car, which had crashed into the brick wall in front of a house. The two men had got out of the car. The inspector and the reservist jumped out of the car and yelled at both men to put their hands on the hood of the car. They frisked them, handcuffed them, and quickly put them into the back of the bakkie. A crowd of about 75 had already formed. The officers spoke to the owners of the two houses whose dividing wall had been hit. The inspector called for backup, saying there were a lot of people there. Four black officers, two men and two women, all wearing bulletproof vests and wielding large guns came to the scene and began telling the crowd to move back.

The overall tone of the scene was one of efficiency in the face of unpredictability. The urgency of the situation is clear from the way the officers quickly put the two men into the police bakkie, and how they called for backup when the crowd kept growing. The officer and the reservist reacted to the potential for 'mob violence', which was not readily apparent to an uninitiated observer. I remember sitting in the car and watching as the officers got visibly more tense as they dealt with the drunken driving accident. At the time, I did not understand why they seemed in such a hurry to leave the scene, or why the officers who came as backup were so heavily armed. After hearing many accounts of 'mob violence' and realising how prominent it is in their minds, I realised that this is an important rationale which guides police officers' everyday practice. My initial interpretation of the incident was that the officers felt uncomfortable for racial reasons, especially since they had just been complaining about 'equity' provisions that prevent them from getting promotions within SAPS. At the scene, tensions mounted:

A man in white went up to the reservist and asked him why they had to arrest the two men. He kept putting his hand on the reservist's shoulder; the reservist first swiped the man's hand away, and then forced him backward by pushing him in the chest when he did not heed the instruction to stand back. The man in white kept following them, and had also begun to ask the reservist, 'Why do you have to beat me?' Both officers were getting irritated with the guy, and kept yelling at him, and eventually handcuffed him and put him in the back of the van as well. I was sitting in the front still, and could feel them rocking back and forth in the back and tapping on the window between us. Finally, the inspector and the reservist jumped in and we drove off, telling an oncoming police bakkie what had happened as they drove toward the scene. As we drove back to Rural C, the inspector seemed shaken up and said

that the crowd easily could have started throwing stones, either at the men who had crashed, or at the police. He later said that it's mostly old women who start the stone throwing, and, when I asked why, he said, 'its part of their culture. That's how they used to sort things out in the old days.'

Their irritation with the man in white was apparent, as their short tempers with him were a product of their general anxiety with the situation. The immediate explanation that the crowd could have thrown stones reveals a general sense of the unpredictability and irrationality of crowds. Although the resentment of the community did not surface during the incident, the inspector later explained to the men he had arrested that, 'The community saw what happened. We have to show that we are doing our job.' This justification for the speedy arrest also incorporates the way the community sees the police.

The experience of 'mob violence' is an indiscriminate fact, but interpretations vary. The trope of 'cultural difference' comes out in the inspector's explanation of 'their culture.' In contrast, the constable who told me the story about Settlement C attributed mob violence to several causes: some people were 'not psychologically ok,' others are bored or frustrated, being unemployed with nothing to do all day; some do it for a bit of fun and excitement. All three reasons portray the rationale behind crowd volatility as irrational and unreasonable – an interpretation that reinforces ideas about 'mob violence' and forecloses the possibility of any equitable interaction between police and community in such situations.

The following account from a young black constable clarified that this was not a racial issue, but rather an issue faced by all police in mob situations.

'It was three of us, and about 100 of them.' She told me about one of her worst days at work with the Complaints Unit: an instance of 'mob justice' where the people had burned someone, and threatened to burn the police if they came closer. She said she won't risk her life in a situation like that, and just gets back in the car. She told me, 'They start saying nasty things to us, that we didn't go to school, that we're reservists and don't get paid. And then they start throwing us with stones.'³² We just drove away.'

Again the theme of saving oneself comes up as it did in the first vignette, coming from a police officer who is also a mother. The constable explained that there is no point in trying to be a hero in such situations, because the police are outnumbered and the victim has already been killed. The fear of the experience is clear, as is the feeling of helplessness and resignation. She also raises the disrespect afforded by the community, and the types of insults slung at them.

One Step Further

Mob violence plays an important role in police officers' experience as well as in their imaginings of possibilities. However, in police accounts, 'mob violence' is treated as a fact of life in Township C, and the sense of unpredictability and helplessness is ever present. In none of the above instances did the explanation of the incident move beyond the specific moment's fear and response. There was no mention of arrest or prosecution, nor (except where I specifically probed for information) any language hinting at murder or any other crimes that may have been committed by the groups encountered. The expression 'mob justice,' despite its necessary implication of violence, obscures any violence acted out by specific individuals who can be isolated and held accountable. Further, casual use of this term, with its reference to 'justice,' expresses the idea that violent popular responses to crime are fair, which allows some detachment in the recounting of events. Equally, fear of the mob takes precedence over the death of the alleged suspect. When I began to ask police about what can be done about mob violence, or whether there is any possibility of putting these cases on trial, a sense of hopelessness and resignation surfaced.

32: A direct translation to English that means 'throwing stones at us.'

One response to the real possibility of 'mob violence' is caution. Let us return to the response of the inspector and the reservist who left the scene of the car accident as quickly as possible. The need for such cautious responses situations that could turn violent was affirmed by another Crime Prevention officer on a separate occasion:

'You know, like on Friday night, there was a guy who was murdered. Because everybody on the scene... most of the people on the scene were drunk, you must be very careful that things don't get out of hand. The situation can get out of hand very quickly. But, we were many – enough police cars – and we calmed everybody down, and those that needed to be sent home, we sent home. We isolated the bodies that were involved, and immediately after everyone was done, we left. The situation is problematic because there's a lot of liquor involved, but under normal circumstances, even in mob justice they don't actually attack us. They attack vehicles, they throw us with stones [...] but it is a dangerous situation.'

The efficiency of the police response under the circumstances is clear from her action-oriented account of events. Her understanding that mobs will not attack police officers differs from the other accounts, but seems to function as a way to rationalise the situation they faced that Friday. Finally, the number of police officers and vehicles appears to be important in doing their work efficiently, so that they do not have to worry about a crowd gathering. Their preparation for the scene made dealing with it more straightforward.

The following excerpt is the Crime Prevention constable's side of an interview where I asked when he was most afraid:

'Yeah, I'm always scared. As a police official you must always be alert. You mustn't relax. Because you relax, they shoot you; you relax, they kill you; you relax, something will happen to people. You must always be alert. Yeah. Alert to your surroundings. Yes, I am always afraid. I am a human being [laughs]. I attended this complaint of mob justice. You know what mob justice is? So they were accusing that guy of theft of cell phone, so when we arrived there, they didn't wanted to give us the suspect, né? We had to take the suspect by force from the community. And the community started fighting us. We were only four there. So we took that guy by force. The community started throwing us with stones. What and what, with stones. Then we shot the rubber bullets, and they continued throwing us with stones. They wanted to kill us. Then we managed to run away with the suspect, so we managed to rescue the suspect.'

Although this was the constable's most frightening moment as a police officer, it ends with a success, where they manage to rescue the suspect from the mob. His story focuses primarily on the action of the event and on his achievement of success, rather than on the feeling of fear in the situation. This officer was also equipped with an air gun for rubber bullets, and thus less intimidated by the crowd, though it was still a terrifying moment for him. The preparation apparent in their possession of rubber-bullet guns suggests that these officers heard about the complaint before they left the station. Not only were they armed, but they presumably had 15 minutes of driving time between Rural C and Township C to prepare for the scene, making their actions more deliberate and purposeful. Although the officer reveals only the action at the scene, the unpredictability and helplessness of the other scenes is averted by their preparedness. However, here preparedness means readiness for a war-like confrontation.

However, when mob violence cannot be avoided by caution, preparedness, and manpower, the feeling of unpredictability and helplessness pervades any possible follow-up of these cases.

I asked the detective who is assigned to unnatural deaths whether they investigate mob violence cases as unnatural deaths. He said they did, but said that it's really difficult because nobody cooperates and there is no evidence. I asked if any such cases had been prosecuted and sentenced, and he began to tell me of recent cases of his that had gone to court. When I clarified that I meant only mob violence prosecutions, said he had never seen any for 'mob justice.'

That the detective responsible for such cases sees no chance of prosecution is a crucial point. He presents the barriers of non-cooperation and lack of evidence as final reasons why these cases are not investigated successfully. It seems from his initial response to the question about prosecutions of mob-related crimes that his automatic assumption is that these are not cases to be prosecuted.

Another officer raised the same problem of non-cooperation and lack of evidence in 'mob violence' crimes.

As we sat outside of the court, she explained that for such cases it's practically impossible to open a case of murder since none of the witnesses will cooperate, because most would have been involved in the violence as well, and that there is no other evidence since they use stones instead of traceable weapons. She said that the problem is with the strict rules of the justice system, which requires proof beyond reasonable doubt of a person's guilt.

The tone of both explanations is matter-of-fact. She pinpoints the problem as the justice system's strict criteria for guilt. What goes unsaid in her explanation is that she previously worked as a detective and requested a transfer because there was too much work and too little resolution on cases. Her frustration with 'mob violence' and ineffectual investigations leads her to place the blame on the courts. However, her explanation echoes the same reasons that the detective gave: that, practically speaking, there is no evidence to pursue these cases.

A slightly more positive reflection on responses to 'mob violence' came from an officer who works with crime statistics. According to him, the Station Commissioner had recently told community leaders that those involved in mob violence would be arrested – and that in fact some people had been arrested in connection with some such incidents. Although nobody could be prosecuted due to lack of evidence, the arrest had apparently helped reduce the frequency of mob violence, he told me. This development implies that community leaders may have some control over the eruption of mob violence, and that a functional relationship between them and senior police officials could reduce the incidence of these events.

The fear of mob violence illustrated in the excerpts above suggests that police officers make decisions during their everyday work that takes the possibility of 'mob justice' into account, offering some insight into their concerns as they work in informal settlements. It is clear that the sense of helplessness during mob violence and in its wake indicates that police do not feel adequately prepared to subdue these mobs or to pursue investigations that require cooperation from community members. Understanding where 'mob justice' fits into the experience of the police also helps shed light on police responses to the xenophobic violence that occurred in May 2008, including failure to pursue many of the cases opened at that time.