civilian secretariat
for police service

Department:
Civilian Secretariat for Police Service
REPUBLIC OF SOUTH AFRICA

RESEARCH STUDY ON THE

DEMILITARISATION OF SAPS VISIBLE POLICING

A JOINT STUDY WITH THE PROVINCIAL SECRETARIATS

MARCH 2018

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ACRONYMS / ABBREVIATIONS

APP : Annual Performance Plan

CPF : Community Policing Forum

CSPS : Civilian Secretariat for Police Service

EAP : Employee Assistance Programme

EHWP : Employee Health and Wellness Programme

FBO : Faith Based Organisations

FCS : Family Violence, Child Protection and Sexual Offences

FSD : Frontline Service Delivery

HRM : Human Resource Management

IPID : Independent Police Investigative Directorate

NDP : National Development Plan

NGO : Non-Governmental Organisations

NI : National Instructions

NIU : National Intervention Unit

SAHRC : South African Human Rights Commission

SANDF : South African National Defence Force

SAP : South African Police

SAPS : South African Police Service

STF : Special Task Force

TBVC : Transkei, Bophuthatswana, Venda and Ciskei

TRT : Tactical Response Team

VEP : Victim Empowerment Programme

VISPOL : Visible Policing

EXECUTIVE SUMMARY

A key goal of post-1994 policing in South Africa was the transformation of the repressive South African Police (SAP) to a Constitutionally compliant and democratic South African Police Service (SAPS), able to deliver services to its citizens. A police service can be considered democratic if it respects the law and human rights, is under constant external control and oversight, both in its mandate and practice. It should equally pay attention to the protection of citizens, the state, and its institutions, without any political, racial, ethnic or religious bias.[1] Transformation for the SAPS was undertaken through numerous policy initiatives such as depoliticisation of the police, increased community accountability, more visible policing, improved and effective management practices, reform of the police training system including racial integration, and organisational restructuring of the police[2].

While the transformation process was not specifically focused on 'demilitarising' the SAP, the policy initiatives sought to trim down on the elements of a heavy handed militarised police force that categorised the police of pre-1994. The new SAPS also underwent organisational changes in an effort to align its operations to democratic and civilian led policing, and focused on the provision of services informed by consultations with a focus towards community involvement in addressing crime. Moreover, the organisation also emphasised the principles of transparency and accountability.

The transformation process has not been without challenges as SAPS had to grapple with the provision of dignified services in a violent society that threatened the safety of its citizens. The challenges have also been internally concentrated as evidenced by reported cases of police misconduct and police brutality. The misconduct and brutality cases have been attributed by commentators[3] to the 'remilitarisation' of the police.

Militarisation, demilitarisation and remilitarisation were not commonly used terms in the discourse of the South African public, particularly in relation to the police. The foremost expression of the concepts was made in the National Development Plan (NDP), Governments strategic framework for planning towards attaining Vision 2030. Interestingly, the NDP, while clear in its elaboration of a 'professional' police and how to professionalise the police, is silent on what demilitarisation is and how to demilitarise. The reference to demilitarisation is an emphasis to "increases in cases of police brutality or

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[1] Nalla. M.K. 2009. Democratic Policing: A comparison of police officers' perceptions of their role and function in transitional societies: Journal of Criminal Justice and Security, 11(4): 520-53
[2] Rauch, J. 2000. Police Reform and South Africa's Transition.
http://www.csvr.org.za/docs/policing/policereformandsouth.pdf Accessed 11 April 2017
[3] For example, former Minister of Intelligence, Ronnie Kasrils, in a letter to the Mail & Guardian on 6 March 2013, blames the 'banana-state militarisation of the police' for police brutality. Jenny Schreiner, former Director-General in the Department of Economic Development, is quoted in the IOL of 8 March 2013 as having called for 'the urgent demilitarisation of the police force', in Johan Burger, 2013.

misconduct" Clarity on the NDPs understanding regarding police demilitarisation has led to commentators having varying interpretations of the concept.

A 2016/17 study conducted by the Civilian Secretariat for Police Service (CSPS) on the policing of public protests and events, which focused on Public Order Police (POP) Units and Tactical Response Teams (TRT), found that by function, training, uniform and equipment, specialised units tended to be paramilitary in nature. This is a globally acceptable understanding and practice. The study however recommended that specialised units needed to be well commanded and regulated, professional in their approach, and strictly managed.[4]

SAPS is a large organisation with varying functions that need to seamlessly connect to achieve its objectives. A critical component of the SAPS is Visible Policing (VISPOL) or crime prevention; mandated to provide proactive and responsive policing services to citizens at the frontline, by reducing crime levels through undertaking activities such as arresting and detaining criminals and using minimum force where someone acts violently.[5]

Visible Policing has not been without its challenges over the past decade. Incidents of brutality[6] involving police violence or excessive use of force has led to the perception that the police are militarised. Significant increases in civil claims filed for damages as a result of police action, has also raised the question as to the status of the police in relation to compliance with its democratic policing principles.

Visible Policing is the face of SAPS, due to its day to day interaction with citizens. It is required to deliver policing services in a professional manner, taking into account the rights and safety of its citizens. It is therefore critical that Visible Policing is compliant with the Constitution and human rights prescripts, and that it remains demilitarised.

This study sought to contextualise SAPS managers understanding of police militarisation and demilitarisation with the view to demilitarising Visible Policing. The study concentrated on managers from the component Visible Policing as frontline service providers, to determine whether police stations specifically are militarised or not.

The study findings reflect a poor understanding and differing perspectives of senior managers of the concepts of police militarisation and demilitarisation. Importantly, the findings reflect poorly on SAPS management at large, as six years after the adoption of

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[4] Civilian Secretariat for Police. 2016/17. Demilitarisation and the policing of Public Protests and events: Are our POP and TRT units militarised?
[5] SAPS Annual report. Available at:
https://www.saps.gov.za/about/stratframework/annual_report/2015_2016/saps_annual_report_2015_2016.pdf
Accessed 12 April 2017
[6] The killing of a taxi driver in the township of Daveyton in Gauteng; Ms Olga Kekana who was allegedly shot by the police in Mabopane; and Andries Tatane are some examples of police brutality.

the NDP, management had themselves not grappled with the implications of the NDPs recommendations, either operationally or academically. This reflects a disconnect between the theoretical discourse and practice, and between knowledge-generating systems and practitioners who work in the field. Junior officials require the transmission of knowledge and information from their superiors as they rely on their superiors for the development of their knowledge and understanding. If there is confusion around demilitarisation and militarisation on the part of the senior members who participated in this research, one may infer that this would be mirrored at the lower levels.

The study further reflects the majority respondents views that Visible Policing is not militarised. This is emphasised by the adoption and implementation of the democratic model of policing, which encapsulates a community oriented and human rights approach. The study further revealed that society and the SAPS are not ready for a significant demilitarisation of the police. For those who asserted that Visible Policing is militarised, attributed this to the presence of specialised para-military units such as the TRT, NIU, and STF, as well as specialised equipment which are necessary facets of, even, a democratic police organisation.

Incidents of police brutality which have surfaced from time to time over the years, coupled to the increasing civil claims against the SAPS, are reflected in the study as lack of compliance to prescripts and unprofessional conduct by the police.

The NDP recommendations on the demilitarisation of the SAPS fail to take cognisance of the fact that the SAPS is not a homogenous institution, but rather, it is made up of distinct units, each with specific functions. Each unit is given the requisite training and powers which are commensurate with their functions and purpose. The SAPS operate under circumstances characterised by an ethos of community policing, care and support.

Organisational and operational deficiencies of the police do not necessarily equate to militarisation of the police and there is little evidence to suggest that the problems within the SAPS are due to police militarisation. The policing challenges emanating from the study are associated with an incomplete transformation process and partial democratisation of the police since the post-apartheid era. The dilemma facing policy makers and SAPS management is finding the most appropriate ethos or an acceptable balance that would best serve South Africa's constitutional imperatives as well as effectively address community safety and security needs. Critically, SAPS management must refocus on professionalising the service and its members. The study thus makes the following recommendations:

PROFESSIONALISING THE POLICE SERVICE

Working towards the realisation of the vision for the police as outlined in the NDP and the 2016 White Paper on Policing, the police must be grounded on a firm understanding of what is required to build police professionalism in South Africa. Part of this must be informed by developing a deep appreciation for the educational, sub-cultural, and ethical considerations that define true professionalism.

Undoubtedly, the SAPS recruitment strategy and/or practices requires strengthening. Thus a review is necessary, inclusive of extensive evaluation of applicants and vetting processes for the right people to be employed. The 2016 White Paper on Policing advances the establishment of a National Policing Board (NPB), as per the NDP, to set objective criteria for recruitment, selection and appointment of police officers and establishing the two-stream system of recruitment.

The 2017 Policy framework on the Establishment of a National Policing Board articulates this as standard setting role of the NPB. These would be accompanied by competency assessment, clearly defined career path guiding ambitions and succession planning in the Police Service. Accordingly, the NPB will be responsible for developing the Code of Ethics and monitor adherence thereof. It is important that this process be funded and fast-tracked to promote professionalisation within SAPS.

SOCIAL COMPACT RE-ENGINEERING FOR POLICE AND COMMUNITIES

The post-apartheid regime has accomplished the political deal in order to secure democracy for its citizenry. However, the democratic dispensation continuously struggles to live up to its promise of an inclusive policy. One of the greatest threats to consolidation of democracy is the insufficient efforts towards addressing the structural causes and factors that contributes to violence in South Africa, such as socio-economic marginalisation including poverty, corruption, inequality and unemployment. SAPS cannot do it alone thus requires all concerned to step up their contribution, including the private sector. Such an approach is emphasised in the 2016 White Paper on Policing.

The deficit in social compact continues to affect every sphere of life in South Africa. Subsequently, with specific reference to policing, the social compact was never achieved as evidenced by low trust of the police in South Africa, amongst other factors according to the recent South African National Victims of Crimes Survey (VoC).

In a process of forging a social compact on safety and policing, an integrated approach comprising of national, provincial and local tiers is required to achieve a really democratic

form of policing that sustains a demilitarised police service. For instance, CPFs are the mechanism to advance social compact at a local level and must be supported to function effectively.

RESOURCING THE POLICE

In order to sustain a demilitarised police, it is important to move away from unfair resource distribution as it undermines inclusivity in South Africa. Therefore, police stations must be allocated adequate resources to conduct efficient policing and taking into consideration the unique spatial context and its needs.

SAPS STRUCTURE AND THE EFFECT OF RANK CHANGES

The findings had confirmed organisational structural challenges pertaining to SAPS which is exacerbated by failure to rely on evidence-based organisational development. For example, findings underlined the top heavy and bureaucratic management system which delays. Any change made to organisations as integral as the SAPS must be well considered and tested. Therefore, SAPS structure must be informed by policing needs and must be in such a way that addresses policing challenges.

The change in the police rank structure from what was perceived as "militaristic", to a civilian structure, and then back to the military rank structure created confusion and what one may term as "a crisis in identity" for the SAPS. Studies must be conducted to determine the effects of these changes on the members (at all levels) and the beneficiaries of the police service, namely the communities. Further research should look into the determinants of the maintenance of police discipline.

There may be a need to review duplication of duties in a manner which addresses concerns for the creation of a top-heavy structure, while at the same time addressing the need for vertical progression within the organisation. This should further be done in a manner which addresses the need for officers in the field.

ENFORCEMENT OF DISCIPLINE

A concern raised by some respondents was 'that standards within the SAPS are not enforced and maintained, and that SAPS needs to promote a culture of consequential management to correct the gap in the area of discipline'. The focus on enforcing discipline would mean members are made aware of punitive actions against those not abiding to the prescripts. Different sanctions should be applied for officers guilty of police brutality.

For example, officers should be arrested, suspended or even expelled from the service depending on the magnitude of the brutality. If brutal officers are held liable for their actions and expected to pay damages, they would refrain from conducting themselves in an unprofessional manner. A study on the impact of democratic policing on command and control and discipline, amongst others, may include assessing the effect of unionisation on discipline enforcement.

DIVERSITY TRAINING

Diversity training for police officials is necessary in order to inculcate a responsive attitude towards communities. Undeniably, police officials are not able to satisfy their clients (i.e. communities) when they themselves lack understanding of the cultural and racial backgrounds.

CONTINUOUS TRAINING AND MENTORSHIP/COACHING

SAPS must put an emphasis on continuous training of officials so that they are able to carry out their functions and roles and to contribute towards the attainment of democratic policing. Continuous training can be through the provision of in-service training and conducting awareness sessions to sensitise members of the SAPS about legislation and policies. In addition, station commanders are entrusted with a huge responsibility, thus the report recommends the reintroduction of station commander training to render them effective in their roles.

SAPS must provide intensive mentorship at stations to newly recruited members post-training completion. Experienced officers must be considered for the position of training instructors and they must also be subjected to the completion of required courses. SAPS must fast-track refresher training and all officials must, by 2018 have been exposed to refresher training. This refresher training can be brought to police stations so that policing operations are not affected.

Cluster and Station Commanders and more experienced officers must be mandated to regularly accompany junior members in the field, as a measure for imparting critical field operation skills, and to ensure that senior officials have their fingers on the pulse of crime trends in their community, and on where improvements are required.

Managers must be assessed against set management criteria involving mentoring and supervision.

IMPROVING THE COLLEGE CURRICULUM

Impact studies must be conducted on SAPS basic training to inform reviews. Furthermore, assessments must be conducted to address the extent (if any) of the training content on inducing militarisation or democratic policing. Finally, SAPS must focus on recruiting highly motivated and skilled officials, and not persons who seek to join SAPS for the mere purpose of being employed. Specific psychometric tests could be developed to assess such motivation. The recruitment focus must be on quality rather than quantity.

STATION LECTURES AND PARADES AS STRATEGIC VEHICLES TO INSTIL AND ENHANCE PROFESSIONAL AND DEMOCRATIC POLICING

Members indicated that junior officials are kept up to date on legislative developments through parades and station meetings. Parades and station lectures should be safeguarded as spaces for critical knowledge transfer. Furthermore, they should be maintained as dynamic learning spaces for the entrenched constitutional transformation of the police institution and help instil a culture that fosters professionalisation. SAPS needs to innovate on how to educate its police cadres, considering maturity and other factors that hamper knowledge transfer and maintenance thereof. This means that SAPS can adopt technology to advance training for a better reach.

EMPLOYEE HEALTH AND WELLNESS

It is well known that police occupation is unique given life and death threats inherent in the policing environment which naturally induce mental and physiological illnesses[7]. Similarly, the respondents indicated this issue for Visible Policing officials, necessitating good employee structures in place to provide regular support to the officials. This would mean that the police officials who are subjected to traumatic experiences receive immediate debriefing to enable them to maintain their sanity as expressed by respondents. Nonetheless, within the current systems, a concern was raised regarding voluntary engagement in the wellness and psychometric programmes; which results in many eligible police officials missing out on this opportunity as they live by the motto 'cowboys do not cry'. Gleaning from this, resilience of the police is not about hardiness of individual police, but also about how the organisation gauges itself to support its workers. This point is supported by some respondents who indicated that the police have breaking points, probably due to the traumatic nature of work, hence this needs to be addressed soberly by the organisation. This means that individual situational analysis need to be conducted for instance, 'in cases where there are police officials who are brutal in their

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[7] Williams, J and Ramsey, V. 2017. Sport Journal.

operations, they need to be taken by hand and their upbringing history analysed in order to pinpoint where the problem might be coming from'.

Regular clinical psychological assessments are important for the identification of the increasing risks to police wellbeing. Identified stressors include both external pressures and internal factors. An early warning system and appropriate interventions need to be established for members who display risky behaviour in respect of femicide, domestic violence as well as suicide. To mitigate risks, regular debriefing sessions must be made compulsory for all members. Where members require focussed therapeutic programmes, this should be made available on a confidential basis. The culture around the importance of mental health must be transformed to ensure that members are not stigmatised for seeking help or receiving help, and measures applied should not be viewed as being punitive, but rather, it should be normalised. Systemisation and mandating processes would address this issue in part.

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

CHANGE MANAGEMENT, LEADERSHIP AND ORGANISATIONAL MATURITY

In order for SAPS to inculcate the democratic principles as it is the case at the moment, a lot had to change in alignment with the wider democratic transformation in South Africa, including promulgation of laws that advanced demilitarised police in post-apartheid South Africa. Change is a constant in organisations, however a well-managed change instils workers' morale and sustains productivity. Amongst other factors, respondents heavily decried the constant leadership changes (i.e. acting positions at high echelons) and indicated that decisions taken that are not informed by evidence are a challenge in promoting continuity in the organisation. It is commonly accepted that constant changes induce workers to fatigue and further abort good interventions that are not carried through as leaders change. Thus, going forward SAPS requires stability at the level of leadership to establish a specific trajectory and be able to bring stability in the organisation. In addition, changes to leadership must not automatically be used as a platform to irrational changes to internal strategies.

For an organisation to mature, SAPS must emphasise on compliance with legislative framework governing policing, consider perspectives of other officials, be it external or internal stakeholders and align its operations. This must be facilitated by adequate, consistent behavior at leadership level as well as proper discipline mechanisms.

LANGUAGE AND COMMUNICATION

Public figures such as politicians must be cognisant of the law and avoid making contradictory statements to policing legislations for example, the use of force. Also policing practices and training must be aware of injustices of the past and continuously convey a sympathetic attitude even if a police official was not responsible for such malicious deeds.

IMPROVED RELATIONS

Overall the multiple stakeholders such as families, schools, media, communities and workplaces must be actively involved towards attaining improved relations between the community and the police. Most of the respondents were concerned about communities as catalyst to the cases of police brutality wherein officials face hostility due to some members of the community being armed. In this case, the potential solution to cases of police brutality was expressed as lying in disarming communities; educating them about their rights and responsibilities to understand the consequences of their actions. This can be achieved when the CSPS and SAPS conduct public awareness campaigns to educate the communities about their role and that of the police in fighting crime and through imbizo's as a platform that allows communities to talk freely about problems related to policing. In so doing, the public will have a clear understanding on policing and it might further change negative attitude that the community have towards the police and vice versa.

THE EFFECT OF CHANGE ON THE OPERATIONS/BI-DIRECTIONAL DECISION-MAKING APPROACH

An important factor which appears consistently in the findings is that any change should always consider the practical implications which would potentially be ushered in as a result. Some of the changes have proved to inhibit the effective operations or wellbeing of the members in the workplace especially those pertaining to unrealistic targets. It is therefore recommended that any change must be thoroughly and inclusively consulted and must be based on evidence. Inputs must be solicited from junior and senior members of the SAPS when fundamental changes are contemplated for the organisation, particularly those that will have an operational bearing.

ADAPTATION TO POLICING CHANGING ENVIRONMENT AND ALIGNMENT OF INDICATORS WITH HUMAN RIGHTS

Across the globe organisations face an ever-changing environment characterised by globalisation and austerity measures; therefore, requiring continuous adaptation. SAPS is no different as it faces complex dynamic patterns of crime in the democratic and multicultural society. Thus, it is useful to look into the organisational changes to understand the direction of an organisation, amongst others including its plans to achieve the pre-set goals.

INTERNAL ORGANISATIONAL CLIMATE SURVEYS

Internal organisational climate surveys are important to determine workplace experiences, and ways to address and improve working conditions and workplace satisfaction. This must be conducted annually and implementation plans be put in place to ensure tangible results.

POLICE DEMILITARISATION DEFINITION

The CSPS working definition of demilitarisation is an adherence to democratic principles, and dissociating policing from military applications. For South Africa, demilitarisation of the police is understood within the context of the Constitution - respect for the law, adherence to human rights, and under constant civilian oversight. The golden thread in this line of demilitarisation is that of respect for human and constitutional rights.[8] The SAPS must begin a process of understanding and explaining the concept to its members.

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[8] Civilian Secretariat for Police Service. 2016/17. Demilitarisation and the policing of public protests and events: Are our POP and TRT units militarised?

1.   INTRODUCTION

A key goal of post-1994 policing in South Africa was the transformation of the repressive South African Police (SAP) to a Constitutionally compliant and democratic South African Police Service (SAPS), able to deliver services to its citizens. A police service can be considered democratic if it respects the law and human rights, is under constant external control and oversight, both in its mandate and practice. It should equally pay attention to the protection of citizens, the state, and its institutions, without any political, racial, ethnic or religious bias.[9] Transformation for the SAPS was undertaken through numerous policy initiatives such as depoliticisation of the police, increased community accountability, more visible policing, improved and effective management practices, reform of the police training system including racial integration, and organisational restructuring of the police.[10]

While the transformation process was not specifically focused on 'demilitarising' the SAP, the policy initiatives sought to trim down on the elements of a heavy handed militarised police force that categorised the police of pre-1994. The new SAPS also underwent organisational changes in an effort to align its operations to democratic and civilian led policing, and focused on the provision of services informed by consultations with a focus towards community involvement in addressing crime. Moreover, the organisation also emphasised the principles of transparency and accountability.

The transformation process has not been without challenges as SAPS had to grapple with the provision of dignified services in a violent society that threatened the safety of its citizens. The challenges have also been internally concentrated as evidenced by reported cases of police misconduct and police brutality. The misconduct and brutality cases have been attributed by commentators[11] to the 'remilitarisation' of the police.

Militarisation, demilitarisation and remilitarisation were not commonly used terms in the discourse of the South African public, particularly in relation to the police. The foremost expression of the concepts was made in the National Development Plan (NDP), Governments strategic framework for planning towards attaining Vision 2030. Interestingly, the NDP, while clear in its elaboration of a 'professional' police and how to professionalise the police, is silent on what demilitarisation is and how to demilitarise. The

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[9] Nalla. M.K. 2009. Democratic Policing: A comparison of police officers' perceptions of their role and function in transitional societies: Journal of Criminal Justice and Security, 11(4): 520-53
[10] Rauch, J. 2000. Police Reform and South Africa's Transition. [O] Available at:
http://www.csvr.org.za/docs/policing/policereformandsouth.pdf Accessed 11 April 2017
[11] For example, former Minister of Intelligence, Ronnie Kasrils, in a letter to the Mail & Guardian on 6 March 2013, blames the 'banana-state militarisation of the police' for police brutality. Jenny Schreiner, former Director-General in the Department of Economic Development, is quoted in the IOL of 8 March 2013 as having called for 'the urgent demilitarisation of the police force', in Johan Burger, 2013.

reference to demilitarisation is an emphasis to "increases in cases of police brutality or misconduct" Clarity on the NDPs understanding regarding police demilitarisation has led to commentators having varying interpretations of the concept.

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SAPS is a large organisation with varying functions that need to seamlessly connect to achieve its objectives. A critical component of the SAPS is Visible Policing or crime prevention; mandated to provide proactive and responsive policing services to citizens at the frontline, by reducing crime levels through undertaking activities such as arresting and detaining criminals and using minimum force where someone acts violently.[13]

Visible Policing has not been without its challenges over the past decade. Incidents of brutality[14] involving police violence or excessive use of force has led to the perception that the police are militarised. Significant increases in civil claims filed for damages as a result of police action, has also raised the question as to the status of the police in relation to compliance with its democratic policing principles.

Visible Policing is the face of the South African Police Service, due to its day to day interaction with citizens. It is required to deliver policing services in a professional manner, taking into account the rights and safety of its citizens. It is therefore critical that Visible Policing is compliant with the Constitution and human rights prescripts, and that it remains demilitarised.

In order to ensure that Visible Policing is demilitarised, it became critical to determine how Visible Policing management understood the concept of police militarisation and demilitarisation, and to determine their position on whether Visible Policing is militarised or not, and if required, how they would demilitarise Visible Policing.

This study is a joint project of the CSPS and the Provincial Secretariats/ Departments of Community Safety in the provinces.

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[12] Civilian Secretariat for Police Service. 2016/17. Demilitarisation and the policing of Public Protests and events: Are our POP and TRT units militarised?
[13] SAPS Annual report. [O] Available at:
https://www.saps.gov.za/about/stratframework/annual_report/2015_2016/saps_annual_report_2015_2016.pdf
Accessed 12 April 2017
[14] The killing of a taxi driver in the township of Daveyton in Gauteng; Ms Olga Kekana who was allegedly shot by the police in Mabopane; and Andries Tatane are some examples of police brutality.

2.   RATIONALE FOR THE STUDY

The perception that SAPS is militarised originated for a variety of reasons which are outlined below:

In the lead up to the 2010 Soccer World Cup, the crime rate in South Africa, in particular violent crimes, as well as levels of community frustration and fear, were at an all-time high. Trio crimes of carjacking, house robbery and business robbery had risen alarmingly since 2003/4 (58 per 100 000) peaking in 2008/9 (97 per 100 000).[15] In that year cash in transit robberies also peaked with 386 reported incidents. Aggravating this was an outbreak of xenophobic violence and a series of violent service delivery protests. In 2008/9 South Africa recorded the highest incidence of public violence in seven years.[16] Moreover, a lack of clarity on the posture of the police as a 'service' or a 'force' caused confusion as it raised questions of policing ethos, approaches, training, equipment and management.

In 2009, there were changes in the SAPS rank structure from civilian to military ranks to accommodate the new approach to policing which further caused confusion pertaining the police functions. Furthermore, in the same year, the TRT was established to deal with medium to high risk policing operations, which subsequently gave the impression of a heavy handed police operational approach.

Incidents involving police violence or excessive use of force has also been heavily and continuously criticised. Statistics of the Independent Police Investigative Directorate (IPID), the body formed to undertake investigations into police conduct, shows that in 2015/16 there were 3509 cases of assaults committed by the police. While the figures show a downward trend since 2012/13, the numbers remain relatively high. Similarly, there were 366 cases of police rape investigated by IPID in 2015/16.

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[15] SAPS Crime Statistics
[16] Ibid

Figure 1: Criminal cases against the police
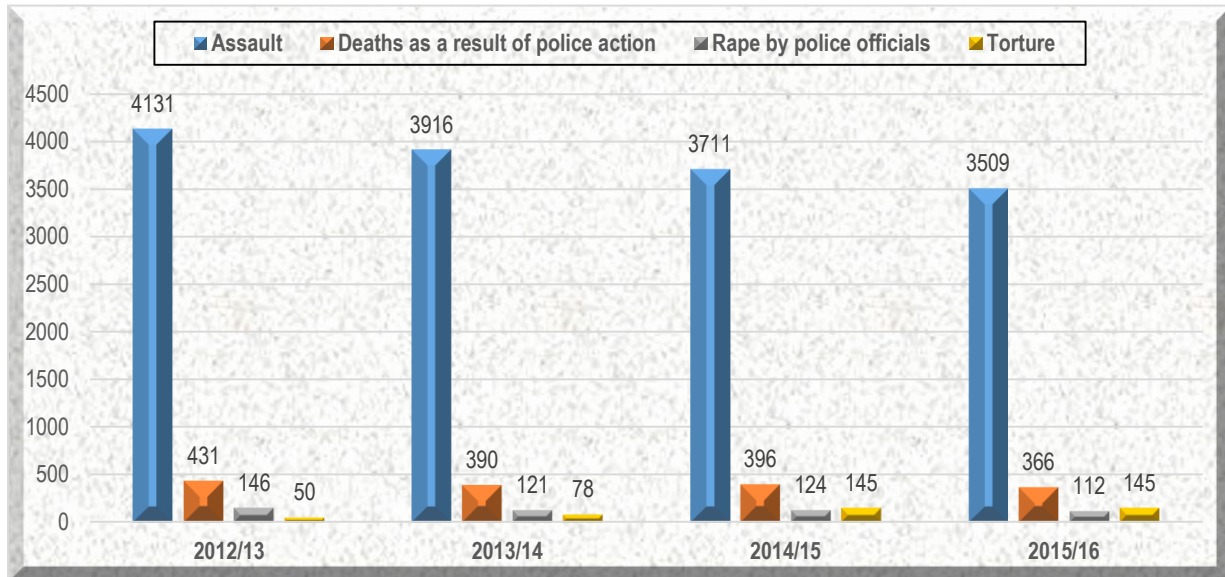
Source: IPID annual reports (2012 -2016)

The Marikana Commission of Inquiry established to address the killings of 34 miners in the North West Province made findings in relation to police militarisation pointing out that from the year 2000, the police service gradually started resembling a paramilitary force.

In addition, civil claims against the police have been increasing since 2011/12 by 175% in five years (2011/12-2015/16) as depicted in figure 2 below. SAPS management had to pay out R290 979 million in 2015/16.

Figure 2: Police conduct: civil claims
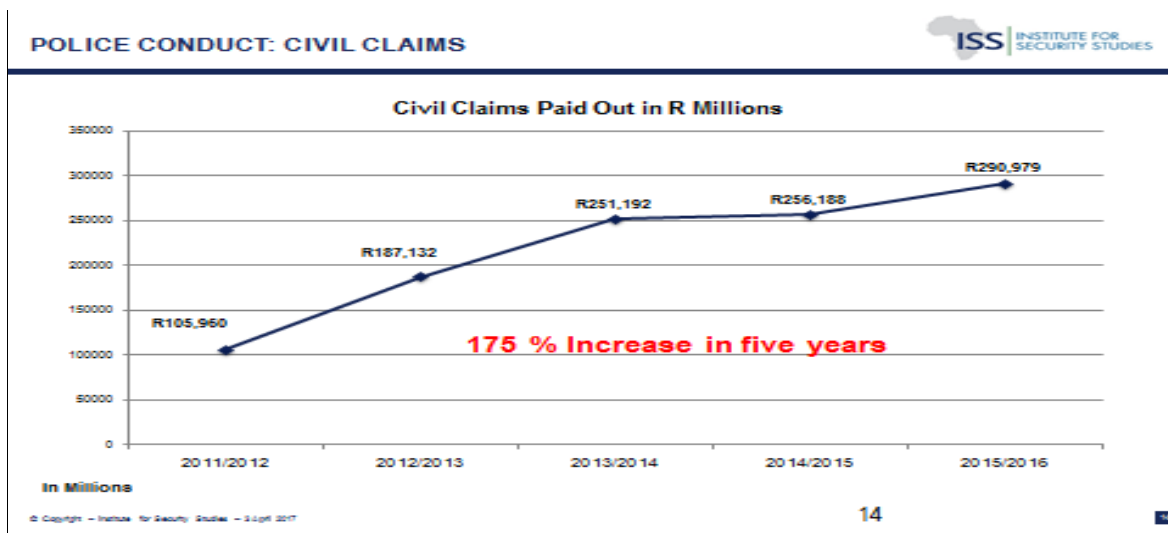
Source: Dereymaeker, G. 2015.

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Newham contends that the SAPS has underwent a process of remilitarisation. He argues remilitarisation is evident through the utilisation of the following indicators:

- SAPS increased its focus on large-scale crime combating operations such as Operation Crackdown (as part of the National Crime Combating Strategy – contrast with National Crime Prevention Strategy of 1996);
- There was lack of adequate commitment to the implementation of community policing by SAPS;
- As levels of violent crimes escalated, concerns for police safety increased and the arming of police also increased;
- There was a change in tone and language as more aggressive statements were made (e.g. '*war on crime*')[17]
- SAPS management decision in 2010 to revert to military ranks[18];
- Changing from a 'Service' to a 'Force'; and
- Adopting a more aggressive policing approach.[19]

The question whether the above factors has led to the militarisation of the SAPS remains.

3.   AIM AND OBJECTIVES OF THE STUDY

The aim of the study was to contextualise SAPS' understanding of police militarisation and demilitarisation with the view to demilitarising Visible Policing. The objectives of the study included the following aspects:

- Analyse the SAPS transformation history in relation to demilitarisation and remilitarisation;
- Determine the elements of policing that contribute to Visible Policing militarisation;
- Determine if Visible Policing is complying with legislative framework governing policing in South Africa; and
- Analyse progress made regarding the demilitarisation of Visible Policing.

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[17] Newham, G. 2017. Presentation on SAPS Demilitarisation seminar of 24 February 2017.
[18] Newham, G. 2014. How can the South African Police Service prevent another Marikana? [O] Available at: http://www.justice.gov.za/comm-mrk/docs/20140409-SeminarPhase02-Newham.pdf Accessed 27 November 2017
[19] Newham G. 2017. Presentation on SAPS Demilitarisation seminar of 24 February 2017.

4.   RESEARCH DESIGN AND METHODOLOGY

Research design and methodology outlines the processes and procedures that were undertaken by the researchers for the process of data collection and analysis.[20] Qualitative research design provides researchers with an opportunity to have an in depth insight into the complexity inherent in the phenomenon. (De)militarisation[21] is too complex to be solely answered through closed-ended questions thus the rationale behind opting for a qualitative research design. Moreover, an exploratory qualitative research approach was adopted to identify the boundaries of the environment in which the problems, opportunities or situations of interest are likely to reside and to identify the salient factors that may be of relevance to this research. The purpose of this exploratory research was to obtain reliable and valid data.[22] For data collection, both document review and in-depth one on one interviews were conducted. A semi-structured interview guide was developed and used to collect data from managers.

The study made use of a non-probability sampling technique in selecting respondents. A purposive sampling method was used as an overarching sampling method in the process of selecting managers across 9 provinces and SAPS national office senior managers. Table 1 below depicts the sampled managers:

Table 1: Sampled managers

Generals	National and Provincial level
SAPS National/Head Office	Senior Managers
Cluster Offices	Cluster Commander
	Visible Policing Coordinator
Police Stations	Station Commander
	Deputy Station Commander[23]
	Visible Policing Section Commander

Source: Civilian Secretariat for Police Service, 2017

Due to the dynamism of police stations, taking into account provinces, clusters, police stations categories and geographic locations, a quota sampling method[24] was used to select the stations to ensure better coverage of rural, mixed and urban areas and to also minimise biased selection of police stations. Beyond the geographical factor, other criteria such as hotspots were considered. A benchmark of 10% was used whereby out of a total of 1 140 (N) Police Stations in South Africa, 114 (n) police stations were sampled. In terms

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[20] Cresswell, J.W. 2014. Research Design: Qualitative, Quantitative and Mixed Methods Approaches. London: SAGE
[21] (de)militarisation refers to both militarisation and demilitarisation
[22] Brink, H.I.L. 1993. Validity and Reliability in Qualitative Research (Conference paper). Curationis, 16 (2): 35-38
[23] Please note that other stations do not have Deputy Station Commanders.
[24] A type of nonprobability sampling in which units are selected into a sample on the perspective of prespecified characteristics, so that the total sample will have the same distributor of characteristics assumed to exist in the population being studied

of sampling Cluster offices, 20% of 176 (N) which is a total of 35 (n) across provinces was sampled. (*See Annexure A: Sampling*).

Data was analysed through both content and thematic analysis. For the purpose of data analysis, the researchers took into account the element of data saturation which is a stage wherein new data seems to be redundant of data that has already been collected.[25] In order to ensure trustworthiness, validity and reliability, the report was checked by different researchers.

4.1 Limitations of the study

Since the study was based on police managers' perceptions, with a relatively small sample size, the research findings cannot be generalised countrywide. The findings do however provide a snapshot of the issues, and further provides insight into police managers understanding of the concept. Given that the study was exploratory in nature, it focused on the quality of the responses rather than the quantity of the respondents. Another limitation of the study was the lack of cooperation from some of the preselected respondents.

5.   LITERATURE REVIEW

There is no globally accepted or standard definition of police militarisation or demilitarisation due to its complex nature. Scholars have paid attention to the constituents of the concept rather than on the actual provision of a definition[26], although there have been attempts by several scholars to define police militarisation and demilitarisation.

Defining de(militarisation)

According to Kraska, police militarisation is *"the implementation of an ideology which stresses the use of force and threats of violence to solve problems, and using military power as a problem-solving tool".*[27] Kraska contends that to militarise the police means adopting and applying the central elements of the military model, to an organisation such as the police, or to particular situational areas within policing.[28] Police militarisation has been also been defined as "*adopting military-style equipment, tactics, and/or policies leveraging force or the threat of force, as the primary means to achieve a law enforcement*

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[25] Grady, M.P. 1998. Qualitative and Action Research: A Practitioner Handbook. USA: Phi Delta Kappa Educational Foundation
[26] Bieler, S. 2016. "Police militarization in the USA: the state of the field", Policing: An International Journal of Police Strategies & Management, 39 (4), pp.586-600. https://doi.org/10.1108/PIJPSM-03-2016-0042
[27] Kraska, P.B. 2007. Militarization and Policing—It's Relevance to 21st Century Police. Available at: http://cjmasters.eku.edu/sites/cjmasters.eku.edu/files/21stmilitarization.pdf Accessed 20 June 2017
[28] Ibid

agency's goals".[29] Police militarisation can therefore be explained as the process whereby civilian police increasingly draw from, and pattern themselves around the tenets of the military model.[30]

The CSPS study on policing of public protests and events, which focused on POP Units and TRT provided a working definition of demilitarisation in the South African policing context: "*Demilitarisation of the police means to develop a police service that supports democracy and the creation of a responsive public-service orientation, adherence to the rule of law, protection of human rights, transparency and accountability with respect to the activities of the department and its people. A police service that reports to civilian authority that does not apply military models, that is professional and has a code of conduct that is well understood and accepted by the communities they serve".*[31]

The military versus the police

Government leaders tend to advertently or inadvertently incorporate elements of the military into policing. Wilson contends that there is a need to have a line drawn between the role of the military and the police since their mandates are not the same.[32] Police function is specifically to enforce the law and investigate criminal activity and to serve and protect the inhabitants of the country, while the military function with providing forces needed to deter war and to protect the security of the country,[33] and to suppress and conquer the enemy. In the context of policing in a democracy, it is critical to distinguish between the role and functions of the police and that of the military.

The police are governed by strict use of force rules and regulations, while the military are allowed to use indiscriminate force, they require speed, surprise, and the use of specialised weapons and heavy artillery.[34] The police deal with civilians, they capture suspects and do not kill the opponent unless in defence of life, and the training provided focuses on keeping peace and apprehending suspects. When in doubt, the military apply the 'shoot first and ask questions later' approach in their operations.[35] To members of the

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[29] Hanley. M.D. 2015. Killing Barney Fife: law enforcement's socially constructed perception of violence and its influence on police militarisation. [O] Available at:
https://calhoun.nps.edu/bitstream/handle/10945/47270/15Sep_Hanley_Matthew.pdf?sequence=1 Accessed 25 July 2017
[30] Kraska, P.B. 2007. Militarization and Policing—It's Relevance to 21st Century Police. [O] Available at:
http://cjmasters.eku.edu/sites/cjmasters.eku.edu/files/21stmilitarization.pdf
[31] Civilian Secretariat for Police. 2016/17. Demilitarisation and the policing of Public Protests and events: Are our POP and TRT units militarised?
[32] Wilson, J. 2014. The reason you separate the military and the police. [O] Available at:
https://alibertarianfuture.com/big-government/police-state/the-reason-you-separate-the-military-and-the-police/
Accessed 18 March 2018
[33] The Constitution of the Republic of South Africa, 1996, Chapter 11: Security Services, Section 200(2).
[34] Committee on Policing Reforms. 2016. Demilitarizing America's Police: A Constitutional Analysis. [O] Available at:
https://constitutionproject.org/wp-content/uploads/2016/08/Demilitarizing-Americas-Police-August-2016-FINAL.pdf
Accessed 20 November 2017
[35] Cowper, J.P. 2000. The myth of the "military model" of leadership in law enforcement. Police Quarterly, 3(3): 228-246

military, serving is not only about the availability of militaristic equipment such as carrying a weapon and riding in a military vehicle since it requires selfless service and placing the mission, unit, and institution before oneself.[36] The military is a unique institution that is given the responsibility of national security protection.[37] Discipline, order, cohesion, effectiveness and accountability must be maintained at all times.[38]

It is also significant to note the similarities between the two entities, which are both surface and substantive in nature. These include an emphasis on hierarchical organisational structure, a heavy reliance on command and control, explicit and easily identifiable ranking relationships among members, and a greater than average concern for physical ability and strength.[39] More substantively, both occupations have been granted the authority to use force (including lethal force under specific circumstances) to carry out their mandates.[40]

It is important to keep these inherent similarities in mind when attempting to determine what constitutes police militarisation. A common comparison is that the police and the military both wear <u>uniforms</u> as is the case with other occupations. These uniforms are used as a form of identity and easy identification by the citizens being served. Studies have shown that police uniforms increase the public's perception of the officer's professionalism, competence, integrity and intelligence.[41] [42]

One of the indicators symbolising militarisation has been argued to be modelling police <u>ranks</u> according to that of the military. Countries such as Singapore and Rwanda have undergone the process of reviewing police ranks. The reasons provided by the Singapore Police Force regarding restructuring of ranks from the military to civilian ranks within the force were to *"better reflect the jobs our officers perform and provides a clearer command and control structure"*.[43] Additionally, rank changes were meant to ensure relevance of the police in satisfying staff and future operational requirements.[44]

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[36] Rivera, G. 2015. Armed Not Militarised: Achieving Real Police Militarisation. *Berkeley Journal of Criminology*, 20 (2): 228 – 257

[37] The Constitution of the Republic of South Africa, 1996, Chapter 11: Security Services, Section 200(2).

[38] Ibid

[39] Cowper, J.P. 2000. The myth of the "military model" of leadership in law enforcement. *Police Quarterly*, 3(3): 228 - 246

[40] Hanley. M.D. 2015. Killing Barney Fife: law enforcement's socially constructed perception of violence and its influence on police militarisation. [O] Available at: https://calhoun.nps.edu/bitstream/handle/10945/47270/15Sep_Hanley_Matthew.pdf?sequence=1 Accessed 25 July 2017

[41] Nelson, K & Bowen, J. 2000. The Effect of Employee Uniform on Employees Satisfaction, *Hotel and Restaurant Administration Quarterly,* 89.

[42] Singer, M.S. & Singer, A.E. 2012. The Effect of Police Uniform on Interpersonal Perception, The *Journal of Psychology*, 119(2): 157-161.

[43] Wai Kit, L. 2016. Changes to Police Officers' Ranks Kick in from July. [O] Available at: http://www.channelnewsasia.com/news/singapore/changes-to-police-officers-ranks-kick-in-from-july-7968494 Accessed 19 September 2017

[44] Ibid

The other perceived cause of police militarisation is modelling the police structure to that of the military.[45] The policing system hierarchy has been argued to promote lack of accountability within the organisation which encourages the absence of individual responsibility. It is therefore significant that this hierarchal system is flattened out to reinforce individual accountability. If officers feel responsible for their actions this will lead to officers having a conscience and acting more humanely to their fellow citizens.[46]

The training academy plays a pivotal role in moulding police officials. Since the majority of a police officer's shift is in dealing with non-violent people, most of their training should be on resolving disputes with words not breaking down doors.[47] This specifically applies to Visible Policing at station level providing services to the communities. Training that is similar to the military produces an end product of a paramilitary soldier ready to fight an enemy which is contrary to what is required from a police officer mandated to serve in a democracy. It is argued that military training of the police could lead to both abuse of power and killings of innocent civilians.[48]

Another main cause of police militarisation is the over utilisation of paramilitary units in the day to day work of policing. There has to be limitations or clear stipulations to the utilisation of paramilitary units. Situational analysis should at all times guide the policing approach. The utilisation of paramilitary units in situations not required contravenes the principles of civilian policing.[49]

A key distinction is that policing is actually based on the concept of minimal force, using only that force which is necessary to accomplish the objective, i.e. effecting an arrest, controlling civil disorder, serving a warrant, amongst others.[50] An increase in the amount of force used by law enforcement would not itself be indicative of police militarisation because force is an integral part of policing, however such force should be directed by the legislative frameworks governing policing.

Based on the above, the social phenomenon whereby police forces, like other hierarchically modelled organisations, assume attributes that are characteristic of the armed forces may be defined generally as police militarisation.[51]

An argument offered by scholars is that the word 'police militarisation' is used loosely in that the military as compared to any other organisation is highly disciplined, professional,

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[45] Ibid
[46] Ibid
[47] Ibid
[48] Rivas. J. 2013. Militarisation of the Police Force: Causes and the Alternative. [O] Available at: http://digitalcommons.calpoly.edu/cgi/viewcontent.cgi?article=1129&context=socssp. Accessed 20 November 2017
[49] Ibid
[50] Ibid
[51] Sergio, H. 2001. Militarisation and demilitarisation processes in the Israeli and American police forces: Organisational and Social. *Policing and Society*, 11(2): 181-208

compassionate and highly skilled.[52] If local police forces were modelled after and operated like the military, there would be higher standards of professionalism and accountability.

Professional policing

According to Heyer, in general, there has been failure in terms of the provision of substantial empirical data in support of the manifestation of police militarisation in that only descriptive argumentation has been provided in most cases which is problematic. These descriptive elements range from the language used for communication, equipment utilised to the organisational culture to mention but a few which do not provide adequate proof to highlight police militarisation. For instance, instead of focusing on the contributory factors to misconduct, many authors are quick to link such to police militarisation and not causal factors.[53] There is therefore a need to understand that there is a distinction between operational failures that can be a result of many other contributory factors or anomalies and police militarisation.[54]

It has been stated that in order to achieve a professionalised police organisation, a "*centralised organisational structure, a hierarchical chain of command, authoritative leadership, uniform outward appearance, top-down communication by means of order and directives and down-up action reporting, and internal control over rank and file by commanders through strong internal discipline is required".*[55]

Sergio contends that when addressing the ideology of police militarisation, many authors fail to take into consideration that it is not just about the use of excessive force but rather about high levels of order, discipline and self-sacrifice.[56] The principles of minimum force and the ability to analyse situations wherein force should be used is a key behavioural element for professional policing and it is critical for the police to adhere to this important principle.

It has also been stated that when addressing the issue of police militarisation, there is a need to be cautious in that "*at one end of the spectrum, policies addressing militarisation could render the police ineffective at protecting the public or themselves from numerous emerging threats. At the other end of the spectrum, unfettered militarised police activity*

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[52] Weinstein, A. 2014. Don't Call the Police "Militarized." The Military is Better Than This. [O] Available at: http://gawker.com/dont-call-the-policemilitarized-the-military-is-bet-1621523647
[53] Den Heyer, G. 2014. Mayberry Revisited: A Review of the Influence of Police Paramilitary Units on Policing. *Policing and Society* 24 (3): 346–61
[54] Ibid
[55] Sergio, H. 2001. Militarisation and Demilitarisation Processes in the Israeli and American Police Forces: Organisational and Social Aspects. *Policing and Society*, 11 (2): 181–208.
[56] Ibid

could severely erode civil liberties and result in a significant loss of public support and funding"[57].

5.1 SOUTH AMERICA

Colombia

In Colombia, the police fell under the jurisdiction of the military, and its administrative, organisation and training personnel was militarised.[58] Key positions within the Colombian National Police were filled by officers holding military ranks, and without proper civilian police training. The mission of the police and the military overlapped, which caused confusion. Police operations were informed by partisan struggles as opposed to community needs. This affected the relationship between the police and the community in that the community was never consulted to inform policing needs. In addition, resource allocation to police stations were not prioritised based on community needs.

The discussion around reforming the police led to concerns being raised about the viability of a completely demilitarised police, and the possibility of successful implementation to a demilitarised police service, especially given the violent nature of the Colombian society. Regardless of the concerns, attempts to reform the institution from a partisan police to a community-oriented civilian police were undertaken.

The 1991 Colombian Constitution guided the police reform process. The government was tasked with tackling the overlapping missions of the police and the military, which led to the establishment of a National Commissioners office under civilian leadership who was responsible for police oversight.[59] The hierarchical command structure was flatted so that policing decisions could be made timeously without delays. Policies also focused on the promotion of active civilian participation in the process of policy formulation with a focus being on the security of communities, planning and allocation of resources for policing. More emphasis was also placed on professionalising the Colombian National Police through a directive of focusing more on law enforcement as opposed to the military. The process of accountability, transparency and professionalism was achieved through the

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[57] Hanley. M.D. 2015. Killing Barney Fife: law enforcement's socially constructed perception of violence and its influence on police militarisation. [O] Available at:
https://calhoun.nps.edu/bitstream/handle/10945/47270/15Sep_Hanley_Matthew.pdf?sequence=1 Accessed 25 July 2017

[58] Bailey, J. & Dammert, D. (eds.) 2005. Public Security and Police Reform in the Americas. University of Pittsburgh Press

[59] Viana, M.T. na. Colombian police and military schools and training in Colombia: from "problematic country" to "problem-solver country"? [O] Available at:
http://web.isanet.org/Web/Conferences/ISSS%20Austin%202014/Archive/8727240d-4bab-4503-8162-b3b1056ea5fb.pdf Accessed 4 September 2017

introduction of a disciplinary regime based on a non-military regulatory body for the police and the employment of professionals who graduated from the police training schools.

Therefore, in its understanding of demilitarisation, the main focus of the Colombian Police was to detach itself from the military and focus on community needs through an intense emphasis on crime prevention and working closely with communities in the process of maintaining law and order and protecting the community members.[60] This was then achieved through the introduction of community outreach programmes with the community perception used as an external police monitoring mechanism.

One of the indicators of a transformed police is improved public trust in the police. Statistics show there has been a 27% increase in police trust, and it was reported that since 1993, public confidence in the Colombian Police force has risen from 21%-48%.[61] Additionally, in a 2006 survey on trust in state institutions charged with ensuring and protecting people's rights, the CNP scored above 50 percent, and had been doing so since 2004.[62]

Mexico

The Mexican police are mandated to conduct patrols, maintain public order, prevent crime and administrative violations and they are required to be first responders to crimes. The police are also tasked with investigating and preventing crime thus they play both proactive and reactive roles in dealing with criminal activities.[63]

Some interventions introduced which aimed at transforming the police to a more professional, client-oriented service included the formulation of the limiting discretion policing approach or model.[64] This model was founded on the premise of constantly rotating police officers and deploying them to areas they are not known so as to conduct policing freely. The other element that the model promoted was deploying police officers in groups so that they could be discouraged from committing corruption, certain information was not shared with police officials and their authority was reduced. However, the model was reported to have failed drastically as it had not improved corruption levels and contributed to the police becoming more reactive as opposed to being proactive. This contributed to the police being more ineffective.[65] The failure of the model was attributed to wrongful technique in that instead of addressing the core organisational challenge,

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[60] Ibid

[61] Romero, D. 2015. Police and Security in Colombia. [O] Available at: https://www.cospol.ch/directed-experiential-learning-police-image-and-security-in-colombia-literature-review/ Accessed 19 March 2018

[62] de la Torre, L.V. 2008. Drug Trafficking and Police Corruption: A comparison of Colombia and Mexico. [O] Available
at: https://calhoun.nps.edu/bitstream/handle/10945/4074/08Jun_DelaTorre.pdf?sequence=1&isAllowed=y Accessed 22 March 2018

[63] Sabet, D.M. 2012. Police reform in Mexico: Informal politics and the challenge of institutional change. Standford University Press

[64] Ibid

[65] Ibid

there was a problem of displacement in the form of stripping the police of their authority instead of addressing the symptoms of the problem.[66]

Implementation of the transformation agenda was affected by the appointment of military and retired military personnel to lead the police. This has contributed to confusion and difficulty in implementation.

5.2 AFRICA

Police reform processes lean towards legislative frameworks that support democratic human rights approaches.

Nigeria's period of colonisation suppressed the citizens and its national interests and was characterised by high levels of police brutality, armed patrols, raids, arrests, detention[67] and a culture of impunity.[68] Another consequence was the disintegration of the relationship between the police and the community. Policing pre-colonialism was based on traditional African policing methods which were rooted within the communities. The reform process that began in 1999 to address inhumane policing practices included the introduction of the Nigerian Constitution, which provided direction for the establishment of a Code of Conduct, a Police Council and Police Service Commission that were tasked with the responsibilities of overseeing policing functions and ensuring accountability. Importantly, the use of maximum force was discouraged and a human rights approach was supported. Other initiatives towards police reform included the establishment of the Police Complaints Bureau and Human Rights Commission in 2003 which provided a platform for the general public to register complaints against police misconduct and the establishment of Community Policing Program in 2004 to strengthen the relationship between the police and the community.[69] Importantly, in 2005, the Inspector General of the Police scrapped all controversial operations of an authoritative management style to a more accountable and responsive one.[70]

The police reform process also emphasised recruiting competent officers through releasing officers with criminal records, standardising recruitment criteria for new recruits, putting in place transparent management practices for job applications, and providing better and appropriate investigating tools and training to the police.

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[66] Ibid
[67] Maldar, S. 2005. "Rest in Pieces": Nigeria: Police Torture and Deaths in Custody in Nigeria. [O] Available at: https://www.hrw.org/report/2005/07/27/rest-pieces/police-torture-and-deaths-custody-nigeria Accessed 28 February 2018
[68] Ibid
[69] Ibid
[70] Ibid

The police reform process in Nigeria has not been without challenges. Implementation has not been fully realised as a result of the under-resourcing of both police stations and external or independent civilian oversight bodies. In addition, implementation has been hampered by constant changes to the position of the Inspector General of the Police which results in discontinuation of policies or strategies as new leaders introduce new transformation agendas.[71] In addition, when new strategies are introduced, there are no detailed implementation plans to measure progress.[72] Importantly, for a long period, the Nigerian Police Act of 1946 was not aligned to the 1999 Nigerian Constitution.

During the period of the civil wars in <u>Rwanda, Sierra Leone and Uganda</u>, the military model was used to inform civilian policing and policing was conducted in a militaristic and oppressive manner. There was no or little respect for the law and life, and the State condoned murder and torture and disregarded human rights. The police officials' appointment processes were made on the basis of nepotism and disregarded experience, competency, skill and qualifications.[73]

The countries were then faced with the task of reforming their police agencies, as the militaristic approach was ineffective in preventing crime and addressing community policing needs. Part of the reform process included institutional and management reforms, through the provision of training that focused on new police cultures with new values, the establishment of external independent oversight directorates, the formulation of policies that reinforced strict disciplinary procedures, formulating alternative policing systems, vetting of officers, provision of in-service and post-training evaluations, recruitment of officers who were not ex-combatants, clear management change plans, and strengthening community police relations and civilian planning programmes.[74] [75]

In the process of demilitarising its police service, new civil police ranks were introduced for example, the rank of 'Major' was changed to 'Superintendent 'and 'Captain' to 'Chief Inspector of Police'.[76] The Rwandan Police also changed its uniform and insignia to mark the demilitarisation process. All equipment not deemed appropriate for civilian policing were subsequently handed over to the army and officials that were not fit to serve in the civilian policing were also transferred to the army.[77] Community Policing has been

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[71] Kumolu. C. 2012. Police reforms: The timeless ritual for solution? [O] Available at:
https://www.vanguardngr.com/2012/03/police-reforms-the-timeless-ritual-for-solution/ Accessed 4 September 2017
[72] Maldar, S. 2005. "Rest in Pieces": Nigeria: Police Torture and Deaths in Custody in Nigeria. [O] Available at:
https://www.hrw.org/report/2005/07/27/rest-pieces/police-torture-and-deaths-custody-nigeria Accessed 28 February 2018
[73] Biddle, K, Clegg, L., & Whetton, J. 1998. Evaluation of ODA/DFID support to the police in developing countries – synthesis study. Swansea: Centre for Development Studies
[74]Bobb, M. na. Internal and External Police Oversight in the United States. [O] Available at:
https://www.prearesourcecenter.org/sites/default/files/library/internalandexternalpoliceoversightintheunitedstates.pdf.
Accessed 29 November 2017
[75] Baker, B. 2007. "Conflict and African Police Culture: The cases of Uganda, Rwanda, Sierra Leone". In O'Neil, M., & Marks, M. (eds.) Police Occupational Culture: New Debates and Directions. Oxford: Elsevier Science
[76] Theophilus. K. 2015. Police Reforms in Post Conflict Countries: A Case Study Of Rwanda National Police (1994 - 2005). University of Nairobi.
[77] Ibid

successful as it has achieved a decentralised policing system, increased public involvement and organised functional patrols.[78] The relocation of Rwandan police officers who had served in the war, to Congo, contributed to the reform process as the organisation was able to start anew with the recruitment of new officials who had not been exposed to militaristic policing. Rwanda also successfully implemented a strict disciplinary policy.

Overall, the police reform processes in the countries have not been without their fair share of challenges. In Sierra Leone, the concept of community policing has been minimally embraced. Instead of the community being the core of policing directives, they are only regarded as intelligence providers and they do not input in ways that policing should be provided.[79] The police are still charged with human rights violations and excessive use of force.[80] In Uganda, complaints registered against the police to the independent oversight units are on the increase every year, and the attitude and behaviour of the police still remains a concern.[81]

South Africa

Police militarisation is a global phenomenon and South Africa is not an exception. The complexity of the police militarisation and demilitarisation concept and the absence of a uniform demilitarisation definition within the South African context is evidenced by lack of common understanding at leadership level within SAPS. For instance, a former Minister of Police and former National Commissioner of Police who served in the police at around the same period had different viewpoints on whether SAPS was militarised. The Minister insisted that the SAPS was never militarised, that the organisation was faced with command and control challenges, and that individual cases leading to police brutality should not be analysed as police militarisation.[82] The National Commissioner on the other hand opined that the SAPS is unduly militarised and this would change through implementing demilitarisation plans as per the NDP and the Farlam Commission recommendations.

Additionally, in South Africa, the decision to revert to military rank system was informed by a need to re-instil discipline and respect within the organisation. It was articulated that "*the return of military ranks will herald the return of discipline and command and control, aspects that flew out of the window when the police demilitarised*"[83]. The challenge

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[78] Ibid
[79] Baker, B. 2007. "Conflict and African Police Culture: The cases of Uganda, Rwanda, Sierra Leone". In O'Neil, M., & Marks, M. (eds.) Police Occupational Culture: New Debates and Directions. Oxford: Elsevier Science
[80] Ibid
[81] Ibid
[82] The ifacts letter. na. Security football. Time we all played on the same side. Available at: http://www.ifacts.co.za/newsletters/Article.php?id=5 Accessed 28 August 2017.
[83] DefenceWeb, 2010. Police to revert to military ranks from April. [O] Available at: http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=6889:222&catid=3:Civil%20Security&Itemid=113 Accessed 19 September 2017

however is that there are no studies conducted determining a correlation between police ranks modelled after the military and its effectiveness in either re-instilling discipline, respect or crime reduction.

According to Burger *"poor command and control and weak discipline are at the heart of the problem within SAPS"*.[84] Burgers statement is a clear correlation to Heyer's contention that instead of focusing on the contributory factors to misconduct, many authors are quick to link such to police militarisation and not causal factors. This remains a critical point when having to deal with police organisations not performing optimally, or are ineffective in delivering services. It is therefore critical to address causal factors affecting an organisation than to be fixated with the military status of the organisation.

Prior to 1994, policing in South Africa was closely associated with the military, thus both civil and military powers were assigned to police officials, and South Africa was described as a police state. This was also reinforced by legislative frameworks such as Pass Laws Act of 1952 and Public Safety Act and the Riotous Assemblies Act no 17 of 1956 which provided a foundation for police brutality in dealing with citizens that were against the apartheid system. Instead of providing civilised services to the communities, policies were used to promote oppression[85] against other racial groups. The police officials used military approaches in managing civilians which resulted in an unclear distinction between the functions of the police and the military. The resultant blurred lines impacted negatively on what was supposed to be a civilian police service. Thus, apartheid policing in South Africa isolated the police from a large segment of the community whose security it was supposed to protect.[86]

The oppressive style of policing meant that the use of excessive force and regular abuses of human rights were a common practice. Therefore, during the apartheid era, the South African Polices' focus was not on carrying out their duties in a dignified conduct. When the police are militarised, more elite police units that are modelled on military special operations units are established and normalised in a range of policing functions.[87]

The NDP[88] has called for the demilitarisation of the SAPS. This has sparked a flurry of comments from various societal sectors. Further to that, the 2016 White Paper on Policing

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[84] Burger, J. 2013. Blaming militarisation for police brutality misses the point. [O] Available at: http://www.politicsweb.co.za/news-and-analysis/blaming-militarisation-for-police-brutality-misses Accessed 21 December 2017

[85] Mistry, D., Minnaar, A., Redpath, J., & Dhlamini, J. 2001. The Use of Force by Members of the South African Police Service: Case Studies From Seven Policing Areas in Gauteng. Available at: http://www.gov.za/sites/www.gov.za/files/force_0.pdf Accessed 11 April 2017

[86] Phillip, N. 2011. Challenges to Police Reform in Post-Apartheid South Africa. [O] Available at: http://web.uvic.ca/~onpol/spring2011/Three%20-%20Phillips.pdf Accessed 27 June 2017

[87] Duncan, J. 2015. Marikana: Shining the Light on Police Militarisation and Brutality in South Africa. Available at: http://theconversation.com/marikana-shining-the-light-on-police-militarisation-and-brutality-in-south-africa-44162 Accessed 11 April 2017

[88] In 2012, Cabinet adopted the National Development Plan (NDP) which is a long term vision and plan for the country. It serves as a blueprint for the work that needs to be done to achieve a prosperous society for our country in 20 years' time.

proposes a demilitarised police service that is responsive to the needs of diverse communities and that continually demonstrates an approach to policing that is fair and professional and whose actions and conduct are subjected to regular review and oversight.

The NDP is very clear with regard to how SAPS should be professionalised but very silent when it comes to how to demilitarise the police. The process of demilitarisation according to the planners of the NDP, the National Planning Commission, is by way of professionalising the police, by undertaking a review of the culture of the police, to instil the best possible discipline and ethos associated with a professional police service. The police, they say, require capacity and skills to become more competent, professional and efficient. Once professionalisation has been attained, the community would then view the police as a resource that protects and efficiently responds to their needs, based on the laws of the country.[89]

The demilitarisation debate became more prominent when in August 2012, thirty four (34) miners were killed by the SAPS during a wildcat strike in Marikana.[90] The Farlam Commission of Inquiry, established to address the events of the Marikana killings, made a series of recommendations to address the police's management of crowds and the use of force and weapons. Farlam further stated that the implementation of the National Planning Commission's recommendations to demilitarise and professionalise the police be treated "*as a matter of priority*".[91]

The Portfolio Committee on Police, in 2015, provided five measures for the facilitation of the implementation of police demilitarisation. These include:

- SAPS to continue demilitarising the service through training and professionalisation and determine the budget of such processes over the medium terms and provide the committee with a report.
- The SAPS proceed with the professionalisation of the service and provide the committee with the processes and timelines to be followed in order to achieve the ministerial priority.
- The SAPS to complete its planning for demilitarisation and provide the committee with a project plan and timelines for its implementation.
- The SAPS to develop action steps to reduce and limit the budgeted amounts for civil claims against the police.

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[89] National Planning Commission. 2011. National Development Plan (NDP) 2030, Vision for 2030 - Chapter 12: Building Safer Communities. Pretoria: Sherino Printers
[90] City Press, 2013/04/11
[91] Duncan. J. 2015. Marikana: Shining the light on police militarisation and brutality in South Africa. [O] Available at: http://theconversation.com/marikana-shining-the-light-on-police-militarisation-and-brutality-in-south-africa-44162 Accessed 14 August 2017

- The establishment of an independent Panel of Experts on transformation in the SAPS and the Transformation Task Force led by the Deputy Minister of Police.[92] [93]

Various SAPS documents speak to the need to professionalise and demilitarise the SAPS. These include Strategic Plans, Annual Performance Plans (APPs), Back to Basics strategy, Frontline Service Delivery project and even the expenditure trends speak to measures or interventions in place to professionalise and demilitarise the SAPS. Unless the concepts are fully understood, it will be difficult to measure progress on SAPS demilitarisation. However, for the concepts to be understood and implemented in the future, it is critical that Burgers and Heyers opinions resonate with SAPS and policy makers. Fundamentally, addressing causal factors affecting an organisation should lead towards an organisation that is professional in its posture, doctrine and approach, rather than to link unprofessional behaviour with police militarisation.

6   RESEARCH FINDINGS

The study findings are arranged in thematic areas as follows:

- Background of respondents
- Organisational changes since 1994
- Compliance with the law
- Understanding of militarisation and demilitarisation and police brutality
- Perception whether Visible Policing is militarised or not
- Perspective whether Visible Policing should be demilitarised or not

6.1 BACKGROUND OF RESPONDENTS

The purpose of this section is to provide an overview of the respondents. Characteristics such as race, gender, age and educational levels, their overall tenure in SAPS and the number of years they have been in their current ranks are documented in this section (*see Annexure B for a detailed profiling*).

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[92] Parliamentary Communication Services. 2015. SA: Committee recommends professionalisation of Police Service. Available at: http://www.polity.org.za/print-version/sa-committee-recommends-professionalisation-of-police-service-2015-10-26 Accessed 17 June 2017
[93] Legal Resources Centre, Measures to demilitarize police adopted 27 October 2015. [O] Available at: http://lrc.org.za/lrcarchive/other-news/3635-minutes-to-demilitarise-police-adopted/ Accessed 20 November 2017

Profiles of respondents

A total of 316 respondents across 9 Provinces, including SAPS national Office within Visible Policing programme were interviewed entailing Captains (81), followed by Lieutenant Colonels (68), Colonels (61), Warrant Officers (41), Brigadiers (30), Major-Generals (20), Sergeant (8), Constables (5), and Lieutenant Generals (2).

Generally, the respondents who participated in this study are well educated with the majority (111) having diplomas, followed by matric (85), postgraduate degree (72), undergraduate degree (37), postgraduate diploma (9), and less than matric (2). It is also evident most of the managers within the organisation believe in self-development as they are continuously pursuing their careers.

The majority of respondents (229)[94] have been in the employ of SAPS for over 25 years, with a total of 160 from 316 occupying their current positions for between 0 – 5 years. This indicates the richness of the respondents' experience in the policing field as most of the respondents have served in various roles within SAPS prior to their appointment within the Visible Policing component. It further demonstrates employee retention and continuity within the organisation.

The majority of the respondents were Black Africans (197), followed by Whites (56), Coloureds (48) and Indians (15). There was a significant difference in the respondents' gender representation as 241 of the respondents were males and 75 were females.

Duties of respondents

Senior managers must have a clear understanding of their roles and responsibilities to be able to make decisions and to perform a supervisory role in an organisation such as the police. The parameters within which to function effectively is of paramount importance so that the organisational mandate can be effectively executed.

Overall, the respondents were involved in planning, policy making, personnel and financial management and monitoring. These roles are captured in Table 2 below, and Annexure C provides detailed information.

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[94] Limpopo Province did not cover this question in their interview thus there was only 278 respondents who provided an answer to this question.

Table 2: Duties of senior managers

Senior Managers at SAPS National office	
- Policy and strategy formulation to guide policing in the provinces, clusters and local police stations. - Provision of leadership to provinces and local police stations for the implementation of legislative frameworks such as policies, National Instructions (NI) and standing orders. - Conduct monitoring and oversight on policing operations and compliance. - Management of finances, personnel and physical resources.	
Cluster commanders	**Cluster Visible Policing coordinators**
- Monitoring police stations performance. - Management of crime within the cluster and allocation of resources to police stations. - Provision of operational and administrative support to station commanders within the cluster. - Management of all operational activities in the Cluster.	- Provide necessary assistance to Visible Policing sections at police stations. - Planning and execution of Visible Policing functions in the Cluster. - Provision of administrative assistance to Station Commanders in the Cluster. - Consolidation of monthly returns and monitoring crime reported.
Station Commanders	**Visible Policing commanders**
- Management and control of all policing functions in the Station precinct. - Planning and execution to inform police station operations. - Provision of leadership at the police station. - Consultations with relevant stakeholders to inform policing within the police station precinct. - Management of human and physical resources including finances. - Monitoring and oversight of activities at the police station.	- Monitoring and management of physical and human resources. - Conduct station level crime analysis to inform decision-making in relation to resource allocation. - Monitoring of crime, custody management (holding cells) and address the needs of victims of crime. - Check whether suspects are detained correctly. - Monitoring and management of personnel, vehicles, and operations within police stations.

Source: Civilian Secretariat for Police Service 2017

6.2 ORGANISATIONAL CHANGES AND THE IMPACT OF THE CHANGES ON MEMBERS AND THE ORGANISATION

This section focuses on respondents' perspectives of the organisational changes that SAPS has undergone since 1994, when the police adopted a democratic policing model, as well as the impact these changes have wrought on members and the organisation. The section talks to actual structural changes and approaches to determine how respondents viewed the changes.

Respondents from Northern Cape, Limpopo, Eastern Cape and Free State indicated that one of the important organisational changes they experienced was the amalgamation of the former Bantustans/homelands police agencies into the new national police service, the SAPS. Respondents who were positive towards the amalgamation, regarded the process as contributing towards a uniform and standardised form of policing across the country. The police became accountable to the local communities, and the new SAPS Act 68 of 1995[95] introduced the Community Policing Forum (CPF) approach which aimed to build police-community relations. Other respondents indicated that the amalgamation of the policing agencies compromised the overall quality of policing as the agencies were not subjected to the same training as the SAPS members, as they operated differently prior to the amalgamation. Respondents from the Northern Cape indicated that training provided by the Transkei, Bophuthatswana, Venda and Ciskei, (TBVC) agencies was below the standard for policing in South Africa.

Respondents in the Northern Cape further raised the issue of the inclusion of the Railway Police Services and old Municipal Police into the SAPS. The respondents stated that Municipal Police members were incorporated into the organisation without being exposed to the SAPS basic training, and without the minimum policing requirements, skills and knowledge. Respondents argued that "*Municipal Police members were only trained to police municipal by-laws and perform guard duties which are not sufficient in the policing environment".* Additionally, Railway Police officials were transferred to the SAPS with the same ranks, but on a much higher salary level as compared to the SAPS counterparts. This as was indicated by the respondents negatively affected the morale of existing SAPS officials. The positive comment from the respondents regarding the Railway Police amalgamation process was that the Railway Police had been subjected to thorough training, facilitated by well trained and extremely disciplined instructors. Hence the implication that they were a valuable addition to the SAPS.

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[95] South African Police Act 68 of 1995. [O] Available at: [O] Available at: https://www.saps.gov.za/legislation/acts/act68of1995.pdf Accessed 19 March 2018

The respondents from the Free State, Northern Cape, Eastern Cape, Western Cape and KwaZulu-Natal indicated that the restructuring of the Area Commissioner's offices and specialised units were a loss to the organisation, as the policing functions in these structures were performed professionally, and managers were held to account. The dissolution of the offices negatively affected members as they were redeployed to other police stations, and effectively demoted. Most of the respondents from the Northern Cape argued that the restructuring "*did not bring any change since we are where we were many years ago, and have to travel thousands of kilometres for meetings".* One of the reasons for restructuring the Area offices was to allow easier access to police stations, but respondents indicated that the decision did not benefit the communities as the communities were still faced with accessibility challenges. The restructuring was meant to establish smaller structures, but *"the distances between stations and clusters were very far which resulted in a widened span of control".* Respondents from the Northern Cape argued that *"one cluster cannot effectively command and control 27 police stations".* The only positive remark from respondents in the Northern Cape about the closing down of Area Commissioners offices was the transfer of knowledgeable police officers to other local police stations.

Some of the respondents from the Eastern Cape and SAPS national office indicated that the restructuring process had created a top-heavy, bureaucratic structure, which not only delayed work processes, but has also contributed to station commanders becoming powerless regarding decision-making. Some of the respondents from Free State indicated that there seemed to be confusion regarding the roles and responsibilities of the Clusters, as when Cluster offices were established, the purpose was to assist police stations operationally. However, Cluster Stations have been performing administrative functions.

Respondents from Northern Cape, Eastern Cape, Western Cape and KwaZulu-Natal also indicated that the specialised units, such as the South African Narcotics Bureau (SANAB), Murder and Robbery Units, Vehicle Theft Units, Diamond and Gold Branch Units, Gang Units, and Firearms Theft Units, were also disbanded during this time. According to some of the respondents in Eastern Cape, *"the closing and [re-]opening of specialised units led to long term inconsistencies, and in some cases, ineffectiveness of addressing the functions of the specialised units".* It should be noted that the Family Violence, Child Protection and Sexual offences (FCS) unit also went through periods of instability due to a process of decentralisation. Some respondents argued *"the restructuring processes seem arbitrary and individualised and not based on environmental policing needs*". Respondents further argued that the decision to disband such units contributed to an intensive loss of highly skilled individuals who were experts in their fields. For those detectives with specialist capabilities, the restructuring process led to them getting absorbed within general detectives at station level, which expanded their span of control,

and diluted their specialist functions. They were also required to work with less resources which severely compromised their work.

Respondents from Eastern Cape, Gauteng, KwaZulu-Natal, North West, Northern Cape, and the SAPS national office raised a concern about the <u>constant changes in senior positions</u>[96], such as that of the National Commissioner and Visible Policing Commanders. Respondents questioned the veracity of the appointment of National Commissioners who had not previously worked in the SAPS, and who lacked the necessary experience and expertise to effectively carry out the responsibilities of the position. Respondents were also concerned about the role of 'Acting' National Commissioners who do not have full powers to exercise their decisions, despite the internal organisational rules bestowing a person acting in a position with full powers to exercise authority and make decisions. Respondents were concerned that these Acting National Commissioners who were not able to exercise full powers, were not able to fully implement policies. Respondents further lamented the duration of the acting positions, as well as delays in appointing permanent commissioners. The respondents also argued that constant changes to leadership *"confuse members on the ground which creates frustration".*

Respondents mentioned that since 1994, there have been eight <u>National Commissioners</u> (acting national commissioners included), which has led to instabilities and confusion in the SAPS. Respondents concerns stemmed from the appointment of National Commissioners who do not have the requisite experience in policing, as well as National Commissioners who are politically inclined. Respondents from Northern Cape argued that constant changes to the leadership contributes to constant restructurings in SAPS, which has resulted in experienced members resigning from the organisation and being replaced by younger inexperienced members.

Some respondents from the North West, Kwazulu-Natal and Eastern Cape argued that "*every new National Commissioner has new ideas that need to be implemented*", which is argued disregards the process of continuity of operations and a decrease in commitment to implement. Other respondents argued that new National Commissioners apply softer management styles which challenges the conventional interpretation of command and Control in SAPS. A respondent from the SAPS national office raised a critical concern stating that the Frontline Service Delivery strategy which was introduced and implemented, was shelved on the appointment of a new National Commissioner, which led to confusion amongst members, and also led to resources having to be redirected. On a positive note, some respondents from the Northern Cape stated that the restructuring process attempted to streamline the police by transferring the correct skills to the correct structures within the organisation.

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[96] See Annexure D attached which documents leadership changes since 1994 within SAPS

The establishments of <u>oversight bodies</u> were regarded as positive developments by respondents from Free State, Eastern Cape and North West as they serve to hold the SAPS accountable and require SAPS to be transparent in its actions. The bodies include the CSPS, IPID, Provincial legislatures, Parliament and CPFs. According to the respondents from the Free State, prior to the establishment of oversight bodies, the SAPS was highly infested with corruption. However, some respondents in KwaZulu-Natal are arguing that corruption levels are still a concern in the SAPS. Respondents in the Eastern Cape, while embracing oversight, believe that over-regulation does not provide SAPS with breathing space.

Policing approaches

Respondents agreed that the organisation has since 1994 also changed its <u>policing approaches</u>. In particular, SAPS has adopted the democratic model of policing, which is service oriented and community oriented, promotes human rights and accountability to the local communities. Moreover, respondents mentioned that democratic policing principles brought forth governing legislation, improvements in community-police relations, oversight to ensure transparency and accountability, and advancements in technology. Policing also currently takes into account community needs, evidenced by the establishment of CPFs and the introduction of the Sector Policing approach, both of which are aimed at attaining improved relationships between the community and the police. According to respondents, *"the newly introduced policing approaches have since made the police more accessible, transparent and accountable to the communities".* Respondents iterate that "*communities feel appreciated as they are provided with an opportunity to contribute to the process of fighting crime"*. The result of the good relations also manifests in communities trusting the police, are willing to work hand-in-hand with the police, and to provide information about criminal activities and perpetrators of crime. In the Western Cape, some respondents stated that the shift towards more community-centric policing models has presented an opportunity for the establishment of Social Crime Prevention Units. Respondents were also positive about the methods of working which is information driven, and decisions which are guided by evidence.

Other respondents from KwaZulu-Natal and Eastern Cape mentioned that although there has been a notable improvement to police-community relationship, there are instances of <u>distrust</u> between the community and the police. Respondents in the Eastern Cape argue that "CPFs *are not playing their roles in terms of building trust and legitimacy between the community and police, particularly in rural areas".* They further iterated that CPFs are not functional in rural areas, and it becomes a challenge for community members to provide information to the police. Respondents from the Northern Cape added that *"in some instances, the communities try to take over the role of the police and think that the police must account to them*".

Respondents from Eastern Cape, Free State, Mpumalanga, Gauteng, KwaZulu-Natal and North West mentioned that democratic policing has introduced legislations which promotes people's rights as enshrined in the Constitution of South Africa. The concerns raised in relation to democratic policing principles is the perception that "*suspects have more rights than the police and victims*", according to respondents from the Eastern Cape, Western Cape, Gauteng and Mpumalanga. They further iterated that the legislations caused too much confusion since in some instances *"they (police officials) do not know how to react in instances where they have to use their firearms"* and *"they are uncertain as to whether they should shoot to defend themselves or not".* Some respondents in Eastern Cape indicated that they decided against acting in full force as *"the rights of suspected offenders and more regulated processes for search and seizure ties the hands of SAPS who increasingly fear civil claims*". Mpumalanga respondents raised the issue of high numbers of civil claims against the police, implying the police were unclear about procedures and processes, hence the high number of civil claims against the police. Another concern raised in KwaZulu-Natal was that the police have rights but members do not know how to exercise them within the legislative context, and they end up applying the law wrongly, and it affects the level of discipline.

Some of the respondents indicated that in the new democratic dispensation, there are consultative processes, and junior members are provided with the opportunity to make inputs. According to some of the respondents from SAPS national office, decisions pre-1994 were made without any space provided for making inputs and questioning decisions. A police officer was expected to comply and complain later. Respondents from Mpumalanga and Eastern Cape indicated that currently there are greater levels of communication and engagement in the organisation. According to some respondents from the Eastern Cape, open communication within the organisation is due to the presence of organised labour (unions). Even though unionisation was welcomed by the respondents, concerns were raised by some that the failure to follow processes would lead to the perception that unions would defend their members regardless of their behaviour (misconduct). Respondents from the Eastern Cape were also concerned that *"in some of the very rural stations the unions had absolutely no presence or real impact".* Some of the respondents from the North West and SAPS national office argued that there have been instances where changes introduced by the SAPS national office was undertaken without the consultation of operational members, who were to ensure proper implementation.

Technological advancement in the policing arena has also been lauded by the respondents. While the majority of the respondents indicated technological improvements as positive, other respondents raised concerns about sustainability and management of the systems.

Rank, insignia and uniforms

Respondents from Gauteng, Mpumalanga, Free State, Western Cape, Northern Cape, Eastern Cape and KwaZulu-Natal raised the issue of the many changes to the SAPS ranks over the years, from military ranks to civilian ranks, and back to military ranks. The responses varied from support for the change in ranks, to scepticism of the change. According to the respondents from KwaZulu-Natal, changing the military ranks to civilian ranks negatively affected the organisation in that *"civilian ranks broke the backbone of the police",* and *"the community did not identify with civilian ranks". R*espondents from the Northern Cape stated that the new rank system confused both SAPS members and the communities, and "*the public even joked about the newly introduced ranks*". Some respondents from KwaZulu-Natal mentioned that the change from military ranks to civilian ranks confused community members as they were unsure of the way in which to address police officers, because the ranks were similar to those used at hospitals. The majority of respondents in KwaZulu-Natal, Eastern Cape and Northern Cape indicated that the change from military to civilian ranks contributed to ill-discipline and loss of respect by junior members of senior officials. In the Northern Cape, the respondents mentioned that respect for the civilian rank structure faded, and junior members made fun of senior officials by referring to them as *"Suppie and Cappy*"; nicknames referring to *"Superintendent and Captain*". The change from military to civilian ranks also introduced a *laissez-faire* attitude amongst leaders, as was indicated by the respondents. Respondents from the North West indicated that changing ranks from civilian to military ranks led to poor discipline in the organisation and has affected command and control and service delivery.

Some respondents disputed the notion of disrespect for civilian ranks. They argued that members were aware of authority figures, and granted them the necessary respect. A respondent from Northern Cape enquired as to *"what influence do rank changes have on the communities' attitude towards committing or not committing crime?".* Another respondent stated that *"if the main aim of rank changes was to decrease crime, it was not effective as changing of ranks had no influence on crime rates in the country".*

Respondents from both Gauteng and Northern Cape indicated that changes to the rank structure negatively affected promotions within the SAPS and demoralised police members. They argued that phasing out of ranks such as 'Lance sergeant' and 'Lieutenant' affected upward mobility, as prior to the scrapping off of the Lance Sergeant position, constables were able to get promotions as there were more vacant posts. Additionally, scrapping off the 'Lieutenant' rank meant that a 'Captain' had wider control and responsibilities, which according to the respondents from Gauteng could make providing sufficient supervision to junior officials challenging.

Respondents from KwaZulu-Natal and SAPS national office also mentioned that the changes to police insignia, police officials' uniforms, and branding on vehicles after 1994, were meant to change the mind-set of police officials, but these were rather regarded superficial changes.

Promotion, recruitment and training

Respondents from KwaZulu-Natal, Free State, Northern Cape, Mpumalanga, Eastern Cape, Western Cape and North West, including SAPS national office noted that one of the organisational changes that took place after 1994 was the SAPS <u>promotion policy</u>. Respondents from Northern Cape indicated that there was no standardised promotion system in place during the amalgamation of the police agencies process in the early 90s, and members of the previous homelands skipped ranks during promotions. There were instances where members were promoted to higher ranks prior the implementation of the amalgamation process. The promotions were not guided by the same criteria in that members who were promoted did not even have the same knowledge and skills. Thus, there were too many incompetent officials promoted to higher positions within the organisation.

In order to be promoted prior 1994, a police official had to complete the required training and courses to be considered for promotion. Furthermore, there were no officials who jumped ranks as every official was expected to go through every rank by moving up the ladder. According to the respondents, the current promotion policy highly regards academic qualifications but seems to be disregarding competency and experience. However, in some instances respondents from the Free State indicated that *"qualified and experienced members feel stuck in one rank, while members with matric and no experience are promoted over those with diplomas or degrees"*. This notion is further supported by respondents from KwaZulu-Natal as they mentioned that some police officials in senior positions or top management have little to no policing experience or background, yet they have been promoted.

The majority of respondents from the Western Cape regarded the promotion process as stressful which caused frustration and anger. A respondent from the Western Cape stated "*in my time there was no re-writing of college exams. Nowadays, they say 'not yet competent'. In my day if you failed, you failed. Prior to 1994 there was a clear understanding in terms of promotion policy. Nowadays you can see when you come, this one is now a Captain - he became a captain overnight - these are some shortcomings where individuals are promoted to management"*.

Some of the respondents from Northern Cape mentioned that <u>unions</u> are overly involved in the promotion process in order to promote union members instead of promoting the best candidate. This perception on the other hand disregards the role of panel members

in the selection of best candidates. In addition, there are scoring sheets that are used by panel members and this is done secretively with an aim to promote fairness. The role of union representatives is to oversee the process and advocate for a fair process. On the other hand, SAPS national office respondents raised frustration with disadvantageous deployments within the organisation such as appointment of inexperienced people into managerial positions, who then fail to fulfil their roles and duties. Another concern raised by some Eastern Cape respondents was that *"some accelerated promotions have created problems within the structure of the SAPS since in some occasions, a warrant officer who is well informed about policing is expected to report to a captain that has little information or knowledge about policing".*

In terms of <u>recruitment</u>, respondents from Mpumalanga, North West, Eastern Cape, Free State and SAPS national office indicated that the recruitment process is fair and promotes equity which has been evidenced by the appointment of women in higher positions. In addition, some of the respondents mentioned that race is no longer used as a selection criterion for certain higher positions as was the case pre-1994 where in most occasions, white police officials were preferred candidates to occupy senior positions. The practise has since changed as SAPS' policies addresses equity in the workplace. Some of the respondents from Mpumalanga asserted that *"black Africans are able to get higher positions and that female members have equal opportunities to be appointed at higher positions".* Some respondents from Mpumalanga and SAPS national office argued that even though there have been positive changes regarding recruitment and equity processes, they were concerned that the recruitment process has been relaxed which opens the space and opportunity to hire incompetent recruits. In addition, some respondents from the SAPS national office indicated that the current recruitment system focuses on quantity as opposed to quality.

Respondents from KwaZulu-Natal and Free State indicated that they have observed a difference in the type of <u>training</u> offered at the SAPS training colleges, particularly the militaristic training approaches. This has been a challenge as some members of the police have adopted the same mannerisms in conducting policing. The respondents mentioned that previously there were field training officers who were stationed at police stations to supervise new recruits, and currently newly recruited constables are just supervised by relief commanders. Some of the respondents from Eastern Cape were concerned that station commanders are not adequately exposed to conflict management courses, which is regarded critical for people in senior management positions.

<u>In summary, respondents viewed democratisation of the police service to be beneficial given the policy environment that promotes human rights, despite confusion of how to apply the law. Community policing, consultation, transparency and accountability was also regarded as improvements to policing. Areas of concern include the perception that criminals have more rights compared to both the police and victims, the continuous</u>

restructurings in SAPS and instability of leadership positions, as well as poor police-community relations. The respondents bemoaned changes that were made to the promotion policy, and were concerned that less experienced people moved up the ladder and skipped ranks.

6.3 COMPLIANCE WITH THE LAW AND ORGANISATIONAL PRESCRIPTS

In every organisation, supervisors are expected to provide direction and support to junior officials in order to ensure continuous adherence to the law and to the organisations' prescripts. This not only empowers them to conduct their jobs, but it also prepares them for senior positions in the organisation. In the policing domain, the consequence of non-compliance can result in loss of life and financial and reputational damage to the SAPS. In order to measure police compliance with prescripts, respondents were asked to provide information on measures they have put in place or are utilising to empower junior officials. The responses included the following:

Management mentioned that they make use of mechanisms such as station lectures and parades to inform and remind members of the legislations, codes of conduct, national instructions, policies, as well as newly issued instructions which come from cluster commanders, the provincial and national office.

In addition, attendance of training courses and provision of refresher courses provided by the Human Resources Development (HRD) division at national level is used to empower junior officials, and to improve their policing knowledge and skills. The attendance of these courses are tracked through a system to ensure members attend all training. It is however interesting that only 168 SAPS officials out of 126 130 were exposed to refresher training.[97] One respondent from the SAPS national office argued that centralisation of the training budget impacted on individuals training needs since the training courses are generic and not tailor made with individual needs in mind. Respondents from Gauteng, Northern Cape, Free State and the SAPS national office indicated that they motivate junior officials to study through institutions of higher learning, and they provide guidance to members pursuing their studies.

Respondents from Gauteng, Northern Cape, KwaZulu-Natal, North West, Eastern Cape, Limpopo and Free State indicated that they play an interactive role with junior officials in the day to day work. One of the respondents from SAPS national office indicated he exposes junior officials by 'leading', so that the junior officials can learn through observation.

Managers alert junior officials to the expectations of the job and encourage them to carry their pocket-books to guide them in performing their duties. One of the respondents from

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[97] Civilian Secretariat for Police Service. 2017. The State of Democratic Policing in South Africa.

SAPS national office indicated that the attitude of managers plays a significant role in facilitating a positive response to instructions by junior officials. In instances where members do not comply, management meets with junior officials to discuss the consequences of misconduct.

Respondents from Free State, North West, KwaZulu-Natal, Northern Cape, Eastern Cape, Gauteng and SAPS national office mentioned that information is disseminated during staff meetings and/or workshops and in most cases, electronically, for example through emails. Posters are also placed on notice boards at police stations for consumption.

Compliance to legislation

The Constitution, Criminal Procedure Act 51 of 1977, National Instructions and Station Instructions are some of the prescripts used to guide officials with regard to their duties. Most respondents indicated that junior officials understood the legislation relevant to their work. Even though majority of the respondents mentioned that Visible Policing officials are compliant with the legislative frameworks, there were other respondents who indicated cases of non-compliance or cases where some officials are not fully compliant. Respondents from Eastern Cape indicated that it was virtually impossible for Visible Policing members to be fully compliant given the current framework for reporting and compliance due to the following challenges:

- Complicated policies are difficult to understand and make implementation problematic especially for the lower level employees.
- Frequent changes in policies and lack of proper policy analysis were deemed problematic for implementation. For instance, respondents from North West and SAPS national office alluded to frequent changes to internal processes which confuse some officials as they have to adjust and adapt to the new processes from time to time.
- One respondent from SAPS national office highlighted that policies are changed without reasons, without attempting to understand factors that contribute to their failure. One respondent stated *"…we cannot expect our police officials to be superhuman, as there are many legislations governing policing out there. There is also legislation that is impractical…you know that there are serious offences that need to be prioritised".*
- One respondent from KwaZulu-Natal complained about the lack of engagement with officials on any legislative changes, and the fact that officials on the ground are not being exposed to the changes, and that pocket books are not being printed and updated as the laws change.

Respondents' other concerns on non-compliance were in relation to the reorganisation of all agencies into a single national police service, which required a combination of police

personnel from different backgrounds with differing experiences such as in security, defence, special constables, to be integrated.

Some respondents from SAPS national office indicated that there are instances wherein supervisors set <u>unrealistic targets</u> for junior officials' despite police stations being inadequately resourced. According to respondents from KwaZulu-Natal, the performance management system is seen as a source of pressure with potential to breed unacceptable behaviour in order to achieve the set unrealistic targets. Respondents from Eastern Cape indicated that "*in some instances, performance evaluations which are conducted by senior officials pressurise junior officials to make unlawful arrests so that they can be allocated higher ratings*".

Some respondents from the SAPS national office felt <u>overloaded with work</u>, and indicated they have to prioritise certain work over others, which results in non-compliance. One respondent indicated "*if you are expected to write in a pocket book and there are many complaints you need to deal with, you will not get time to write in the pocket book…the focus will be on resolving the complaints than on the pocket book*".

There was a perception that employees do not take the initiative to <u>supplement their understanding and knowledge of their jobs</u>, such as with relevant policing legislations, which can result in non-compliance. Further to that, some respondents mentioned there is incompetency and illiteracy within the organisation that could result in non-compliance with prescripts, more so in the case of special constables.

Another explanation put forward for non-compliance was the observation made by many respondents that policing used to be a "calling", and members applied solely due to <u>passion for the job.</u> Respondents complained that this was no longer the case, as people joined the police just to earn a salary.

Respondents also bemoaned the <u>bad behaviour</u> of senior officials who *"set bad examples …and junior officials emulate what is observed*". Moreover, some respondents from SAPS national office felt that supervisors are not sufficient and some fail to empower their subordinates to be compliant. Respondents also indicated that some officials are <u>ill-disciplined</u> and/or ignorant as they do not obey the rules or standards of behaviour within the organisation which is detrimental to full compliance.

Respondents also noted the <u>internal disciplinary procedures</u> within SAPS to address non-compliance with legislative frameworks. The measures are corrective as opposed to being punitive. The disciplinary procedures are in place to rectify the behaviour of officials and bring members in line with the legislation. In most cases, when there are cases of non-compliance, officials are provided with written warnings and referred for counselling through the Employee Assistance Programme (EAP). In addition, where non-compliance is detected, members are referred for training courses or in-service training is conducted. Some respondents in the North West stated that some commanders fail to enforce

discipline. On the other hand, there are oversight bodies such as IPID and the CSPS which are tasked with monitoring police behaviour.

One respondent from the SAPS national office indicated that under their leadership, there has never been a complaint registered against their subordinates. Compliance with legislative frameworks was attributed to the SAPS monitoring and evaluation systems. Respondents indicated that all policies that guide Visible Policing members are evaluated, and the monitoring processes offers senior members an opportunity to continuously observe and check progress or quality of work of members over a period of time. This affords supervisors with an opportunity to identify and solve challenges as and when they occur.

Training college

The purpose of police training college is to empower new recruits with adequate skills and knowledge to conduct policing. The respondents were asked to (i) provide their views on whether training for newly recruits facilitate understanding of policing; and (ii) provide suggestions for the enhancement thereof. The discussion is detailed below.

A minority of respondents from the Northern Cape, Free State, Gauteng, North West, Eastern Cape and Mpumalanga and a majority of respondents from the SAPS national office[98] perceive the college training as adequate and intensive, offering trainees relevant policing skills and a good theoretical understanding of the laws governing policing which enables them to conduct their duties in an effective and efficient manner.

Theoretical training is augmented by on the job training which provides an opportunity for trainees to implement the theoretical training since "*you can never expect an inexperienced trainee to do everything right the first time, practice makes perfect*". This is also with an understanding that one cannot solely rely on college training to produce well-informed graduates in that "*institutional memory is created through on the job experience*".

The police training college was further linked with discipline in that training practices are aligned with the Constitution, which makes it easier for trainees to conduct themselves appropriately. Some respondents indicated that new recruits are compliant and well-disciplined, which augurs well for a policing environment.

Majority of the respondents from Northern Cape, Free State, Gauteng, North West, Eastern Cape and Mpumalanga and two respondents from the SAPS national office perceived the current police training offered at the college as inadequate. According to most respondents this is attributed to the recruitment system which allows for the recruitment of unsuitable recruits who are unable to conduct policing. Some respondents

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[98] It should however also be noted that most of the respondents from SAPS national office indicated that there were not aware of the SAPS training curriculum.

argued that graduates from the police training college have only theoretical knowledge without the ability to practically apply the law, some new recruits "*fail at the shooting range"* as compared to longer serving officers *"who always get it right"*. Some respondents from Mpumalanga indicated that college graduates are unable to take statements, they cannot charge criminals correctly, and they do not know how to interview complainants.

Some respondents indicated that there seemed to be a disjuncture between the college training and the actual work expected at the police stations in that "*SAPS talks about 'Back to Basics', but at the college recruits are trained in the newer styles of policing"*. This statement is also indicative of lack of understanding pertaining the Back to Basics concept. Some respondents from Mpumalanga raised concerns about the level of professionalism exhibited by college trainers, and the harsh manner in which they treat recruits.

Respondents from Free State argued that station commanders are not provided with an opportunity to input into the curriculum presented at the police training college. Some respondents from the Free State and KwaZulu-Natal attributed deficient training to soft training approaches, arguing that the training is not harsh enough to instill the required discipline, and it affords students too much freedom. The notable argument is that the recruits are being taught a lot of theory and less focus on crime scenario training. However, it should be taken into account that the police college curriculum has evolved since 1994 to incorporate the principles of democratic policing (*See Annexure E attached on basic police training development since 1994 - 2016*).

Some respondents from KwaZulu-Natal indicated that the responsibility to raise a good moral police officer should not solely be assigned to police training colleges, as other institutions are also supposed to play an active role.

According to the majority of respondents, the pre-1994 college training was efficient, strict, with clear guidelines, was for the duration of six months with no leave, and trainees were go-getters and independent because their supervisors forced them to learn independently, and they had to apply their own discretion. This, as was mentioned by the respondents is no longer the case. The recruitment process was guided by a course, through the achievement or attainment of a pre-set pass rate. Respondents indicated that currently, "*people skip courses with no consequence, even if they do not get the required pass mark, they are pushed through or get remedial and get a certificate of completion just because they attended parts of the training*".

6.4 RESPONDENTS' PERCEPTIONS OF POLICE MILITARISATION AND DEMILITARISATION

Demilitarisation of the police is a recommendation of the NDP. SAPS is required to implement the NDP recommendations to ensure that the organisation is demilitarised. In the absence of a clear conceptual understanding of militarisation and demilitarisation, this section sought to get clarification of the managers understanding of the concepts.

During the interviews, some respondents were unable to answer the questions as they did not understand the concepts. In these instances, the researchers provided them with prompts or examples in order that they could then be able to answer the questions. Importantly, respondents indicated that SAPS management at large had not themselves grappled with, nor grasped, the NDPs reference of the concepts, hence the respondents inability to really deal with it themselves.

Police Militarisation

On the understanding of police militarisation, some of the respondents from Free State, Gauteng, North West, Northern Cape, Eastern Cape, KwaZulu-Natal and SAPS national office understood police militarisation as *"the utilisation of <u>military weaponry</u> or equipment such as the R1 and R5 in conducting policing operations"*. In addition, respondents made reference to aspects of the army, and one of the respondents from Free State stated, "*police militarisation is the utilisation of resources that are meant for the Defence Force*", a reference to equipment and advanced technology used in the military. Respondents also indicated that heavily armed police officials, as well as the use of firearms when it is not necessitated, presents the image of a militarised SAPS in the eyes of the public.

Police militarisation, according to some of the respondents from Northern Cape, North West, Mpumalanga, Gauteng, Free State, KwaZulu-Natal and SAPS national office, is the <u>use of excessive force</u> which is not proportional to the situation or threat. Some respondents from North West, Northern Cape, Free State, Eastern Cape and KwaZulu-Natal stated that police militarisation is the application of hard, unquestioned tactics in dealing with crime. The hard policing tactic entails a process whereby the police fight crime with whatever is at their disposal, such as being hard on criminals and applying the no-nonsense approach which disregards human rights.

Additionally, respondents viewed police militarisation as the application of <u>authoritarian leadership</u>, which is mostly characterised by '*leading through fear*'. Some respondents from the SAPS national office, as well as from KwaZulu-Natal stated that police militarisation manifest in an environment where senior officers value '*dishing out*' orders to junior officials, and an expectation that junior members will do as they are told, aligned to a '*comply now, complain later*' tactic. Contradictory to the consultative approach used with communities, some respondents from Western Cape mentioned that the internal

proceedings within SAPS are rather autocratic, and processes are not democratic, and it was reported that "*lower ranking officers are not given a voice within the organisation for certain decision making process*". Respondents indicated that management need to consider the inputs of junior officials for decision-making processes.

Some respondents from Gauteng, Free State, North West, Northern Cape, KwaZulu-Natal, Eastern Cape, Limpopo and Mpumalanga indicated that police militarisation is the application of the military approach in civilian policing. Respondents from Gauteng, Northern Cape, KwaZulu-Natal, Mpumalanga, Eastern Cape, Limpopo, Free State and SAPS national office understood police militarisation as instilling military discipline in the organisation. Some of the respondents in Gauteng who served as police officials prior to democracy in 1994, police militarisation is the 'enforcement of military discipline' in SAPS. Some respondents mentioned that discipline within the organisation is required in order to manage and conduct their responsibilities effectively. On the other hand, some respondents from Free State and Eastern Cape believed police militarisation to be reinforcing respect, but not providing junior officials the ability to apply discretion.

Respondents from North West, KwaZulu-Natal, Mpumalanga, Free State, Eastern Cape, Northern Cape as well as the SAPS national office mentioned that they have observed a deterioration in discipline within the organisation, which they equate to police militarisation. Respondents stated that junior officials are disobedient to orders from their supervisors, and in the Free State, respondents mentioned that compromised discipline within SAPS is due to the recruitment of people who are not passionate about policing.

KwaZulu-Natal respondents stated that *"discipline is not being enforced because of the unions' involvement in internal matters, and commanders can no longer be firm and instruct juniors, but instead they have to make polite requests to members by saying 'please' and 'do me a favour'.* Respondents from KwaZulu-Natal argued that pre-1994, attention was intensified on enforcing discipline within the organisation and junior members were respectful.

Some of the respondents from KwaZulu-Natal and Free State indicated that rituals and practices are also a form of police militarisation, for example, the use of salutes, strict command and control in communicating instructions, as well the use of ranks.

The majority of respondents from Gauteng, Western Cape, Free State, Mpumalanga, North West, Northern Cape, KwaZulu-Natal and Eastern Cape, stated that police militarisation is the utilisation of militaristic ranks in policing. Respondents were referring to the rank changes implemented by SAPS in 2010, which saw the civilian ranks such as Commissioner, Director, Superintendent and Inspector, amongst others, change to General, Brigadier, Lieutenant Colonel and Warrant Officer, amongst others. One of the respondents from Western Cape indicated that "*police militarisation refers to ranks and the rules that go with it. It refers to the levels and the protocol linked with that*".

Interestingly, the majority of respondents from the SAPS national office argued that there is no link between the use of military ranks and police militarisation, as they indicated that ranks are used for purposes of differentiating roles and responsibilities in the organisation. Furthermore, respondents in KwaZulu-Natal and Northern Cape pointed out that civilian ranks do not imply that the police are militarised. One respondent argued that "*it cannot be determined that military ranks or civilian ranks contributed towards police brutality in the Northern Cape Province*". Some respondents from Western Cape, North West, Free State, Gauteng and Northern Cape mentioned that police having to wear underline uniforms is a sign of police militarisation.

Some of the respondents from North West, KwaZulu-Natal and SAPS national office indicated that police militarisation is characterised b*y* aggressive communication and 'hard' language used in the military, such as '*war against crime'* or words such as '*skop, skit and donner'*. This type of language according to the respondents is perceived to be aligned with the apartheid regime practices, and is in direct contrast with the democratic principles enshrined in the legislative frameworks. Respondents indicated that leaders must steer away from using hard or inappropriate language as it creates a perception to communities that SAPS is militarised.

Command and control was also regarded as a form of police militarisation. Most respondents from KwaZulu-Natal linked police militarisation to the army with its *"stringent command structures, where fighting crime is like fighting war*". Unlike SAPS, the army is described as having a clear target enemy.

Some respondents from Free State, Western Cape, Mpumalanga, Gauteng, North West, Northern Cape, Limpopo, KwaZulu-Natal and SAPS national office indicated the lack of community interaction, consultation and cooperation with the police as police militarisation. Police militarisation is further characterised by the lack of transparency, as well as accountability of police to communities. Some respondents also identified police militarisation with poor service delivery to communities, instilling fear in communities, and applying hard-approaches in dealing with communities. It was indicated by a respondent from Western Cape that "*…police militarisation is...the way we serve the community outside in an unfriendly way. It is like saying, we are the law, we are in charge, and we can do what we want to do*".

Some respondents from KwaZulu-Natal believed that police militarisation is the approach of seeking and destroying suspects which is similar to military operations. In addition, stop and search operations were also perceived as a sign of police militarisation based on a presumption that they were previously undertaken by the army.

Police demilitarisation

There were varying explanations or views provided by the respondents on their understanding of police demilitarisation, which affirmed that there is no universal understanding to the concept. As with the police militarisation concept, police demilitarisation was also not an easy concept to define and is regarded as confusing. Additionally, the majority of the police officials in the rural areas in Eastern Cape indicated that they have not heard of, or understand, the NDP: Vision 2030. The discussion below provides an overview of the police demilitarisation conceptual understanding.

Most respondents in Gauteng, Western Cape, Northern Cape, North West, Free State KwaZulu-Natal and one respondent from SAPS national office indicated that police demilitarisation entails disarming Visible Policing officials, doing away with deadly weapons and having police officials only utilise batons to conduct policing. In addition, respondents mentioned that police demilitarisation is characterised by the utilisation of more friendly weapons as opposed to teargas and pepper sprays in managing crowds. Respondents were concerned that police were being "*disarmed while the war is on"; that* the police had to be less equipped and had to still address the demands posed by their policing environment. Respondents felt that guns could not be taken away from the police considering the violent society in which the police are expected to operate.

Police demilitarisation as expressed by some of the respondents from KwaZulu-Natal, Mpumalanga, Free State, Eastern Cape, Limpopo and Gauteng is instilling and enforcing changes in the current police culture which is characterised by ill-discipline, lack of accountability and internal processes that disregard inputs from junior officials. Demilitarisation was also perceived as a process where the culture of police violence is resolved with a complete change in the mind-set, attitude and the way SAPS generally operates.

Some respondents also understood police demilitarisation as entailing changes in the image of the police, their uniform, branding of vehicles, and the removal of police parades. On the other hand, respondents from SAPS national office indicated that ranks have nothing to do with demilitarisation but speaks to the organisations culture and brand. For instance, rank and uniform were regarded as a form of identification, particularly to help communities recognise the police. The new military ranks, as was mentioned by some respondents serves to reinforce discipline and advance democratic policing. Thus, demilitarisation corresponds to measures that aim to uphold law and order.

Generally, respondents aligned their understanding to police demilitarisation with the police legislative environment. For instance, they indicated that a demilitarised police service is a service that utilises a 'softer' approach when conducting policing functions. This approach they argued entailed abiding to the instructions in the Criminal Procedure

Act, which rejects police using excessive force on suspects, and promoted the use of proportional force. Some respondents had a different perspective, interpreting police demilitarisation as the soft-approach as incompatible to the current context of policing in South Africa especially with reference to armed criminals.

Most of the respondents indicated the prerequisite of police demilitarisation is a SAPS that adheres to internationally accepted policing principles, and a management approach that embraces concurrently, a bottom up and top down approaches which was regarded as more beneficial in the policing environment.

Respondents highlighted that a demilitarised police is about the implementation of community policing structures where the community members are actively involved in the processes of informing their policing needs. SAPS is more receptive to the community and there is an equal involvement of both the community and SAPS in crime prevention, as was mentioned by the respondents. A demilitarised Visible Policing brings acceptable policing services closer to the communities as per communities' expectations. Therefore, in order to argue that the police is demilitarised, there should be effective implementation of community policing principles as well as an improvement of relations between SAPS and Non-Governmental Organisations (NGOs), Faith-Based Organisations (FBOs) and other relevant community stakeholders.

Respondents also mentioned that democratic policing introduced oversight departments, to monitor policing and allow community members to register complaints of service dissatisfaction and police conduct. Respondents from the Western Cape indicated "*a deterrent to militarisation are the communities themselves. Police are aware that there is a very low tolerance to policing which is militarised. The communities are also increasingly becoming more aware of their rights*".[99] Community awareness of legislation is also significant for the attainment of police demilitarisation.

Police brutality

There is a perception that police brutality is synonymous with police militarisation. Given the perception, it was important to understand how respondents understood police brutality.

Respondents from Western Cape, Mpumalanga, North West, Gauteng, Northern Cape, Free State, Eastern Cape, KwaZulu-Natal and SAPS national office understood police brutality as the excessive use of force by police members when dealing with suspects or

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[99] Western Cape Department of Community Safety. 2018. Demilitarisation of SAPS focusing on Visible Policing.

community members. They further explained that police brutality is when the police use force, which is not proportional to the threat or situation.

Some respondents from Northern Cape and KwaZulu-Natal argued that the responses provided on police brutality should be understood in relation to Section 49 of the Criminal Procedure Act, which provides guidelines on the use of force. However, the application of force in effecting arrests is deemed by some respondents from KwaZulu-Natal and SAPS national office as subjective in that '*what is reasonable to you might not be reasonable to the next person. This is due to the fact that police make split seconds decision that are a matter of life and death, and these decisions are discretionar*y'.

Some respondents from Free State, Gauteng, Western Cape, North West, Eastern Cape, Northern Cape and SAPS national office defined police brutality as the ignorance of basic human rights and failure to respect another person. Examples provided by some respondents included beating up of a suspect, handcuffing and torturing a suspect, driving around recklessly with a person in the police van, or effecting unlawful arrests, which shows no respect for human dignity.

Respondents from Gauteng, Mpumalanga, North West, Northern Cape, Free State, Eastern Cape, KwaZulu-Natal and SAPS national office indicated the following as contributory factors to police brutality:

- A demanding internal and external policing environment, where senior managers exacerbate a situation instead of being supportive. They also pressurise junior officials to meet targets and behave unprofessionally. Some respondents also mentioned that there are situations wherein senior managers instruct junior officials to apply hard policing tactics in dealing with crime.
- Working long hours such as 12 hour shifts which is draining affects the manner in which the police officials comprehend or respond to a situation.
- Lack of appreciation of hard work by the organisation.
- Lack of promotions within the organisation demoralises junior officials and in some instances contributes to inappropriate brutal actions by members.
- Lack of adequate training and legislative knowledge to circumvent police brutality. Other respondents also argued that some police officials who were previously exposed to militant training continue to subconsciously apply such approaches.
- Police subculture which allows police to protect each other even in circumstances where members should be reporting their colleagues.
- Poor discipline and weak disciplinary procedures within SAPS.
- Poor supervision in the organisation.
- Inadequate debriefing sessions after being exposed to traumatic scenes, as well as high stress levels and other officials are dealing with personal matters such as family problems and substance abuse, which can negatively influence police

officials' judgment which results in them displacing their anger towards suspects or community members.

- Power dynamics where in some instances, police are brutal to prove to suspects or communities that they are powerful.
- Communities treating police unfairly and disrespectfully, provoking the police, not cooperating with the police, and wanting to dictate to the police ways to conduct policing.
- Burden of policing where the police are confronted with non-policing roles, such as having to deal with service delivery protests.

Some respondents perceived the media as biased in their coverage of crime scenes, hence portraying the police in a bad way. It was highlighted that the media tends to show visuals of police assaulting a suspect without showing the parts where police are at the receiving end of the assault or provocation.

6.5 PERSPECTIVES ON WHETHER VISIBLE POLICING IS MILITARISED

Having obtained an understanding of respondents' perspective of police militarisation and demilitarisation, and noting that the focus of the study was the division Visible Policing, it was important to get respondents views on whether Visible Policing is militarised or not.

Overall, the majority of the respondents across all provinces and SAPS national office indicated that Visible Policing is not militarised. Many respondents emphasised that the community policing model inculcates a non-militaristic SAPS. For instance, some of the respondents from Western Cape, Gauteng, KwaZulu-Natal, Free State, Mpumalanga, Eastern Cape, Northern Cape and SAPS national office mentioned that Visible Policing is not militarised because policing takes into account the needs of the communities, which is guided by the establishment of CPFs and the sector policing approaches that ensure that the police and communities work together. The respondents indicated that SAPS liaises and interacts with communities to address policing related issues. This is evidenced by meetings that SAPS hold with communities as a platform for the community members to inform SAPS of their policing needs. Subsequently, the respondents indicated that the communities are also treated as clients whose needs are analysed to inform services. Some respondents in Gauteng indicated that given the application of "adopt-a-cop" initiative, it is evident that the police are in partnership with the communities and this approach encourages communities to report crime to the police and to participate in CPFs. In addition, some respondents argued that police visibility in communities is indicative that SAPS Visible Policing is not militarised.

Some respondents from Free State, Mpumalanga, North West, Eastern Cape and Northern Cape mentioned that Visible Policing is not militarised because discipline has been allowed to decline in the organisation. They argued that in a militarised organisation, discipline would be paramount and not allowed to deteriorate. Some respondents argued that "*members have a total disregard for managers' instructions",* implying that junior members do not adhere to instructions*.* Another argument that was raised by some respondents is that organisational instabilities have contributed to the decline in disciplinary measures within the organisation.

Some of the respondents from SAPS national office argued that the current rank system does not mean that Visible Policing is militarised as the ranks are not equated to militarisation. They argued that the ranks are not synonymous with the application of force, but is an instrument to distinguish occupational categories, and so that officials are better positioned to differentiate each other within the organisation. Similarly, respondents argued that the SAPS uniform does not mean that Visible Policing is militarised because the uniforms are an identification symbol to make them easily identifiable to the communities that they serve. A KwaZulu-Natal respondent indicated "*the police practice of wearing uniform is a form of identification, and that it is a common practice globally".* This was further substantiated by *a* respondent from Northern Cape who stated that "*if the police do not wear uniform, use marked police vehicles, and have ranks, the public may associate police members as any other member of the public".* In addition, a respondent from the Western Cape said *"the community wants to see someone in uniform, representing the law and the country, and authority. At this stage, and in this regard, the uniform and insignia play a major role*".

The crux of the stance that Visible Policing is not militarised is based on the legislative provisions guiding democratic policing. The respondents made a comparison between apartheid policing and democratic policing. According to respondents, there has been many police reforms aimed at the promotion of democratic policing. These processes required a change in operations and a shift from the police as a force to a service. Subsequently, it shifted the application of militaristic approach to civilian policing. This became possible since democratic policing takes into account various legislative frameworks such as the Constitution, the Bill of Rights, and the Criminal Procedure Act, amongst others that provides clear guidelines and prevents police officers from utilising excessive force when dealing with either communities or suspects. In a nutshell, situations or environments dictate how the police will approach certain areas or deal with certain situations.

Though there were few respondents who said that Visible Policing is militarised, it is important to note they attributed it to a variety of factors. Some respondents from Free State, Gauteng, Mpumalanga, North West and KwaZulu-Natal indicated that Visible Policing is militarised since police officials are always armed. Additionally, some

respondents from Western Cape, Free State, Mpumalanga, North West, Gauteng, Northern Cape, KwaZulu-Natal and a respondent from the SAPS national office indicated that SAPS utilises a military rank structure to ensure command and control in the organisation which is an indication that Visible Policing is militarised. Other respondents mentioned that the utilisation of marked police vehicles and uniform worn by officers as a form of police militarisation.

Other respondents mentioned that the presence of specialised units such as POP and TRT units in SAPS is indicative of Visible Policing being militarised. However, some respondents from Western Cape and SAPS national office indicated that the separation between Visible Policing and specialised units is indicative that Visible Policing is not militarised. For instance, paramilitary units such as the TRT, Special Task Force (STF) and National Intervention Unit (NIU) are not utilised in day to day policing as they are assigned for special operations. Based on the reasoning provided above, respondents argued that Visible Policing cannot be regarded as militaristic.

Some of the respondents mentioned that Visible Policing is militarised in its operations as officers are deployed as first responders to violent service delivery protests[100] and are allowed to apply minimum force, which is dependent on the situation. The respondents also indicated that there are instances where the police use hard policing tactics and apply excessive force when dealing with suspects. Two respondents from SAPS national office also highlighted that there is a perception that SAPS is militarised since it forms part of the national joints.

Some respondents from Mpumalanga, Western Cape, Free State and Gauteng indicated that Visible Policing is militarised because police officials continue to perform drills; conduct stop and searches, patrolling and raids. It should also be taken into account that some respondents from Gauteng indicated that they do not know whether Visible Policing was militarised since they have not worked in the military.

Some respondents in KwaZulu-Natal, Western Cape, SAPS national office and Eastern Cape indicated that Visible Policing had elements of both militarisation and demilitarisation; outlining that it was necessary for the police to retain some militaristic elements. Respondents cited the following reasons for their viewpoint:

Given the violent nature of South African society, the respondents indicated that the use of weapons is legitimate. Some of the respondents from Western Cape mentioned that the equipment or weapons used by the police is sanctioned, which justifies the utilisation thereof. Some respondents from Northern Cape argued that police officials would rather make use of R5 and 9mm pistols instead of tonfas because of the violent communities

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[100] In order to efficiently manage service delivery protests efficiently, Visible Policing is configured as a first responders and hands over to relevant units such as POP

they operate in, which made members believe that R5 and 9mm pistols are a necessity and basic operational requirements. In addition, the respondents from Northern Cape and the SAPS national office argued that the public do not fear the police which is evidenced by community attacks on the police.

Based on the above mentioned, respondents were of the view that police carrying firearms was then justified as some of the respondents from Northern Cape indicated that Visible Policing members are expected to attend to violent situations. Similarly, some KwaZulu-Natal and SAPS national office respondents argued that firearms are a form of police protection in the context of high levels of violence from the community members. Moreover, the respondents articulated that in order for the police to satisfy community expectations in dealing with hardened criminals, they must be armed.

Some of the respondents from Northern Cape stated that in smaller towns some police officials do not even carry side arms (9mm) as a result of the communities being peaceful and well-disciplined. This means that the police environment dictates the policing approach.

Some respondents from Eastern Cape mentioned that "*there is a need to distinguish between hierarchical and authoritarian command – which are regarded to be indicators of police militarisation and command and control which merely address the issue of taking responsibility for ensuring that basic prescripts are complied with*". Northern Cape respondents argued that any well-disciplined organisation has a hierarchical system, which reinforces an organisational model that is based on clearly defined corporate levels and structures. The notion was also shared by some of the respondents from Western Cape who indicated that "*without the command structure you would have problems. Discipline is very important due to the authority and power the police have.*" Furthermore, the respondents mentioned that as superiors, they are also professional when dealing with junior officials and "*they do not make use of militaristic instructions because instructions are given in a professional manner taking into consideration the inputs of juniors*". On the contrary, a respondent from Western Cape indicated that "*it feels as if we are becoming more militarised. We are a 'shouting' organisation. The people at the higher level shouts at the one below, and he shouts at the one below him. When the general talks I listen. No one inside is treated with respect. How can we treat people outside with respect? We need a structure, but not an army*".

6.6 PERSPECTIVES ON WHETHER TO DEMILITARISE VISIBLE POLICING

Respondents were requested to provide their point of view on whether to demilitarise Visible Policing.

The majority of the respondents from Northern Cape, Western Cape, Mpumalanga, Gauteng, North West, Free State, Eastern Cape and a few from KwaZulu-Natal and two from SAPS national office mentioned that they do not think that Visible policing should be demilitarised. Furthermore, some respondents from Free State, North West and six respondents from SAPS national office argued that Visible Policing is already demilitarised therefore how can an already demilitarised Visible Policing be further demilitarised?

The majority of the respondents who argued that Visible Policing should not be demilitarised, raised concerns of a hostile and unsafe community environment, where some people are in possession of illegal firearms, and indicated that violent service delivery protests had increased. In these cases, Visible Policing officials are the first responders, and they needed to be armed. Additionally, the respondents indicated that for police to provide efficient policing against an armed community, and to operate freely in communities and to protect their lives, they needed to be armed. A respondent interviewed from the SAPS national office indicated, "*you can't say take away guns in a violent society*".

Furthermore, respondents who argued against demilitarising SAPS, maintained that criminals were dangerous, and they utilised dangerous approaches when committing criminal offences, therefore the police needed to apply force when and if required, and the soft approaches in dealing with criminals could not be applied. Respondents in Northern Cape also indicated that demilitarising Visible Policing will present criminals with the opportunity to flourish and become uncontrollable, which will result in the community losing trust in the SAPS.

Other respondents who believed that ranks, insignia, uniform and marked vehicles meant a demilitarised police, argued that there would be no discipline if the police demilitarised, as ranks and insignia give managers opportunities to take charge, made junior officials and communities respect orders coming from their seniors, be in control, and command their teams whilst being accountable. The removal of ranks, as was expressed by some of the respondents in Mpumalanga and Western Cape will severely compromise discipline in SAPS. There was also a significant number of respondents who argued that if the police were to operate without a uniform and unmarked vehicles, there would be confusion caused in that the community would not be able to identify whether they are dealing with the police or civilians. Moreover, some of the respondents mentioned that

the communities would not take the police seriously because they would not be identifiable.

The following discussion articulates the arguments that were made by some of the respondents who were <u>partially and completely for the demilitarisation of Visible Policing.</u>

A minority the respondents from Northern Cape, Gauteng, Free State, Eastern Cape and Mpumalanga believed that Visible Policing should be demilitarised by fully implementing and sustaining CPFs. Respondents indicated that the police should also refrain from using excessive force by adhering to the Constitution, which advocates for human rights. Some respondents from Gauteng were of the opinion that it is necessary to demilitarise the police to minimise complaints and civil claims registered against the police. The respondents from Mpumalanga who argued for the partial demilitarisation of Visible Policing mentioned that the crime prevention unit should remain armed, and other components of the police should be disarmed. They indicated that Visible Policing should conduct their operations in a professional manner, but be in position of all their weaponry for backup if required.

6.7 INTERVENTIONS TO DEMILITARISE VISIBLE POLICING

For those respondents who favoured a demilitarised Visible Policing, there needed to be <u>plans</u> in place providing clear guidelines in terms of how, when, why and what to demilitarise.

Some respondents stipulated that they knew of the interventions that have been introduced to demilitarise Visible Policing, whilst others from North West, Gauteng, Free State, Northern Cape, KwaZulu-Natal and three respondents from SAPS national office were not aware of any interventions to demilitarise SAPS. One of the respondents argued that "*there are no interventions in place to implement the NDP recommendations. We only talk about the NDP recommendations. Every department should report to DPME with regards to how have they implemented NDP recommendations but this is not done"*.

Respondents from the Northern Cape, KwaZulu-Natal, Eastern Cape, Free State and SAPS national office stated demilitarisation interventions included <u>legislation and policy</u> prescripts, such as the Constitution, the SAPS Act, new Standing Orders, the Code of Conduct, the Domestic Violence Act, the NDP and the White Paper on Policing. Some respondents from Free State indicated that there is also the 'SAPS Back to Basics strategy which is focused on democratic policing principles that promotes serving the public in a dignified manner whilst dealing with offenders in a respectable way. The Victim Empowerment Programme, Batho Principles and the Minister's approach in promoting community relations, were also identified in this regard. Consequently, political will was

deemed as a prerequisite for the realisation of the NDP, with specific reference to demilitarisation.

Respondents who perceived Visible Policing as already demilitarised pointed out that there are policies in place to ensure non-remilitarisation of Visible Policing. CPFs and oversight mechanisms as outlined in the SAPS Act were named as some interventions.

Much emphasis was placed on community policing as an intervention to demilitarise SAPS. For instance, respondents from Gauteng, North West, Northern Cape, Mpumalanga, KwaZulu-Natal, Western Cape, Eastern Cape, Free State and SAPS national office highlighted the establishment of CPFs and the implementation of sector policing, which both aim at providing adequate and improved services to community members. However, respondents from Mpumalanga and Eastern Cape bemoaned inadequate resourcing for the implementation of sector policing. Additional established forums with other stakeholders such as NGOs, other government departments and other businesses, have been established in an attempt to address policing related issues collectively. Overall, the respondents perceived the collaborative approach as cultivating better relations between the police and the community.

Policing boards were also deemed as interventions to police demilitarisation. Some respondents from the Free State and Eastern Cape indicated the establishment of oversight bodies and unionisation as interventions advancing accountability given their monitoring role. The South African Human Rights Commission (SAHRC) was also mentioned by some respondents as a body that aimed at holding SAPS accountable when the rights of the citizens are infringed by SAPS members.

Respondents from Gauteng stated that advancing professionalism and discipline through deeper appreciation of the chain of command as a critical intervention. A respondent from the SAPS national office indicated that the establishment of the transformation task team committee which aimed at improve policing is an important intervention.

Some respondents from Northern Cape, North West, KwaZulu-Natal, SAPS national office, Eastern Cape and Free State indicated that there was no progress with interventions for the demilitarisation of Visible Policing. A respondent from SAPS national office argued that there is lack of sustainability of interventions as evidenced by the discontinuation of the University for the Police (SAPS Academy, Paarl) in collaboration with University of South Africa[101]. From the interviews, respondents were not clear why the programme was discontinued and whether an evaluation was conducted in assessing the value of such an endeavour within SAPS.[102]

Respondents indicated that not fully embracing the community-policing philosophy, and the challenges related to full implementation of CPFs, were a disregard for interventions.

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[101] Sourced at https://www.saps.gov.za/paarl/index.php
[102] the researchers verified this statement with the SAPS national office and found that the university was still functional.

One of the respondents from SAPS national office indicated that the CPF policy recommendation on relocating CPFs under the CSPS be reconsidered in order to sustain the community approach and avoid remilitarisation of the SAPS.

Respondents also mentioned efforts such as delegation of interventions to junior officials to spearhead the implementation process as hampering demilitarisation of the SAPS. It was deemed important to note that any demilitarisation intervention should acknowledge that the police are operating in an environment bedeviled by hostility and increased violence, such as armed communities or criminals.

Respondents from KwaZulu-Natal, Free State, Eastern Cape, North West and five from SAPS national office[103] indicated that there was progress in demilitarising SAPS. This was based on their perceived improvements in the way police conduct their duties, guided by the existing policies, legislations and operational approaches, aligned with the Constitution. In addition, respondents indicated that weapons such as shotguns and baton rounds have been replaced with 9mm pistols which is deemed appropriate for Visible Policing, and training offered to new recruits is non-militaristic.

One respondent from SAPS national office indicated uncertainty on the effectiveness of interventions to demilitarise the police, and another respondent underlined the need to assess the impact of SAPS services. The negative image of the police in the media, as well as the language and communication of leaders, was regarded as damaging to the image of the police and required managers within SAPS to do damage control in cases wherein public rhetoric contradicting democratic policing principles are made.

A total of six respondents from SAPS national office indicated that in order to improve operations within the organisation, emphasis should be on instilling discipline, conducting proper assessments to determine competencies of candidates who apply for specific promotions, utilising external companies in the recruitment and selection process, and proper implementation of consequential management.

Some respondents from Free State, Eastern Cape and KwaZulu-Natal raised a concern pertaining to high volume of administrative work that police are expected to perform. They further explained that senior officers have too much paperwork, like returns, filling out paperwork prior to the use of a vehicle, and obtaining a warrant of arrest which cripples the operational work. The respondents further complained about the number of meetings which limit the time for execution of tasks that might have a negative impact on crime prevention. Some respondents from KwaZulu-Natal said that previously there was a separate department that dealt with the certification of documents, however currently the police are also expected to conduct these administrative duties and effectively respond to crime. The respondents suggested that civilians, not police members be hired to certify documents.

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[103] All five (5) respondents from SAPS National office who mentioned that there are interventions in place to demilitarise Visible Policing indicated that there has been progress made.

Respondents indicated it was important to understand the term demilitarisation and the people who crafted the terminology should explain the term to police officials. In addition, SAPS should define what they think is meant by demilitarisation and invite the society to make inputs of what they think demilitarisation is.

A study conducted by SAPS in 2016 titled: *A South African Police Service Perspective on Demilitarisation: A Senior Management Perspective*, found that SAPS is demilitarised and it is not possible to demilitarise an already demilitarised police service. The study further found that weak command and control does not equate to militarisation of the police, and that demilitarisation could amount to diluting command and control.[104]

7   CONCLUSION

This study sought to contextualise SAPS managers understanding of police militarisation and demilitarisation with the view to demilitarising Visible Policing. The study concentrated on managers from the component Visible Policing as frontline service providers, to determine whether police stations specifically are militarised or not.

The study findings reflect a poor understanding and differing perspectives of senior managers of the concepts of police militarisation and demilitarisation. Importantly, the findings reflect poorly on SAPS management at large, as six years after the adoption of the NDP, management had themselves not grappled with the implications of the NDPs recommendations, either operationally or academically. This reflects a disconnect between the theoretical discourse and practice, and between knowledge-generating systems and practitioners who work in the field. Junior officials require the transmission of knowledge and information from their superiors as they rely on their superiors for the development of their knowledge and understanding. If there is confusion around demilitarisation and militarisation on the part of the senior members who participated in this research, one may infer that this would be mirrored at the lower levels.

The study further reflects the majority respondents views that Visible Policing is not militarised. This is emphasised by the adoption and implementation of the democratic model of policing, which encapsulates a community oriented and human rights approach. The study further revealed that society and the SAPS are not ready for a significant demilitarisation of the police. For those who asserted that Visible Policing is militarised, attributed this to the presence of specialised para-military units such as the TRT, NIU,

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[104] Presentation on A South African Police Service Perspective on Demilitarisation: A Senior Management Perspective in 2016 research report made at the Demilitarisation of SAPS seminar held on 24 February 2017.

and STF, as well as specialised equipment which are necessary facets of, even, a democratic police organisation.

Incidents of police brutality which have surfaced from time to time over the years, coupled to the increasing civil claims against the SAPS, are reflected in the study as lack of compliance to prescripts and unprofessional conduct by the police. The NDP recommendations on the demilitarisation of the SAPS fail to take cognisance of the fact that the SAPS is not a homogenous institution, but rather, it is made up of distinct units, each with specific functions. Each unit is given the requisite training and powers which are commensurate with their functions and purpose. The SAPS operate under circumstances characterised by an ethos of community policing, care and support.

Organisational and operational deficiencies of the police do not necessarily equate to militarisation of the police and there is little evidence to suggest that the problems within the SAPS are due to police militarisation. The policing challenges emanating from the study are associated with an incomplete transformation process and partial democratisation of the police since the post-apartheid era. The dilemma facing policy makers and SAPS management is finding the most appropriate ethos or an acceptable balance that would best serve South Africa's constitutional imperatives as well as effectively address community safety and security needs. Critically for SAPS management should be a refocus on professionalising the service and its members.

8   RECOMMENDATIONS

PROFESSIONALISING THE POLICE SERVICE

Working towards the realisation of the vision for the police as outlined in the NDP and the 2016 White Paper on Policing, the police must be grounded on a firm understanding of what is required to build police professionalism in South Africa. Part of this must be informed by developing a deep appreciation for the educational, sub-cultural, and ethical considerations that define true professionalism.

Undoubtedly, the SAPS recruitment strategy and/or practices requires strengthening. Thus a review is necessary, inclusive of extensive evaluation of applicants and vetting processes for the right people to be employed. The 2016 White Paper on Policing advances the establishment of a National Policing Board (NPB), as per the NDP, to set objective criteria for recruitment, selection and appointment of police officers and establishing the two-stream system of recruitment.

The 2017 Policy framework on the Establishment of a National Policing Board articulates this as standard setting role of the NPB. These would be accompanied by competency assessment, clearly defined career path guiding ambitions and succession planning in the Police Service. Accordingly, the NPB will be responsible for developing the Code of Ethics and monitor adherence thereof. It is important that this process be funded and fast-tracked to promote professionalisation within SAPS.

The following table provides a detailed analysis of elements that need to be addressed for the promotion of a professional police service:

Table 3: Professional police service requirements

SAPS Internal Management
• Reinforcement of discipline • Decisive and confident management • Instilling a culture of individual accountability • Conducting intensive internal consultations with junior officials • Active and professional supervision • Provision of adequate resources

Individual Police officials	External policing context
• Constant monitoring of police officials' readiness in dealing with policing related matters. • Conduct evaluations to determine police officials' tactical readiness to do policing. • Provision of support to police officials. • Focus must be on soft and hard skills and capacity building for policing a violent society with high crime rates. • Appropriate policing techniques must be outlined and revisited.	• The SAPS must be accountable and transparent to communities. • SAPS must find a means of engaging and dealing with the present community trust deficit and resistance from many sectors of the community to policing interventions. • The communities must be cooperative and law-abiding citizens. • The roles of both the communities and SAPS to be clearly outlined through consultations. • Civilian Oversight Bodies to be fully committed in overseeing SAPS operations.

Source: CSPS, 2018

SOCIAL COMPACT[105] RE-ENGINEERING FOR POLICE AND COMMUNITIES

The post-apartheid regime has accomplished the political deal in order to secure democracy for its citizenry. However, the democratic dispensation continuously struggles to live up to its promise of an inclusive policy. One of the greatest threats to consolidation of democracy is the insufficient efforts towards addressing the structural causes and factors that contributes to violence in South Africa, such as socio-economic marginalisation including poverty, corruption, inequality and unemployment. SAPS cannot do it alone thus requires all concerned to step up their contribution, including the private sector. Such an approach is emphasised in the 2016 White Paper on Policing.

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[105] An agreement entered into by both the community and police on issues related to policing

The deficit in social compact continues to affect every sphere of life in South Africa. Subsequently, with specific reference to policing, the social compact was never achieved as evidenced by low trust of the police in South Africa, amongst other factors according to the recent South African National Victims of Crimes Survey (VoC).

In a process of forging a social compact on safety and policing, an integrated approach comprising of national, provincial and local tiers is required to achieve a really democratic form of policing that sustains a demilitarised police service. For instance, CPFs are the mechanism to advance social compact at a local level and must be supported to function effectively.

RESOURCING THE POLICE

In order to sustain a demilitarised police, it is important to move away from unfair resource distribution as it undermines inclusivity in South Africa. Therefore, police stations must be allocated adequate resources to conduct efficient policing and taking into consideration the unique spatial context and its needs.

SAPS STRUCTURE AND THE EFFECT OF RANK CHANGES

The findings had confirmed organisational structural challenges pertaining to SAPS which is exacerbated by failure to rely on evidence-based organisational development. For example, findings underlined the top heavy and bureaucratic management system which delays. Any change made to organisations as integral as the SAPS must be well considered and tested. Therefore, SAPS structure must be informed by policing needs and must be in such a way that addresses policing challenges.

The change in the police rank structure from what was perceived as "militaristic", to a civilian structure, and then back to the military rank structure created confusion and what one may term as "a crisis in identity" for the SAPS. Studies must be conducted to determine the effects of these changes on the members (at all levels) and the beneficiaries of the police service, namely the communities. Further research should look into the determinants of the maintenance of police discipline.

There may be a need to review duplication of duties in a manner which addresses concerns for the creation of a top-heavy structure, while at the same time addressing the need for vertical progression within the organisation. This should further be done in a manner which addresses the need for officers in the field.

ENFORCEMENT OF DISCIPLINE

A concern raised by some respondents was 'that standards within the SAPS are not enforced and maintained, and that SAPS needs to promote a culture of consequential management to correct the gap in the area of discipline'. The focus on enforcing discipline would mean members are made aware of punitive actions against those not abiding to the prescripts. Different sanctions should be applied for officers guilty of police brutality. For example, officers should be arrested, suspended or even expelled from the service depending on the magnitude of the brutality. If brutal officers are held liable for their actions and expected to pay damages, they would refrain from conducting themselves in an unprofessional manner. A study on the impact of democratic policing on command and control and discipline, amongst others, may include assessing the effect of unionisation on discipline enforcement.

DIVERSITY TRAINING

Diversity training for police officials is necessary in order to inculcate a responsive attitude towards communities. Undeniably, police officials are not able to satisfy their clients (i.e. communities) when they themselves lack understanding of the cultural and racial backgrounds.

CONTINUOUS TRAINING AND MENTORSHIP/COACHING

SAPS must put an emphasis on continuous training of officials so that they are able to carry out their functions and roles and to contribute towards the attainment of democratic policing. Continuous training can be through the provision of in-service training and conducting awareness sessions to sensitise members of the SAPS about legislation and policies. In addition, station commanders are entrusted with a huge responsibility, thus the report recommends the reintroduction of station commander training to render them effective in their roles.

SAPS must provide intensive mentorship at stations to newly recruited members post-training completion. Experienced officers must be considered for the position of training instructors and they must also be subjected to the completion of required courses. SAPS must fast-track refresher training and all officials must, by 2018 have been exposed to refresher training. This refresher training can be brought to police stations so that policing operations are not affected.

Cluster and Station Commanders and more experienced officers must be mandated to regularly accompany junior members in the field, as a measure for imparting critical field

operation skills, and to ensure that senior officials have their fingers on the pulse of crime trends in their community, and on where improvements are required. Managers must be assessed against set management criteria involving mentoring and supervision.

IMPROVING THE COLLEGE CURRICULUM

Impact studies must be conducted on SAPS basic training to inform reviews. Furthermore, assessments must be conducted to address the extent (if any) of the training content on inducing militarisation or democratic policing. Finally, SAPS must focus on recruiting highly motivated and skilled officials, and not persons who seek to join SAPS for the mere purpose of being employed. Specific psychometric tests could be developed to assess such motivation. The recruitment focus must be on quality rather than quantity.

STATION LECTURES AND PARADES AS STRATEGIC VEHICLES TO INSTIL AND ENHANCE PROFESSIONAL AND DEMOCRATIC POLICING

Members indicated that junior officials are kept up to date on legislative developments through parades and station meetings. Parades and station lectures should be safeguarded as spaces for critical knowledge transfer. Furthermore, they should be maintained as dynamic learning spaces for the entrenched constitutional transformation of the police institution and help instil a culture that fosters professionalisation. SAPS needs to innovate on how to educate its police cadres, considering maturity and other factors that hamper knowledge transfer and maintenance thereof. This means that SAPS can adopt technology to advance training for a better reach.

EMPLOYEE HEALTH AND WELLNESS

It is well known that police occupation is unique given life and death threats inherent in the policing environment which naturally induce mental and physiological illnesses[106]. Similarly, the respondents indicated this issue for Visible Policing officials, necessitating good employee structures in place to provide regular support to the officials. This would mean that the police officials who are subjected to traumatic experiences receive immediate debriefing to enable them to maintain their sanity as expressed by respondents. Nonetheless, within the current systems, a concern was raised regarding voluntary engagement in the wellness and psychometric programmes; which results in many eligible police officials missing out on this opportunity as they live by the motto 'cowboys do not cry'. Gleaning from this, resilience of the police is not about hardiness of individual police, but also about how the organisation gauges itself to support its workers. This point is supported by some respondents who indicated that the police have breaking

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[106] Williams, J and Ramsey, V. 2017. Sport Journal.

points, probably due to the traumatic nature of work, hence this needs to be addressed soberly by the organisation. This means that individual situational analysis need to be conducted for instance, 'in cases where there are police officials who are brutal in their operations, they need to be taken by hand and their upbringing history analysed in order to pinpoint where the problem might be coming from'.

Regular clinical psychological assessments are important for the identification of the increasing risks to police wellbeing. Identified stressors include both external pressures and internal factors. An early warning system and appropriate interventions need to be established for members who display risky behaviour in respect of femicide, domestic violence as well as suicide. To mitigate risks, regular debriefing sessions must be made compulsory for all members. Where members require focussed therapeutic programmes, this should be made available on a confidential basis. The culture around the importance of mental health must be transformed to ensure that members are not stigmatised for seeking help or receiving help, and measures applied should not be viewed as being punitive, but rather, it should be normalised. Systemisation and mandating processes would address this issue in part.

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

CHANGE MANAGEMENT, LEADERSHIP AND ORGANISATIONAL MATURITY

In order for SAPS to inculcate the democratic principles as it is the case at the moment, a lot had to change in alignment with the wider democratic transformation in South Africa, including promulgation of laws that advanced demilitarised police in post-apartheid South Africa. Change is a constant in organisations, however a well-managed change instils workers' morale and sustains productivity. Amongst other factors, respondents heavily decried the constant leadership changes (i.e. acting positions at high echelons) and indicated that decisions taken that are not informed by evidence are a challenge in promoting continuity in the organisation. It is commonly accepted that constant changes induce workers to fatigue and further abort good interventions that are not carried through as leaders change. Thus, going forward SAPS requires stability at the level of leadership to establish a specific trajectory and be able to bring stability in the organisation. In addition, changes to leadership must not automatically be used as a platform to irrational changes to internal strategies.

For an organisation to mature, SAPS must emphasise on compliance with legislative framework governing policing, consider perspectives of other officials, be it external or

internal stakeholders and align its operations. This must be facilitated by adequate, consistent behavior at leadership level as well as proper discipline mechanisms.

LANGUAGE AND COMMUNICATION

Public figures such as politicians must be cognisant of the law and avoid making contradictory statements to policing legislations for example, the use of force. Also policing practices and training must be aware of injustices of the past and continuously convey a sympathetic attitude even if a police official was not responsible for such malicious deeds.

IMPROVED RELATIONS

Overall the multiple stakeholders such as families, schools, media, communities and workplaces must be actively involved towards attaining improved relations between the community and the police. Most of the respondents were concerned about communities as catalyst to the cases of police brutality wherein officials face hostility due to some members of the community being armed. In this case, the potential solution to cases of police brutality was expressed as lying in disarming communities; educating them about their rights and responsibilities to understand the consequences of their actions. This can be achieved when the CSPS and SAPS conduct public awareness campaigns to educate the communities about their role and that of the police in fighting crime and through imbizo's as a platform that allows communities to talk freely about problems related to policing. In so doing, the public will have a clear understanding on policing and it might further change negative attitude that the community have towards the police and vice versa.

THE EFFECT OF CHANGE ON THE OPERATIONS/BI-DIRECTIONAL DECISION-MAKING APPROACH

An important factor which appears consistently in the findings is that any change should always consider the practical implications which would potentially be ushered in as a result. Some of the changes have proved to inhibit the effective operations or wellbeing of the members in the workplace especially those pertaining to unrealistic targets. It is therefore recommended that any change must be thoroughly and inclusively consulted and must be based on evidence. Inputs must be solicited from junior and senior members of the SAPS when fundamental changes are contemplated for the organisation, particularly those that will have an operational bearing.

ADAPTATION TO POLICING CHANGING ENVIRONMENT AND ALIGNMENT OF INDICATORS WITH HUMAN RIGHTS

Across the globe organisations face an ever-changing environment characterised by globalisation and austerity measures; therefore, requiring continuous adaptation. SAPS is no different as it faces complex dynamic patterns of crime in the democratic and multicultural society. Thus, it is useful to look into the organisational changes to understand the direction of an organisation, amongst others including its plans to achieve the pre-set goals.

INTERNAL ORGANISATIONAL CLIMATE SURVEYS

Internal organisational climate surveys are important to determine workplace experiences, and ways to address and improve working conditions and workplace satisfaction. This must be conducted annually and implementation plans be put in place to ensure tangible results.

POLICE DEMILITARISATION DEFINITION

The CSPS working definition of demilitarisation is an adherence to democratic principles, and dissociating policing from military applications. For South Africa, demilitarisation of the police is understood within the context of the Constitution - respect for the law, adherence to human rights, and under constant civilian oversight. The golden thread in this line of demilitarisation is that of respect for human and constitutional rights.[107] The SAPS must begin a process of understanding and explaining the concept to its members.

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[107] Civilian Secretariat for Police Service. 2016/17. Demilitarisation and the policing of public protests and events: Are our POP and TRT units militarised?

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POPULATION OF POLICE STATIONS (N)	GEOGRAPHIC LOCATION	NUMBER OF POLICE STATIONS[108]	SAMPLE SIZE (10%)	POLICE STATIONS TO BE SAMPLED	CLUSTERS[109] SAMPLE (20%)	CLUSTER POLICE STATTIONS POPULATION
			EASTERN CAPE			
196	Rural	121	**20 (60 respondents)**	**12**	**5 (15 respondents)**	**27**
	Urban	34		4		
	Mix	41		4		
			KWAZULU NATAL			
184	Rural	107	**18 (54 respondents)**	**10**	**5 (15 respondents)**	**25**
	Urban	27		3		
	Mix	50		5		
			WESTERN CAPE			
150	Rural	62	**15 (45 respondents)**	**6**	**5 (15 respondents)**	**25**
	Urban	54		5		
	Mix	34		4		

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[108] Assumption: At Station level, there is Station Commander, Deputy Station Commander and Visible Policing Commander.
[109] Assumption: At the Cluster level, there is a Cluster Commander, Deputy Cluster Commander and Visible Policing coordinator.

			GAUTENG			
142	Rural	3	**14 (42 respondents)**	**1**	**3 (9 respondents)**	**16**
	Urban	109		**10**		
	Mix	30		**3**		
			FREE STATE			
110	Rural	16	**11 (33 respondents)**	**2**	**4 (12 respondents)**	**18**
	Urban	4		**1**		
	Mix	90		**8**		
			LIMPOPO			
99	Rural	82	**10 (30 respondents)**	**8**	**3 (9 respondents)**	**16**
	Mix	17		**2**		
			NORTHERN CAPE			
91	Rural	17	**9 (27 respondents)**	**2**	**3 (9 respondents)**	**16**
	Urban	3		**1**		
	Mix	71		**6**		
			MPUMALANGA			
86	Rural	28	**9 (27 respondents)**	**3**	**3 (9 respondents)**	**15**
	Urban	20		**3**		

	Mix	38		3		
			NORTH WEST			
82	Rural	43	**8 (24 respondents)**	**3**	**3 (9 respondents)**	**12**
	Urban	5		**2**		
	Mix	34		**3**		

ANNEXURE B: DEMOGRAPHICS										
CATEGORIES	**PROVINCES**									
Rank	**EC**	**FS**	**GP**	**LP**	**MP**	**NC**	**NW**	**KZN**	**WC**	**H/O**	**TOTAL**
Lieutenant Generals	0	0	0	0	0	0	0	0	0	2	2
Major Generals	2	1	0	0	2	3	1	5	2	4	20
Brigadiers	2	3	1	1	1	3	1	6	7	5	30
Colonel	7	3	8	5	7	2	3	13	13	0	61
Lieutenant Colonels	16	4	9	8	7	3	5	10	6	0	68
Captains	8	10	9	14	4	6	6	13	11	0	81
Warrant Officers	3	6	2	10	3	3	4	6	4	0	41
Sergeant	0	2	0	0	4	0	0	2	0	0	8
Constable	0	0	0	0	5	0	0	0	0	0	5
Grand Total	**38**	**29**	**29**	**38**	**33**	**20**	**20**	**55**	**43**	**11**	**316**

Number of years employed in the Police Service	**EC**	**FS**	**GP**	**LP**	**MP**	**NC**	**NW**	**KZN**	**WC**	**H/O**	**TOTAL**
0 – 5 years	0	0	0	-	1	0	0	0	0	0	1
6 – 11 years	0	0	0	-	4	0	0	0	0	0	4
12 – 18 years	2	3	0	-	4	1	0	3	1	0	14
19 – 24 years	6	4	7	-	1	4	1	2	5	0	30
25+	30	22	22	-	23	15	19	50	37	11	229
Grand Total	**38**	**29**	**29**	**0**	**33**	**20**	**20**	**55**	**43**	**11**	**278**

Number of years appointed in the current position	**EC**	**FS**	**GP**	**LP**	**MP**	**NC**	**NW**	**KZN**	**WC**	**H/O**	**TOTAL**
0 – 5 years	20	18	22	0	22	9	10	28	24	7	160
6 – 11 years	10	7	5	0	5	2	4	11	12	3	59
12 – 17 years	7	3	1	4	4	4	5	10	2	1	41
18+	1	1	1	34	2	5	1	6	5	0	56
Grand Total	**38**	**29**	**29**	**38**	**33**	**20**	**20**	**55**	**43**	**11**	**316**

Race	**EC**	**FS**	**GP**	**LP**	**MP**	**NC**	**NW**	**KZN**	**WC**	**H/O**	**TOTAL**
Black African	19	20	17	38	26	5	12	42	11	7	197
White	10	5	5	0	6	5	6	3	13	3	56
Coloured	8	4	3	0	1	10	2	3	17	0	48
Indian	1	0	4	0	0	0	0	7	2	1	15

Grand Total	38	29	29	38	33	20	20	55	43	11	316

Gender	EC	FS	GP	LP	MP	NC	NW	KZN	WC	H/O	TOTAL
Female	8	4	5	8	7	4	7	14	12	6	75
Male	30	25	24	30	26	16	13	41	31	5	241
Grand Total	38	29	29	38	33	20	20	55	43	11	316

Age	EC	FS	GP	LP	MP	NC	NW	KZN	WC	H/O	TOTAL
35 – 39 years	0	2	0	-	-	0	0	0	0	0	2
40 – 44 years	3	4	1	-	-	1	0	4	2	0	15
45 – 49 years	12	11	11	-	-	9	7	10	13	3	76
50+	23	12	17	-	-	10	13	41	28	8	152
Grand Total	38	29	29	0	0	20	20	55	43	11	245

Qualifications	EC	FS	GP	LP	MP	NC	NW	KZN	WC	H/O	TOTAL
Less than matric	1	0	0	0	0	1	0	0	0	0	2
Matric	9	11	11	12	10	5	6	12	9	0	85
Diploma	10	11	5	15	15	8	8	17	20	2	111
Postgraduate diploma	0	0	2	2	0	1	1	1	1	1	9
Degree	12	5	8	6	8	1	3	17	8	4	72
Postgraduate degree	6	2	3	3	0	4	2	8	5	4	37
Grand Total	38	29	29	38	33	20	20	55	43	11	316

ANNEXURE C: Senior Managers' duties

a) Senior Managers

Policy and strategy formulation: Respondents mentioned that they formulate policies governing policing ensuring that such processes are not exclusive of relevant stakeholders; and further ascertained that there is compliance from SAPS officials tasked with the policy implementation at station level.

Leadership: Some of the respondents saw one of their significant managerial duties as entailing leadership, which refers to 'motivating a group or organisation to achieve its aims'.

Control (monitoring and oversight): The respondents indicated that they are responsible for monitoring of performance, compliance inspections, policy and programme implementation and overseeing of components' operations.

Administration: Senior managers are tasked with financial and personnel administration in that they draw and manage budgets as well as distribute both human and physical resources for their respective components to be operational.

b) Cluster commanders

At strategic level, cluster commanders are responsible for monitoring service delivery of police stations under their command in relation to organisational performance indicators. In so doing, they are accountable for performance of stations within their cluster.

Management of crime and resources: An indication from Cluster Commanders was that they are involved in the overall management of police stations that fall within their respective clusters. As Cluster Commanders, they mentioned that they manage all operational activities in the Cluster. In addition, Cluster Commanders are also involved in evaluating crime patterns and also responsible for allocation and management of human and physical resources to police stations within the Cluster. For instance, Cluster Commanders interviewed in the Western Cape are responsible for the management of 4-10 police stations.

Administration: It was mentioned by the Cluster Commanders that their responsibility also includes determining dates for policing operations and overseeing that the Cluster is effectively operational. Moreover, they liaise with the provincial office in discussing matters relating to policing operations.

c) Cluster Visible Policing coordinators

Visible Policing coordinators provide coordination services to cluster commanders as follows:

Planning and Execution: Cluster Visible Policing Coordinators mentioned that they are involved in planning and execution of Visible Policing functions in the Cluster. This process involves ascertaining that there is high police visibility in areas where mostly needed. Moreover, verify whether basic policing practices are being executed according to the SAPS prescripts.

Administration: From the support perspective, Cluster Visible Policing coordinators provide administrative assistance to Station Commanders in the Cluster. In respect of this, they handle correspondence from Provincial SAPS including consolidation of monthly returns and monitoring crime reported. Cluster coordinators provide necessary assistance to Visible Policing sections at police stations and attend meetings at Cluster and Provincial level, for e.g. Cluster Crime Combating Forum (CCCF), Rural Safety, Joints meeting and Cluster Board meeting.

d) Station Commanders

Leadership provision: Station Commanders indicated their daily duties as inclusive of leadership provision given their task to manage and control all policing functions in the station precinct. In the process of empowering officials, an indication was that as station commanders they attend parades to brief members about crime and "*to remind officers about issues such as wearing bulletproof vests and booking out of firearms*". In addition, station commanders' duties involve discipline enforcement, which provides for corrective action whenever non-compliance to policing prescripts is detected.

Planning and Execution: Station commanders are also involved in the planning and execution processes that inform police station operations. Relevant stakeholders are also included in planning process to promote effective partnerships by involving communities and other relevant departments in policing agendas. Station commanders also attend community meetings, which are pivotal in promoting active participation of the community in solving crime related challenges. The involvement of communities is also deemed as crucial to increase information towards better crime management.

Station commanders also provide support to communities by ensuring professionalism in handling community complaints against the police and that feedback is provided to complainants. Moreover, station commanders indicated that their responsibilities include

prevention and combating of crime within the assigned police station precinct. They also participate in crime prevention operations at both cluster level and provincial crime prevention operations. It was also indicated by the station commanders that they study crime pattern and threats so as to inform the measures required for mitigation. Moreover, the respondents mentioned that as station commanders, their role involves enforcement of policing policies and regulations.

Administration: Station commanders mentioned that they are involved with personnel and financial management as they ensure that human and physical resources at the police station are utilised effectively. Other station commanders indicated that they were in charge of all administrative functions which among others include conducting inspections such as checking registers and books at Customer Service Centre (CSC) to ensure that organisational prescripts on policing are followed at all times.

Monitoring, Oversight and Evaluation: Station commanders also specified that they were actively involved in monitoring and overseeing activities at police station level. This also includes oversight pertaining workflow of various components at police station level such as Visible Policing, detectives and support services. They are also involved in the verification process such as visiting holding cells to confirm whether suspects written on the register are still in the cells as well as checking the cleanliness of the cells. In addition, the station commanders indicated that they also visit suspects and address problems if any. This is key in ensuring adherence to prescripts on apprehension, arrest and custody of accused persons. In addition, the respondents mentioned that they are also tasked with evaluating policing operations which is critical in making adjustments if and when required.

e) Visible Policing commanders

Visible Policing commanders' responsibilities involved provision of monitoring, oversight and administration.

Monitoring and Oversight: The respondents mentioned that they monitor and manage personnel, vehicles, operations within police stations, provide policing guidance to officers, supervision of crime prevention activities, ensuring data integrity in all mainframe systems, monitor and manage the implementation of Performance Charts in police stations and provide in-service training to other officials. Moreover, the respondents indicated that they analyse crime patterns and provide feedback to the station commander and Cluster about the Visible Policing environment. The respondents also indicated that they make follow-ups regarding complaints registered by community member to verify whether the complaints have been addressed or not.

Administrative: The respondents specified their day-to-day administrative duties as crime analysis and monitoring, deployment of members, ensuring (i) that members have resources to conduct operational duties (ii) data integrity in the CSC and (iii) that some members in the CSC who are not fully utilised are deployed to operational duties. They also undertake custody management (holding cells) and address the needs of crime victims through the provision of support services such as Victim Empowerment Programme (VEP). In addition, they are tasked with effecting arrests and checking whether suspects are detained correctly and cells are managed accordingly. Some of the daily duties that were mentioned includes physical inspection of vehicles, equipment, firearm, radios, exhibits, holding cells and station buildings and community meeting attendance.

In South Africa, as is stipulated in the constitution, it is the Presidents' prerogative to appoint the cabinet that will be serving under his/her leadership. Furthermore, the appointment of a National Commissioner is the responsibility of the president[110]. The following discussion captures leadership in the South African Police Service managerial positions since 1994 under different South African presidents [*see table below].*

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[110] South African Police Service Act 68 of 1995. [O] Available at:
https://www.saps.gov.za/legislation/acts/act68of1995.pdf. Accessed 20 August 2017

	PRESIDENTS	MINISTERS	NATIONAL AND ACTING NATIONAL COMMISSIONERS
1	President Nelson Mandela (1994 – 1999)	Minister of Safety and Security: Sydney Mufamadi : 1994 – 1999	National Commissioner George Fivaz : 1995 – 2000
2	President Thabo Mbeki – (June 1999-2009)	Minister of Safety and Security: Steve Tshwete: 1999 – 2002 (*as a result of death*) Minister of Safety and Security: Charles Nqakula - 7 May 2002 - 25 September 2008	National Commissioner Jackie Selebi: 1 January 2000 - 12 January 2009 (*extended leave suspension – January 2008*) **Acting** National Commissioner Timothy Williams: 12 January 2008 – 2009
3	President Jacob Zuma - (9 May 2009 – 14 February 2018)	Minister of Police: Nathi Mthethwa : 10 May 2009 – 2014	National Commissioner General Bheki Hamilton Cele: 2 August 2009 – October 2011 - (*Suspended 2011*) **Acting** National Commissioner Lieutenant General Nhlanhla Sibusiso Mkhwanazi - (24 Oct 2011 – 2012) National Commissioner General Mangwashi Victoria "Riah" Phiyega : 12 June 2012 – June 2017 - (*Suspended October 2015*)
		Minister of Police: Nathi Nhleko : 2014 – 2017	National Commissioner General Mangwashi Victoria "Riah" Phiyega: (June 2012 – June 2017) - (*Suspended October 2015*) **Acting** National Commissioner Lieutenant General Kgomotso Phahlane : October 2015 - 01 June 2017
		Minister of Police: Fikile Mbalula : 31 March 2017 – 26 February 2018	**Acting** National Commissioner Lieutenant General Kgomotso Phahlane: October 2015 – 01 June 2017 (Currently investigated on accounts of corruption)

| | | | Acting National Commissioner Lieutenant General Lesetja Mothiba: 1 June 2017- November 2017

National Commissioner Lieutenant-General Khehla John Sitole: 23 November 2017 - current |
|---|---|---|---|
| 4 | President Cyril Ramaphosa (14 February 2018 - Current | Minister of Police: Bheki Cele (26 February 2018 - current | National Commissioner Lieutenant-General Khehla John Sitole: 23 November 2017 - current |

During the period 1994 – 1999, South Africa was under the leadership of President Nelson Mandela. In his one term as a democratically elected South African president, both the Minister of Safety and Security Sydney Mufamadi and the National Commissioner George Fivaz served until the last day of their contractual appointments. In June 1999, President Thabo Mbeki occupied the presidency role of which lasted for two terms that being from 1999 to 2009. During Thabo Mbeki's two term period as the South African president, two ministers served under the Ministry of Safety and Security. A change in this Ministry position was due to the passing on of Steve Tshwete who was in his fourth year as the Minister of Safety and Security. Steve Tshwete was then succeeded by Charles Nqakula. In the position of the National Commissioner, there were also two changes that were made as Jackie Selebi served as a National Commissioner for 8 years and could not serve the 9th and final year due to suspension and was subsequently charged with corruption and found guilty in 2010 and sentenced to 15 years' imprisonment. During the suspension period, Timothy Williams was appointed Acting National Commissioner until the end of President Thabo Mbeki tenure as the South African president.

In 2009, President Jacob Zuma succeeded Thabo Mbeki and occupied office and is currently serving his 2nd term as the South African president. During the two terms of Jacob Zuma's, there have been a total of three changes to office of the Ministry of Police. Minister Nathi Mthethwa served for 5 years as the Minister of Police. Under Nathi Mthethwa as Minister of Police there has been three National Commissioners of police appointed. Two of these National Commissioners were appointed on permanent basis while one in temporary position (Acting). General Bheki Cele was appointed as the National Commissioner for a 5-year period however, did not complete his term due to suspension. General Cele was fired or dismissed after Moloi Board of Inquiry found him to be unfit for office and recommended his removal from office in terms of the provisions of section 8(6)(b)(v) of the South African Police Service Act No. 68 of 1995. This was after General Cele was involved in a scandal of conflict of interest regarding the lease of a building for SAPS Headquarters.

During this period, there was then a need to appoint an Acting National Commissioner and Lieutenant General Nhlanhla Sibusiso Mkhwanazi was then appointed to act in the interim as a National Commissioner for 8 months. General Victoria Phiyega was then appointed as a National Commissioner for a 5-year period as per the stipulations in the Constitution since June 2012 and continued serving as a National Commissioner under the leadership of newly appointed Minister of Police Nathi Nhleko. The Honourable Nathi Nhleko served as Minister of Police for 3 years only and was moved to be the Ministry of Public Works. However, General Phiyega was suspended in 2015 by President Jacob Zuma. In 2015, following a three-year inquiry, the Farlam Commission, which had been charged with investigating the deaths of 34 miners shot to death by police in 2012 at a

Lonmin mine in Marikana, recommended that General Phiyega's fitness to hold office be investigated.

A board of inquiry was instituted to look into allegations of misconduct against General Phiyega and was chaired by Judge Cornelis Johannes Claasen. The inquiry followed recommendations by the Farlam Commission of Inquiry, investigating the 2012 Marikana massacre, that a probe should be conducted into General Phiyega's fitness to hold office for her conduct during the massacre as well as her conduct as a witness at the commission. The Claasen Board of Inquiry stated that General Phiyega should have foreseen what it called the tragic and catastrophic consequences of the police's decision to disarm disperse and arrest protesters in Marikana massacre. General Phiyega applied to the high court in Pretoria to review and set aside the findings and recommendations of the Farlam Commission of Inquiry into Marikana. It should be noted that the suspended National Police Commissioner, General Riah Phiyega, is the only commissioner to complete her five-year term, while suspended on full pay.

While General Phiyega was suspended, Lieutenant General Kgomotso Phahlane was appointed as an Acting National Commissioner for 1 year 8 months wherein he served under the leadership of Minister Nathi Nhleko and continued serving for two (2) months under the leadership of the newly appointed Minister of Police Fikile Mbalula who occupied the position as of 31st of March 2017 after the cabinet reshuffle. Lieutenant General Kgomotso Phahlane has since been replaced by the current Acting National Commissioner Lieutenant General Lesetja Mothiba as of 01 June 2017. As of the 22nd of November 2018, an appointment of Lieutenant- General Sitole was made.

In general, since 1994, there has been a total of four (5) National Commissioners of which only one (1) thus far has managed to complete his 5-year office term. The other three (3) National Commissioners were unable to serve full terms due to suspensions. As a result of these suspensions, there has been a total of 4 National Commissioners appointed on acting capacity.

The discussion that follows captures information on divisional commissioners: Visible Policing changes since 2010.

S/NO	RANK	NAME AND INITIALS	APPOINTED FROM DATE TO DATE	ACTING FROM DATE TO DATE
1	DIV COM	MOTHIBA LJ	2010-10-01 TO 2014-05-18	2013-09-01 – 2014-05-18 as acting PC Gauteng Appointed as PC Gauteng on 2014-05-19
2	MAJ GEN	PIENAAR S		2013-09-01 – 2013-09-30
3	MAJ GEN	LUKE B		2013-10-01 – 2013-10-31
4	MAJ GEN	MOTLHALA MM		2013-11-01 – 2013-11-30
5	MAJ GEN	VENTER WA		2013-12-01 – 2013-12-31
6	MAJ GEN	LUKE B		2014-01-01 – 2014-01-31
7	MAJ GEN	PIENAAR S		2014-02-01 – 2014-02-28
8	MAJ GEN	VENTER WA		2014-03-01 – 2014-03-31
9	MAJ GEN	MOTLHALA MM		2014-04-01 – 2014-04-30
10	MAJ GEN	LUKE B		2014-05-01 – 2014-05-31
11	MAJ GEN	PIENAAR S		2014-06-01 – 2014-06-30
12	MAJ GEN	MOTLHALA MM		2014-07-01 – 2014-07-31
13	MAJ GEN	VENTER WA		2014-08-01 – 2014-08-31
14	MAJ GEN	LUKE B		2014-09-01 – 2014-09-30
15	MAJ GEN	PIENAAR S		2014-10-01 – 2014-10-31
16	MAJ GEN	MOTLHALA MM		2014-11-01 – 2014-11-30
17	MAJ GEN	VENTER WA		2014-12-01 – 2015-01-11
18	MAJ GEN	PIENAAR S		2015-01-12 – 2015-01-31
19	MAJ GEN	MOTLHALA MM		2015-02-01 – 2015-02-28
20	MAJ GEN	VENTER WA		2015-03-01 – 2015-03-09
21	MAJ GEN	MOTLHALA MM		2015-03-10 – 2016-01-31
22	LT GEN	MASIYE NP	2016-02-01 - CURRENT	

There has been instabilities and discontinuities regarding the Divisional Commissioner: Visible Policing position since the 1st of September 2013. Even though there was a divisional commissioner appointed for the period 01 October 2010 to 18 May 2014, it was within the same period wherein a total of four Major Generals acted as Divisional Commissioners interchangeably. This was due to the fact that the appointed Divisional Commissioner at the time subsequently acted as the Gauteng Provincial Commissioner from 01 September 2013 to 18 May 2014. The Divisional Commissioner was then appointed permanently as Gauteng Provincial Commissioner leaving the Divisional Commissioner: Visible Policing post vacant. Even after the Divisional Commissioner: Visible Policing post was vacant as of 18 May 2014; the component continued operating under the leadership of Acting Divisional Commissioners until 01 February 2016. The Acting Divisional Commissioners were interchanging the role of a divisional commissioner on monthly basis. The longest serving Acting Divisional Commissioner was for a 10 months' period which started from the 10th of March 2015 to the 31st of January 2016 by Major General Mohlala with the new permanent Divisional Commissioner appointed on the 1st of February 2016. Therefore, it should be noted that in 2 years 4 months, there has been four Major Generals acting as divisional commissioners. The current appointed divisional commissioner was appointed under the leadership of Lieutenant General Kgomotso Phahlane who served under the Acting National Commissioner capacity.

ANNEXURE E: ADVANCEMENT OF THE BASIC POLICE DEVELOPMENT TRAINING FROM 1994 TO 2016

Since 1994 to date, training offered to SAPS members has evolved with adaptations made to changes to the operational context. From 1994 to 2002, training duration was only six (6) months, but this has changed over the years. Fast track training was introduced in all SAPS Basic Police Academies from 2002 to 2003 with training duration reduced to four (4) months. The rationale behind fast tracking was to meet the increased level of police establishment in order to have an increased police visibility in the streets. Meanwhile from 1994 to 2003 the training curriculum remained unchanged and even during the period where training duration was reduced to meet the new police establishment, there were no changes to the curriculum with the only remedy introduced at the time being curriculum presentation over the weekends to cover the reduced training duration. Trainees were appointed at a rank of Constables directly after completing training.

The table below indicate SAPS basic police development training since 1994 to 2004:

YEARS	1994 – 1997	1998 – 2002	2002 – 2004
CURRICULUM	- Law (Criminal law A & B) - Criminal Procedure - Physical fitness - Firearms - Police Administration - Investigation of Crime	- Law (Criminal Law A & B) - Criminal Procedure - Physical fitness - Firearms - Police Administration - Investigation of Crime	- Law (Criminal Law A & B) - Criminal Procedure - Physical fitness - Firearms - Police Administration - Investigation of Crime
DURATION	6 months	6 months	4 months

From 2004 onwards, SAPS basic training was accredited as NQF 5 qualification by the South African Qualification Authority (SAQA). On the other hand, prior the commencement of training, trainees had to sign a Memorandum of Agreement (MoA). There were also changes to the training duration. The training duration was divided into three different parts covering a 24 months' period. The first six (6) months of training was taken at the Academy, followed by six (6) months Field

Training at the police station and an additional twelve (12) months' probation period. From 2012 t0 2015, training was divided into three phases. Phase one was attended at the Academy focusing on foundational competence followed by phase two which focused on workplace exposure at police stations and phase three attended at the Academy with a focus on integrated assessments. The table below illustrate the accredited SAPS basic training from 2004 to 2015:

YEARS	2004 – 2011 (SAQA NQF 5)	2012 -2015 (SAQA NQF 5)
CURRICULUM	- **Learning Area 1**: *Orientation to SAPS* (Drill; Performance enhancement Process (PEP); Employment Health and Wellness (EHW) and Computer Literacy) - **Learning Area 2**: *Law* (Criminal Justice System; Criminal Law; General Principles of Law; Common Law; Statutory Law (e.g.: Domestic Violence); Law of Evidence and Law of Criminal Procedure) - **Learning Area 3**. *Community Service Centre* (Overview of the Station; Reporting On and Off Duty; Handing Over Certificate; The Pocket Book; Face Value Registers; Client Service (Telephone Etiquette, Radio Communication); Reporting of Crime; Custody Management) - **Learning Area 4**: *Detectives* (Crime Scene Management; Management of Exhibits; Victim Empowerment; Investigative	- **Learning Area 1:** *Orientation to SAPS* (Reviewed Content: Patriotism, New Rank Structure, Discipline, Corruption and Professional Conduct). - **Learning Area 2:** *Law* (Additional Content: Child Justice Act, Sexual Offences Act, and Road Traffic Act, Prescribed Book: Applied Law for Police Officials). - **Learning Area 3:** *Community Service Centre* (Reviewed content: Forms, Communication, Procedures, Docket process). - **Learning Area 4**: *Crime Investigation (*Reviewed Content: Crime Scene Management, Docket Administration, Tracing Techniques, Investigation of Specific Crimes and Preparation for Court. New Content: Investigative

	Interviewing; Statement Taking; Docket Administration; Taking of Fingerprints; Investigation of Specific Crimes; Tracing Techniques and the Investigation of Missing Persons; Informers; Role of Crime Intelligence and Giving of Evidence) - **Learning Area 5**: Crime Prevention Introduction to Crime Prevention; Community Policing; Sector Policing and Crime Prevention Approaches Techniques and Planning tools - **Learning Area 6**: *Street Survival* (Firearms; Physical Fitness; First Aid; Use of Firearms; use of Force; Tactical Response Techniques (Tactical Movement); Tactical Combat (Restraining and Hand Defence); Tactical Procedure.	Interviewing, Management of Exhibits, Role of Crime Intelligence, Investigation of Missing Persons, Victim Empowerment and Informers). - **Learning Area 5:** *Crime Prevention* (Reviewed Content: Community Policing (additional information on Community Safety Forums included), Sector Policing (aligned with National Instruction 1/2009), Crime Prevention Approaches, Techniques and Planning (additional information on Patrols, Roadblocks, Situational Crime Prevention and School Based Crime Prevention included). - **Learning Area 6:** *Street Survival* (5 Fitness Sessions scheduled per week, The Seven Survival Principles module was added, Integrated Scenarios and Advanced Tactical Shooting).
DURATION	24 Months	21 Months

Looking at the two tables above it is clear that SAPS training has evolved, with changes notable in the duration of training and the curriculum accredited as NQF 5 qualification by SAQA as from 2004 onwards. Additional content was introduced into the SAPS basic training from the period 2012 to 2015. Old content was reviewed in order to bring it in line with the development within the

policing environment. According to the Human Resource Development Division, SAPS training is reviewed every three years or when the need arises. The decrease in police killings has been suggested to be as a result of the introduction of the "Seven survival principles" module into learning area 6. The above shows that SAPS training is no longer the same as the one that was used since 1994. The training that is offered by SAPS has been professionalised and meet stringent criteria as per standards set by SAQA.

However, in 2016 the training duration was reduced to 21 months. The training programme includes induction of trainees and practical placement at police station level for one month. Thereafter the trainee attends Academy phase which covers theory and practical exposure at police station under a trainer mentorship for 8 months. Weekends are also included for training purposes which was not the case in the period 2012 to 2015. Additionally, the trainees are also offered Crowd Management training in full for 3 weeks and advanced tactical techniques are included in the 2016 training. A twelve (12) months' probation period was added to the training programme in which trainees perform operational duties at police stations. It should be noted that SAPS basic training has been internationally benchmarked with United Kingdom's Initial Police Learning & Development Programme, Namibian Police Basic Training Programme, Los Angeles Police Department's training programme, and New York Basic Course for Police Officers.