

**AN ANALYSIS OF THE PREVENTION OF POLICE
BRUTALITY IN THE WESTERN CAPE**

By

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DEDICATION

This dissertation is dedicated to my mother Jean Thelma Rushton. The magnet that kept me grounded. Who taught me humility and gratitude, but also how to play Poker. I miss our long discussions over coffee and your egg sandwiches. But more importantly I miss you, every day.

This is for you Mom.


STUDENT DECLARATION

DECLARATION

Student No.: 3807685-3

I, William Clifford Rushton, declare that 'AN ANALYSIS OF THE PREVENTION OF POLICE BRUTALITY IN THE WESTERN CAPE' is my own work, both in conception and in execution. All sources that were consulted and quoted in this research have been acknowledged by means of complete references.

I further declare that I have not previously submitted this work, or part of it, for examination at UNISA for another qualification, or at any other higher education institution.



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20 February 2019

Dear William Rushton

This letter is to record that I, Naideen Foxcroft, completed a copy edit of your Master's Dissertation entitled 'An Analysis of the Prevention of Police Brutality in the Western Cape'.

This edit included the following:

- Spelling
- Tenses
- Vocabulary
- Punctuation
- Pronoun matches
- Word usage
- Sentence structure
- Table numbers and layout
- Content (limited).

This edit also included the layout/formatting of this Dissertation.

The edit excluded the following:

- Correctness or truth of information (unless obvious)
- Correctness/spelling of specific technical terms and words (unless obvious)
- Correctness/spelling of unfamiliar names and proper nouns (unless obvious)
- Correctness of special formulae or symbols or illustrations.

Yours sincerely



Naideen Foxcroft

ABSTRACT

South Africa has been synonymous with police brutality for many years. This stigma remains till this day. The South African Police Service and the Government has tried in vain to change the image of the South African Police Service. This research was conducted to analyse the prevention of police brutality in the Western Cape, focusing on Cape Town. This will include the effects police brutality has had on the community, and the resulting breakdown of relations between the police and the community.

This study will compare statistics of police brutality related incidents from South Africa with that of the United States of America, the United Kingdom, Australia and Nigeria. This comparison will indicate if South Africans do suffer more brutality cases at the hands of the police or is brutality by police officers a worldwide phenomenon. The research questions that were asked during this study are if police brutality is a problem, why does police brutality occur, how does it affect the community and what can be done to prevent police brutality.

This study used a mixed method of research methodology to attempt the answer the complex questions asked. This included survey questionnaires that were distributed to police officials, Community Police Forum members and the community around the Cape Town Central Business District. Semi structured interviews were held with members of the police's departmental hearing section. Literature was also obtained regarding police brutality.

Prevention of police brutality strategies from the United States of America, United Kingdom, Australia and Nigeria were obtained to compare these strategies and determine which have been successful and could be a benefit to the South African Police Service. The current strategies the South African Police Service have also put in place will be discussed which will include legislation, white paper on safety and security, the green paper on police practice and the National Development plan 2030.

Combining all the information obtained, this research will provide findings regarding the phenomenon of police brutality and possible recommendations that could assist with the prevention of police brutality. This in turn will help build a better relationship between the South African Police Service and its Citizens that they swore to protect and serve.

KEY WORDS

Community policing

Custody

Death

Excessive force

Legislation

Murder

Police assault

Police brutality

Policing

Policing strategies

Shooting

Torture

Use of force

Violence

White paper on safety and security

ACRONYMS

BHOCPP	British Home Office Crime Prevention Programme
CBD	Central Business district
CCID	Cape Town Central City Improvement District
CED	Conducted Energy Devices
CLEEN	Centre of Law Enforcement Education Foundation in Nigeria
CJS	Criminal Justice System
CPA	Criminal Procedure Act
CPF	Community Police Forum
CPS	Crown Protection Services
DCRA	Death in Custody Reporting Act
DPCI	Directorate of Priority Crime Investigation
DPME	Department of Planning Monitoring and Evaluation
IPCC	Independent Police Complaints Commission
IPID	Independent Police Investigative Directorate
ISS	Institute for Security Studies
MPS	Municipal Police Services
NDP	National Development Plan
NPC	Non-Profit Company
NPF	Nigerian Police Force
PTSD	Post Traumatic Stress Disorder
SAP	South African Police
SAPS	South African Police Service
UK	United Kingdom
UN	United Nations
UNISA	University of South Africa
USA	United States of America

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CHAPTER ONE

GENERAL ORIENTATION

1.1. INTRODUCTION

Police brutality has always been a problem in South Africa. Police violence has been well documented, despite the secrecy surrounding it. Brogden and Shearing (1993:17) stated that in a 1936 Commission of Inquiry it was indicated that certain laws must be applied by the police, although the manner in which these laws are applied and the attitude of the policeman result in police violence. The researcher noted that even with the changing styles of policing, the attitude of policemen remains the same and for that reason this study was conducted. This research is therefore an attempt to understand the occurrence of police brutality in the Western Cape Province.

This chapter will deal with the general orientation of the dissertation and include a background study of police brutality and a problem statement to research. The aims and objectives of this research will be presented and the research questions and key theoretical concepts will be explained. A theory explaining the phenomenon of police brutality and police violence will be elucidated and the value of the research specified. Research was limited to the jurisdiction of Cape Town Central police station. This demarcated area included the Cape Town Central Business District (CBD).

1.2. BACKGROUND OF STUDY

According to the Independent Police Investigative Directorate (IPID) Strategic Plan (2013-2018), police brutality is not a singular crime but comprises of a variety of crimes that are difficult to monitor. The offences that are investigated by the IPID include murder, culpable homicide, assault, rape, death in custody and domestic violence. It is therefore important for the South African Police Service (SAPS) to identify these offences. This may give a better indication of the number of reported cases concerning police brutality.

The researcher initially took an interest in police brutality when it raised its ugly head following the brutal shootout at the Marikana mine in the North West Province (Alexander, Lekgowa, Mmope, Sinwell & Xezwi, 2012: n.p.). The brutal assault on a foreign national who was dragged behind a police vehicle according to the article "*South African Police drag taxi driver...*" (2013: n.p), the foreign national who was assaulted, humiliated and stripped naked by police from Cape Town Central are only a few indications of such brutality (Fokazi, 2013: n.p.).

Nicolson (2017: n.p.), quoted Democratic Alliance (DA) shadow Member of the Executive Council (MEC) Kate Lorimar, who stated that it was evident that police members in Gauteng are violating their communities. The death toll at the hands of police members rose from 45 in 2016 to 59 in 2017.

He further stated that the worst part was that not one of these officers involved in these killings have been charged or suspended. In another incident video footage was released of traffic police assaulting a community member. Booysen (2018: n.p.), reported that four traffic police members arrested and assaulted a Cape Town citizen when a routine traffic violation got out of control. This incident was recorded and put on social media. Incidents such as these will normally be front page news and could be repeated for months on social networks, television and in printed media.

While press reports are not necessarily meaningful as an indicator of trends, they may nevertheless provide accounts of particular incidents which in one way or another give insight as to the nature of police brutality. However, it can be assumed that the majority of police brutality cases do not result in death, criminal charges or civil claims and do not involve the use of firearms and therefore not recorded in existing systems of statistics. Burger (2013b: n.p.), noted that incidents of police brutality had increased by more than 300 percent from 2001 until 2011 (from 416 cases investigated to 1,844 cases). Hosken (2013: n.p.) agrees to the IPID report and indicates that police brutality is not restricted to a problem of torture.

Hosken (2013: n.p.) further noted that apparent execution-type murders during custody and outside of custody as well as reckless or accidental shootings are also committed by police members. Domestic violence by police members is also a cause for concern. Pieterse (2018: n.p.) reported that a constable in Pietermaritzburg shot and killed his girlfriend with his service firearm. Pieterse (2018: n.p.) further reported that more incidents of police members using their official firearms in domestic violence incidents have occurred. In 2015, a police official shot his ex-girlfriend and the man she was with in front of the woman's younger brother.

The woman died and the man was shot in the back. She further reported that in 2016 a policeman shot his wife with a R5 police rifle. In 2017 there were two separate incidents where police members shot their partners and themselves thereafter. One of the incidents happened in a police station.

Pieterse (2018: n.p.) noted that a senior police official, who wanted to remain anonymous, stated that police members needed to be assessed regularly to determine their emotional state and that senior management do not take the emotional well-being of their subordinates seriously. They will rather accuse their members of being ill-disciplined instead of addressing the underlying problem.

Mkhwanazi (2017: n.p.) reported that statistics from the IPID noted a 30 percent increase of deaths at the hands of the police from 2016 until 2017, and that 207 deaths at the hands of the police were reported to the IPID in 2017. He further noted that the IPID was also investigating 51 rape cases, 61 tortured cases, 66 corruption cases and 159 other criminal cases in 2017. The Western Cape had 20 cases of deaths at the hands of police and 10 rape cases, which were being investigated by the IPID. Martinelli (2007: n.p.) noted that there is an increase of heinous crimes by police member that are off duty and intoxicated against members of the community and known suspects involved in petty offences.

Bruce (as quoted by Hosken, 2013: n.p.) noted that police members will commit non-fatal assaults of people at the point of arrest. These forms of brutality are on the increase. Evaluating the impact of what such brutality has on the community's attitude towards the police must be determined. According to Faull (2011:11), this attitude of a police force and not a service must be changed in the minds of police members. He further stated that, as a nation we need to try to get over the stigma that apartheid instilled in the minds and the physique of the community and the police.

The former state President of the Republic of South Africa, F.W. De Klerk, stated that in the past, the police had performed two functions. One was normal crime situations and the other was to control functions connected to a specific political party. On the 17th of January 1990, F.W. de Klerk informed police students that this will change and that the police must no longer be part of politics (Amnesty International, 1992:11).

According to Hosken (2013: n.p.), criminologists say urgent action needs to be taken to avert the crisis against the police. He noted that 2,462 criminal complaints were lodged against the police in the 2009/10 financial year and that the organisation is coming under increased pressure following the murder of service delivery protesters across South Africa. The number of deaths as a result of police action and in police custody recorded in South Africa is relatively high.

However, it should also be noted that the system for reporting such deaths is relatively unique, particularly in a fledgling democracy where police brutality normally escalates along with crime.

1.3. PROBLEM STATEMENT

The SAPS has recently once again come under scrutiny due to the number of incidents in which civilians have been assaulted or even killed by the police. There are a number of cases published in the news and social media that are still causing friction and resentment towards the SAPS, such as the August 2012 killing of 34 mine workers in Marikana in the North West province, (The article *Marikana Massacre*. 2012: n.p.), the death of Mido Macia after being dragged behind a police van in Daveyton in the Gauteng province (The article “*South African Police drag taxi driver ...*”, 2013: n.p.) and the ruthless assault on Clement Emekeneh in Cape Town (Fokazi, 2013: n.p.).

This indicates the ongoing escalating brutality of the SAPS. Although the majority of reported cases of police brutality are isolated, they still point to unacceptable behaviour, which in itself shows a systemic problem and is of great concern to the South African public. According to Ncube (2014: n.p.), the police service provides a good example that South Africans were raised in hostility. Are we a society built on violence?

Apartheid was the birth of the police being politically driven to oppress the community and not serve them. The former South African President, Jacob Zuma, stated that:

“As a nation we did not become violent overnight. Violence is a direct consequence of apartheid. Apartheid was a violent system. So violent that even if you peacefully demonstrate, they would shoot at you and kill you. That called the reaction from those who oppressed to become very violent in fighting apartheid”.

It is true that the SAPS has inherited a violent past from apartheid, (Ncube 2014: n.p), but can this be the only reason for police brutality? The distrust in the police stems from oppression over many years when the apartheid government-imposed segregation and apartheid laws. The police were considered an enforcer of the government and not a service to the community. Is the government overlooking or perhaps ignoring police brutality?

An increase in police brutality and failure to take action against corrupt police members as well as the inability of the police to deal effectively with xenophobic violence all threaten the rule of law in South Africa. The IPID investigates police brutality as several types of crimes that make up police misconduct. (IPID, 2015).

Misconduct amounts to acts such as intimidation, false arrest, corruption, racial profiling and various forms of abuse, including physical abuse. According to Mkatshwa and Ntshingila (2018: 4), police brutality has always been a major problem. They are of the opinion that the police service has not been transformed from the pomposity of the apartheid police. The police have always been accused that their tactics and procedures are too harsh and excessive.

This implies that the police are considered extremely abusive when it comes to the arresting and apprehending of suspects as well as dealing with protests (Mkatshwa & Ntshingila, 2018: 4). The police service that should be protecting its communities from criminals are criminals themselves. This will in turn also have a negative effect on our economy. According to the IPID reports, the Directorate has made recommendations about how to deal with police brutality to the SAPS, but these have been ignored and communication has even shut down between the two organisations.

This is contradictory to the IPID's mission statement according to the IPID's strategic plan 2013-2018, which states that the aim of the IPID is to ensure independent oversight over the SAPS and the Municipal Police Services (MPS), and to conduct independent and impartial investigations of identified criminal offences allegedly committed by members of the SAPS and the MPS, and make appropriate recommendations.

The IPID still needs the SAPS' permission to continue with criminal investigation against any SAPS member. This means that the IPID is not as effective as the legislation that led to its creation. Even with the legislation in place and investigation being conducted, cases of police brutality and impunity continue to increase. Besides the emotional impact that police brutality has on the country, there are also financial implications.

According to Kubheka (2017: n.p.), the Portfolio Committee for the SAPS noted that the SAPS received civil claims to the value of 14, 6 billion Rand in 2017. This amounts to over 16,000 new claims received in the 2016 financial year.

According to Nyoka (2017: n.p.), the SAPS already paid out 290 million Rand in civil claims in the 2015/2016 financial year. These financial implications can have far reaching effects on service delivery.

1.4. AIMS AND OBJECTIVES OF THE STUDY

The aim of this research is to determine effective policing strategies that can be implemented by the SAPS to prevent police brutality in the Western Cape. The following points are the main objectives of this research, to:

- Determine the causes of police brutality;
- Analyse the situation of police brutality in other countries;
- Investigate how police brutality has negatively influenced society;
- Determine proactive strategies to deal with police brutality.

1.5. PURPOSE OF THE RESEARCH

The purpose of this research was to determine the cause of police brutality in Cape Town and policing strategies to prevent police brutality in the future. The research provided the opportunity to study the phenomenon of police brutality in Cape Town and to obtain the perspective of the community and police members. This research explores the reasons why police members turn to violence and contribute towards the development of finding new and more effective strategies to deal with police brutality.

1.6. DEMARCATION OF THE STUDY

Police brutality is a problem throughout South Africa. The research, however, was limited to Cape Town Central Police Station. This area was identified and selected due to the fact that it is the police station in the Western Cape that deals with all forms of society and various different cultures. Cape Town Central Police Station covers an area that includes a central business district where many businesses are owned by foreigners as well as a community that has a wide variety of socio-economic people (Bray, 2008: n.p.).

Cape Town is also a world-renowned tourist attraction with a constant flow of tourists from all over the world staying in hotels and other forms of accommodation. Therefore, the Cape Town district was chosen. The researcher had access to the community members of Cape Town, police members of the Cape Town police station and disciplinary officers of the SAPS.

It was easy to approach these respondents. The research was limited to the Cape Town precinct and the police members and community of this area. This study included all community areas that fall under the jurisdiction of the Cape Town Central SAPS. The scope of this research was to interact with the SAPS and the Community Police Forum (CPF) members as well as other important people who can give an insight into the phenomenon of police brutality. The information gathered can also assist in identifying causes and possible corrective measures that can be implemented to prevent further police brutality.

1.6.1. Numerical Demarcation

The following groups were purposively selected. Approximately 91 participants in total from the Cape Town area were interviewed.

- Approximately five senior members associated with departmental hearings.
- Approximately 25 members of the SAPS Cape Town central policing area.
- Approximately 61 community members in the Cape Town area.

1.7. RESEARCH QUESTIONS

The research questions were formulated to identify whether police brutality is prevalent in the Western Cape. Furthermore, questions regarding the effect that police brutality has on the community and whether this can be prevented were asked. It was important to understand the phenomenon and causes of police brutality to be able to determine a possible solution to prevent this from happening in future. It was important for the researcher to keep these research questions present throughout the study. This kept the study grounded and focused. The research question for this study is formulated as follows: How can police brutality be prevented in the Western Cape?

1.7.1. Sub-questions

In order to answer the main question of this study, four sub-questions are asked. The sub-questions form an integral part of the main research questions. Answering the sub-questions will lead to answering the main question of this study.

The sub-questions are:

- What is the main reason behind police brutality?
- How does police brutality affect the community?

- Can police brutality be prevented?
- What strategies can the SAPS use to combat police brutality?

1.8. KEY THEORETICAL CONCEPTS

By explaining certain concepts referred to throughout this study, the researcher's aim was to better understand the conceptualisation that relates to this research topic. Crime prevention, policing, community policing and police brutality are defined and explained as follows:

1.8.1. Crime Prevention

According to Fennelly (2012:68), crime prevention as outlined by the British Home Office Crime Prevention Programme (BHOCPP), is "the anticipation, recognition and appraisal of a crime risk and the initiation of action to remove or reduce it". According to Burger (2005:244), crime prevention refers to all activities by all role-players, which includes the criminal justice system and, therefore, also the SAPS. Policing, which includes both proactive and reactive, refers only to the activities of the police. In this regard, proactive policing should be understood to refer to all those police activities which prevent a crime from actually taking place. Effective policing or law enforcement reduces the opportunity to commit crime.

1.8.2. Policing

Burger (2005:78) describes policing as all lawful actions, whether proactive or reactive, executed by the police in the process of delivering their obligatory services, such as re-assuring the public, creating a noticeable deterrence, and performing their functions of law enforcement, crime investigation and the maintenance of public order. According to Pheiffer (2013:15), the communities' needs should be taken into consideration.

This will enable the police to render a more professional service that is centred on client service. Policing is therefore an integral part of crime prevention that combines the police and the community to share in the responsibilities thereof.

1.8.3. Community Policing

According to Fennelly (2012:126), community policing is a philosophy that promotes organisational strategies, which support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime.

According to Sumner (2008:01), community policing is based on the concept that the police and community can work together to solve problems such as crime, fear of crime, social and physical disorder, and neighbourhood decay.

1.8.4. Police Brutality

According to Dempsey and Frost (2009:244), the use of force to subdue a suspect's resistance is part of police work. However, when an officer exceeds the necessary force required deemed reasonable to perform his or her duties, this is when force becomes excessive and police brutality occurs. According to this information brutality occurs when a police member exceeds the level of force needed to defuse a situation. Bittner (as quoted by Bruce, 2000:4), explained that police brutality transpires when members of a police service use force improperly. Fundamentally therefore brutality is the unlawful abuse of the power to use force.

By implication, police brutality is generally deliberate unlawful violence but actions which amount to criminally negligent uses of force should also be considered as acts of police brutality. The use of excessive force is also a direct violation of the Constitution of South Africa and of the Police Act. The definition for excessive force is as follows: Excessive force by law enforcement officers is a violation of a person's constitutional rights (*Excessive force law...* ([s.a.]: n.p.).

1.9. VALUE OF THE RESEARCH

Kruger, Mitchell and Welman (2005:284) explain that the value of research entails demonstrating a measure of research ability and the ability to solve problems. Practical applications of the result of the research should be indicated.

This research will increase the awareness of police brutality. New strategies that have been effective and are used by other countries will be discussed and evaluated. These strategies will be compared with those implemented by the SAPS and other law enforcement agencies to determine if they will be compatible and effective.

It will highlight any inadequacies on current strategies that deal with police brutality and how current strategies can be enhanced. This study will educate communities to identify and report criminal activities conducted by members of the SAPS and what to expect of the police serving their community. This research will encourage the community to participate more actively with the CPF. This will result in the community having increased trust in the police.

1.10. PROBLEMS ENCOUNTERED DURING RESEARCH

In every research the researcher will encounter problems. If a researcher does not come across any problems during his or her research, then it was not properly conducted. Police brutality is a sensitive topic and it was difficult to obtain sufficient people to participate in the research. To obtain information from members of the community, the researcher randomly approached 91 people in the Cape Town CBD and asked them if they were willing to participate. This was time-consuming and challenging, as the people were approached in the streets and parks. The following were experienced:

- The Cape Town Central City Improvement District (CCID): The CCID is a Non-Profit Company (NPC) that works specifically in the Central Business District (CBD) of Cape Town. They are partners with Government and Non-Government Organisations (NGOs). Their job entails assisting the street community in the CBD by means of foot and bicycle patrols. They are associated with the Community Police Forum (CPF). A senior member of the CCID was contacted telephonically and via email but permission could not be granted for the researcher to interview the employees. It was noted that the opinion of the CCID employees regarding police brutality would tarnish the relationship with the Cape Town Central SAPS.
- Neighbourhood Watch Groups: Two neighbourhood watch groups were approached and some of the members were given the same survey questionnaires as those given to the community members since the members of the community watch groups are also members of the community. It was difficult to get the groups to participate and once they agreed to complete the survey questionnaires it was difficult to obtain the survey questionnaires from the groups once they were completed. Two of the Neighbourhood watch groups were repeatedly contacted via email but did not respond.
- CPF members Cape Town Central police station: The CPF chairperson was contacted and the purpose of the research was explained to her. The chairperson was willing to assist and survey questionnaires were handed to her for completion by members of the CPF. It was impossible for the researcher to address the CPF members directly due to their extremely busy schedules. Five CPF members were willing to participate in the survey and completed the questionnaires. However, the majority of the CPF members did not complete the questionnaires. This complicated the overall opinion of the CPF members.

Therefore, the data collected from the five CPF members were added to the data collected from the community members, as the CPF members are also from the community of Cape Town.

- Police members of the Cape Town Central SAPS: Members of the Cape Town Central SAPS were approached. Most of the members were willing to participate in the survey questionnaires. Some of the questionnaires were given to a senior member to distribute to the members under his command. The questionnaires were misplaced and, therefore, the researcher needed to arrange with another member at the Cape Town Central SAPS to have new questionnaires distributed and completed.
- IPID: The IPID department was approached telephonically and via e-mail on numerous occasions. The researcher was referred to various sections within the IPID and never received any positive assistance from anyone who he contacted. There was no response to any of the emails sent. It became evident that the members from the IPID were unwilling to participate. The IPID members could, therefore, not be interviewed.
- Training officers of the SAPS Training College Philippi: The commander of the Philippi Training College of the SAPS was approached and after a lengthy meeting, the commander agreed that trainers involved in training musketry and self-defence could be approached to participate in the research. The survey questionnaires were handed over to a trainer who was willing to distribute the questionnaires to the other trainers. After some time, this particular trainer was contacted, but with any success. The researcher visited the Philippi Training College on several occasions to collect the survey questionnaires but the trainer was never available. He also never returned any of the researcher's calls. By the time the researcher started with the data analysis it was evident that no data from the Philippi Training College would be obtained to be used in this research.

1.11. ORGANISATION OF THE DISSERTATION

This study will follow the following sequence:

- Chapter 1 : General Orientation

This chapter will introduce the topic of police brutality and consist of the background to this study, the problem statement showing incidents that have given the police a bad reputation, what is expected with the aim and objectives of the study as well as what the purpose of the research is.

The value of the research and key concepts of this study will be identified and explained. Chapter one gives the reader a clear understanding of how the study is set out and what the reader will expect in the preceding chapters.

- Chapter 2 : Research Methodology.

This chapter will comprise the research methodology used by the researcher. These are accepted guidelines as set out by various authors and institutions on how to conduct research and the different designs and approaches that were used to conduct this study. The researcher will indicate who the target population is who participated in the research, how the data was collected as well as the methodology to be used to analyse the data. The researcher will indicate what measures are used to ensure the trustworthiness of this study and the ethical considerations.

- Chapter 3: The Nature and extent of police brutality

This chapter will focus on the worldwide phenomenon of police brutality. The researcher chose four countries that have had an increase in police brutality in the last few years. These countries are the United States of America (USA), the United Kingdom (UK), Australia and Nigeria. A discussion of the current situation of police brutality in the Western Cape and in the Cape Town Central area will be set out in this chapter. This will give the reader a clear understanding of the current policing problems regarding police brutality.

Statistical data will be presented from all the relevant countries and South Africa. Literature regarding possible reasons for police brutality will also be presented in this chapter. The data and questionnaires that were obtained from the interviews and questionnaires will be analysed. The statistical data and the literature will be compared with the data that was obtained from the respondents who were interviewed. It will also be determined whether the research questions were answered efficiently.

- Chapter 4 : Prevention of Police Brutality

This chapter will focus on the prevention of police brutality and consist of policing strategies that are currently being used by the SAPS to prevent police brutality. This includes legislation and policies that the SAPS currently use to perform its duties.

This chapter will also look at current strategies that have been implemented to prevent excessive force in the four countries identified in Chapter three. The data that was obtained from the respondents will also be analysed and compared with the literature.

- Chapter 5: Findings

In this chapter, the researcher will indicate what the findings of the research were, based on the statistical data obtained and the literature information.

These findings will be in the form of chapter summaries. Each chapter's summary will be presented based on the findings.

- Chapter 6: Recommendations and Conclusion

A conclusion of this research will be provided. It will be determined whether the theoretical understanding of the concept of police brutality as set out in chapter three is confirmed. It will also be determined whether the research questions asked in Chapter one was answered. Recommendations regarding the prevention of policing police brutality and further studies on the subject will be presented.

1.12. SUMMARY

The phenomenon of police brutality is a very complex and multi-layered issue that cannot be identified and solved overnight. The researcher had to understand this phenomenon before the research could commence. According to Creswell and Plano Clark (2011:86), explorative design would be used to try and better understand the phenomenon. The correct method must be identified through literature review and identifying target groups.

The key or important variables must be identified by the exploration of previous research on the phenomenon as well as articles and statistics. Forming partnerships can prevent the SAPS from committing police brutality. This research can increase the awareness of the most efficient and effective crime prevention strategies by continuously informing them of new laws and legislation. Chapter one focused on the background of police brutality, explaining the impact of brutality and what the South African government's history is with the prevention of police brutality.

The problem of police brutality was explained as well as the parties involved in committing the offence and those investigating it.

The aim and objective of this research was presented, and four main objectives were identified. The limitations and problems that caused complications encountered during this research period were presented. The purpose of the research was explained.

Thereafter, the demarcation of the research, the groups of respondents and the research questions were presented. The layout of the dissertation was also presented explaining what each chapter consists of. The key theoretical concepts were explained by focusing on crime prevention, policing, community policing and police brutality. The value of the research was explained and a theoretical explanation of police brutality was presented. Chapter one serves as an introduction to this dissertation and the blueprint of what this study is based on.

CHAPTER TWO

RESEARCH METHODOLOGY

2.1. INTRODUCTION

Police brutality is a complex and daunting topic. The researcher realised that tackling this topic will not be simple or straight forward. One research technique will not fully explore the complexities that go with this topic and statistical analysis will not answer the research hypotheses. Similarly, analysing human behavior alone could result in a biased and one-sided outcome. In this study the researcher chose the mixed methodology approach. It is both empirical and theoretical research. Both quantitative and qualitative methods were used to make up a triangulated approach.

This chapter will explain why this approach was chosen. Ideas and the layout of the research will be portrayed. The research design and methodology that were used in this study are also explained in detail. The target population, data collection and data analysis will be described. Ethical consideration of this research project is seen in a serious light, and this aspect is elucidated. This chapter ensures that the understanding of the research methodology towards this research project is simplified.

2.2. RESEARCH DESIGN

Edmonds and Kennedy (2013:146) define research design as a process to provide a conceptual framework that will allow the researcher to answer specific questions regarding research. This was done while also utilising sound principles of scientific inquiry. They further noted that, in theory, the concept of research design is straight forward. Implementing the right research design can, however, be more difficult. It was essential to choose the correct research design for analysing the prevention of police brutality, since it is such a sensitive matter.

Edmonds and Kennedy (2013:146) noted that there are numerous ways of managing a research project and before the researcher starts, a clear understanding on how to approach the research project must be known. For this reason, it was decided that mixed methodology is the best method for this study. The researcher has chosen the exploratory research technique. Creswell and Plano Clark (2011:88) noted that exploratory research can be used in a multi-phase design.

According to Creswell and Plano Clark (2011:86), the main function of the exploratory design is to generalise qualitative findings based on certain individuals from a first phase to a larger sample gathered during a second phase.

The reason for this two-phase exploratory design was to firstly obtain information regarding police brutality. The second aspect of the two-phased design of exploratory research can uncover possible solutions to the phenomenon by analysing the problem and the impact it has on the community and police. Creswell and Plano Clark (2008:8) noted that there are two major types of researchers, namely post-positivists and social constructivists. Post-positivists are regarded as quantitative researchers and constructivists are regarded as qualitative researchers.

They further noted that positivists or quantitative researchers will observe human behavior by means of statistical analysis, whereas the constructivists or qualitative researchers will research the experiences of human behavior by the experiences and opinions of the participants who the researcher has interviewed. Edmonds and Kennedy (2013:147), stated that quantitative research entails the collection and analysing of numerical data by means of closed-ended questionnaires in the form of surveys. They noted that qualitative research concentrates on textual data in the form of opened-ended questions, which were done by means of semi-structured interviews.

Both positivists and constructivists have valid reasons for applying their methods. Creswell and Plano Clark (2011:20) noted that a number of authors, such as Fielding & Fielding and Bryman, started researching the possibility of combining qualitative and quantitative methods. According to Edmonds and Kennedy (2013:146), mixed methods combine various aspects of quantitative and qualitative methods often referred to as qualitative and quantitative strands. These qualitative and quantitative methods can include induction, deduction and abduction.

Creswell and Plano Clark (2011:4) further stated that “mixed methods’ research is the type of research in which a researcher or team of researchers combines elements of qualitative and quantitative research approaches”. They accredited Bryman as successfully putting these two approaches together. A good understanding of both research methodologies was needed to obtain a successful mixed methods’ study. Due to the complex nature of police brutality, combining both qualitative and quantitative methods was of great value. According to Creswell and Plano Clarke (2008:22), a design with more than one level of approach is needed.

Different types of methods at different levels of data collection was used. Therefore, a combination of research methodologies resulted in mixed methodology.

2.2.1. Advantages of mixed methodology

According to Edmonds and Kennedy (2013:146), mixed methodologies were developed as an attempt to legitimise the combination of multiple methodology strategies to answer research questions within a single study. This is considered a more practical approach to research. According to Creswell and Plano Clark (2011:12), mixed methodology will combine the strengths of both qualitative and quantitative methods. This will, therefore, assist in cancelling out the weaknesses of each method. They further stated that mixed methodology research will bring more clarity to the research study, which answered questions that qualitative and quantitative research could not cover on their own.

Creswell and Plano Clark (2011:12) noted that mixed methodologies will bridge the gap experienced by researchers that divide qualitative and quantitative research. It will narrow the gap between the two approaches while broadening the opportunities for collaboration. Creswell and Plano Clark (2011:13) stated that mixed methodologies will combine numbers, words, inductive and deductive thinking together to achieve a more complete research.

According to Saldana (2011:19), mixed methodologies utilise a strategic and purposeful combination of both qualitative and quantitative data collection and analysis for its studies. Creswell and Plano Clark (2007:9) noted that the combination of both qualitative and quantitative research will provide a more complete and extensive study than when applying qualitative or quantitative research by themselves. Mixed methodologies will answer questions better than qualitative or quantitative methods can on their own. All the tools of data collection are available rather than being restricted to just one approach.

2.2.2 Disadvantages of mixed methodology

De Lisle (2011:109) referred to Bazeley who is of the opinion that mixed methodologies research should not be considered entirely valid, and that instead rules and procedures should be applied to ensure trustworthiness and credibility. De Lisle (2011:109) is of the opinion that the generation of high-quality criteria has been a concern for methodologists. Johnson and Onwuegbuzie (2006:52) indicate that there are still numerous representations, integration and legitimation problems concerning mixed methodology research.

Representation problems refer to the difficulty to express real life experiences by making use of verbal and numerical data. Legitimation problems refer to the difficulty the researcher has in ensuring that his research is accepted as credible and trustworthy. Furthermore, it was indicated by Johnson and Onwuegbuzie (2006:52) that by integrating both qualitative and quantitative methods into the research will not only bring the advantages of the mixed methodology approach, but could possibly implement some of its disadvantages as well. The researcher considered the above-mentioned pitfalls identified by these authors while utilising mixed methodologies to ensure proper research validity.

2.3. RESEARCH TECHNIQUES

The researcher initially gathered information regarding police brutality, which included statistics, articles, journals and reports from the internet. News articles and journals from sites, such as the Institute for Security Studies (ISS) Africa and the Centre for the Study of Violence and Reconciliation (CSVR), were collected to get a better understanding of the phenomenon of police brutality.

Further statistics were obtained from the Independent Police Investigative Directorate (IPID) and police brutality statistics from other countries. This enabled the researcher to compare information from South Africa to that of other countries. Once the researcher had a basic idea of the phenomenon, participants were identified and the survey method in the form of closed-ended questionnaires and semi-structured interviews were conducted.

2.3.1. Statistics

This information contained statistics on the occurrence of police brutality in the USA, the UK, Nigeria, Australia, South Africa and the Western Cape. The reason for this was to compare the phenomenon of police brutality throughout the world and to indicate, by making use of statistics, that it is not a trend confined to the Western Cape.

2.3.2. Semi-structured interviews

According to Packer (2011:43), a semi-structured interview is an interview that has basic questions which lead in a specific direction. These questions, however, are flexible and can be applied in various ways depending on the participant's answers. Semi-structured interviews were conducted with five SAPS members from the SAPS Provincial Disciplinary Section, Western Cape (see below table 2.1).

These five SAPS members are employed by the SAPS to investigate and initiate departmental hearings against members of the SAPS who have committed serious misconduct. The data was collected by means of recordings that were analysed using the spiral method. The spiral method according to Cresswell (2014:198), will offer a good representation of qualitative data analysis, which will add credibility to the findings in a systematic way. By conducting semi-structured interviews with the participants, the phenomenon of police brutality was better understood. These interviews concurred that participants are aware that police brutality is a problem, and certain ideas were put forward to combat police brutality.

Table 2.1: SAPS members from the SAPS Provincial Disciplinary Section

RACE	GENDER	RANK	AGE	YEARS SERVICE IN SAPS
AFRICAN	MALE	COLONEL	55	28
COLOURED	MALE	LUITENANT COLONEL	47	28
COLOURED	MALE	LUITENANT COLONEL	51	OVER 28
COLOURED	MALE	CAPTAIN	51	26
WHITE	MALE	LUITENANT COLONEL	57	40

Source: SAPS Provincial Disciplinary Section

2.3.3. Survey questionnaires

According to Cakir and Cengiz (2016:62), closed-ended questions are questions that will have one possible response. The questions can only have either a yes or no answer or in the case of the questionnaires given to the respondents in this study, they could choose one of five possible answers ranging from strongly agree to strongly disagree.

These closed-ended questionnaires were handed out to five members of the Community Police Forum (CPF) from the Cape Town Central SAPS. Fifty-five members of the community who reside and work in the Cape Town CBD were also given the questionnaires to complete. The reason why close-ended questionnaires were used was to get the opinion of a larger number of people. It was important to get the opinion of the community. Firstly, this technique was used to assist the researcher to get an idea of how the community had been affected by police brutality and secondly to ascertain the community's attitude towards the police.

2.4. RESEARCH METHODS

In this study, the researcher utilised three methods, which will be discussed in more detail below. These methods are as follows:

- Literature study;
- Survey method (closed-questionnaires and semi-structured interviews);
- Observations.

2.4.1. Literature study

Most primary research studies begin with a literature review. According to Boote and Beile (2005:4), conducting a literature review is the foundation of every research project and will put the research into perspective. The literature review showed existing research that has been done and any shortcomings that have been noted from previous research conducted. This gave the researcher a better understanding and point of view. Ridley (2008:30) agrees that the more you read about the topic, the more you will grasp the important aspects relating to said topic. The researcher was required to familiarise himself on how to conduct research.

The knowledge gained helped the researcher identify the correct methods of research, which were needed for this specific phenomenon. Books related to police brutality, particularly the Marikana incident. International books on policing, crime prevention and research methodology were consulted as well as Police journals, ISS and CSVJ journals. Internet sites were viewed and information concerning newspaper reports on police brutality and research methodology were downloaded.

The Government Gazette and White Paper on community policing were consulted and the IPID's Annual Reports were scrutinised. This gave the researcher a statistical background to the problem of police brutality and an overview of the current situation concerning all police related crimes and brutality committed, and reported this to the IPID.

2.4.1.1. Advantages of literature study

Pheiffer (2013:25) noted that literature study forms the foundation of research. The literature studies obtained helped the researcher to understand police brutality better. This was an exploratory part of the research. The researcher identifies certain key people and organisations that needed to be interviewed. This included members of the CPF Cape Town Central SAPS and visible policing members of Cape Town Central SAPS.

2.4.1.2. Disadvantages of literature study

According to Pheiffer (2013:25), literature study takes a lot of time and dedication to obtain information concerning the topic. The researcher spent a considerable amount of time obtaining sufficient information concerning police brutality. Books were obtained from various libraries and journals, and articles relating to police brutality were downloaded from the internet.

a) Primary sources

It is explained by Boston College Libraries (2017: n.p.) that primary sources are ‘original sources of information that have not yet been filtered through analysis, examination or interpretation’. It is further clarified that primary sources have no set standard and each source is different. According to De Kock and Levey ([s.a]:16), primary sources are works conducted by a researcher, which include the topic of a thesis or of a certain area of research with a specific subject or theme. De Kock and Levey ([s.a]:16) give examples of primary sources as manuscripts as well as masters and doctoral theses.

These works should always be scrutinised, as they may contain omissions and errors. Furthermore, De Kock and Levey ([s.a]:16) are of the opinion that online sources, personal correspondence and interviews with authors should also be seen as primary sources. Boston College Libraries (2017: n.p.) also included questionnaires used for surveys as a primary source. The following primary sources were utilised:

- Statistics on police brutality related cases for the past five years from the IPID;
- Statistics on police brutality from other countries (USA, UK, Australia and Nigeria);
- Government documentation such as the Constitution of South Africa (1996: n.p.), White Paper on Safety and Security (2016: n.p.), the National Development Plan 2030, the Green Paper on Policing (2014: n.p.), Criminal Procedure Act (Act 51 of 1977), including the Criminal Procedure Amendment Act (Act 9 of 2012); and

- Furthermore, documentation such as the South African Police Service Act (Act No. 68 of 1995), SAPS Annual Report 2016/2017, IPID Strategic Plan 2013-2018 and the SAPS Strategic Plan 2014-2019, which concentrate on the performance, monitoring and evaluation of the police.

b) Secondary sources

De Kock and Levey ([s.a.]: 16) indicated that secondary sources are works dealing specifically with the writers, such as biographies, bibliographies, unpublished theses and dissertations, articles in journals and includes online sources. Boston College Libraries (2017: n.p.) points out that a secondary source is not an original source and has no immediate connection to the writer or the subject being researched.

It was also pointed out by Boston College Libraries (2017: n.p.) that articles in encyclopedias, historical books, reviews of research and academic articles are a few examples of secondary sources. Boston College Libraries (2017: n.p.) indicated that it is often complicated to differentiate between primary and secondary sources, as some sources can be both at the same time.

The following secondary sources were consulted:

- Articles regarding police brutality: This entailed newspaper articles from News 24,
- Internet sources and articles.
- Books regarding analysing research methodology, and books relating to police brutality in South Africa and other countries as well as books regarding community policing and preventative measures of police brutality.
- Dissertations regarding previous research that was done on police brutality and deaths at the hands of the police.

2.5. SURVEY METHODS

The survey methods consisted of closed-ended questionnaires that targeted a larger group of respondents and semi-structured interviews that were aimed at specific participants. These participants were interviewed because they could provide more in-depth information about police brutality. According to Rea and Parker (2014:4), survey interviews are regarded as a credible way of gathering information. They noted that survey interviews are a reliable means of getting the opinion of the larger population from a smaller group of participants. The closed-ended questionnaires helped the researcher establish objectivity and integrity in this study.

Sixty members of the CPF and the community of the Cape Town Central area were interviewed, and the closed-ended questionnaires were completed. Twenty-five members of the Cape Town Central SAPS also completed the same closed-ended questionnaire. Members of the CPF were interviewed, which included the chairperson and neighborhood watch coordinators. An Officer from the Cape Town Central SAPS was also questioned and vital information was received concerning training and departmental hearings.

The researcher personally sat with most of the respondents and asked them the questions. The reason for this was to ensure that all respondents understood the purpose of this study. While the interviews were being conducted, the researcher made certain observations concerning the demeanor and reactions of the respondents, which will be discussed later. The survey was compiled with the intention of understanding what the thoughts and feelings of the community members of Cape Town Central had towards their SAPS members. Members of the Cape Town Central SAPS were also given the questionnaires.

Members of the Visible Policing Unit completed the forms. The researcher was not present when the questionnaires were completed. The survey consisted of 12 questions of which nine were closed-ended questions. The respondents had a choice of five answers for each question, starting with strongly agree to strongly disagree.

Three questions were short answer questions, which were also important. These questions gave the participant an opportunity to explain themselves. The last part of the questionnaire consisted of any additional comments, and respondents could explain why they chose the answers in the closed-ended questions as well as anything they felt needed to be said that was not dealt with in the questionnaire.

The questionnaires were completed in a relaxed environment. The respondents were at ease and willing to participate. Five members of the departmental hearings section were interviewed to ascertain the role, if any, they play in the policing of police brutality. According to Packer (2011:48), the interviewer dictates the structure and questions during the interview. The questions, however, can be answered in any way by the interviewee. The purpose of interviews is to allow the participants to speak freely. This was accomplished during the interviews and a lot of information was gathered on police brutality.

2.5.1. Advantages of survey methods

The cost of conducting surveys is reasonable considering the amount of information gathered. According to Rea and Parker (2014:22), in-person surveys can be a benefit to the research study due to the fact that the participant will understand the questionnaire much easier. They also noted that the questionnaire will be filled out completely. Therefore, a more thorough study can be accomplished. The researcher recognised that he had more control of the interview schedule's questions when face-to-face participation was conducted.

Respondents were also more willing to answer the questions when they were explained to them by the researcher. Remler and Van Ryzin (2011:64) noted that people differ in their opinions. Different people will speak more openly about different issues.

2.5.2. Disadvantages of survey methods

According to Rea and Parker (2014:23), survey research can also be problematic to research. They noted that in-person interviews can lead to the participant answering the questionnaire untruthfully to impress the researcher. This will mean that the data is not a true reflection of the study. They further noted that the respondents were unwilling to answer the questionnaire because their identity will be known to the researcher. The researcher noted that when he emailed the survey to respondents, they did not complete the questionnaire.

According to Rea and Parker (2014:11), the response to email surveys is extremely bad. It is noted that a large number of questionnaires will need to be sent to obtain an adequate number of responses. According to Maxwell (2013:89), semi-structured interviews are effective if the researcher or interviewer is experienced at interviewing. The researcher found that interviewing participants takes certain skills. The researcher struggled in the beginning of the interview. This was due to uncertainty about the researcher's ability and lack of confidence. The researcher took different aspects into consideration and decided when to associate himself or disassociate himself with the emotions of his subjects.

According to Remler and Van Ryzin (2011:64), semi-structured or open-ended interviews are time consuming. Only a limited number of questions can be asked due to the fact that the participant may talk extensively about the topic. According to Packer (2011:48), when conducting semi-structured interviews, a suitable venue must be obtained. Therefore, initial planning and setting up of the venue will also take considerable time.

The participants must also understand that the interview takes time, so a timetable and appointments were scheduled in advance. Unlike survey research, the interviewer and the interviewee might be total strangers, so it will be difficult for a relationship to be gained before the interview. This might cause the interviewee to be evasive and distrusting of the interviewer. The researcher had a casual conversation with the participants before the interview commenced. This helped by putting the researcher and the participant at ease and also built a trust relationship between them.

2.6. OBSERVATIONS

According to Evaluation Briefs (2008: n.p.), observations are used to gather data by watching the behaviour, events or physical characteristics of the participants. They further noted that observations can be used to note the reactions of participants when certain questions are asked to them. Driscoll (2011:160) noted that depending on factors such as the research questions observation can be conducted on any topic.

Observation is an important tool even when it is unobtrusive and the participants are not aware they are being observed. This will give the researcher a better understanding on the participant's point of view. Observations on the reaction and demeanour of the participants were done. The researcher felt that these unofficial observations helped him to understand the participants better. The facial expressions, movement and mannerisms when the participants answered the questions were noted. These observations were particularly helpful when the researcher conducted semi structured interviews. The respondents that answered the questionnaires were also observed on their reactions when answering each question.

The researcher noticed that certain questions were approached with more caution than others. Many of the respondents were hesitant when answering the question of how did police brutality affect them. They were sometimes vague and defensive with their answers. Certain respondents were undecided about if police members could be trusted. They gave that question more thought and took more time to answer. The majority of the community members were adamant when answering the question if police members need further training and the training should be revised. The observations from the semi structured interviews that were done with the police members that perform departmental hearings was quite varied.

Certain police members were more confident in their answering than others. Language did play a role when the participants tried to express their opinions while answered the questions. One member was particularly nervous and seemed unsure on what to say. A second member who is an advocate was very confident and gave longer, more in-depth answers. The general sense from the researcher was that the participants are knowledgeable and want the image of the police to improve. The researcher observed that many of the participants were cautious when they were first approached but after the questionnaire was completed felt glad to have been involved in the research.

This gave the researcher the sense that most of the participants are willing to be involved in some sort of process that will enhance the community and police relationship. A general sense of appreciation was detected by the researcher from the participants. The researcher noticed that certain participants were very animated and visibly reacted to certain questions. Whereas other participants masked their reactions better.

The researcher found that cultural differences and even gender can affect the reactions and mannerisms of the participant. The researcher therefore did not use observations as a primary form of research. The observations noted by the researcher just assisted in understanding the general mood of the topic and which of the questions seemed to get a bigger reaction from the participants. The researcher realised that most of the questions from the questionnaires seemed equally important to the, however the mention of ways to prevent police brutality was answered with more enthusiasm.

2.6.1 Advantages of observations

According to Vosloo (2014:371), observations during an interview can assist the researcher with visual clues. These clues could show the researcher on how the participant reacts to certain questions by their body language and whether they will assist in how to proceed. Observations can also assist the researcher in the initial stages of the research on how to approach participants and on how to establish a better relationship with the participants.

2.6.2. Disadvantages of observations

Vosloo (2014:371) quoted Coleman that observations of participants' body language and reactions are sometimes difficult to read. He noted that if you are not conversant with the participant's upbringing or culture, observations could easily be misinterpreted.

Driscoll (2011:161) noted that biasness can very easily take place while the researcher is observing the actions or behaviour of the participants. This could have a negative effect on the researcher's interpretation of the actions of the participants.

2.7. DEMARCATION

This research was limited to Cape Town in the Western Cape. According to Tembo (2017: n.p.), Cape Town has been voted as the top tourist destination by a leading newspaper in the United Kingdom. The Telegraph had a survey of over 90,000 participants. He stated that the government is very excited about the prospect and that tourism is an important part of the city's economy. It is, therefore, important that the image of Cape Town remains untarnished. The SAPS Cape Town Central policing area was specifically chosen due to its vast diversity.

2.7.1. Sample size

Approximately 91 participants in total from the Cape Town area were interviewed. These participants were identified from the following groups:

- Approximately five senior members associated with departmental hearings.
- Approximately 25 members of the SAPS Cape Town central policing area.
- Approximately 61 community members in the Cape Town area associated with the Community Police Forum.

2.7.2. Sampling methods

Purposive sampling was the method chosen for this research. Creswell (2014:173) explained that the individuals must be identified and selected due to their ability to assist in the research study. These individuals were selected according to their personal experiences of the phenomenon. This ensured that the respondents were able to supply information in order for the researcher to understand the phenomenon of police brutality better.

The respondents were also able to provide sufficient information to the questions in the semi-structured interview schedule. The researcher struggled to get sufficient CPF members to participate in answering the questionnaires. The researcher, therefore, decided to use a different sampling method. The random sampling method was used around the Cape Town area. According to Edmonds and Kennedy (2013:16), random sampling can be used by combining different stages of selecting individuals of the population or area.

This multistage sampling can use different means of randomly selecting and targeting members of the community based on the area, race and gender. The researcher found that by using random sampling to select individuals to be part of the survey questionnaire worked well in order to obtain a good representation of the thoughts and feelings of the population of Cape Town central.

2.8. DATA ANALYSIS

According to Creswell and Plano Clark (2007:128), the procedure for analysing the data collected will be the same for both qualitative and quantitative research. Firstly, the data was prepared for analysis. For qualitative analysis, the researcher transcribed all the semi-structured interviews. Pauses and the way the participants pronounced words were noted by the researcher and were important. No corrections were made of these mistakes in the transcripts. This assisted the researcher to obtain a true understanding of the participants' feelings.

For quantitative research, the researcher divided all the survey questionnaires into categories. These categories were further divided into numerical data. The researcher interpreted the data, and an understanding of the findings was done by reading through the data and making notes. Creswell and Plano Clark (2011:207) indicated that the researcher's process to analyse the data that was obtained should be systematic. These answers were analysed using both qualitative and quantitative approaches. Creswell (2014:198) noted the use of the eight steps of data analysis that was first introduced by Tesch. This was the spiral method. The researcher also used this method during the analysis stage.

The method is as follows:

- All the transcripts were read and notes were made. This made it easier for the researcher to understand what was said by the participants.
- One transcript was randomly taken and analysed regarding what was being said and how the participant was explaining himself. The researcher made notes as to how he interpreted the transcripts concerning ideas and thoughts. These notes were written in a margin on the side of the transcripts.
- The researcher repeated the above step until all five transcripts had been thoroughly analysed. Comprehensive notes were made and similar information was put together in groups.

- The information was checked and abbreviations of the topics were made. These topics were then coded. These codes were written on the transcripts where similar topics appeared. A pattern then appeared where similar information was seen on different transcripts.
- The information gathered was then put into categories according to their compatibility with each other. These were checked for any unusual words that explained the feelings and emotions of the phenomenon well.
- Each group was then put into categories and numbered. The codes were also put into alphabetical order.
- All the information from each category was culminated and analysed on a preliminary basis.
- The existing data was checked and re-coding was done.

Cresswell (2014:200) noted that the last part of the analysis will be what the researcher learnt during this process, the mistakes made and if the analysis was successful or not. This will depend on the findings. Personal opinions, experiences and points of view determined the outcome of the study. The outcome of the study can determine whether it concurs or differs from previous studies on police brutality.

A large number of respondents were approached and asked to complete closed-ended questionnaires from which the data was obtained and analysed statistically. The Likert scale was used in the questionnaires.

The Likert scale consisted of strongly agree to strongly disagree. The data analysed was determined by how each question was answered. The frequency of the answers will be calculated and a percentage obtained.

2.8.1. Data collection

The different methods of data collection that was used in this research was literature study, surveys by means of closed-ended questionnaires and semi-structured interviews. The interviewing of the respondents took the form of closed-ended survey questionnaires. Semi-structured interviews were also done with specific participants. As mentioned above, the Likert scale was used in the closed-ended questionnaires. According to Vogt, Vogt, Gardner and Haeffele (2014:28), the Likert rating scale is widely used due to its simplicity.

The respondents could answer the questions easily. It also provided good data that was collected and analysed quickly. The researcher noted that it provided different levels of data — not only from the perspective of the community, but also the police members. These closed-ended questions also forced the respondents to answer all the questions asked. Most of the answers were written out by the respondents themselves. On certain occasions, the respondents asked the researcher to write out the answers for them. The researcher wrote out word for word what the respondents said and they read the answers after the interviews to confirm that they were correct.

The semi-structured interviews were recorded, with the written permission of the participants, and transcripts were typed out after the interviews. Semi-structured interviews are simply a conversation between two people, namely the interviewer and the interviewee. These conversations were initiated by the researcher through making use of semi-structured interviews and surveys where the questions were put to the participants.

A questionnaire was handed over to each respondent during the interviews. These questionnaires consisted mainly of closed-ended questions. Some short questions were also asked, which allowed the respondents to express their own feelings concerning the topic. The respondents' actions were noted and recorded. This means that the data obtained is statistical and textual.

2.9. UTILISATION OF QUESTIONNAIRES

The researcher decided that the majority of the respondents would be interviewed by means of survey questionnaires. These questionnaires were put in the form of close-ended questions and short questions. The closed-ended questions are styled using the Likert scale. According to Vogt, et al (2014:28), the Likert scale is named after Renis Likert and is the most popular structure for closed-ended questionnaires. The questions were structured to enable the collection of enough information regarding the phenomenon of police brutality and response to the research questions.

2.9.1. Profile of role-players

The following table indicates the breakdown of the 60 community members and CPF members who were given survey questionnaires:

Table 2.2: Community and CPF members

RACE	MALE	FEMALE	TOTAL
AFRICAN	18	5	23
COLOURED	8	12	20
WHITE	7	9	16
OTHER	1	0	1
TOTAL	34	26	60

The following table gives a breakdown of the 25 police members from the Cape Town SAPS who completed the survey questionnaires:

Table 2.3: Police members from Cape Town SAPS

RACE	MALE	FEMALE	TOTAL
AFRICAN	6	5	11
COLOURED	5	4	9
WHITE	2	3	5
TOTAL	13	12	25

The following table gives a breakdown of the five police members from the SAPS Provincial Disciplinary Section who were interviewed by making use of open-ended questionnaires:

Table 2.4: SAPS members from the SAPS Provincial Disciplinary Section

RACE	MALE	FEMALE	TOTAL
AFRICAN	1	0	1
COLOURED	3	0	3
WHITE	1	0	1
TOTAL	5	0	5

The Training Commander of the Philippi Police Training College was approached to partake in the survey, but was unwilling to participate. The IPID was approached via telephone and email to be interviewed. Various emails were sent to the Head of Communications, but no response was received.

2.10. METHODS TAKEN TO ENSURE TRUSTWORTHINESS

Mixed methodologies are the combination of qualitative and quantitative research methods. It is essential that the research conducted is credible so that it is accepted by the scholarly community (Creswell & Plano Clark, 2011:13). Anney (2014:272) indicates that qualitative research is diverse and consists of a variety of paradigms. Guba (as quoted by Anney, 2014:272) indicated that trustworthiness is based on four aspects. These aspects are truth value, applicability, consistency and neutrality.

The researcher followed these four aspects as follows:

- **Truth value:** The researcher had to determine that the findings obtained from the respondents were truthful (honest) and added value to the research. According to Guba as noted by Annay (2014:272), this value needs to have strong aspects of credibility. The researcher needed the information obtained from the respondents to be reliable. This was done by using the same questionnaire throughout the research. This made the information credible and improved the trustworthiness of the data.
- **Applicability:** The researcher combined data from literature with data obtained from the questionnaires and semi-structured interviews. This combined information assisted the researcher to determine that the research was applicable.

This also helped to establish trustworthiness. Annay (2014:272) quoted Guba who referred applicability to transferability.

- Consistency: The researcher conducted semi-structured interviews. The researcher ensured that the same venue was used during the interviews.

This helped the interviews to remain consistent. The questions asked during the interviews were also structured and remained the same with each participant. While conducting the surveys, the participant used the same closed-ended questionnaires with all the respondents, police members and community alike. Annay (2014:272) refers to Guba who noted that consistency relies on dependability.

The researcher did not influence the respondents in any way. The closed-ended questionnaires ensured that the respondents could not be influenced. This also made duplicating the research by an outside observer possible. The methods used were, therefore, consistent and dependable.

- Neutrality: The researcher made every attempt to remain neutral during the semi-structured interviews. This was achieved by asking the same set of questions to each participant. The respondents were not influenced when answering the questions. The researcher did not interrupt the respondents when they were answering. The researcher only asked a follow-up question if the participant's answer was unclear.
- Confirm ability: Annay (2014:279) referred to Guba who stated that confirmability is a criterion of neutrality. Annay (2014:279) noted that confirmability of qualitative inquiry is achieved through an audit trail. The researcher recorded the interviews with the permission of the participants. These recordings were transcribed. The closed-ended questions gave the respondents a choice of five options, from strongly agree to strongly disagree. The researcher, therefore, could not influence the respondents and remained neutral.

The researcher consulted with his supervisor on numerous occasions for guidance regarding the interviews. This assisted the researcher to ensure that trustworthiness was maintained throughout the interviewing process. Bitsch (as quoted by Annay, 2014:276) indicated that scholars need to seek advice from other professionals in their field. Senior academic members must also guide the researcher in this regard. Guba (as quoted by Annay, 2014:277) is of the opinion that a peer committee will review the findings of the researcher and comment on its authenticity before it is published.

2.11. ETHICAL CONSIDERATION

Ethical behaviour of respondents and the researcher is important in any research. Honesty is important and plagiarism must be avoided at all times. According to Mertens (2009:228), most educational institutions have codes of ethics that are enforced by committees. These committees need to be approached to abide by ethical consideration. For the researcher to maintain integrity, he abided by the ethics and practices of the professional academic community. The committee that deals with the ethical consideration needed to approve the research project.

Any statistical information that was used in previous research is not confidential, as it was the public domain and may be used in other research projects. Mertens (2009:227) indicated that informing all participants involved in the research of the nature of the research is mandatory. Before the start of the interviews, consent should be received from the respondents as well as the participants. This was done by means of consent forms.

The respondents read and signed the consent form before the interviews were conducted. These forms gave the respondents information about the research and their right to refuse to answer the questions. The respondent's privacy was important and their identity will remain anonymous. The respondents were not influenced or compelled to participate in this research in any way. Maintaining of ethical integrity and validity was of utmost importance. This will ensure acceptance and acknowledgement of the research project by the academic community.

The University of South Africa (UNISA) Policy on Research Ethics (c2007: n.p.) indicates the following general ethic principles and guidelines to be followed by researchers:

- Previous research on police brutality was read and noted. This research will be essential to further understanding this phenomenon. This research topic will be relevant to understanding the phenomenon of police brutality.
- This research will provide further answers to the phenomenon of police brutality. The results obtained will be made available to the public, which will be beneficial to society.
- The researcher is committed to uncovering the facts about police brutality. The research was completed by a competent researcher.
- All the necessary steps were taken to protect the respondents from any repercussions due to them participating in this research.

- Informed and non-coerced consent forms were completed by the respondents before the commencement of the interviews. The respondents were informed of their rights and that their participation in this study was completely free and willing on their part.
- Respect for cultural differences was identified and maintained at all times. The respondents were identified for their cultural differences.
- Justice, fairness and objectivity: The correct sampling process was maintained and the best results were obtained. The sampling followed in this research is representative.
- Integrity, accountability and transparency: The researcher was not biased towards any specific group. This research will be able to be considered transparent.
- Risk minimisation: This research is not more important than the safety of its respondents.
- Non-exploitation: The reason for this research is to understand police brutality. It will not be used to discredit any individual.

2.12. CONCLUSION

Police brutality is a very complex topic that needed both qualitative and quantitative research methods to fully understand the phenomenon. It is, therefore, essential that the correct procedures were followed to achieve an effective outcome. Mixed methodology ensured this. Quantitative methods by way of survey questionnaires were used as a basis to gather information from the Cape Town Central SAPS members at ground level. These survey questionnaires were also distributed to members of the CPF and community.

Qualitative methods by way of semi-structured interviews were held with the members that deal with departmental hearings. Training officials and members of the IPID were not interviewed, as they declined to be interviewed or to answer the survey questionnaires. All the necessary steps were taken to ensure the trustworthiness of the research. Truth, applicability, consistency and neutrality were maintained and all these steps are reliable and valid. Consideration to the wellbeing of the respondents took priority. To ensure that this research is successful, the methodology of the research was correct and ethically neutral.

CHAPTER THREE

THE NATURE AND EXTENT OF POLICE BRUTALITY

3.1. INTRODUCTION

Police brutality is seen as a very serious crime. One incident does not just affect one person but can affect the whole community and the country's trust in the police. Police brutality has been an issue in South Africa for many years. Rauch (2000: n.p.) indicates that at the beginning of democracy after the 1994 election, the police attempted to shrug off this stigma by changing the police force into a new community orientated police service. This however has not improved the image of the South African Police Service (SAPS). Police brutality is still prevalent and has demoralised the community into distrusting them.

In this chapter the researcher will introduce the concept of police brutality linked to social theory. Although extensive literature review was done, very little recent sources could be found on this topic. This is an indication that police brutality has been a social problem for decades. This chapter will further concentrate on the extent of police brutality in the Cape Town area and it will be compared to that of other countries. Statistics from the USA, the UK, Australia and Nigeria will be compared with South Africa. The nature of police brutality in the Western Cape, focused on Cape Town will be analysed.

The relationship between the community and the SAPS as well as the impact of police brutality on the community will be discussed. Statistics of police misconduct and complaints received by Cape Town Central Police Station will also be presented in this chapter. The rise of police brutality and the possible causes will also be examined and explained. Previous research on the topic will be discussed. This chapter will also show the statistics from the survey questionnaires that the researcher obtained. These questionnaires were completed by members of the community and members from Cape Town Central SAPS.

3.2. EXPLORATION ON POLICE BRUTALITY

The researcher consulted various forms of literature on police brutality both locally and internationally. Various authors found that police brutality is one of several forms of police misconduct which involves excessive violence by police members. Several theories will be put forward to try and establish a possible link between police members and police brutality.

The researcher also conducted survey questionnaires with members of the community and members from the Cape Town Central SAPS. These statistics will be compared with the literature obtained to determine if police brutality is a problem.

3.2.1. Previous research conducted on police brutality

Bruce (2000:3) compiled a report on police brutality in South Africa in which he stated that the main problem with police brutality was corruption within the hierarchy of police management and the lack of discipline. He further noted that the government was reluctant to react to incidents of police brutality. His report was based on information gathered by means of case studies without conducting interviews. Zondi (2014:574) also conducted research on the brutality of the police. He compiled a questionnaire that was answered by twenty individuals about their perception of police brutality. Most of his research however relied on online and newspaper articles regarding brutality.

Potgieter (2014:101) studied the characteristics of police members and interviewed 572 participants using a closed structured survey. In his study he monitored how the participant's attitudes varied towards the police after they had had contact with the police. He also studied the reasons participants do not report crimes to the police. The participants noted that the deviant behaviour of police members as one of the reasons they did not trust the police. Deviance by police amounts to unethical behaviour, dishonesty and brutality. He further stated that the police are by law allowed to use minimum force under certain circumstances. It becomes a problem when this force is used in an unlawful manner.

Makgopa and Snyman (2014:50) conducted research on death in police cells in the Gauteng and Limpopo area. They stated that deaths in police cells are of great concern. In this study they explained that although the number of deaths in police cells has decreased, the number of deaths is still significant. Makgopa and Snyman (2014:53) further explained that the deaths were not all directly caused by police members but injuries sustained during arrests was one of the contributing factors to deaths in police custody. According to Makgopa and Snyman (2014:54), it is the duty of the police to protect detainees from injuries. Once a person is detained for a crime the onus lies with the police to ensure the safety of that individual.

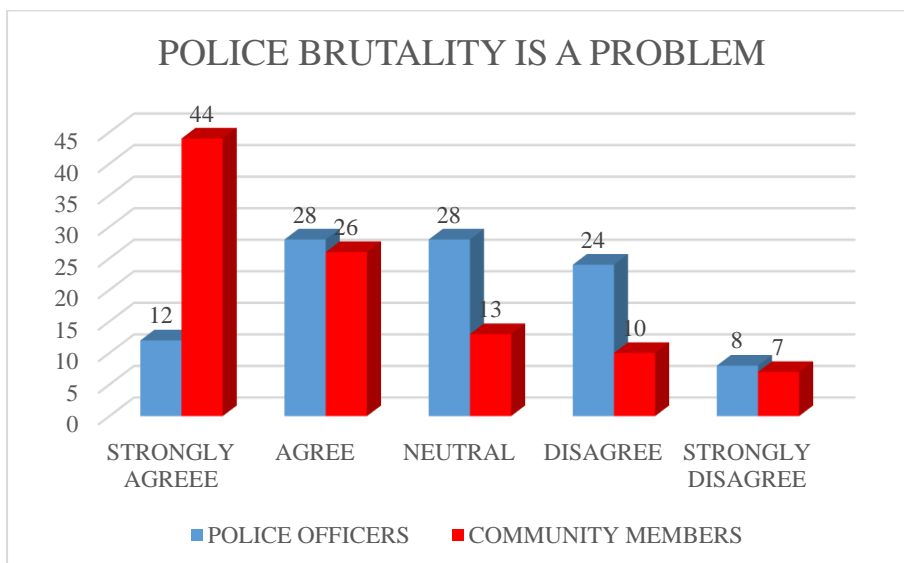
Grobler and Prinsloo (2012:44) conducted a study on police criminality and its contributing factors. The research was conducted in the Western Cape and police members from different units were interviewed.

Grobler and Prinsloo (2012:44) concentrated on two groups totalling — 24 participants. They observed that male police members tend to have a ‘macho attitude’ that leads to aggression. According to Dictionary.com ([s.a.]: n.p.), macho means to have manly qualities and a strong or exaggerated sense of power or the right to dominate. This psychological problem gives them a false sense of invincibility and leads to excessive aggression toward people that challenge them. This in turn may lead to brutality.

By perusing many textbooks and articles relating to police brutality, for example the Marikana incident; International books on policing, crime prevention and police journals, ISS and CSVJ journals; Internet sites concerning newspaper reports on police brutality; the Government Gazette and the White Paper on Community Policing; the IPID Annual Reports etc; gave the researcher background to the problem of police brutality as well as an overview of the current situation concerning all police related inhumanity events and reports.

During the data collection phase, the respondents were asked questions to obtain their view on police brutality, whether it is a problem and what the reason for police brutality is. The analysed data was scrutinised and the reasons for police brutality was grouped together. The literature was studied. The respondents were asked if police brutality is a problem. The graph below indicates the participant’s opinions regarding the question.

Graph 3.1: Police brutality is a problem



Above graph designed by researcher.

The police members from Cape Town Central SAPS and the community members from Cape Town were asked if they think police brutality is a problem. Forty-four percent of the community members strongly agreed that police brutality is a problem compared to 12 percent of police members. Twenty-six percent of the community members and 28 percent of police members agreed that police brutality is a problem. Thirteen percent of the community members and 28 percent of police members are neutral and does not agree nor disagree with the statement.

Ten percent of the community members and 24 percent of the police members disagreed with the statement as to seven percent of community members and eight percent of police members who strongly disagree that police brutality is a problem. Respondents from the community are in agreement that police brutality is a problem. Police members that participated in answering the question were partially in agreement that police brutality is a problem that should be addressed.

Some of the police members however disagreed that police brutality is a problem and were of the opinion that brutality cases are not as common as it was made out. They noted that some incidents were taken out of context and exploited by the media. They did however concede that police brutality cases have given the police bad publicity. Certain police members did not want to comment and were neutral on the subject.

Many of the respondents referred to incidents of brutality that they personally witnessed or heard about. One participant from the community indicated that he was assaulted by the police during the “fees must fall” demonstrations. This has had a lasting impression on him personally, and that police members are too aggressive towards the needs of its citizens. This participant, who is a student, attitude has changed negatively towards the police. It is clear that the opinions of the community respondents and the police respondents differ when it comes to the question if police brutality is a problem.

3.3. THEORETICAL EXPLANATION OF POLICE BRUTALITY

In this section of chapter three a theoretical interpretation will be presented by explaining the significance of a theory and presenting established theories that can be utilised to explain the reasons why police members commit violent acts.

3.3.1. Significance of a theory

Worden (1996:23) indicates that every significant recommendation for keeping police brutality under control rests completely on theories that explains the behaviour of police members that leads to police brutality. Various theoretical explanations have been developed by sociologists to explain the behaviour of people. There are certain theories that can be used to explain police conduct and in particularly police brutality, police violence and the use of excessive force.

3.3.2. Established theories

Throughout time, sociologists have established theories that influenced the manner in which society and social concerns were understood.

Cuff, Sharrock and Francis (2001:5) refer to classical nineteenth-century theorists Weber, Marx and Durkheim as the three “*crucial founders of contemporary*”.

3.3.3. Deviance

Giddens and Sutton (2013:922) defines deviance as divergence to the norms and rules accepted by the majority of the population or society and further notes that the majority of the population follows these standards and rules most of the time. To ensure that these standards and rules are followed, there are certain restrictions protecting against non-conformity and certain encouragement promoting conformity. According to Cuff et al (2001:142), theories of deviance sought to establish how people differ from one another.

People who behave in a manner that respect the social laws and obey the rules of society are deemed normal and are different from individuals who break the rules and laws of society.

These deviant individuals have biological, psychological and social features that distinguish them from normal individuals. Cuff et al (2001:145) explains that for one group an act by me normal but for another it may be deviant and therefore any act can be deviant. Furthermore, an act is deviant only because there are laws or rules against it and a person is a deviant only if the laws or rules are enforced and the said individual is identified as transgressing it.

3.3.4. Conflict theory

Kwon (2012: n.p.) refers to Lersch who indicates that social conflict theorists uphold that a government functions as a structure of the influential class such as the rich and powerful. She furthermore indicates that the police, as part of government, are the result of political progressions and exposes the interests of the influential persons of society.

3.3.5. Symbolic interactionist theory

Ritzer (2011:31) refers to Simmel who was a cofounder of the German sociological Society and his work had a great influence on the development of the American sociological theory. Simmel is best known for his theory on individual action and interaction. He came to the conclusion that sociology's main objective is to understand the interaction between people. Especially the interaction between people and the people who interact.

Baert and Da Silva (2010:97) refers to Blumer who are of the opinion that self-interaction allows a person to assess and analyse the outcome of his actions in order to plan ahead. For this reason, the person's conduct is not just a reaction to the situation or an outcome of need-dispositions, attitudes, unintentional motives or common values. Through this self-interaction a person can foresee the result of the different ways of behaviour and therefore make better choices.

3.3.6. Control balance theory

Giddens and Sutton (2013:933) defines control theory as crime occurring as the result of a disproportion between the desire towards criminal activity and the physical or social controls that discourage it. They refer to Tyler who suggests that people's acquiescence with laws is directly connected to their own ethics and opinion of the law and whether it is legitimate.

People may evaluate each law according to their own personal moral code. If so, they will obey those laws which agree with their ethics but not ones that do not. Furthermore, the police members have a power to enact and apply the laws and society must obey the laws, provided that the processes of law enforcement and law making are understood as legitimate, people's negative experiences with the police may challenge their opinions of lawful authority.

3.4. THE EXTENT OF POLICE BRUTALITY

3.4.1. South Africa

Since the 19th century the role of the police in South Africa was to suppress any resistance to Colonial rule (Hornberger, 2014:19). The SAPS therefore originated from British rule. Burger (2013b: n.p.) states that police abuse in South Africa is a serious problem and that it has a long history that seems to defy all attempts at eradication. He further indicated that cases against the police rose dramatically from 531 in 2001 to 2,462 in 2009 which is a 363 percent increase. Police violence has been well documented, despite the secrecy surrounding it.

Brogden and Shearing (1993:17) stated that in a 1936 Commission of enquiry it was pointed out that police have to enforce unpopular legislation, although police violence is contributed to by the manner in which such enforcement is carried out and the general attitude of some policemen.

Table 3.1: Police brutality in South Africa 2011 to 2016

OFFENCE	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	TOTAL
DEATHS*	797	431	624	640	582	3074
ASSAULT**	***	4181	3994	3856	3654	15685
RAPE	***	146	140	158	135	579
DISCHARGE OF OFFICIAL FIREARM	***	670	429	940	865	2904
MISCONDUCT OTHER CRIMINAL MATTERS	4970	750	397	129	119	6365
TOTAL	5767	6178	5584	5723	5355	28607

Symbol *= At the hands of police and in police custody.

Symbol **= Non sexual assault.

Symbol ***= Numbers not available

Source: IPID Annual Reports

- **Western Cape**

According to the Independent Police Investigative Directorate (IPID) statistics, the Western Cape has the most assault cases in the country. On average of 1,000 assault cases are reported to IPID in the Western Cape every year. This is extremely high and unacceptable. Deaths in police custody and at the hands of the police are also very high considering that between 60 and 90 people per year have lost their lives due to police action or negligence. These statistics are incidents that have been reported according to IPID records and might not reflect all incidents of police brutality.

It must be noted that these are cases that were reported to IPID which must still be investigated to determine if the members of the police are in fact guilty or acted unlawfully. The statistics only indicate police brutality cases. There are still cases of corruption and mismanagement that are not in the table. It is noted that the total number of cases reported have decreased over the past four years. However more than 1,000 cases were still reported in the 2015/2016 year. See table 3.2 below.

Table 3.2: Police brutality in the Western Cape 2011 to 2016:

OFFENCE	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	TOTAL
DEATHS*	55	66	61	61	66	309
ASSAULT**	***	1142	1050	1089	873	4154
RAPE	***	37	30	37	23	127
DISCHARGE OF OFFICIAL FIREARM	***	277	277	245	116	915
MISCONDUCT OTHER CRIMINAL MATTERS	923	82	63	21	15	1104
<u>TOTAL</u>	<u>1135</u>	<u>1604</u>	<u>1481</u>	<u>1453</u>	<u>1093</u>	<u>5689</u>

Symbol *= At the hands of police and in police custody.

Symbol **= Non-sexual assault.

Symbol ***= Numbers not available

Source: IPID Annual Reports

South Africa is not the only country experiencing an increase in police brutality. Burger (2013b: n.p.) indicated that even countries with a police service that has an established system of control in place will still experience incidents of police brutality.

He noted that other countries which are regarded as more advanced and democratic have seen an increase in police violence over the past few years.

The researcher has selected four countries that have shown an increase in police brutality that have been widely publicised. They are USA, UK, Australia and Nigeria. Bruce (2000:7) stated that if statistics on the uses of force by police, and particularly of police brutality, have such great limitations it would appear obvious that attempts at comparison between different jurisdictions and countries should be approached with enormous caution. Perhaps most significantly any jurisdiction with a more reliable system for recording information relating to the use of force by the police, and which records such information more consistently, will be prone to registering much higher rates of the particular behaviour being recorded.

3.4.2. The United States of America (USA)

The USA has seen a vast increase in police brutality and killings. This has prompted many instances of unrest and marches by the community. One of the first documented cases of police brutality was the recording of white Los Angeles police members assaulting Rodney King. The Los Angeles Police Commissioner did not condemn the incident. This incident incited wide spread uprising from the African American community of Los Angeles. This resulted in billions of dollars in damages caused by continuous rioting (Dantzker, 1997:36). The USA has once more been plagued by police brutality. As before in the Rodney king case, racism has played a major role in all of these cases.

According to the article “What is happening in Ferguson” (2014:7), an unarmed 18-year-old teenager named Michael Brown was shot multiple times by a white police member in Ferguson, Missouri. This resulted in peaceful protests that the St Louis police responded to with tear gas and rubber bullets. The protests then turned violent and a state of emergency was declared. The officer involved in this incident has not been formally charged with Michael Brown’s death. Another well publicised incident was the death of Freddie Grey in Baltimore USA (Blakeley, 2015: n.p.).

According to Blakeley (2015: n.p.), Freddie Gray died on the 19th of April 2015 after suffering a spinal injury in the back of a police vehicle. This incident sparked days of protests and rioting. He further states that this has resulted in homicides in the Baltimore area which has already reached 200. This is compared to the 211 homicides that were reported during the whole of the previous year.

Cooper (2015:1188) noted that police brutality in the United States of America (USA) has been part of police culture for hundreds of years. Her research mainly focused on historical evidence and statistics and on the link between the war on drugs and police brutality. She noted that the police seemed to target ethnic minority groups with the stop and search method. This method was used to search 'suspicious' looking individuals for drugs. Once this was initiated and the individuals resisted police brutality ensued.

According to Packman (2011: n.p.), who is affiliated to the National Police Misconduct Statistics and Reporting Project (NPMSRP) there were 4861 reported cases of police misconduct. Of this, 1,575 or 23.8 percent can be categorised as excessive force. They noted that 247 fatalities were recorded. The Government in the USA spent over 346 million Dollars on civil claims against the police in 2010. The Bureau of Justice Statistics (BJS) indicated that between 2003 and 2009, 4,813 arrest related deaths were reported to them of which 61.5 percent were classified as homicide.

Cop Crisis ([s.a.]: n.p.) indicated that 1,307 people were killed by the police in 2015 and 1,152 in 2016. According to *US police shootings: How many die each year* (2016: n.p.), official statistics of police brutality and police killings are very unreliable in the USA. There is no official website or procedures that reports all the police brutality cases. They further indicated that each county or state has its own procedures of reporting brutality.

This means that each state or county may report or omit to report police brutality based on their own initiative. They quoted the Director of the Federal Bureau of Investigations (FBI) as stating that he cannot comment on the statistics regarding deaths by police members due to the fact that there is no official data. According to Rushin (2014:3189), the congress in the USA passed a new law that forces police departments to report deaths in custody.

3.4.3. The United Kingdom (UK)

The UK police has had a large influence on the South African Police Service. They have also seen a large number of protests due to police brutality The SAPS was modelled on the police system of the UK (Hornberger, 2014:19). According to Newman (2015:11), the Police Act was implemented in the UK in 1964. This was followed by widespread reports of police brutality by the Sheffield police. The management tried to downplay the brutality and cover up any evidence. Many cases of brutality at the hands of police members have been reported.

According to Glazebrook (2015: n.p.), 509 people died at the hands of police from 1991 to 2014 which amounts to one person being killed every two weeks. Of those incidents less than 1 percent of the cases have been prosecuted. This has put serious strain on the relationship between the community and the police.

Yeebo (2014: n.p.) noted that in 2011 the police shot a black man which caused riots in his neighbourhood of Tottenham. The riots spread throughout the country and resulted in the death of 5 people and the conviction of 1,500 people for crimes related to the riots.

Grierson (2016: n.p.) stated that there have been 436 allegations of sexual assault against police members in England and Wales. She noted that the police's top management are blatantly ignoring these allegations. The United Kingdom has an Independent Police Complaints Commission (IPCC) that investigates crimes committed by the police. According to the IPCC the following table indicates the statistics of police brutality in the UK.

Table 3.3: Police brutality in the United Kingdom 2011 to 2016

OFFENCE	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	TOTAL
SERIOUS NON-SEXUAL VIOLENCE	418	322	336	405	341	1822
SEXUAL ASSAULT	80	114	110	150	135	589
OTHER ASSAULT	6242	5669	5925	5829	5198	28863
DEATH AS RESULT OF POLICE ACTION	29	27	32	33	40	161
TOTAL	6769	6132	6403	6417	5714	31435

Source: Independent Police Complaints Commission, United Kingdom.

3.4.4. Australia

Australia was chosen due to the close history between them and South Africa. Australia was also a colony of the United Kingdom and their policing history is much like that of South Africa. They received their independence in 1901. Burger (2013b: n.p.) noted that Australia has had a 21-percentage increase in complaints of police brutality between 2007 and 2012. Peacock (2014: n.p.) noted that there has been an increase in police shootings.

According to Goldsworthy (2014: n.p.), there were 105 fatal shootings by the police between 1989 and 2011. In 2014 there were six shootings in seven months of which all six were fatal. This forced the Australian police to look at their training methods. According to the Police Integrity Commission (PIC) the following table shows statistics of police brutality:

Table 3.4: Police brutality in Australia 2011 to 2016

OFFENCE	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	TOTAL
SERIOUS NON-SEXUAL VIOLENCE	3	3	4	5	4	19
SEXUAL ASSAULT*	27	14	17	10	11	79
OTHER ASSAULT**	10	8	2	2	2	24
DEATH AS RESULT OF POLICE ACTION	1	1	1	1	1	5
TOTAL	41	26	24	18	18	127

Source: Police Integrity Commission: Australia

According to Peacock (2014: n.p.), police brutality statistics haven't been updated since 2011 due to budget restraints. The statistics from the Police Integrity Commission are therefore quite underinflated and modest. It was noted that the PIC was purposefully neglecting to do proper investigations into police misconduct and brutality. According to the article '*Police Integrity Commission scrapped ...*' (2015: n.p.), the police Minister stated that the PIC will be scrapped and will be replaced by a new agency that will investigate police misconduct.

The reason for this is that the PIC used unnecessary resources and were very secretive with their findings. According to the Police Federation of Australia there are over 58,000 police members.

3.4.5. Nigeria

Nigeria was also chosen as an African country whose police force have maintained a militaristic style of policing resembling South Africa. According to Abengunde (2015:1), the Nigerian Police Force (NPF) originated from the British Colonial Police Force. Nigeria obtained its independence from Britain in 1960. The main objective of the NPF was to show force and to uphold order. By doing this the NPF destroyed the relationship with the community it was supposed to serve.

The NPF are still to this day not serving the community but functioning as a force that serves the governments agenda (Abengunde 2015:1). According to Okeshola (2013:246), police brutality is a serious problem in Nigeria. The police brutality ranges from verbal abuse, torture to extra-judicial killings. Abengunde (2015:138) noted that in 2007 the Open Society Institute (2010:53) indicated that approximately 141 people a month are killed by the Nigerian police force. The Open Society Institute (2010:53) noted that extrajudicial killings by the NPF is a regular occurrence.

A private practicing lawyer in Nigeria who did not want to be mentioned indicated that people who are suspected of serious crimes such as armed robbery are not taken to court to be tried, they are rather taken for a "drive down the road". This normally results in the killing of the suspect justified by the fact that he had tried to escape during this incident. Armed robbery is a problem in Nigeria. Thus, killing a person suspected of being an armed robber seems to be justified. The Open Society Institute (2010:53) further stated that official statistics show that 2,983 alleged armed robbers were killings by the NPF from 2000-2006.

Human Rights Watch ([s.a.]:n.p.) indicated that deaths at the hands of the NPF between 2000 and 2007 are more likely over 10,000. According to Okeshola (2013:246), this has left the Nigerian public with an uncooperative and negative attitude towards the police. Surprisingly the attitude towards the police is similar in all countries where police brutality is high. Okeshola (2013: 246) further noted that a public outcry in the form of demonstrations and riots are frequent. Okeshola (2013:246) further noted that a study done by the Nigerian Human Rights Commission found that about 80 percent of inmates in prisons were beaten by the police. Okeshola conducted his research by means of questionnaires and involved 486 participants.

Okeshola (2013:247) stated that due to the bad reputation of the police the public is of the opinion that the relationship between the community and the police in Nigeria is very poor. Official statistics of police brutality are difficult to obtain. According to NIPRON (2010:32), in 2008 the NPF was estimated at over 371,000 members and the population in Nigeria is the highest in Africa with over 200 million people.

3.5. POLICE BRUTALITY IN THE CAPE TOWN METROPOLE

This section will give the reader a clear understanding of the current policing problems and the strategies in place to prevent police brutality. Potgieter (2014:103) explained that police members are, according to law, allowed to use minimum force when performing their duties. Potgieter (2014:103) further quoted Mwanajiti, Mhlanga, Sifuniso, Nachali-kambikambi, Muuba and Mwanayanda in stating that all police brutality is not just torture by police members.

Brutality is when excessive force is used by police members during the execution of their duties which is also regarded as an unlawful act. IPID rates the Western Cape as the province with the second highest number of complaints against the police. This is unacceptable and intervention is seriously needed to bring these figures under control. Statistics were obtained from Cape Town Central SAPS' Disciplinary Section for incidents of police brutality in Cape Town from 2012 to 2017.

Table 3.5: Police brutality cases in Cape Town 2012 to 2017

OFFENCE	2012	2013	2014	2015	2016	2017	TOTAL
ASSAULT	15	38	14	24	36	2	129
SHOOTING	1	1	0	1	0	1	4
RAPE	1	2	0	0	0	0	3
DEATH IN POLICE CUSTODY	0	1	0	2	0	0	3
TOTAL	17	42	14	27	36	3	139

Source: Cape Town Central SAPS Disciplinary Section.

It is evident from the above statistics that there is an increase in reported cases against the Cape Town SAPS. According to ‘*The worst crime hot spots in South Africa*’ (2015: n.p.), Cape Town Central is one of the two worst areas in the Western Cape with 18,369 criminal cases reported in 2014. These statistics are cases that were reported directly to and dealt with by Cape Town Central SAPS. Therefore, these statistics could possibly be underinflated. Most of the respondents interviewed agree that police brutality in the Cape Town area is a cause for concern. They stated that they have been affected in one way or another by police brutality.

3.6. CAUSES OF POLICE BRUTALITY

Govender (2012:9) noted that since the birth of democracy the South African Police Service (SAPS) needed to rethink its policies on how to serve the community. The police started examining international strategies as solutions for the problem. It was noted that other countries had implemented a community policing style of policing. According to Govender (2012:12), members of SAP were trained and supported internationally to change their policies on policing.

According to Berning and Masiloane (2011:60), the police must serve the community by protecting their wellbeing and also maintaining law and order. Govender (2012:13) noted that the police appointed Major-General George Fivaz whose goals were to demilitarise the police force and change its image to that of a police service. She further noted that policing was community orientated and the relationships between the community and the police started to improve. The South African Police Force was renamed the South African Police Service.

It was noted by Govender (2012:13) that a rank system similar to that of the United Kingdom was adopted. Warrant officer was replaced with Inspector, Colonel was replaced by Superintendent and Brigadier was replaced with Director. The name change was an attempt by the SAPS to sound more approachable and less militaristic. The community and the police shared a good understanding and trust was enhanced.

Govender (2012:13) noted that in 2000 a new National Commissioner, Jackie Selebi was appointed to provide strategic leadership to SAPS. Commissioner Selebi focused on violent crimes and crime syndicates. He continued with the strategies implemented by General Fivaz. She further noted that Commissioner Selebi implemented an action plan to combat violent crimes which built strong relations between SAPS and the community. She further noted that Commissioner Selebi increased the salaries of police members and encouraged transformation. He was well liked by the majority of the community.

Govender (2012:13) quoted de Vries who stated that in 2007 he was removed from office following corruption charges. This tarnished the image of the SAPS. According to Govender (2012:13), an acting National Commissioner was appointed for the periods between 2007 and 2009. He left most of the decision making to senior management. This led to individual decisions being made regarding policing issues.

According to Newham (2014: n.p.), Deputy Minister of Safety and Security Susan Shabangu was quoted during her speech to police members in 2008:

“You must kill the bastards if they threaten you or the community. You must not worry about regulations. I want no warning shots. You have one shot and it must be a kill shot. I want to assure policemen and women that they have permission to kill these criminals. I will not tolerate any pathetic excuses for you not being able to deal with crime. You have been given guns, now use them”

In 2009 Bheki Cele was appointed as the National Commissioner. According to Govender (2012:13), Bheki Cele was concerned about the members of SAPS and encouraged them to retaliate to attacks. “A bullet for a bullet” was his stance to attacks on members of SAPS. His strategies were implemented without regard for the consequences. Govender (2012:13) further noted that Commissioner Cele targeted violent crimes and criminals and felt that he was in touch with crime problems on ground level. He led by example and was unwavering in his beliefs. The National Commissioner supported the policy which encourages maximum force allowed by law in retaliation to police murders.

During this time police brutality increased significantly. According to Berning and Masiloane (2011:63), the police have a strong culture of following orders without question. This means that members of the SAPS will carry out orders given to them by their superiors rather than be reprimanded if they question the commands given to them. They noted that this resulted in the police targeting not only criminals but also innocent members of the community. This put a strain on the relationship between SAPS and the community. According to Bruce (2011:3), the escalation in the use of force from 2008 to 2010 resulted in 1,092 deaths at the hands of the police.

On the 12th of June 2012 Riyah Phiyega was appointed as the National Commissioner of Police. On the 16th of August 2012, 34 mine workers were killed at Marikana. According to Newham (2014: n.p.), the National Commissioner commended the police for their actions four days after the incident. This sparked public outrage. According to the article “Give IPID space to investigate, urges Mthethwa” (2013: n.p.), IPID announced that it had started investigations against Riyah Phiyega.

These charges, defeating the ends of justice and information about an internal investigation were laid against the National Commissioner. She was suspended on 22nd of September 2015, pending an investigation into her ability to hold office by the Farlam Commission of Inquiry. Subsequently, according to a staff reporter from the Huffpost (*Suspended National Police Commissioner....*) the Claassen board of inquiry, which was established by President Jacob Zuma, came to the conclusion that suspended National Police Commissioner Riyah Phiyega is not fit to hold office.

This decision was based on her conduct throughout the massacre incident, the fact that she attempted to evade her responsibility as well as her behaviour as a witness at the commission. She was found guilty of serious misconduct. She has been replaced by acting National Commissioner Khomotso Phahlane. Burger (2013b: n.p.) is of the opinion that the leadership of the SAPS must analyse their own shortcomings and not refer to the brutality as isolated incidents. De Waal (2012: n.p.) noted that it is a common problem that when police agencies have mass recruitments, command and control systems will take strain.

Burger (2013b: n.p.) noted that these statements appear to agree with findings from internal police reports that poor command, control and discipline explanations for most of the problems in SAPS. Burger (2013b: n.p.) referred to the National Commissioner in 2008 and the SAPS' Policy Advisory Council report, which found that many of the problems in the police are a direct result of a breakdown in command and a lack of supervision as well as a lack of control. This has resulted in most instances in poor service delivery, maladministration, ill-discipline and corruption.

Frontline managers are required to supervise large numbers of inexperienced and inadequately trained officials. This will result in an increased level of police misconduct, corruption and police brutality. De Waal (2012: n.p.) quoted a report compiled by Newham and Lancaster that the reason was due to weak leadership and poor management and that the leadership had not implemented the correct recruitment and management systems.

In the article '*Police brutality: 5 things you should know*' (2015: n.p.) it is indicated that people do not become police members so that they can use their authority to harm other people. It noted that police members are usually people with a strong code of ethics and has a desire to protect and serve their communities.

However, people experience cognitive dissonance where they behave in a manner conflicting their values, beliefs and attitudes. It was therefore noted in the article '*Police brutality: 5 things you should know*' (2015: n.p.) that police members will not commit brutal acts of violence until they are able to justify their actions so that it does not conflict with their values and ethics. It is further pointed out in '*Police brutality: 5 things you should know*' (2015: n.p.) that there are six ways police members justify their actions:

- Victim of circumstance:

Police members who committed police brutality convince themselves that they had to use force and that they had no other choice. They may have acted on an instruction from their direct commander or acted as a result of peer pressure. Furthermore, they might have an attitude that *'everyone else does it'*.

- Advantageous comparison:

Police members who committed police brutality may compare their actions to that of another police member and feel that their actions are not as bad as that of their fellow colleagues.

- Higher cause:

The police member might feel that he punished the suspect and that will prevent the suspect from committing crime in the future since the criminal justice system will not punish the suspect in the right manner. Therefore, the police member might feel that the *'ends justify the means'*.

- Blaming the victim:

A police member might feel that when a suspect committed a crime, he loses his rights and therefore deserves punishment. This might cause the police member to continuously commit acts of misconduct and violence.

- Dehumanising the victim:

When a police member dehumanises his victim, it aids him in avoiding feelings of guilt. When they use names like *'skollie, thief, skum, rubbish'* they dehumanise the victim and therefore hurting them makes the police member feel better about themselves.

- Lack of accountability:

It is found that police members are not held accountable for their actions. Which resulted in an increase in police brutality. Accountability has an enormous effect on the actions of police members. If they knew that they would be held accountable for their actions they would think twice about committing violent acts.

Almost all the respondents noted that police members that are found guilty of offences such as police brutality should receive harsher punishment. They feel that police members should know the law therefore they know right from wrong. All the respondents agree that training or the lack thereof is a contributing factor to police members being unable to deal with situations correctly. This lack of training and experience also extends to the supervisors that should manage the police members.

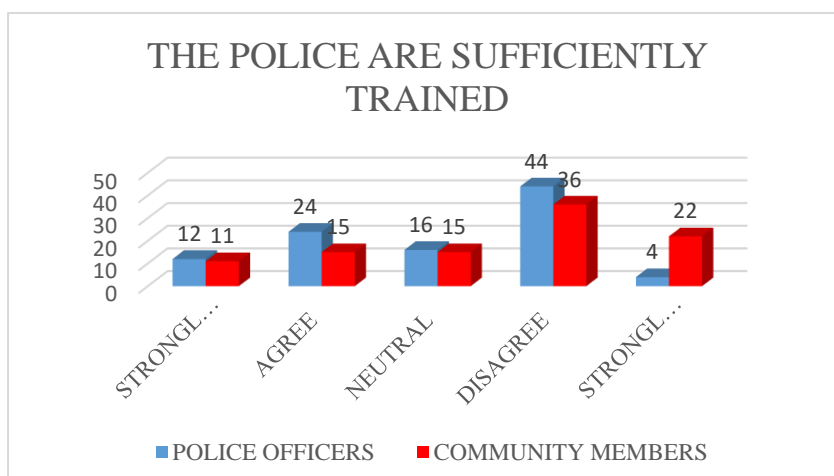
3.7. MILITARISATION AND TRANSFORMATION TO THE SAPS

Berning and Masiloane (2011:60) noted that the South African Police (SAP) had a tarnished reputation that was perceived as being too militaristic. The top management along with government decided that the best way to improve the image of SAP was to become more community orientated. Burger (2013a: n.p.) stated that in 2010 the police reverted to a militaristic rank structure and members were trained to fight crime and no longer concerned on participation in crime prevention. They worked independently and not as a partner with the community. They have ultimate power and these powers will be abused.

Berning and Masiloane (2011:64) are of the opinion that a militarised police service is characterised by a closed organisational structure that does not respond to the needs and expectations of the community. They further stated that police management's reasoning behind this reverse of tactics is to improve discipline. This will also enable the police to effectively fight rising crime. According to Hornberger (2014:17), the police are increasing the members of the public order policing unit despite their bad reputation for using excessive force.

This includes the killing of thirty-four miners at Marikana in 2012 and the death of school teacher, Andries Tatane, in a protest in the Free State in 2011. She further stated that the increase in public order policing will have a negative effect and will cause more tension between the police and the community. The question concerning the training of police members was put to the respondents while answering the questionnaires. The participant's opinion regarding the question that police members are sufficiently trained to deal with members of the public professionally is indicated in the graph below.

Graph 3.2: The police are sufficiently trained



Above graph designed by researcher.

The training of police members contributes to the discipline they portray and the manner in which they treat the community members. Twelve percent of police members strongly agreed and 24 percent agreed with 16 percent being neutral. However, 44 percent disagreed and four percent strongly disagreed. This indicates that the majority of the police members are of the opinion that their training was insufficient.

Of the community members' 11 percent strongly agreed and 15 percent agreed that the police members are sufficiently trained with 15 percent of the community members being neutral. Furthermore, 36 percent disagreed and 22 percent strongly disagreed coming to a total of 59 percent disagreeing with this statement. This indicates that more than half of the community members and 48 percent of the police members are of the opinion that police members are not sufficiently trained.

3.7.1. The National Development Plan 2030: Building Safer Communities

In 2009 the then President of South Africa Jacob Zuma established a National Commission. This consisted of 26 members of both government and the private sector. These members objective was to design a National Development plan. This plan's goal is to eliminate poverty and inequality by 2030. The members worked for 18 months to develop this plan and it was finalised in 2011. The plan covers a variety of topics. One of the key points that was addressed was to establish a more professional police service.

According to the National Development Plan (2011:350), the commission noted that after 1994 the police were transformed into a service for the community. More recently the police service was remilitarised to address discipline and improve respect towards the SAPS. This however has had a negative effect and police violence and murders of police officers has since increased. The Commission is of the opinion that the police should be demilitarised and service the community in a more professional manner.

3.8. THE IMPACT OF POLICE BRUTALITY ON THE COMMUNITY

The community in Cape Town consists of diverse cultures. There are many foreign nationals that have settled in the area and have started small businesses. According to Alexander et al. (2012:203), the mineworkers of Marikana associate "boer" as an Afrikaans speaking white person that is associated with oppression and apartheid.

This association also refers to the police and the National Defence Force. This stigma and mentality are still prevalent in the way the police approach the community.

According to Ryan ([s.a.]: n.p.), police brutality causes irreparable physical and psychological harm to the victims and has a psychological effect on the community. If a victim dies due to the brutal force it receives great media coverage which has a lasting effect on the community and the families of the victims. The psychological effect of police brutality is devastating. Ryan ([s.a.]: n.p.) indicates that victims of police brutality can suffer from post-traumatic stress disorder (PTSD) and this leads to depression, anxiety, suicidal tendencies and substance abuse.

He does however point out that police brutality does not necessarily lead to PTSD, but it increases the risk of PTSD. Mova Law Group (2017: n.p.) agrees with Ryan ([s.a.]: n.p.) and adds that PTSD can leave a victim with paranoia and fear. Furthermore, PTSD can interfere with the ability to work and normal life of a victim. This can cause the victim to have feelings of worthlessness which leads to even more severe depression. In the article *'Police brutality: 5 things you should know'* (2015: n.p.) it is pointed out that PTSD has a long-lasting damaging effect on the victims and also effect the family of the victims negatively. Police brutality also has an impact on the community.

According to the article *'Police brutality: 5 things you should know'* (2015: n.p.), police brutality also heightens racial tensions and causes a culture of fear in a community. This can lead to further tension between the police and the community and therefore community members become less likely to report crime. Furthermore, it is pointed out that police brutality increases the violence against the police.

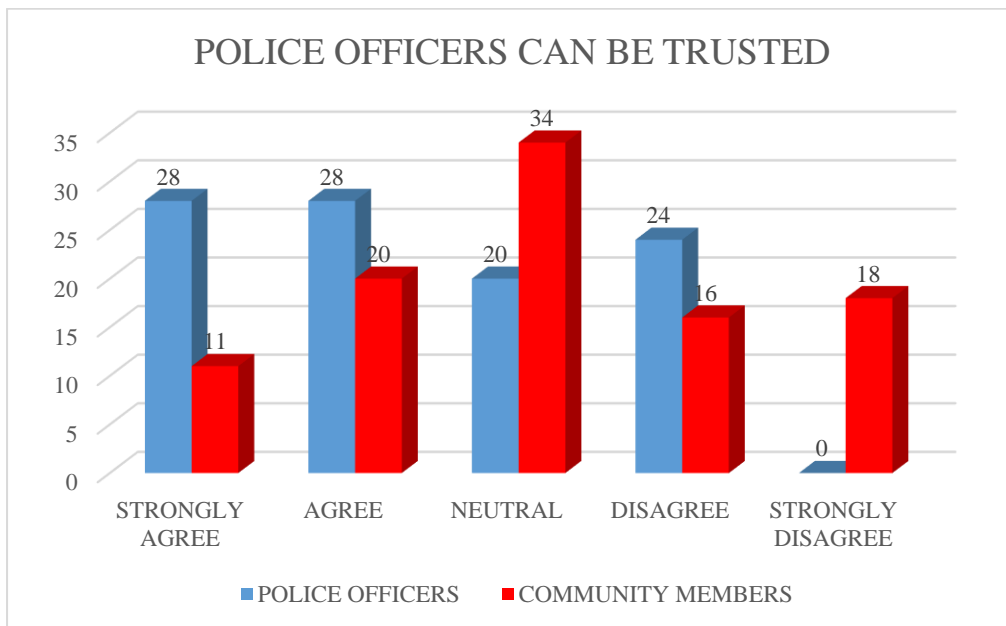
The ineffectiveness and brutality of the SAPS has had devastating effects on the community not only physically and psychologically but also financially. According to Fokazi (2013: n.p.), startling new statistics revealed in Parliament by Gareth Newham of the Institute for Security Studies (ISS) indicated that police brutality has increased by 300 percent in the last decade. He further stated that cases of police brutality brought against SAPS in 2013 have had significant repercussions for the tax-payer as SAPS faced civil claims valued at more than 480 million Rand due to police assaults, and 1.1 billion Rand due to shooting incidents.

Total claims against the police have doubled in the past two years to 14.8 billion Rand. This can have a serious effect on the economy. According to Dereymaeker (2015:33), the number of civil claims paid out by SAPS have increased by 338 percent from 2007 to 2014.

This does not include legal fees. Dereymaeker (2015:34) further noted that legal fees for the period from 2011 to 2014 amounted to just under 570 million Rand. Underprivileged members of our society are denied basic living conditions because of police brutality and negativity that surrounds it. Some of the interviewed participants were of the opinion that police members cannot be trusted.

This was a result of the community’s experiences with the police. They stated that because of the negative publicity and personal experiences they would not trust police members. Certain police members themselves stated that they would not trust their fellow officers. This mistrust stems from an opinion that police members do not have the correct training and are unethical when dealing with the community. The question if police members can be trusted was put to the respondents while answering the questionnaires. Their opinons are reflected below.

Graph 3.3: Police members can be trusted.



Above graph designed by researcher.

The respondents were asked if police members could be trusted. The police members were asked this question to establish how they feel about their fellow colleagues. Twenty eight percent of police members strongly agreed and 28 percent agreed that police members could be trusted. Twenty percent were neutral and 24 percent disagreed to this statement. The majority of police members are of the opinion that they can trust their fellow colleagues.

The community members seem to have a slightly different opinion with 11 percent strongly agreeing and 20 percent agreeing to the statement. Thirty four percent of the community members were neutral and was not sure if they can trust the police members or not. Furthermore, 16 percent of the community members disagreed and another 18 percent strongly disagreed to this statement.

3.9. SUMMARY

Most of the cases of police brutality in other countries are strongly influenced by racial prejudice towards minorities. South Africa is different. Police brutality affects all members of society. The majority of instances of brutality are still targeted at people of colour and the underprivileged, but these are committed by not only white members of SAPS. This study indicates that the members of SAPS have a mentality that promotes a harsher approach to crime and criminals. This approach sometimes spills over to the community and has affected the relationship between the police and the society it has sworn to protect.

Shaw (2002:40) noted that it will take at least a decade to instil changes to the police and that changes in the recruiting and training of a new generation of police members is important. This chapter focused on the extent of police brutality. Previous research was discussed and focus was placed on how police brutality evolved. The situation concerning police brutality in South Africa was compared to the United States of America, the United Kingdom, Australia and Nigeria by means of statistics. Possible reasons for and causes of police brutality were discussed.

The general members of the public were approached and it was a tedious process as the researcher approached one person at a time and 60 community members completed the questionnaires. Members of Cape Town Central SAPS were approached and they were willing to participate although it took a long time for the researcher to get all questioners from the 26 police members that was willing to participate.

Emphasis was placed on the difference between a militaristic force and a community orientated approach in the SAPS. Police brutality has had a psychological and economical effect on the community which effects their relationship with the SAPS. It is clear that top management and government need to take more stringent steps towards eradicating this problem.

CHAPTER FOUR

PREVENTION OF POLICE BRUTALITY

4.1. INTRODUCTION

The focus of this chapter will be on the methods that have been used by specific law enforcement agencies to prevent police brutality. A combination of strategies as well as legislation that have been implemented will be discussed. It will be determined whether these laws have had an effect on the combatting of police brutality. Focusing on the prevention of police brutality, this chapter will consist of policing strategies that are used by the SAPS and other law enforcement agencies. This will include steps taken by the USA, UK Australia and Nigeria to prevent police brutality.

The policing strategies that have been implemented will be compared with the questions that were asked by the researcher and the feedback he received from the respondents. Graphs regarding the answers received from the respondents will be shown and discussed. These graphs will give an indication of the participant's opinion regarding current legislation and preventative strategies that have been implemented.

4.2. UNDERSTANDING LEGISLATION GOVERNING POLICE BRUTALITY

According to the SAPS Act (1995: n.p.), the actions of police officers are governed by legislation. These laws were set in place to help police officers maintain law and order without abusing their powers. These laws and police standing orders were also put in place to prevent police corruption and extortion as well as the use of excessive force by police officers. Besides the policies and Standing Orders in the Police Act, there is other legislation that was specifically written to prevent citizens from being harmed.

4.2.1. The Constitution of the Republic of South Africa of 1996

The Constitution of South Africa was implemented in 1996. The goal of the government was to protect all its citizens from being abused and harmed. The Constitution does not make specific provisions that address the actions of police officer's, particularly the use of force which leads to police brutality. There is a stipulation that the police service needs be regularly monitored according to the mandate as set out in the Constitution Section 206 (3), which states:

“to monitor police conduct; to oversee effectiveness and efficiency of the police service, including receiving reports on police service; to promote good relations between the police and the community; to assess the effectiveness of visible policing and to liaise with the cabinet member responsible for policing with respect to crime and policing in the province.”

4.2.2. The Criminal Procedure Act, 51 of 1977

The Criminal Procedure Act (CPA) was implemented to regulate how and when the SAPS may perform their duties. Certain regulations were passed by government to assist law makers to maintain law and order. These regulations relate directly to the use of force, such as Section 39 and Section 49. Section 39 deals with the manner and effect of arresting a person. Section 49 deals with the use of force and includes the use of deadly force.

4.2.2.1. The Criminal Procedure Act 51 of 1977 Section 39

Section 39 deals with the arrest of a person and the way in which such an arrest will be affected. Section 39(1) stipulates that an arrest may be carried out with or without a warrant for such an arrest. Unless the person who is being arrested surrenders, the arrest may be affected by physically touching the person or if the person resists arrest, forcibly restraining the person. Furthermore, Section 39(2) stipulates that the police officer conducting the arrest must inform the arrested person of the reason for the arrest at the time the person is arrested or immediately thereafter. If a person is arrested by means of a warrant, a copy of such a warrant must be handed to the arrested person at the time of the arrest.

Section 39(1) “An arrest shall be effected with or without a warrant and, unless the person to be arrested submits to custody, by actually touching his body or, if the circumstances so require, by forcibly confining his body.

Section 39(2) The person effecting an arrest shall, at the time of effecting the arrest or immediately after effecting the arrest, inform the arrested person of the cause of the arrest or, in the case of an arrest effected by virtue of a warrant, upon demand of the person arrested hand him a copy of the warrant.

Section 39(3) The effect of an arrest shall be that the person arrested shall be in lawful custody and that he shall be detained in custody until he is lawfully discharged or released from custody.

4.2.2.2. The Criminal Procedure Act 51 of 1977 Section 49

It has long been debated whether the police are within their rights to use force when effecting arrests. Bruce (2011:5) noted that many countries have laws that allow the police to use force if a perpetrator resists arrest. Countries that are considered less violent, such as Canada, have laws allowing the police to use force and even lethal force to effect arrests. He further stated that the United Nations' (UN) code of conduct does not prohibit lethal force, but does not condone it either.

The UN agree that police members can use force and even firearms when effecting arrests. This is, however, dependent on the severity of the crime that was committed. According to Bruce (2011:4), Section 49 is, therefore, lawful, but the interpretation of the section is the main problem. Part of the section is clear in stating that if a person is in a life-threatening situation, they are allowed to use lethal force, but Section 2 (b) is normally misinterpreted. The section is as follows:

Section 49 (2) If any arrestor attempts to arrest a suspect and the suspect resists the attempt, or flees, or resists the attempt and flees, when it is clear that an attempt to arrest him or her is being made, and the suspect cannot be arrested without the use of force, the arrestor may, in order to effect the arrest, use such force as may be reasonably necessary and proportional in the circumstances to overcome the resistance or to prevent the suspect from fleeing, but, in addition to the requirement that the force must be reasonably necessary and proportional in the circumstances, the arrestor may use deadly force only if —

- (a) the suspect poses a threat of serious violence to the arrestor or any other person; or*
- (b) the suspect is suspected on reasonable grounds of having committed a crime involving the infliction or threatened infliction of serious bodily harm and there are no other reasonable means of effecting the arrest, whether at that time or later.*

Bruce (2011:4) admits that changing or amending the section can be beneficial. However, it could also be detrimental when police members attempt to arrest a perpetrator who is suspected of an extremely serious crime and the perpetrator flees or resists arrest. If the section is amended and part 2(b) is removed, it could give perpetrators free rein to resist arrest and flee. The police are in a difficult situation that if they use lethal force on a perpetrator, they will be held accountable. In retrospect, if the police do not use lethal force and the perpetrator escapes, further crimes could be committed for which the police will also be held liable.

4.2.3. The South African Police Service Act, 68 of 1995

The duties of members of the SAPS are guided by the South African Police Service Act. The use of force by members of the SAPS is referred to in Sub-section 13(3)(b) of the South African Police Service Act, which provides that:

“where a member who performs an official duty is authorised by law to use force, he or she may use only the minimum force which is reasonable in the circumstances.”

4.2.4. Policy on the prevention of torture and the treatment of persons

According to the Policy on the Prevention of Torture and the Treatment of Persons in Custody of the SAPS (2013: n.p.), on the 29th of January 1993 the South African Government signed the United Nations Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment. This bound the government to prevent and protect its citizens against torture as part of international law. The signed document requires the government to work actively towards the prevention of torture and to protect people against any act of torture.

This policy was created by order of the National Commissioner and aims to prevent the torture of persons in custody and protect SAPS officials from false accusations of torture. The SAPS members are obligated to ensure that human rights are upheld. The Constitution (1996) and the United Nations Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (2000: n.p.) have been specifically written to protect the community against brutality and torture.

In terms of Section 3 of the Prevention of Combatting and Torture of Persons Act, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person.

When such pain or suffering is inflicted by or at the instigation of, or with the consent of a public official or other person acting in an official capacity, but does not include pain or suffering arising only from, inherent in or incidental to unlawful sanctions.

4.3. CURRENT STRATEGIES USED

Police brutality is a worldwide phenomenon. Other countries have made attempts to prevent police brutality in recent years.

As in the previous chapter, the researcher has taken strategies that were implemented in the United States of America, the United Kingdom, Australia, Nigeria and South Africa. Strategies implemented in these countries to prevent police brutality were compared to determine whether they are successful.

4.3.1. The United States of America (USA)

The USA has seen a vast increase in police brutality cases. These cases have made international headlines and put the spotlight on the police's inability to deal with the community. According to Rushin (2016:117), the congress in the USA passed a new law that forces police departments to report deaths in custody. This law, The Death in Custody reporting Act 2014 (DCRA), forces police departments to document any deaths in custody of arrested people.

These statistics must also be supplied to the Department of Justice. Rushin (2016:117) further stated that the Federal Bureau of Investigations (FBI) has made an increased effort to obtain data concerning fatalities in police shootings. According to Rushin (2016:134), this dual effort and increased pressure is bound to make police members more cautious when dealing with the community for fear of repercussions. Thibault, Lynch, Lawrence and Bruce (2007:195) indicate that in 1990, the USA congress gave the Civil Rights Division of The Department of Justice authority to prosecute any State that has a high record of police misconduct.

By applying these regulations, police departments have agreed to initiate contracts called Consent Decrees. These Decrees, according to Thibault, et al (2007:182), force police departments to make certain changes in their police practices. Thibault et al (2007:195) noted that one of these changes was to have a computer system that evaluates individual police officers' work ethics. This will warn management when a police official's conduct is suspicious. The decree also requires police departments to change their community complaints' reporting procedures. They further noted that by implementing this early warning system and better reporting procedures will assist in the controlling of police deviance.

Thibault et al (2007:205) explained that the police departments have changed their procedures of arrests by applying less lethal force measures. Many police departments have issued their officers with additional equipment, besides firearms, to effect arrests or to defuse volatile situations. One of these are Conducted Energy Devices (CED). The commonly known name for a CED is an electric Taser. The Taser, according to Thibault et al (2007:205), can affectively subdue a perpetrator without inflicting serious injuries to them.

Thibault et al. (2007:207) further noted that a strict protocol must be adhered to when using a Taser. The suspect must either be resisting arrest or cannot be subdued by another means. They also noted that after the suspect has been subdued, the police official must assess his or her medical condition. Another non-lethal alternative is the impact munitions. This, according to Thibault et al (2007:208), is basically rubber bullets that will stop a threat without deadly force. These munitions must, however, be used from a distance. It is not a close contact weapon like the Taser.

Thibault et al (2007:208), referred to a study conducted by the National Institute of Justice, which states that in 373 instances involving the use of impact munitions, eight people died. These deaths were caused by broken rib injuries, which pierced vital organs. The last method that Thibault et al (2007:195), mentioned is pepper spray. This device has been adopted by police departments in the USA for some time. It will cause the suspect to be temporarily immobilised due to the pepper spray's gas blinding them and they will experience difficulty in breathing. According to Thibault et al (2007:195), pepper spray has caused the deaths of certain individuals, so caution is advised when using it.

4.3.2. The United Kingdom (UK)

According to Vawda and Mtshali (2012:136), the Police Reform Act was passed into legislation in 2002. They noted that this Act was an attempt to create a complaints system that was independently run. The Independent Police Complaints Commission (IPCC) was created to investigate complaints against the police from an external point of view. Grimwood (2016:10) also noted that the IPCC has its own regulations and works closely with the Crown Prosecution Services (CPS) investigating incidents concerning the police. Their other roles are to guide and assist local police in investigations where there are allegations against police members.

Grimwood (2016:16) noted that the IPCC, in their review of cases between 2012 and 2014, stated that the police members in the UK need to start wearing body cameras. McDowall, Quinton, Brown, Carr, Glorney, Russell, Bharj, Nash And Coyle (2015:9) did extensive research concerning the combatting of police brutality. Their research was conducted in several countries. They noted that members who had body worn cameras were unlikely to commit violent acts against the public. Body worn cameras acted as a deterrent, as the members were aware that their actions would be recorded. McDowall et al (2015:18) also noted that training of recruits was important.

They, however, stated that the training of members of the police is an ongoing process and should not cease after the college stage. This training will assist members to approach complaints in a more positive way, which will neutralise a tense situation instead of escalating it. They referred to members of the Greater Manchester Police who were trained in communication skills. This had a positive effect on how the public regarded the police.

According to Howie, Brown and Lynch (2011:26), it is now mandatory that police members in the UK must provide members of the public, who are stopped and searched, with the following information: the particulars of the officer conducting the search; where he or she is stationed; the reason for the stop and search and what the police officer is looking for followed by the member of the public's legal rights including the legal implications of the search. According to Howie et al (2011:26), this Police and Evidence Code, which was implemented on the 1st of January 2009, to discourage police members from stereotyping members of the community solely based on their colour.

4.3.3. Australia

Police shootings and the use of excessive force are rare in Australia, although it is still a concern to the general public. According to Howie et al (2011:4), it is estimated that a non-lethal arrest or use of force occurs every two and a half hours. They noted that these methods include the use of tear gas or pepper spray in an attempt to subdue the assailant. They further noted that pepper spray was used before an attempt was made to communicate with the perpetrator.

Howie et al (2011:4) noted that due to pressure from the community, the police need to change their training tactics following the shooting of a 15-year-old in 2009. The police have concentrated on how to better communicate with the public before force is used.

Howie et al (2011:8) indicated that the police force in Victoria Australia is of the opinion that the use of force by police officers has always been a problem. They have concluded that training concerning human rights needs to be emphasised.

The police need to de-escalate situations with a more human-orientated approach to situations. Communicational skills and the reading of the situation need to be improved by police officials before lethal force is applied. Howie et al (2011:4) noted that stricter policies regarding the use of non-lethal implements, such as Tasers, tear gas and batons, must be implemented. The use of non-lethal force could also result in injuries and death, and this must be emphasised to police members.

Howie et al (2011:5) stated that in 2006, the Victorian government introduced a new Act called the Victorian Charter. The Victorian Police have pledged their support of the charter, which embodies the upholding of human rights.

Howie et al (2011:5) stated that these policies are similar to those of the UK when it comes to the practices of arrests and are as follows:

- Force can only be used when it is reasonably proportionate to the seriousness of the incident.
- Clear laws and regulations must be given to the police so that misuse of force does not occur.
- These regulations must be part of police training, which will include non-lethal approaches, such as better communication and negotiation skills. Non-lethal equipment, such as Tasers and pepper spray, should be used instead of more lethal methods such as firearms.
- Discrimination is a problem in Australia. Racial profiling and targeting poor communities and homeless people are discouraged. These incidents are monitored.
- Before force is used, human rights must be taken into account.
- Any allegations of excessive force must be investigated by an independent unit that is not influenced by the police.

Hopkins (2009:11), also stated that an independent complaints unit must be established that is not affiliated to the police. Howie et al (2011:8), quoted the acting Commissioner Ken Lay who said that all instructors giving training on operational tactics and safety have been trained in human rights' education. He also reiterated the police in Victoria's commitment to this report and that the policies and results will be implemented by the police.

4.3.4. Nigeria

The NPF has been independent since 1961 according to Obaro (2014:423). Since then, the Nigerian police has maintained its reputation for being brutal towards the community. Obaro (2014:422) noted that the general feeling is that the police is ineffective and inefficient in their duties and that the causes are due to the policies and practices not being appropriate. The solution according to Obaro (2014:423), lies in the attitudes and values of the police members and their unwillingness to change. This is also evident in their problematic means of recruiting new members, their training procedures, ill-discipline and inexperience in modern police procedures.

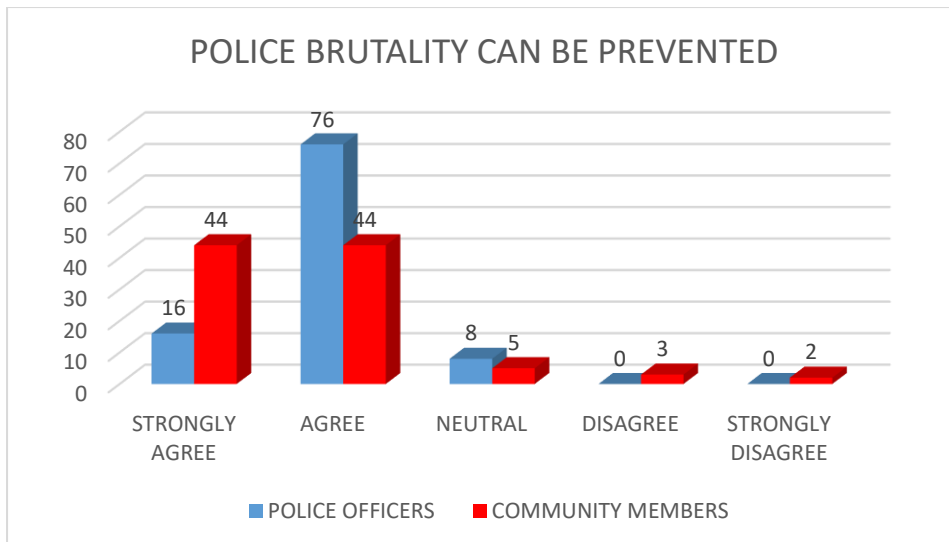
Inyang and Abraham (2013:55) are of the opinion that the best form of policing is community policing. This practice can only be achieved by having good relationships between the police and the community. They noted that a research study was done in 2003 by the Centre for Law Enforcement Education Foundation in Nigeria (CLEEN). The CLEEN Foundation worked with the Nigerian Police Force (NPF) in 14 states and adopted a community police program. The result of their study established that the implementation of a community-based policing strategy will virtually eradicate most of the problems the police and the community have.

Inyang and Abraham (2013:57) recommended that the NPF needs to change its training program to allow the mindset of the police to change to a more community-orientated service. The police should be more accountable for their actions. Their main recommendation is that the Nigerian police force should adopt a community-orientated police strategy. McDowall et al (2015:18) noted that police members should not only be trained in how to deal with criminal elements, but also to emphasis the ethical implications of their actions. They stated that the Nigerian police were trained to take responsibility for their actions on a personal level.

4.4. POLICE BRUTALITY PREVENTION IN SOUTH AFRICA

The South African Government has put several policies in place to assist the SAPS to prevent crime and police communities. These policies also address the conduct of the police and the manner in which the police officers have to deal with the community. Police officers from the Cape Town Central SAPS as well as the CPF and community members of the Cape Town area were asked whether police brutality can be prevented. This question was asked to gauge the attitude of the police members and community members. It was an attempt to determine if they feel that the problem was too far gone and that police brutality could be prevented.

Graph 4.1: Police brutality can be prevented



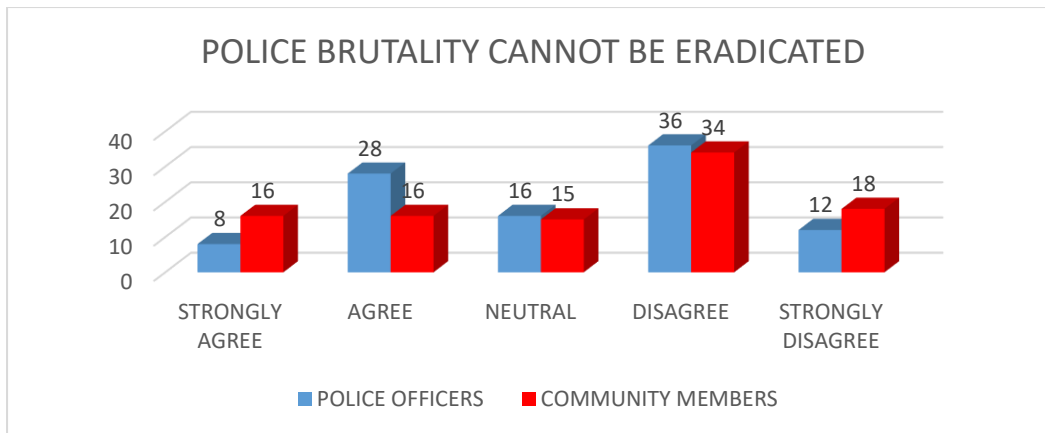
Above graph designed by researcher.

The police officers and the community members of Cape Town were asked whether police brutality could be prevented. The views or opinions of the police officers and community members are important. It was found that 16 percent of police officers strongly agree and 76 percent agree that police brutality can be prevented. Eight percent of the police officers are neutral, with none of the police officers disagreeing or strongly disagreeing.

This is compared to the community members where 44 percent strongly agree and 44 percent agree that police brutality can be prevented. Five percent are neutral, three percent disagree, and two percent strongly disagree. This indicates that police officers and community members are of the opinion that police brutality can be prevented. The researcher then went further to ask the respondents whether police brutality cannot be completely eradicated.

The reason why the researcher asked this question was to gauge the confidence the respondents have in the police. The reality of the situation surrounding police brutality as well as the severity of police brutality. The respondent's response to the question whether police brutality cannot be eradicated is as follows:

Graph 4.2: Police brutality cannot be eradicated



Above graph designed by researcher.

Eradicating police brutality completely will be an immense task, and the respondents were asked this question to determine whether, in their opinion, it is not possible. Eight percent of police officers and 16 percent of community members strongly agreed. Furthermore, 28 percent of police officers and 16 percent of community members agreed with this question and, therefore, are of the opinion that police brutality will always be part of policing concerns.

Sixteen percent of police officers and 15 percent of community members were neutral and do not agree nor disagree. Thirty-six percent of police officers disagree compared to 34 percent of community members and 12 percent of police officers strongly disagree compared to 18 percent of community members. The respondents who disagreed and strongly disagreed with this statement are, therefore, of the opinion that it is impossible to eradicate police brutality.

4.4.1. Community Policing

According to Thibault et al (2007:182), the first studies regarding the police interacting with the community were in Newark New Jersey in 1981. This was the implementation of foot patrols in the area. Before this, the police would patrol in vehicles and the communication between the police and the community weakened. They quoted Greene (1989), who stated that the crime in the area was not reduced.

However, the community felt safer knowing that the police were more visible. These patrols and visible policing evolved into community policing. Thibault et al (2007:183) noted the differences between community-orientated policing and traditional policing. The SAPS adopted the policy of community policing in 1993 with the realisation that the traditional style of policing was not conducive to the needs of society.

According to Govender (2012:7), Section 221 of the interim Constitution and Chapter 7 of the Police Act 68 of 1995 has a section regarding community policing. She noted that Section 221 of the Constitution states that every police station needed to implement a Community Police Forum (CPF). Govender (2012:7) stated that Section 18 of the Police Act noted that the reasons why the CPF was implemented was to improve service delivery to the community and to improve the relationship between the community and the police.

The CPF was also established to assist with community-orientated problem-solving and to promote police accountability and transparency. The main goal governing the CPF was to build a better Police community relationship, to share the responsibility to fight/combat crime and to have a community-based member who can oversee police activities. According to Thibault et al (2007:183), the differences between Traditional policing and community policing are set out in the table below.

Table 4.1 Differences between traditional and community orientated policing.

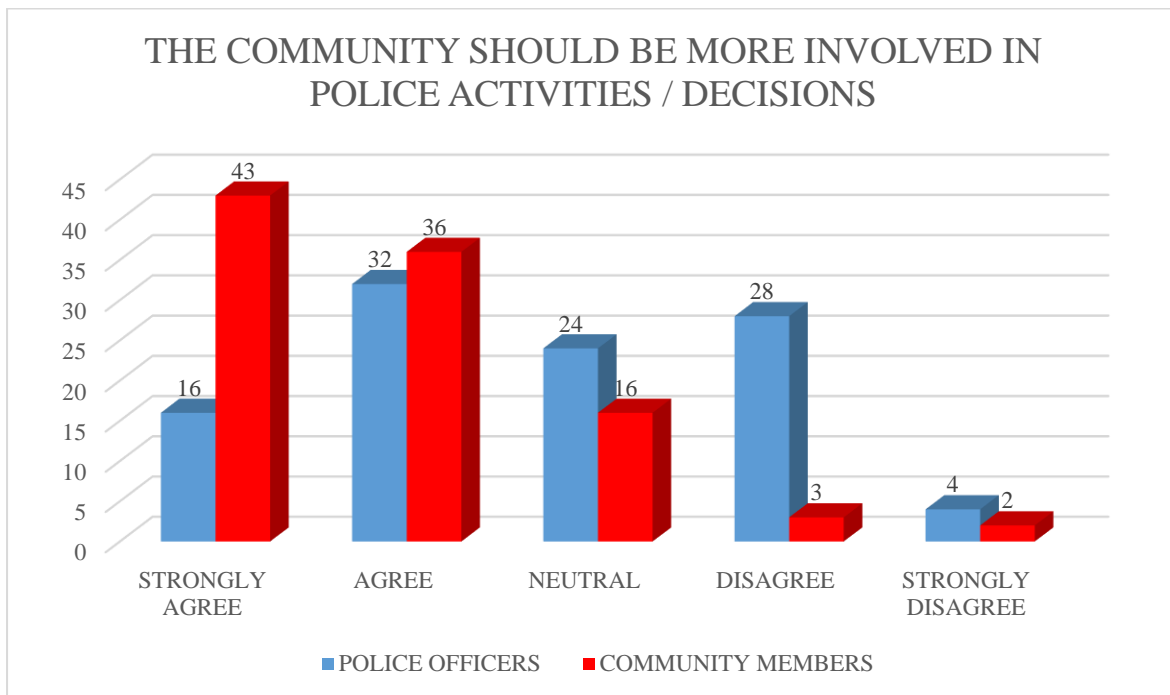
	Traditional policing	Community policing
Who are the police?	Government department with the goal of enforcing the law.	Police members rendering a service to the community. The police are members of the community and the community is in partnership with the police.
What is the relationship of the police force to public service departments?	The priorities of the police often clash with those of other organisations associated with the police.	The police work with other departments to improve the quality of life in the community.
The role of the police	First and only priority is to solve crime.	Problem-solving on a broader scale.
Police efficiency	Arrest rates	By the absence of crime and disorder.
What is important for police accountability?	To keep operational offers out of trouble so they can get on with the work.	Accountable to the community by constant communication.

Source: Thibault et al (2007:183)

It is evident that community-orientated policing was formulated to work with the community whereas traditional policing strategies were incorporated to combat crime without involving the community or any other organisations. The main aim of traditional policing was to maintain law and order and to prevent crime at any cost, which was to the detriment of the community. The debate between traditional policing and community-orientated policing is fueled by the rise of police brutality. Should policing stay solely the responsibility of the SAPS?

During the surveys, members of the SAPS Cape Town Central and the community from the Cape Town area were asked whether they felt that the community should be more involved in police activities. The graph below, which was designed by the researcher, indicates their response.

Graph 4.3: The community should be more involved in police activities / decisions



Above graph designed by researcher.

Having the community involved in police activities and decisions will build a strong relationship between the police and the community. The police officers and community members were asked whether they think community members should be more involved in police activities and decisions. Sixteen percent of the police officers strongly agreed compared to 43 percent of community members. Thirty-two percent of police officers agreed with 36 percent community members agreeing to this statement.

Twenty-four percent of police officers and 16 percent of community members were neutral and did not agree nor disagree. Twenty-eight percent of police officers disagreed and three percent strongly disagreed compared to three percent of the community members disagreeing and two percent strongly disagreeing to this statement. It is, therefore, found that police officers and community members are of the opinion that the community should become more involved in police activities and decisions.

4.4.2. Sector Policing

Where community policing brought the community police relationship closer, Sector Policing brought the police closer to the community into smaller manageable sections (Govender 2012:8). She noted that sector policing was first implemented in Gauteng in 2003. The idea was to have smaller areas where police members can have a closer relationship with their community.

It was further noted that each community has its individual problems and by making the areas of a police station smaller will assist the police members to recognise these problems and deal with them alongside the community. This will enhance trust in the police and make police members feel more involved in their communities. The community will also get more involved and assist the police more willingly once this trust has been gained. The response time to attend to complaints from the police will also be reduced if the patrol vehicles are in the areas.

4.4.3. The White Paper on Safety and Security

The White Paper on Safety and Security was first put in place in 1998. It was reviewed and in 2010 and 2016 a new draft was implemented. The vision of the White Paper on Safety and Security (2016:6) is that by 2030, South Africa must be a safe environment to live in.

This will include being and feeling safe from crime and violence as well as receiving professional service in that regard. It was noted that there must be two distinct approaches, namely the intervention to the police environment and an integrated and developmental approach to crime and prevention of violence. It was also noted that the police cannot approach these two interventions by themselves. The police service needs to build partnerships more effectively. They also noticed that reactive approaches to policing has limited success.

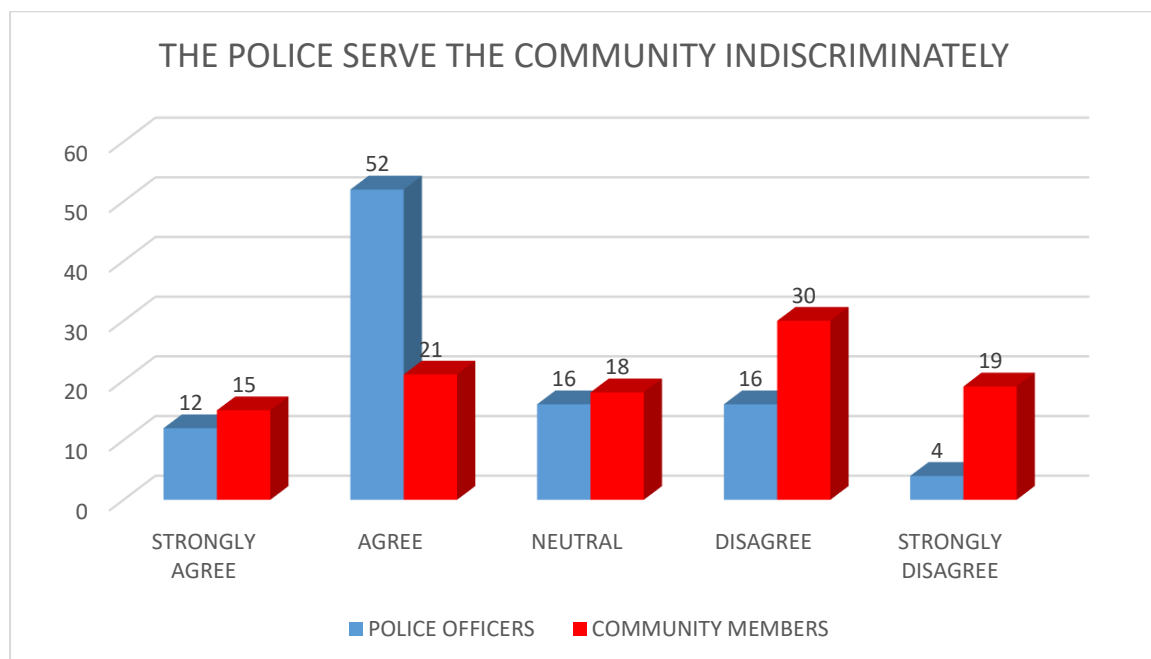
Long-term policies need to be implemented and developed that will decrease incidents where people have conflict with the law. This must also be coupled with an increase in the safety and security of the community.

The Draft White paper on Safety and Security (2015: n.p.), provides the necessary policy interventions to cater for the effective transformation of policing and the creation of an institutionalised, multi-agency approach to crime. One of the most important factors that is expressed repeatedly by the White Paper is that the community and public need to be actively involved in all facets of decision-making.

This can be done by establishing forums such as the CPF. The Cape Town Central SAPS has regular CPF meetings. The chairperson of the CPF is a community member who stated that meetings are held every Tuesday. The people who attend these meetings represent the community, businesses, security companies and other law enforcement agencies. The White Paper (2016:46), further mentions that a monitoring system must be developed. The Department of Planning, Monitoring and Evaluation (DPME) was established to develop such a monitoring system.

This system will be incorporated into every program that is developed and implemented by the government and the SAPS. The White Paper on Safety and Security is the government’s plan to provide the community with a professional service, which will include the SAPS. If this is implemented properly and monitored correctly, the police service will need to provide a more community-orientated service, which will be more accountable.

Graph 4.4: Police serve the community indiscriminately



Above graph designed by researcher.

It is important for the police to serve the community indiscriminately and, therefore, the opinions of the respondents are important. The police officers and community members reacted positive to this question with 12 percent police officers and 15 percent community members strongly agreeing and 52 percent police officers and 21 percent community members agreeing to this statement. There were 16 percent police officers and 18 percent community members whose answers were neutral and, therefore, did not agree nor disagree.

Sixteen percent police officers and 30 percent community members disagreed and furthermore four percent police officers and 19 percent community members strongly disagreed with this statement. The majority of the respondents were of the opinion that the police of Cape Town Central SAPS serve the community indiscriminately. This contributes to a reasonably good relationship between the police officers and the community.

4.4.4. The National Development Plan 2030

Part of the vision of The White Paper on Safety and Security (2016:30) is the National Development Plan (NDP) of 2030. The NDP is a plan by the government, which includes the South African Police Services, the Criminal Justice System (CJS) and private corporations to determine how to eradicate the root cause of crime by building a lasting partnership with the community. This will be achieved by dual responsibilities between all the role-players, which will include both government and non-government parties. In order to achieve a crime free South Africa, the NDP has recognised steps that will help to achieve this goal. The White paper on Safety and Security (2016:30) indicates the NDP's steps as follows:

The Criminal Justice System needs to be improved. The SAPS must be more professional in their approach to the community. This will be achieved by demilitarising the police and by increasing the participation of the community in safety and security initiatives. This approach will build a sound relationship between the community and the police. The SAPS will need to revise their priorities and strategies to align with the National Development Plan. This will mean that their approach to the community must be less aggressive.

4.4.5. Green Paper on Policing

The Green Paper on policing has certain guidelines that can help with the monitoring of cases where brutality has become a problem. By evaluating and monitoring civil claims made against the police, a pattern can be identified and the causes can be rectified — be it poor command or control or training needs. According to the Green Paper on Police Practice (2014:8), the police have realised that the old methods of reactive policing were not working.

The police changed from a force to a service moving away from past practices of police brutality and excessive use of force. They then concentrated on protecting the community rights as set out in the Constitution. Community Police Forums were established with the goal of building a relationship between the police and its citizens. This will allow the community to give their opinions during the decision-making processes and make them part of the crime combatting strategies.

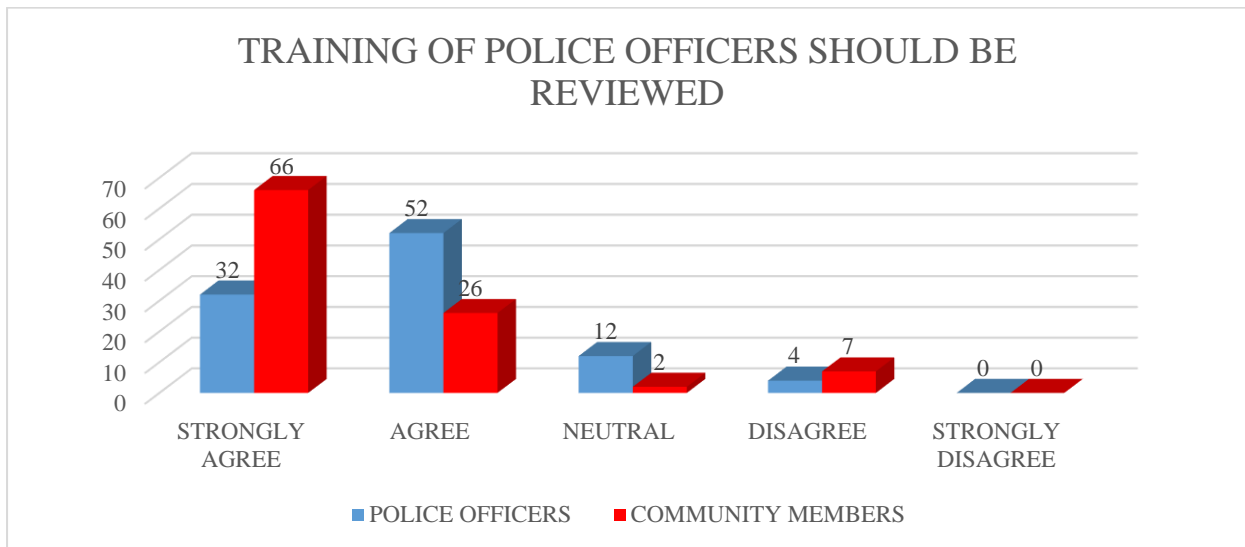
The Green Paper on Police Practice (2014:17) further states that it is essential that the police be held accountable to the community it serves, as stated in the Constitution. This, however, cannot prevent the police service from performing duties that will need them to combat crime and the use of force is needed. It is, therefore, essential that certain policies and regulations be put in place that clearly tells the police how to react to situations. The police, therefore, cannot only rely on their discretion to determine how much force can be used. These regulations will guide them to make quick professional decisions that are in line with the Constitution and Bill of Rights.

It was also noted in the Green Paper on Police Practice (2014:18) that the police cannot only rely on regulations and policies to guide them when performing their duties. They must have the correct equipment to perform their functions. This equipment will allow them to use force, which is reasonably appropriate to the resistance and the seriousness of the offence. This has a lot to do with training of the police members.

The Green Paper on Police Practice (2014:19) noted that all training of law enforcement and police members must be standardised. Until this is achieved, there will always be conflicting situations between the various services. Professionalism and accountability must be a key point when it comes to the service provided to the community. It will start with government and move through all agencies including and, perhaps most importantly, the police.

The Green Paper on Police Practice (2014:19) further stated that the police must be continuously monitored for any form of misconduct, especially brutality. This can be done by evaluating civil claims made against the police especially cases that entail brutality or excessive use of force. These claims can show any trends that may be due to poor command and control or training needs.

Graph 4.5: Training of police members should be reviewed



Above graph designed by researcher.

Following on the previous statement, the respondents were asked if they are of the opinion that the training that police officers receive should be reviewed. Of the police officers interviewed, 32 percent strongly agreed and 52 percent agreed that the training should be reviewed. Twelve percent were neutral and only four percent of the respondents disagreed with the question. Therefore, the total of police officers who agree that the training is insufficient are 84 percent. Sixty six percent of the community members strongly agreed and 26 percent agreed that the training should be reviewed with two percent being neutral and only seven percent disagreeing.

This indicates that 92 percent of the community members are of the opinion that the training should be reviewed. By asking the two groups of respondents the same questions, it was established that there are certain aspects that the police officers and community members agree on and other aspects where they disagree on. It is important to consider both viewpoints, since police brutality does not only affect the community, but the police officers as well. According to the Green Paper on Police Practice (2014:18), this mandate was strengthened when the new IPID Act was implemented.

4.4.6. The role of the Independent Police Investigative Directorate

Bruce (2017:2) noted that Independent Civilian Oversight Bodies (ICOBs) have been introduced internationally since the 1970's. ICOBs have been established in a number of new democratic countries.

The main purpose of ICOBs is normally as an oversight to the police. Bruce further stated that by doing this, ICOBs must ensure that their investigations into police criminality are done efficiently and that their investigations are legitimate.

This will give the public a sense of security and the comfort of knowing that the police do have an agency that can effectively keep them in check. According to Ncube (2014: n.p.), the Independent Complaints Directorate (ICD) was formed in 1997 to deal with cases that involve any allegations of misconduct by the South African Police Service. Bruce (2017:4) stated that the ICD was formed in accordance with the new Constitution of South Africa. Ncube (2014: n.p.) noted that the ICD changed its name to the Independent Police Investigative Directorate (IPID) from the 1st of April 2012. Bruce (2017:2) noted that the IPID is the South African Police Services' oversight body.

Another agency that investigates cases against the police is the Directorate for Priority Crime Investigation (DPCI), more commonly known as the Hawks. The difference with the IPID is that they work independently from the police whereas the Hawks fall directly under the Police Commissioner. Their investigations need to be checked and recommended before further investigations may be done. According to Bruce (2017:2), the functions of the IPID are to investigate alleged crimes committed by members of the SAPS. These duties also include any violations of the SAPS' policy and national legislation.

Bruce (2017:5) noted that a key difference between the old ICD and the new IPID is that with the ICD the police only had to report deaths in police custody whereas with the new IPID, Act Section 28 (1) forces the police to report all matters of police criminal offences. Section 4 of the IPID Act, Act No. 1 of 2011, ensures that the IPID acts impartially towards any state organisation which it is tasked or assigned to investigate. This means that it is not influenced by the police in any way.

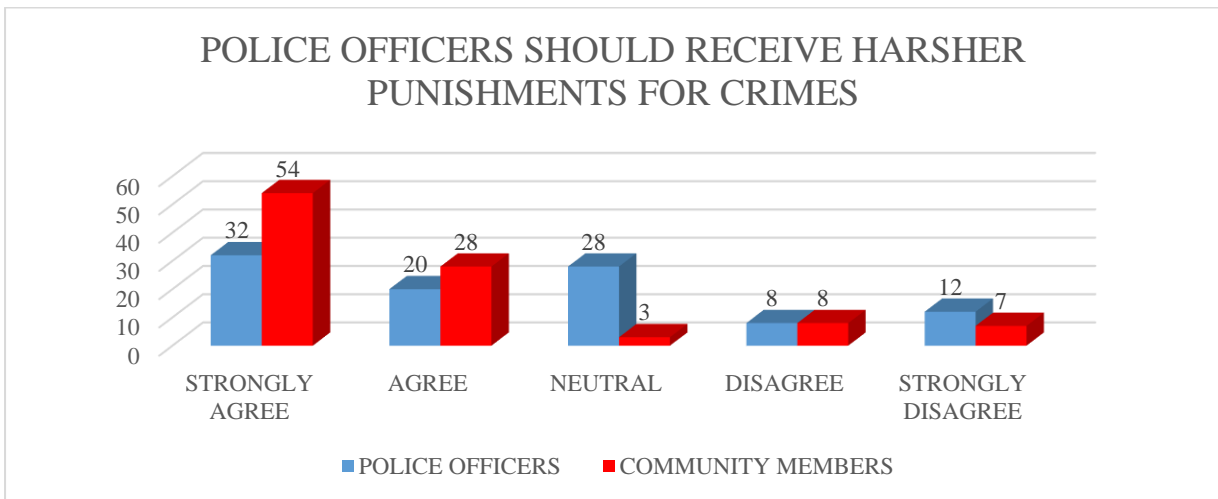
This Act states the following:

- Independent Police Investigative Directorate Act 1 of 2011:
 - *To make provision for the establishment of an Independent Police Investigative Directorate and to regulate the functions of the Directorate;*
 - *To provide for the establishment of a Management Committee and Consultative Forum and their respective functions;*

- To provide for the appointment and powers of investigators;
- To provide for reporting obligations and co-operation by members of the South African Police Service and Municipal Police Services;
- To provide for transitional arrangements; to provide for the repeal and amendment of certain laws; and
- To provide for matters connected therewith.

The new IPID Act means that the IPID will not be governed by the police, but by a separate legislation. This is a significant difference that enables the police’s watchdog to have more authority when it comes to investigations against the SAPS.

Graph 4.6: Police members should receive harsher punishments for crimes.



Above graph designed by researcher.

This question placed the focus on the punishment police officers receive for crimes they commit and whether they should receive harsher punishment for crimes than the normal citizens due to their extensive knowledge of the definition of crime and what is right and wrong. Thirty two percent of the police officers strongly agreed to this statement and 20 percent agreed. This is 52 percent of the police officers who are of the opinion that police officers should receive harsher punishment. Twenty-eight percent were neutral, eight percent disagreed and 12 percent strongly disagreed.

The community members were also of the opinion that police officers should receive harsher punishment, with 54 percent strongly agreeing and 28 percent agreeing to the statement. Three percent were neutral, with eight percent disagreeing and seven percent strongly disagreeing.

The overall viewpoint of the respondents was that police officers should receive harsher punishment.

4.4.7. The SAPS National Instruction 1/2016

Due to the increase in police brutality and civil claims against the police, the SAPS legal services unit compiled a document containing the legal aspects and guidelines on how to effect an arrest. This National Instruction also discusses the implications of the police if excessive force is used and includes the following:

4.4.7.1. SAPS Standing Order 341

The SAPS Standing Order 341 deals with the effecting of a lawful arrest. This Standing Order discusses Sections 39 and 49 of the Criminal Procedure Act 51 of 1977 and the implications of the use of force. Chapter four notes that certain requirements need to be adhered to before force can be used to arrest a suspect. These requirements are that the suspects must be informed that they are going to be arrested. If the person resists or flees, a verbal warning must be given to the suspect that force will be used to apprehend the person. Force will only be used as a last resort.

Chapter five states that minimum force should be used and it must be proportional to the resistance given by the suspect. Chapter six notes that the use of lethal force, Section 49 of the CPA, is lawful, but not recommended. It states that the police official must use his or her discretion when assessing the situation. The use of lethal force will be the last resort only when all other measures have been attempted. It also stipulates that it will only be used if lives are in danger or the crime committed by the perpetrator justifies the use of lethal force.

Chapter seven gives instructions that the commander of the police member has a responsibility to ensure that the police member is familiar with these standing orders and is properly trained regarding the use of force. Chapter seven also states that the commander must immediately report any incident where an arrested person is killed or injured to the IPID. The scene of the incident must be safeguarded for investigation, if possible, and the injured person must be provided with immediate medical attention.

4.4.7.2. SAPS Standing Orders 251

The SAPS Standing Orders requires a police officer to report any shooting incidents. These incidents have to be investigated and a report must be completed stipulating whether the police officers' actions were lawful or not. It thus —

“Requires that a SAPS member report a shooting incident, that an investigation take place and that a shooting incident report is compiled indicating whether the member’s actions were legal or not.”

4.4.8. Debriefing police members of the South African Police Service

According to the Initial Debriefing guide (2001:55), the South African Police Service identified a problem that members of the police are being exposed to traumatic experiences on a daily basis. The SAPS needed a strategy to implement a psychological plan that can address the high degree of stress-related trauma imposed on its members. This need led to the implementation of a National Debriefing Project.

The National Trauma Debriefing Committee drafted a proposal that was submitted to the South African Police Service in 1996. It was approved as a National Instruction No. 18/1998 in September 1998. In 2002, it was revised and approved as National Instruction 18/98 (v.02). According to the Initial Debriefing Guide (2001:vi), SAPS members are exposed to extremely traumatic situations on a daily basis. They are faced with stressors that can affect them physically and mentally. They quoted Stratton (1994) who noted the stressors as the following:

- External stressors such as the community hostility and court systems.
- Internal stressors such as inadequate logistics, organisational changes and labor issues.
- The work itself, such as shifts, personal safety and risks and responsibility.
- Personal stressors, for example feelings of incompetence or fear.

Typical reactions of a victim of trauma, which must be looked out for by de-briefers and commanders, are as follows:

- Emotional responses — frustration, feelings of aggression, fury and numbness.
- Cognitive responses — hypersensitivity to criticism, poor judgment, negativity and pessimism.
- Behavioral responses — emotionally unstable, excessive drinking and aggressive actions.

4.4.9. Initial debriefing and formal debriefing

According to the Initial Debriefing Guide (2001:36), initial debriefing should occur immediately before, during or after a traumatic experience before the member goes home. The initial debriefing will be conducted by a trained initial de-briefer or a formal de-briefer.

According to the Initial Debriefing Guide (2001:47), this could be the senior officer or shift commander. It is an informal talk between two co-workers that can be done in a quiet office at the station or workplace.

The main purpose of an initial debriefing is to provide support in a positive environment where the member feels safe and comfortable. The initial debriefing will be short sessions of not more than 15 minutes. According to the Initial Debriefing Guide (2001:45), the goal of the initial debriefing is to give support immediately to the member. This means that the member receives support before the member goes home. The trauma will be or partially be defused and a happy medium will be achieved. If the initial de-briefer feels that the member will need more counselling, a formal debriefing will be scheduled.

According to the Initial Debriefing Guide (2001:36), formal debriefing must take place within 24 to 72 hours. Formal debriefing must be carried out by a professional trained person, such as a psychologist, chaplain or social worker. These sessions will be longer and more in-depth between one to three hours. According to the Initial Debriefing Guide (2001:45), formal debriefing will take place in a safe and controlled atmosphere. It can be after a specific traumatic incident, but can also be a general debriefing if the members feel they can no longer cope.

4.5. SUMMARY

Most cases of police brutality occur when the police are effecting arrests. An accused person being arrested is usually not in a stable condition and does not react well to being arrested. Most countries are in agreement that training their police members in human rights policies will give them a different perspective on how to deal with the community. Community policing is also a good way to build a relationship with the community. By involving the community in policing strategies will help them understand and respect the police members they are working with.

Most of the countries mentioned have already implemented non-lethal ways of effecting arrests. These non-lethal strategies, which include tasers, tear gas and batons, have had varying successes. It is important to note that the correct training regarding the use of non-lethal force is paramount. Many of the studies have shown that the police members using less lethal means of affecting an arrest will often abuse the use of tear gas or tasers, which will cause unnecessary injuries to the person they are subduing.

The implementing of body cameras was also discussed. It was established that the use of body cameras could reduce the possibility of police members committing an unlawful act, such as police brutality. The implementation of an Independent Investigative Unit that investigates police misconduct was also discussed. By monitoring police deviances and identifying members who have been involved in brutality related incidents will assist in curbing repeated offences. Debriefing of officers was noted as part of a strategy to assist members of the SAPS to deal with stress. Members that show symptoms relating to stress can receive counselling and will be monitored thus reducing the possibility of them committing acts of violence to themselves and others.

The legislation and policies that are already implemented in South Africa give clear instructions and guidelines on the correct procedures to follow when arresting suspects and the use of force. The core provisions of law, which justify the use of force, are provided in the common law statutes. This legislation defines the circumstances in which the use of force in private defense may be justifiable. The law on private defense applies generally to everyone in South Africa including members of the SAPS.

Different strategies have been implemented in other countries to deal with the prevention of police brutality. These strategies include monitoring police men and women who abuse their powers. According to Dennis, Erdos and Robertson (2003:2), Sir Robert Peel, who is largely considered the founder of the modern police force, stated that peace could be kept by peaceful methods and that the absence of crime is a true reflection of policing done correctly. It is important that all the strategies mentioned in this chapter be enforced more rigidly which will result in the successful prevention of police brutality.

CHAPTER FIVE

FINDINGS

5.1. INTRODUCTION

Throughout this research, four sub questions were asked to enable the researcher to answer the main question, which is — how can police brutality be prevented in the Western Cape? All the data that was collected, whether it was through survey questionnaires, semi-structured interviews or literature reviews, were done with these four sub questions in mind. Some of the findings have been briefly discussed in Chapter three and Chapter four of this study. This chapter will focus on the findings of each sub question respectively.

After completing the data collection and conducting the data analyses, it became evident that the data collected was sufficient to answer the research sub questions. The main reasons behind police brutality and the effect of police brutality on the community will be explained. Thereafter, the findings on whether police brutality can be prevented will be explained and what policing strategies the SAPS can utilise to combat police brutality. These findings will also be described by means of charts, which will summarise the discovery.

5.2. RESEARCH QUESTIONS FINDINGS

Each sub-question will be dealt with individually. The findings will be evaluated and presented, and will be based on the data that was collected during the data collection phase of the research. During the data collection phase, respondents from the CPF of Cape Town Central Police Station, the Community of the Cape Town CBD and Police officials from the SAPS Cape Town Central were interviewed. All of these respondents were asked to complete the same survey questionnaire. This was done with a specific intention. This intention was to see whether the members of the community have the same mindset and thoughts as those of police officials.

It was also done to see how different the community's and police official's attitudes are towards police brutality as well as to determine the relationship between them. The findings regarding each sub question are as follows:

5.2.1. What is the main reason behind police brutality?

During the data collection phase, a number of questions were put to the respondents to obtain their views on police brutality. These questions were asked to determine whether police brutality is a problem and why police officials commit brutal acts of violence.

The analysed data was scrutinised and the reasons for police brutality were grouped together. Furthermore, the literature was studied and presented.

All of the respondents were asked the question whether police brutality is a problem. The majority of the respondents who completed the survey questionnaires agreed that police brutality is indeed a problem. This included police officials who felt that police brutality is a problem that needs to be addressed. They did, however, feel that police officials are intentionally provoked by suspects who are being arrested, which leads to hard handed or excessive force.

The respondents who were interviewed also agreed that police brutality is a problem. They feel that police brutality casts an unwelcome shadow over the entire police service, which has caused a bad stigma of the police. It was thus established and confirmed by the majority of the respondents that police brutality is a problem in South Africa. The literature obtained also confirmed, by means of numerous articles and statistics that police brutality has increased over the past few years and become a worrying factor for the SAPS' top management and politicians alike.

Members of the community were of the opinion that the training that police members received is a problem. The question put to these members of the community was whether police officers are sufficiently trained. More than half of the community members stated that police members are not trained on how to interact with the community in a civil manner and how to respect people's human rights. Some of these respondents strongly disagreed. Their opinions were based on their personal experiences with police members. They felt that members of the SAPS were abrupt and did not seem to be interested in their complaints.

Even respondents of the SAPS were of the opinion that police members are not adequately/sufficiently trained. This inefficient training and frustration on the part of the community, that the SAPS members are inadequately trained could be a contributing factor why the community becomes aggressive towards members of the police.

Certain community members have lost respect for the SAPS and are already frustrated when police members approach them. This will in turn escalate out of control if the police members cannot sufficiently/adequately control the situation. The researcher is of the opinion that language can also be a contributing factor.

Due to the vast number of languages and cultures in South Africa it is difficult for a police member to communicate with a member of the community if the language that they need to speak is not their first language. The researcher found that certain members of the community found it difficult to express themselves while answering the questionnaires. This was also evident during the interviews. Even senior members of the SAPS found it difficult to express their points of view. The difficulty to communicate might make the police member appear to be more abrupt in his/her approach.

Members of the Departmental Hearings Section of the SAPS were asked whether police brutality is a problem in the South African Police Service. All of the members were of the opinion that police brutality is a problem. One of the members noted that respect on the part of the police towards the community, and vice versa, is one of the main contributing factors why police members commit brutal acts. This respect also extends to the law. Two of the members from the Departmental Hearings Section of the SAPS were of the same opinion and agreed that certain police members do not respect the law or think that legislation is not applicable to them.

The police's military attitude has also received negative comments. The public feels that the SAPS is structured in a militaristic way. The opinion of the community is that the police are unapproachable. This militaristic style causes more fear of the police than security/comfort. The SAPS is, therefore, in a catch 22 situation. The question is whether they must change their militaristic style and lose discipline or retain the militaristic style and alienate themselves from the community. There is a fine line that the police will need to tread.

They will need to keep the militaristic style to maintain discipline, but also adopt a more community orientated police service when it comes to serving the community. Community members who participated in the survey were of the opinion that police members might overreact when a serious matter or complaint arises, which might be the result of inexperience or due to a lack of training. It was also noted that attitude on the side of the police is also important when it comes to possible causes of police brutality. This attitude could be from superiors who influence their subordinates in a negative way.

The younger members are susceptible to the influences of their superiors and will act accordingly. One participant noted that a lot of the claims against the police are against younger and less experienced members. Therefore, training once again becomes an important issue when it comes to police brutality. It was noted that police members are unsure about their position in society and the SAPS. It was stated that members do not receive sufficient guidance.

They are even unsure about whether the police are a service or a force. Govender (2012:13) has attributed many factors behind police brutality. She noted that the top management and even members of parliament are contributing factors that need to be addressed. The management style of certain Police Commissioners has, according to Govender (2012:13), influenced members of the SAPS in a negative way. This negative influence has resulted in an increase in police brutality, which has been condoned as its worst in certain cases and at best ignored by top management and even politicians.

The community members who participated in this research felt that the police do not serve the community indiscriminately. Although more community members disagreed and strongly disagreed with this question, it was by a small margin. This thought process begs the question that police members will discriminate on how they approach a complaint based on the race, social status and gender of the complainant. This could also be the case based on the aggressiveness of the police official towards a member of the community.

It has been suggested from certain respondents who are not originally from South Africa that they are definitely weary of the attitude of police members towards them. There is a definite feeling that xenophobia is a contributing factor towards police brutality. Grobler and Prinsloo (2012:44) stated that another possible reason for police aggression is the mentality of the police members. This attitude that police officials have is that they are the law and that they must be respected. When the community does not show them the necessary respect, they will often lash out, which will inadvertently lead to verbal and even physical abuse.

Grobler and Prinsloo (2012:44) noted that this attitude is especially prevalent from the male members of the police service. Police members often have excuses for their actions. They will justify their actions by blaming the suspect. They feel that the suspect should be punished for his/her actions and once he/she has committed a crime, the suspect forfeits his/her rights as a member of the community. Along with these autocratic police mentality, police officials might also suffer from serious mental disorders.

Literature confirms that many police officials suffer from Post-Traumatic Stress Disorders (PTSD) that are never properly diagnosed. According to the Initial Debriefing guide (2001:vi), this can have a devastating effect on a police official's personality and judgment. This will result in a police official not being able to deal with normally trivial situations. The police official could have an aggressive response instead of dealing with the situation passively.

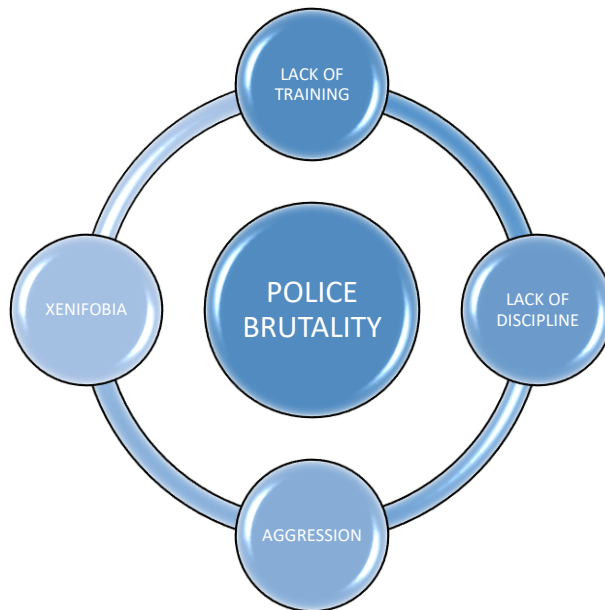
Certain theories regarding police brutality were put forward for consideration. The researcher consulted various theories to try and understand why police brutality is such a problem. The findings were quite surprising. It was noted that different societies will act differently. This is determined by how they were raised. Certain groups or community members might find it quite normal to commit a petty crime, such as theft, if an object is found abandoned whereas other community members will find that unlawful. The problem is that the law is straight forward and theft is theft. If the police act, then the community members might feel that they are being targeted.

The situation might become volatile and the police will resort to strong hand tactics. This deviant behavior by certain individuals might erupt from petty crimes. This theory is similar to Control Balance Theory. Another theory is Conflict Theory, where people's ethics will determine whether they will uphold the law or not, (Giddens and Sutton 2013:933). This theory notes that the police need to uphold the laws of the government (Kwon, 2012: n.p.). The government, in turn, upholds the laws as governed by the rich and powerful. The community, therefore, needs to fall in line with these laws, which often results in demonstrations. The police will then have to maintain order, and police brutality is the result.

All of these theories depict that society consists of different classes and ethnic groups of people. These people, who form the community, have different beliefs and opinions. These differences of opinions and beliefs from a diverse community contribute towards police brutality as the police attempt to uphold the law. The police do not consider these differences of opinions and beliefs. The following graph indicates the reasons behind police brutality. This study revealed that a lack of training and discipline leads to incidents of police brutality.

Furthermore, some of the police members are extremely aggressive and do not know how to manage their aggression. This aggression gets taken out on the community members and causes incidents of police brutality. Police members also get involved in xenophobia where they become aggressive towards individuals from foreign countries and other cultures.

Graph 5.1: Reasons behind police brutality



Above graph designed by researcher.

5.2.2. How does police brutality affect the community?

This study disclosed that the first negative effect that police brutality has had on the community is that police officials cannot be trusted. This distrust/mistrust has engrained itself into the psyche of the South African society. Berning and Masiloane (2011:60) agreed that the image and reputation of the SAPS have been tarnished in the eyes of the community. Community members were of the opinion that police officers cannot be trusted.

This was as a result of the community's experiences with the police. They stated that due to the negative publicity and personal experiences, they could not trust police officers. This distrust/mistrust has also had a reverse effect on the police officials themselves. Due to the distrust/mistrust the community has of police officials, certain police officials also felt that they cannot trust the community. Police brutality has, therefore, had a knock-off effect regarding trust.

Certain police officers themselves stated that they would not trust their fellow colleagues. The distrust/mistrust leads to additional tension and frustration as well as unnecessary conflict between colleagues. This tension, frustration and conflict are then taken out on suspects and community members. South Africa is not unique. It was found that most countries that the researcher compared with South Africa, namely the United States of America, the United Kingdom and Nigeria, all have the same distrust/mistrust issues by their communities towards the police.

The researcher found that students who were interviewed have trust issues with the police after they were mishandled during the “fees must fall” protests. This means that young South Africans are already negative when it comes to their opinions about the police. This mistrust/distrust stems from an opinion that police members do not have the correct training and are unethical when it comes to dealing with the community.

This has resulted in the community having the opinion that certain police members are too aggressive towards them. This will, therefore, again lead to the community being afraid and mistrusting/distrusting the police. The community’s attitude towards the police plays a vital role in the way in which they approach the police, and the way in which the police members react to their behavior. The opinion of the community, that police brutality is a problem, will and has damaged the relationship between the police and the community.

Police members who participated in answering the question were partially in agreement that police brutality is a problem that should be addressed. Some of the police members, however, disagreed that police brutality is a problem and were of the opinion that brutality cases are not as common as they were made out to be. The police members did, however, concede that police brutality cases have given the police bad publicity. Certain police members did not want to comment and were neutral on the subject.

The Police members that participated in the survey questionnaires stated that some incidents were taken out of context and exploited by the media. Social media, and the media as a whole, plays an important/integral role in publishing accurate news and has resulted in police brutality cases being published in a biased manner where the police are portrayed as being overly aggressive and using excessive force, whilst nothing is published about what the community members did prior to the incident/s being recorded. The police are often portrayed as unprofessional and this is seen by the community.

This is usually the case in situations of public violence, strikes and groups of people gathering illegally who become volatile. The police act in accordance with the law and need to calm the crowd and protect the property and lives of other citizens whilst the masses of people utilise all forms of brutal force, aggression and sometimes dangerous weapons to relay their messages. The police do, however, need to act and react in a professional manner that is conducive to the needs of its community. It is, therefore, evident that the police respondents’ and community respondents’ opinions that the effect of police brutality on the relationship between the police and the community will also differ.

Police respondents were of the opinion that the community should not have a say on how the police should operate and make decisions. They feel that their main objective is to combat crime. This protects the community to a certain extent, but fighting against crime will always be a reactive approach and not a proactive approach. By making use of a reactive approach, the SAPS react to crime by analysing statistics and planning its efforts by concentrating on crime hot spots. In this approach, the community is not involved in the crime prevention strategy.

A proactive approach is a community orientated approach that involves the community in assisting with crime prevention initiatives. The opinion of the police members who were involved in the research mirrors the thoughts of Burger (2013b: n.p.) who noted that police members are trained in fighting crime and are no longer concerned with the community's participation. The community has been affected psychologically by police brutality in that they feel that they cannot trust the police members. Ryan [s.a.] noted that members of the community who have been victims of police brutality could possibly develop Post-Traumatic Stress Disorder (PTSD). PTSD can affect people in various ways.

Ryan [s.a.] further noted that PTSD can cause anxiety, substance abuse and eventually lead people to commit suicide. People who suffer from PTSD cannot function properly in a normal society and find it difficult to work. People who suffer from PTSD can, therefore, not contribute to the community and will need to be looked after thereby causing more financial strain on the government.

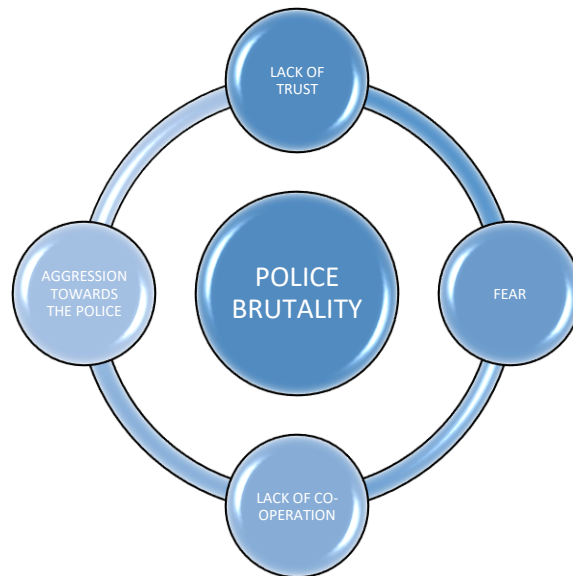
The community have also been affected financially by police brutality. Fokazi (2013) quoted Gareth Newham of the Institute for Security Studies (ISS) that in 2013 alone claims against the police for assault cases amounted to more than 480 million Rand. If you consider that the Western Cape statistically had the most numbers of assault cases, one quarter of the almost 4,000 cases reported, according to IPID, this could indicate that the Western Cape SAPS was the leading contributor to these claims against the SAPS.

This can have a devastating effect on the economy, as it affects not only the state, but the financial situation of the entire country. The researcher noted that this has not deterred the police from being even more aggressive. According to Kubheka (2017), the SAPS has racked up approximately 14 billion Rand worth of civil claims in the past financial year (2016/2017). She quoted the Chair of the Portfolio Committee, Francois Beukman, who claimed that 16,000 more civil cases have been opened against the police in the past financial year, 2016/2017.

This has horrific consequences and has forced the police to reduce its staff by 3,000 members in the next financial, 2017/2018. This means less police officials on the roads to protect the community. The community, therefore, is not only affected physically by being subjected either personally or knowing someone who has been abused by the police, but has been psychologically affected by fear or distrust/mistrust the police.

They are also affected financially by police brutality, as they are paying towards the country's budget that in turn pays claims that have been instituted against the SAPS. The community respondents feel that the police members are not prosecuted for their actions in a correct and timeous manner. The following graph indicates the impact that police brutality has on the community. It creates a lack of trust and causes a lack of co-operation between the community and the police. It instills fear in the community members, which gives rise to aggression towards the police.

Graph 5.2: The impact of police brutality on the community



Above graph designed by researcher.

5.2.3. Can police brutality be prevented?

Throughout the world, police members have committed atrocities against their citizens. History has shown that police brutality has remained prevalent even after numerous attempts have been made to eradicate it. This question above all was, in the opinion of the researcher, the most important to answer. Most of the respondents from the community strongly agreed with the question and said that police brutality can be prevented, followed closely by the community members agreeing that police brutality can be prevented.

Certain police members agreed that working with the community will help, but this opinion was mixed. Police members were of the opinion that the community should not have a say in policing related issues. Most of the respondents interviewed agree that police brutality in the Cape Town area is a cause for concern. They stated that they have been affected in one way or another by police brutality. The researcher felt that the question whether police brutality can be prevented will be the most difficult to answer. The findings were surprising, as the answers from the respondents were generally favorable.

This is a positive sign that the community still believes that police brutality can be prevented. It shows that despite all the negativity shown throughout this research, there is still light at the end of the proverbial tunnel. The community in the Cape Town CBD is generally in agreement that police brutality can be prevented. The same question was posed to the police officials of the Cape Town Central SAPS who agreed that police brutality can be prevented although they noted that there are many barriers that must be overcome before this will become a reality.

The respondents easily answered this question to say that police brutality can be prevented. History and statistics, however, indicate that this is easier said than done. Many of the countries that were compared with South Africa have recently shown a sharp increase in cases of police brutality. So-called First World countries, such as the USA, the UK and Australia, have seen an escalation in cases of police brutality. These countries have implemented preventative procedures and have had community orientated policing for much longer than South Africa, but are still plagued by police brutality.

It is, therefore, extremely difficult to agree with a question without first having a thorough understanding on why police brutality occurs. Many factors must be taken into account as to why police brutality occurs. A secondary question was posed to the respondents. Can police brutality be totally eradicated? This question was asked to determine whether the respondents might be of the opinion that police brutality can be prevented, but not totally stopped. The majority of the respondents from the community felt that police brutality can be totally eradicated. The police officials who answered the question agreed that police brutality can be eradicated.

In a perfect Utopian society this question would not even be asked. However, in a democratic society where members of the community will have differences of opinion, there will always be struggles or challenges.

The researcher found that police brutality will never be totally eradicated. There will always be dominant members either from the community or from the police who will try and force their will over others.

5.2.4. What strategies can the SAPS use to combat police brutality?

Having asked respondents of the community and police officials the same questions, a general idea of certain preventative measures regarding police brutality could be found. Literature from other countries on preventative measures regarding police brutality was compared with South Africa. Statistics that were provided in chapter three indicates that South Africa definitely has more police brutality related cases than other countries. Certain questions regarding preventative strategies were asked. One of the questions posed was whether police officials should receive harsher punishments for crimes they have committed than members of the community.

Almost all of the respondents noted that police members who are found guilty of offences should receive harsher punishment. They feel that police members should know the law and, therefore, know right from wrong. This will result in harsher punishment being a deterrent for police members to commit acts of violence and contravening the law. All the respondents agree that training, or the lack thereof, is a contributing factor to police members being unable to deal with situations in a correct manner. The lack of training and experience also extends to the supervisors who should manage the police members.

The respondents agreed that training methods should be revised and adjusted, and that police members should be taught how to deal with stressful and volatile situations. The majority of the respondents are in agreement that members of the community should work with the SAPS and be more involved with police activities and decisions. They feel that by doing this, police brutality can be eradicated. Many of the respondents feel that if the police and community work together, a better understanding and relationship will develop. This question will be discussed in more detail in the next chapter.

5.3. SUMMARY

The researcher used a multi-faceted mixed methodology research method to obtain data in an effort to answer the main research question — how can police brutality be prevented in the Western Cape. This was done by combining qualitative and quantitative research methods. The researcher conducted survey questionnaires to obtain data from a variety of respondents.

This included community members from the Cape Town CBD, police officials from the Cape Town Central SAPS and CPF members.

Semi-structured interviews were conducted with members of the Departmental Hearing section of the SAPS. During the data collection, it was found that police brutality is indeed a problem. The Western Cape has the most assault cases by police officials in the country. This statistic is a great cause for concern among the community. The researcher found that lack of correct training, lack of discipline and aggression on the part of police officials were the main contributing factors for police brutality.

It was also found that police brutality has caused many problems both for the community and the SAPS itself. The deterioration of trust between the police and the community has had a negative effect/impact on partnerships that have been formed. Financially, the community has also been affected by civil claims against the SAPS. Police brutality has, therefore, affected the community and the SAPS in many different ways.

It was found that despite the positive opinion of the community members who were interviewed, police brutality cannot be completely prevented or eradicated. It was found that strategies can be put in place to curb the occurrence of police brutality. These strategies will not change the situation immediately, but will be a timeous process that will take numerous interventions to make a difference.

CHAPTER SIX

RECOMMENDATIONS AND CONCLUSION

6.1. INTRODUCTION

The aim of this research was to determine whether police brutality is a problem and find effective policing strategies that can be implemented by the SAPS to prevent police brutality in the Western Cape. By conducting an extensive literature study on police brutality and comparing the phenomenon experienced in different countries it became evident that police brutality is not just a problem in South Africa but in the rest of the world.

The cause and impact of police brutality should firstly be addressed to formulate effective policing strategies when combatting police brutality. The findings in chapter five clearly indicated the affect police brutality has had on the community. The researcher compared the situation that South Africa is facing with that of the United States of America, the United Kingdom, Australia and Nigeria. In this chapter the researcher will provide possible recommendations to combat police brutality based on these findings.

By consulting various literature and analysing different strategies that various countries have implemented, information was obtained which could assist with the combatting of police brutality in the Western Cape. The researcher also gathered information by conducting surveys and semi structured interviews. The data from the respondents proved vital in determining what recommendations should be put forward.

6.2. RECOMMENDATIONS

With the research sub-questions in mind recommendations were formulated from the research findings, as discussed in chapter five, and will be presented in this section. These recommendations were formulated taking the collected data into consideration and will be combined with each of the research sub-questions.

6.2.1. What is the main reason behind police brutality?

It has become evident through the data collection that the main reasons behind police brutality is a lack of training, xenophobia, lack of discipline and aggression. To address police brutality, each issue needs to be addressed individually. Addressing these concerns will not change the situation immediately. It is a timeous process that will need dedicated and trained personnel with the right attitude and mind-set to address these critical matters.

6.2.1.1. Training

Before new members of the SAPS start with their basic training they will need to be screened. This screening processes starts with a criminal record check. The applicant then needs to complete psychometric testing. The SAPS have in the past performed these tests. It is important that these tests be updated and diligently administered. Each test completed by a participant must be evaluated by professionals and not just added to the member's application as part of the application process and never checked.

By doing proper screening of applicants, recruits who are inclined to aggressiveness will be identified and not recruited. Proper psychometric testing during the recruitment stage is important. This will identify recruits that might have a tendency to be aggressive or have other dysfunctional personality traits. This process has already been put in place (South African Police Service, 2014: n.p.). Candidates were put through a stringent process to ascertain if they qualify to be police members.

These psychometric tests being conducted by the SAPS must be evaluated to determine that they are sufficient for the position that the recruits are applying for. It is also important that a strict 'no-tolerance' policy must be adhered to as the SAPS cannot afford to be lenient and allow recruits to join if the test is inconclusive. Psychometric or aptitude tests are regularly used by large organisations to determine if candidates are suitable for the position they are applying for.

After the recruit has completed their basic training another psychometric test must be conducted to determine if the recruit is capable of being a police member. This psychometric test will also be used to determine where the police members will best be suited in the SAPS. Certain people excel at different activities. Not everyone will be suited to attending of complaints and patrolling, so they should be appointed to a position that best suits their abilities.

The training facilities also need to be revamped. The facilities are not up to international standards. Training facilities need to be updated so that recruits can be trained in a method where they must be disciplined to study on their own with lecturers explaining the most important matters and where they can debate and give their opinion over such matters. Physical fitness is also priority and a ridged scientific training programme must be added. Members that are not physically fit need to be placed in positions that do not require any physical activities.

However, they must be suitable for that position. It is of the utmost importance that the training programme of the SAPS be re-evaluated.

New recruits need to be trained in community policing. The training programme for students has been changed on a number of occasions. According to the SAPS website ([s.a]: n.p.), the current programme is the Basic Police Development Learning Programme (BPDLP). This programme consists of three phases namely college, workplace training and assessment.

The programme is also spaced out over 24 months. Ten months for college, 12 months at the pre-decided workplace, which means at a police station, and after that there is a two months evaluation period. Once the recruit or student passes this 24-month process, they will become a police member. This training programme in theory seems sufficient. The time period is long enough to determine if the recruit is competent to perform police duties.

However, police brutality is still increasing by new members of the SAPS. It is therefore important that the study material that the recruits are given is of an international standard focusing on community orientated policing. The second phase of the training is also of concern. The members that are training the new recruits that are known as Field Training Members (FTO) are not sufficiently trained to perform this function. These members are integral to the development of new members. They are, as such, mentors and need to assist the new members with the transition from college life to real life situations.

The training of all members of the SAPS will have to be scrutinised and revised, and focus will need to be placed on community orientated policing as well as the manner in which conflict situations should be handled without using unnecessary force. Training should become an ongoing process and not just a six-month programme of basic training. The police have courses in place for certain job descriptions, but not all members are sent on these courses which might be necessary to do their work to the best of their ability. In these courses police members can be trained in crowd control, conflict management, arresting a suspect, dealing with stress and anxiety whilst performing his/her duties, since all these situations can lead to police brutality.

Training should not stop after BPDLP and older members of the SAPS must also be upskilled in new and current techniques on how to deal with members of the public. New methods are being developed continuously and it is important that the police stay abreast of these new methods. These members must also be evaluated on a regular basis to determine if they are still able to perform a professional service towards the community.

6.2.1.2. People skills

Since it became evident that one of the reasons behind police brutality is xenophobia and a lack of communication it is suggested that police members are sent on courses on basic people skills. This will include communication skills, how to deal with distressed people and victims of crime, how to deal with disabled people and people with special needs as well as people from different cultures. It is important that police members are taught how to treat people with respect and dignity even though they might find themselves in difficult situations. It is important for police members to learn how to deal with persons from different cultures who does not speak the same language as them as communication is extremely important.

A minor misunderstanding can lead to a huge conflict situation. It is therefore also important to place the correct personnel in the correct positions. The police environment is changing. The stigma that police members are uneducated people that only follow orders are not true anymore. Members of the police need to be multilingual and communicate with the community in their own language. It is therefore important that police members know how to communicate with the community. This the researcher feels will show the community that the police member respects them and it will help improve the relationship between the community and the police.

6.2.1.3. Work ethics

Police members need to be taught how to treat each other with respect and dignity as well as how to treat the community they serve with respect and dignity. Batho Pele principles were implemented in all government departments to ensure that all government employees are polite, transparent and open and deliver a good service when dealing with the public (White Paper Transforming Public Service Delivery: 1997.)

- Consultation

The public should be consulted on the level and quality of service they receive and should be given a choice about the services that are offered to them.

- Service standards

The public should be made aware of what level and quality of service they will receive so that they know what can be expected.

- Access

All members of the public should have the same access to the services rendered and which they are entitled to.

- Courtesy

The public should be treated with consideration and courtesy.

- Information

Full and accurate information should be given to the public about the services they are entitled to receive.

- Openness and transparency

The public should be kept up to date on matters such as how national and provincial departments are managed, what their expenses are and who are in charge.

- Redress

If the promised services are not delivered up to standard, members of the public should be given an apology, a detailed explanation as to the reasons why and a swift and effective solution. People who make complaints should receive a positive and compassionate response.

- Value for money

Members of the public should receive the best value for money by receiving services that are cost-effective and efficiently.

When the SAPS implemented the Batho Pele principles police brutality will also be addressed as these principles focus on the community.

6.2.1.4. Anger management

Anger management classes should be mandatory and attended on a quarterly bases as trauma counselling is mandatory, on a monthly basis. These classes can be conducted with a group or with a single person. This will assist police members to deal with the anger they experience whilst performing their duties and will also teach them certain skills to assist them in dealing with their anger in a different way than acting out in violence whilst on and off duty. These classes are usually conducted by a councillor or psychologist and the amount of sessions will depend on the need of the individual.

These sessions focus on learning specific social, interactive and behaviour skills and methods of thinking and reasoning so that the person can deal with his anger and find expression for his or her feelings and needs boldly, but not aggressively, in circumstances that triggers feelings of anger and rage (Mayo Foundation for Medical Education and Research: 2018: n.p.). These classes can assist police members to deal with their feelings of anger and rage and teach them how to vent these feelings without acting out in violence. This will prevent police brutality.

6.2.2. How does police brutality affect the community?

Police brutality has had a devastating effect on the citizens of South Africa. The stigma that police members are too aggressive is still held against the SAPS and has remained till this day. The SAPS have to actively work on their relationships with the communities they serve. For this to be effective the following three strategies are recommended.

6.2.2.1. Integrated community projects

The SAPS have to actively get involved with community projects such as neighbourhood watches, Community Police Forums and social projects where the unemployed community members are taught basic skills to help in and around the police stations and with community projects. By getting involved with community projects the members of a police station will get to know the community they serve and will be more familiar with the social problems in the area. This is seen as an integral part of building trust and restoring relationships between the police and the community.

6.2.2.2. School projects

Police members can become involved in school projects where they attend arranged sessions at the schools in their communities to address issues such as — drug and alcohol abuse, violence, gangsterism, domestic violence, sexual assault, peer pressure as well as community policing and the important role of the youth in community policing. The police can conduct searches at schools that are known to have problem children who are drug users and gangsters. This will give the police the opportunity to identify children who come from troubled backgrounds who needs more attention and intervention.

6.2.2.3. Co-operation and communication

It is important for the SAPS to communicate with the community they serve and keep the community informed of what is happening.

A monthly newsletter can be distributed with the success that the police members had informing the community of arrests that were made, court cases that were finalised and community members that were assisted. Social media groups can be created per sector or area for the SAPS to keep in immediate contact with the community of that specific area.

This will keep the community informed of immediate threats and criminal activities in the area and they will also be able to get a better and quicker response, not just from the SAPS but also from the neighbourhood watch. Furthermore, co-operation between the SAPS and community members should be encouraged with active participation in Community Police Forums and neighbourhood watch groups. Community members with skills such as counselling can also volunteer to do trauma counselling for the victims of crime.

6.2.3. Can police brutality be prevented?

It became evident that police brutality cannot completely be eradicated. It is a complex phenomenon that occurs all over the world. An attempt can be made to prevent the occurrence of police brutality. This can be done by building a stronger relationship between the police and the community. Community orientated policing will help to build this relationship. The study determined that both the community and the SAPS feel uncomfortable to work with each other.

Police officials that participated in the survey felt that police work must be left to the SAPS and not involve the community. Police decisions must be done by the SAPS. This attitude is one of the reasons police brutality is rife.

By having a combined transparent partnership between the police and the community making the critical decisions will be one of the starting points to preventing police brutality. This will also improve relationships and help the community understand the stressful working conditions in which the police have to operate. Further strategies to prevent police brutality will be discussed below.

6.2.4. What strategies can the SAPS use to combat police brutality?

The following strategies can be implemented to assist with combatting police brutality within the SAPS. Some of these strategies have been implemented in other countries and since the implementation there has been a definite decrease in police brutality cases. They are:

6.2.4.1. Legal aspects

The SAPS and Justice System has already put legislation in place to monitor the police's actions and protect the community. These laws need to be enforced more rigorously. The controversy surrounding these laws are that they do not provide definite guidelines and are often misinterpreted. The researcher found that police members do not understand legislation and need to be trained on the legal aspects when dealing with the community. The following legislation set out specific rules and regulations that the police must abide by:

- The Constitution of the Republic of South Africa of 1996

The Constitution is the highest law in South Africa. Many of the Sections in the Constitution were written specifically to protect the citizens of the country. It is important that the SAPS train its members in all aspects regarding the Constitution. Sections in the Constitution are part of the BPLD. This training should extend to all members and regular training and evaluations need to be implemented, so that members know and understand their rights as well as the rights of the community.

- The Criminal Procedure Act 51 of 1977 Section 39 and Section 49

Section 39 deals with the arresting of perpetrators and how a police member should effect an arrest in a lawful manner. Once again communication plays a key factor when affecting an arrest. The police member must inform the arrested person why they are being arrested. The section goes further to say the police member must physically touch the person being arrested when the arrest is been conducted.

Subsection 1 further states that if need be the police member may forcibly confine the arrested person. This part of the section is where the misinterpretation comes in. Police members do not use force if the need arises, they use force to effect the arrest in case the need arises. The section also does not state that minimum force or the necessary force it only mentions that force can be used. It is important that police members are trained to understand that only the necessary force should be used when effecting an arrest. The legislation should also be amended to stipulate that only the necessary force should be used to effect an arrest. This will make the Section clearer to police members. In doing so the Section cannot be misinterpreted.

Section 49 has been filled with controversy for many years. Bruce (2011:5) mentioned that this section has been an issue for Government and the SAPS.

Many civil claims regarding deaths at the hand of police members are due to Section 49 when police members use excessive or deadly force. He stated that this section cannot be removed from legislation as it will give criminals free reign to attack police members without fear of retaliation. The implications could also be detrimental to the community. Police members will not attempt to apprehend violent criminals for fear of being charged. These criminals could then commit more crimes.

The Section does give the police a guide when to use excessive or deadly force. It is easy to take weeks to analyse incidents where police members have used deadly force to determine if they acted correctly, but in reality, the decision by a police member to use deadly force happens in a split second. It is imperative that police members receive proper training on how and when to use excessive force. One recommendation will be role play training. This puts the police member in a stressful but controlled situation where they need to make split second decisions.

- The South African Police Service Act 68 of 1995

Section 13(3)(b) of the police act was implemented to give further guidance to police members when effecting arrests. Section 13(3)(b) compliments Section 39 of the Criminal procedure Act 51 of 1977. The Section states that if a police member of the SAPS is performing an arrest, the police member must use the minimum force which is reasonable to the circumstances. This is clear that the member cannot use excessive force to effect an arrest. This section also makes it clear that police members need to be knowledgeable and abide to the legislation. Continuous training and evaluations needs be done to keep the members abreast with legislation.

- The Policy on The Prevention of Torture and The Treatment of Persons Act 13 of 2013

This act was specifically written to protect the community from brutal acts by the SAPS. This legislation must be strictly upheld and members of the police must be trained to understand this law. Community members felt that police members should receive harsher penalties for committing police brutality. A police member who assaults or commits a brutal act against a member of the community and is found guilty should be charged under this Act. This will be a big deterrent for police members as this crime carries a sentence of imprisonment. Depending on the severity of the torture the penalty could be life imprisonment.

6.2.4.2. Deterrent equipment: body cameras

The use of body worn cameras in the police started in Britain in 2006. According to Barr (2014: n.p.), the aim of the cameras was to assist the police with obtain convictions.

The goal was to assist members of the police with technical details that would assist them when giving evidence. It would also strengthen their cases and cause the perpetrator to rather plead guilty as their actions were recorded.

The second goal was to assure the community that the police would be more transparent if their actions were recorded. The United States of America adopted the practice of issuing body cameras to its members in 2010. In 2014 a young African American was shot by a white police member in Ferguson. The community outcry prompted then president Barack Obama to investigate the use of body worn cameras by police members. It was discovered that 75 percent of the police in the USA did not use body worn cameras.

The USA has since invested 24 million Dollars to supply police members with body worn cameras. The use of body worn cameras by police members has various positives. It ensures that members of the police act lawfully. They will not be overly aggressive when approaching a situation. Police members will be mindful that they are being recorded and their actions can be scrutinised at a later stage if the need arises. Secondly the perpetrator will not be able to accuse the police of being heavy handed or brutal if there is video evidence to the contrary.

Investigations into police brutality can be concluded more swiftly, which will save taxpayers money, instead of lengthy trials. Perpetrators and the community will also be less inclined to accuse the police of brutality if they are aware that the incident has or was recorded.

The only negative issue that has arisen concerning the wearing of body cameras is that the community might feel that their privacy has been infringed on. Members of the community might feel that members of the police do not have the right to record them. They might feel that the police should not record where they stay or their personal belongings. It is an infringement of their right to privacy.

The researcher also found that cameras in state vehicles are also important. Dash board cameras can be a vital form of evidential value when it comes to police accidents as well as police interactions with criminals and the public alike. Just as body worn cameras will assist the police and the judicial system, vehicle cameras could provide visual information that would normally have been verbal. The courts can physically see the incident instead of hearing two versions of it from the defence and the prosecution, which will eliminate any unnecessary disputes.

6.2.4.3. Pepper spray

According to Gross (2014: n.p.), pepper spray has been used by the US police since the 1960's. It was developed as a self-defence tool for civilians. Pepper spray is an effective means of neutralising a perpetrator with minor side effects. These effects are burning sensation of the eyes, chest and airways. It restricts the person's ability to breathe and see. Therefore, assisting the police to apprehend or incapacitate the person without using deadly force. According to Bertilsson, Petersson, Frederiksson, Magnusson and Fransson (2017:392), pepper spray is more effective with unarmed and aggressive assailants that resist arrest.

They conducted research in Sweden and concluded that pepper spray can affect the elderly and people with health issues. They noted that most deaths that occurred was a result of the perpetrator being under the influence of drugs. Bertilsson et al (2017:395) further stated that pepper spray does have its limitations. They noted that the distance between the police member and assailant will determine the effectiveness of the pepper spray. The further the person is from the police member the less effective. It was also noted that the pepper spray will take approximately three seconds to react. It is therefore not effective if the perpetrator is too close to the police member.

Lastly pepper spray should not be used if the perpetrator is armed with a firearm as they could react before the pepper spray becomes effective. Pepper pellets can be used in gas propelled firearms or shotguns. This is an effective way to subdue a perpetrator from a further distance. An assailant who is armed with a weapon such as a knife can be subdued without it becoming a threat.

The police member's life will not be in danger and the assailant will be subdued in a less lethal way. This will be a better outcome than if the police member used a firearm which could result in the death of the perpetrator. Bertilsson et al (2017:395) concluded that police members did not use pepper spray frequently, but did use it more frequently than other more lethal methods. The important aspect to consider is the training of members of the police on the correct application of pepper spray. This showed that pepper spray could be used effectively without causing serious or lethal injuries to the perpetrator.

6.2.4.4. Tasers instead of firearms

Contact energy devices (CED) have been adopted by police forces in many countries to prevent the police members from using more lethal methods in apprehending criminals (Alpert, Smith, Kiminski, Friedell, Macdonald and Kubu, 2011:1).

The Tom A. Swift Electric Rifle, commonly known as the Taser, was first developed by John Cover in the 1960's. He named the device after a comic hero book he used to read. The police in the USA started purchasing tasers in 1999. The main aim was to provide their members with a less lethal alternative to firearms. The device shoots 50,000 volts of electricity into the perpetrator rendering them immobile.

This device that can be shot from a distance of approximately three meters can immobilise a perpetrator that is resisting arrest or even attacking a police member. The device shoots out two electrodes spikes connected by a wire to the taser into the perpetrator. The officer can then deliver an electric current into the perpetrator until the person is rendered immobile. According to Sierra-Arevalo (2018:1), the problem arises when the police member continues to electrocute the perpetrator. This can cause serious injuries or even death to the perpetrator.

6.2.4.5. Increase discipline

It is evident from the findings that discipline is a problem in the SAPS. The problem that the SAPS is faced with stems from different reasons. Firstly, the SAPS needed to change its image from being a police force to a community orientated police service. This was done by changing the rank structure. The second change was to increase the amount of police members. The increase in recruitment meant that a large number of people joined the police.

The recruitment process was relaxed and many people that would not have been accepted were successful. The result was a large number of recruits needed to be trained.

These new recruits provided further problems as they could not be supervised correctly due to their volumes. Discipline therefore could not be maintained. These issues followed the new recruits to their respective permanent work placements. It became more difficult for the senior members of the SAPS to manage and discipline the junior members. It is recommended that the senior members start enforcing the basic standing orders which will teach the members discipline and respect. They must learn to follow orders and abide by the rules and regulations as stipulated in the standing orders, legislation and the Constitution.

6.3. CONCLUSION

Throughout this study it has become evident that the SAPS need to change its mind-set regarding how they approach and deal with the community. Change is always a daunting prospect that many people will resist. These changes will take tremendous effort and will not be accomplished overnight.

It will take a combined effort and will need all the necessary role players on board to be successful. The following graph is a summary of the recommended strategies that should be implemented to prevent police brutality.

Graph 6.1: Summary of recommended strategies to combat police brutality.



Above graph designed by researcher.

It is clear that the majority of the problems that lead to police brutality concerns training. Members are not trained sufficiently in how to deal with the community. Communication and people skills training are lacking. This along with community orientated policing needs to be addressed. Police members need to realise that their main aim is the protection of the community. By doing so they need to forge a stronger partnership with the community. This study noted that certain police members do not feel that the community must have a say in police matters. This mind set needs to change and it can only be done with the correct training.

Most of the recommendations noted by this study requires additional training. Additional training starts when basic training ends. This study also found that correct management and leadership will improve the morale of the police members and the image of the SAPS. Supervision of new members are woefully inadequate. They are expected to work under extreme conditions straight out of basic training. The research revealed that most police brutality cases are committed by younger inexperienced police members.

These members are eager to make a difference and in doing so are overzealous. The correct leadership will assist the new members to act more professionally. Anger management is also an important task that is not managed properly. Members of the police are often under so much pressure that they struggle to function rationally. Members of the police should be evaluated more regularly to identify problems associated with stress. They should also be debriefed by professionals on a regular basis. The police have instilled the premise that men should be able to take the pressures applied to them. This misconception should be addressed and more should be done to help police officials who are not coping with work and personal pressures.

Building up the reputation of the SAPS is another step towards combatting police brutality. By building a strong partnership between the community and the SAPS will help to relieve tension between the two parties. Transparency and honesty will go a long way to strengthen the ties between the SAPS and the community it serves. This can be done by having class talks on partnership policing police members at school. Get the children familiar with the police. Build a bond with the children that will help them to not be afraid of the police. Community projects such as fund raisers, police days, police shadowing etc. will bring the community closer to the police.

Equipment plays an important part in the police being a more professional service to the community. Less lethal weapons should be seriously considered by the SAPS. By neutralising a situation in a less lethal manner the SAPS will have less civil claims against them. The incorporation of body worn cameras will also assist the police to prove a member acted lawfully. It will also deter police members from performing acts of brutality against the community. This will save the government in civil claims and improve the image of the SAPS by adding transparency to their dealings with the community.

Discipline or the lack thereof is also a contributing factor. Members of the police have become ill disciplined over the past few years. It is difficult for management to maintain discipline with large volumes of new recruits under their control. Rules and standing orders that are in place to maintain discipline are not adhered to. The researcher found that it is too much work and effort for management to hold departmental hearings so discipline is lacking. The members are normally warned verbally and practically get away with minor offences. The minor offences normally escalate and become serious offenses such as assault and police brutality and even murder. It is therefore essential that police members discipline remain high.

This will prevent them from attempting any illegal or unlawful acts with fear of reprisal from their superior officers. All of the above-mentioned recommendations are valid ideas that will help the SAPS to perform their duties in a more professional manner. It will also if the members are sufficiently trained allow the police to perform their duties without fear of being injured or causing someone to get injured. Many innocent bystanders are struck by stray bullets that police officials used to apprehend a suspect. With these new weapons it will be impossible to injure innocent bystanders.

The vehicle cam and body worn camera are excellent ideas that can be used to disprove allegations against a police man and it can also prove a possible brutality case. These cameras can also be used for training purposes, the correct and the wrong procedures to affect an arrest. The Community Police Forum has played an important role in forming a strong relationship between the community and the SAPS. It has helped both parties to understand the strengths but also the limitations each group has.

It is however essential that this community orientated policing method continue and grow. This will be the only way that police brutality can be prevented. Community orientated policing will be the only solution that will change the mind set of both the police and the community. Which will intern prevent the symptoms that cause police brutality. The analysis of the prevention of police brutality in the Western Cape has determined that stronger relationship between the SAPS and the community will prevent further police brutality cases.

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ANNEXURE A: UNISA ETHICS APPROVAL



COLLEGE OF LAW RESEARCH ETHICS REVIEW COMMITTEE

Date: 2016/06/17

Reference: ST 132 (2015)

Applicant: W.C.Rushton

Dear W.C.Rushton
(Supervisor: Dr D Pheiffer)

DECISION: ETHICS APPROVAL

Name	W.C.Rushton
Proposal	An analysis of the prevention of police brutality in the Western Cape
Qualification	MTech

Thank you for the application for research ethics clearance by the College of Law Research Ethics Review Committee for the above mentioned research. **Final approval is granted.**

The application was reviewed in compliance with the Unisa Policy on Research Ethics.

The proposed research may now commence with the proviso that:

1. *The researcher will ensure that the research project adheres to the values and principles expressed in the Unisa Policy on Research Ethics which can be found at the following website:*

http://www.unisa.ac.za/cmsys/staff/contents/departments/res_policies/docs/Policy_Research%20Ethics_rev%20app%20Council_22.06.2012.pdf

2. *Any adverse circumstances arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the College of Law Ethical Review Committee.*



Open Rubric

University of South Africa
Preller Street, Muckleneuk Ridge, City of Tshwane
PO Box 392, Unisa, 0003, South Africa
www.unisa.ac.za/law

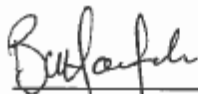
An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants

- 3. The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.*


Note:

The reference number (top right corner of this communique) should be clearly indicated on all forms of communication (e.g. Webmail, E-mail messages, letters) with the intended research participants, as well as with the URERC.

Kind regards



PROF B W HAEFELE
CHAIR PERSON: RESEARCH ETHICS
REVIEW COMMITTEE
COLLEGE OF LAW



PROF R SONGCA
EXECUTIVE DEAN:
COLLEGE OF LAW

ANNEXURE B: SAPS HEAD OFFICE APPROVAL

SUID-AFRIKAANSE POLISIEDIENS  **SOUTH AFRICAN POLICE SERVICE**

PO BOX 5036, PRETORIA, 0001

Verwysing Reference	3/34/2
Navrae Enquires	Lt Col Joubert
Telefoon Telephone	012 393 3118
Faksnommer Fax Number	012 393 3178

HEAD: STRATEGIC MANAGEMENT
S A POLICE SERVICE
HEAD OFFICE
PRETORIA

- A. The Provincial Commissioner (Attention: Brig Voskuil)
WESTERN CAPE
- B. The Divisional Commissioner (Attention: Lt Col Symons)
HUMAN RESOURCE DEVELOPMENT

RESEARCH PROPOSAL: AN ANALYSIS OF THE PREVENTION OF POLICE BRUTALITY IN THE WESTERN CAPE; M TECH; UNISA; RESEARCHER: WC RUSTON

- A-B
1. The research proposal of WO WC Rushton pertaining to the above topic, refers.
 2. The aim of the study is to determine effective policing strategies that may be considered by the South African Police Service (SAPS) in order to prevent police brutality in the Western Cape.
 3. The researcher is requesting permission to interview a number of police officials from the Cape Town area. This includes ten police training officials at SAPS Training College Phillipi, five senior SAPS members involved with departmental hearings and 20 members of the SAPS Cape Town Central policing area.
 4. The proposal was perused according to National Instruction 1 of 2006. It is recommended that permission be granted for the research study, subject to the final approval and further arrangements by the offices of the Provincial Commissioner: Western Cape and the Divisional Commissioner: Human Resource Development. An undertaking must be obtained from the researcher prior to the commencement of the research, stating that:
 - 4.1. the research will be conducted at his/her exclusive cost;
 - 4.2. the researcher will conduct the research without the disruption of the duties of members of the Service and where it is necessary for the research goals, research procedures or research instruments to disrupt

RESEARCH PROPOSAL: AN ANALYSIS OF THE PREVENTION OF POLICE BRUTALITY IN THE WESTERN CAPE; M TECH; UNISA; RESEARCHER: WC RUSTON

the duties of a member, prior arrangements must be made with the commander of such member;

- 4.3 the researcher should bear in mind that participation in the interviews must be on a voluntary basis;
- 4.4 the information will at all times be treated as strictly confidential, and
- 4.5 the researcher will provide an annotated copy of the research work to the Service.
5. A copy of the approval (if granted) and signed undertaking as per paragraph 4 supra to be provided to this office within 21 days after receipt of this letter.

Kind regards,



**MAJOR GENERAL
HEAD: STRATEGIC MANAGEMENT: SOUTH AFRICAN POLICE SERVICE
L RABIE**

Date: 25 APR 2016



UNDERTAKING

RESEARCH PROPOSAL: AN ANALYSIS OF THE PREVENTION OF POLICE BRUTALITY IN THE WESTERN CAPE: RESEARCHER: WC RUSHTON

WILLIAM CLIFFORD RUSHTON hereby confirm that, I'm fully aware of the contents of section 70 of the South African Police Act 68 of 1995.

Police Act 68 of 1995 Section 70 states:

OFFENCES

Unauthorised disclosure of information

Any member who wilfully discloses information in circumstances in which he or she knows, or could reasonably be expected to know, that such a disclosure will or may prejudicially affect the exercise or the performance by the Service of the powers or the functions referred to in section 215 of the Constitution, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

NB (The information to be obtained will only be used for academic purpose)


.....

RESEARCHER SIGNATURE:

Name W.C. Rushton
.....

Date 2016/06/01
.....

.....
Witness (Supervisor/Promoter

Name.....

Date.....



INDEMNITY

RESEARCH PROPOSAL: AN ANALYSIS OF THE PREVENTION OF POLICE BRUTALITY IN THE WESTERN CAPE: RESEARCHER: WC RUSHTON

I, WILLIAM CLIFFORD RUSHTON, hereby confirm that, for the purpose of conducting interviews with the officials, I will be accessing the relevant police premises at own risk.

And

I hereby indemnify the Service or any member against any claim for bodily injury, loss of life and the loss or damage of property which may occur as a result of me being on the premises for the purpose of conducting the research.

[Handwritten Signature]
RESEARCHER SIGNATURE:

Name W.C. RUSHTON

Date 2016/06/01

.....
Witness (Supervisor/Promoter)

Name

Date

ANNEXURE C: TURNITIN COVR PAGE



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AN ANALYSIS OF THE PREVENTION OF POLICE BRUTALITY
IN THE WESTERN CAPE

By

WILLIAM RUSHTON

Submitted in accordance with the requirements for the degree of

MASTER OF ARTS

In the subject of

CRIMINAL JUSTICE
at the

University of South Africa

SUPERVISOR: DOCTOR DEBBA PFIFFER

ANNEXURE D: INFORMED CONSENT FORM

ANNEXURE A: INFORMED CONSENT FORM

Researcher: William Clifford Rushton

Telephone: 0825776881

Supervisor: Dr Debra Pheiffer

UNISA – College of Law

Telephone: 0722126652

Dear Research Respondent,

AN ANALYSIS OF THE PREVENTION OF POLICE BRUTALITY IN THE WESTERN CAPE.

Thank you for your involvement in this research study. It is deemed ethical practice to obtain informed consent from a research respondent prior to the commencement of a research initiative. Informed consent involves the following:

- 1. Purpose of Study.** The present study is being undertaken for the fulfilment of a Master's Degree in Police Science at the University of South Africa. The purpose of this research would be three fold. Firstly, to determine who is targeted by police brutality and the effect it has on the community. Secondly is there a problem within the hierarchy of the police management. Thirdly to explain what the government must do to combat the problem in their communities.
- 2. Procedures.** The researcher will be conducting interviews and questionnaires by making use of an interview schedule. The researcher will make use of a voice recorder to record the conversations. Depending on the circumstances, the interviews will not be longer than an hour. It may end sooner on request of the participant or researcher or by natural process. The questionnaires will be completed by the respondents during the interviews.

The following groups are going to be purposively selected. Approximately 100 respondents in total from the Cape Town area will be interviewed. These respondents will be identified from the following groups:

- Approximately 10 Police training officials at SAPS training college Philippi.
- Approximately 5 senior members associated with departmental hearings.
- Approximately 20 members of the SAPS Cape Town central policing area.
- Approximately 60 community members in the Cape Town area associated with the CPF.
- Approximately 5 members of IPID.

3. **Risks and Discomforts.** The researcher will take the respondents feelings and emotions into consideration and will ensure that the respondent is comfortable. Seeing that the participant may become tired, experience emotional discomfort of feeling uneasy, breaks can be taken at any time during the interview or the interview may be postponed to a later date or even terminated if so desired. The researcher will make every effort to minimize the risks for the respondents. All effort will be taken to eliminate or minimize emotional discomfort caused by the nature of the research topic.

4. **Benefits.** There is no benefit or incentive available for the respondent of this study. It is my hope that the respondents partaking in this study will feel the satisfaction of contributing to providing possible solutions to this phenomenon and this may help others in the future. This study will provide communities with education on how to report crime and what to expect of the police in their area. Also, to pro-actively get the community involved in Community Police Forums (CPF) and taking hands with the SAPS to have joint efforts in preventing crime and through partnership prevent the police from committing police brutality. This research can make the community aware of the most efficient and effective crime prevention strategies by informing them of new laws and legislation.

The respondents can also assist in providing insight into the problem, which can also assist future research, and thus be of even greater help in the future.

5. **Respondent's Rights.** Participation in this study is voluntary and the participant may withdraw at any time without negative consequences. There will be no penalty or loss of benefit for nonparticipation. The respondent may withdraw from the study with no obligation to explain. All the information provided is treated as confidential and anonymity is assured by the researcher. The data obtained will not be used should the

participant wish to withdraw. The researcher (and his study supervisor) is the only individuals who will have access to raw data from interviews, and hereby ensure that data will be treated as stipulated above.

6. **Confidentiality.** All information will be regarded as personal and confidential. The researcher will not disclose respondent's names or contact details unless permission is obtained.
7. **Data Storage and dissemination of findings.** The information received will be stored (password protected) by the researcher until the completion of the dissertation. The findings of the research will be documented in form of an academic dissertation.
8. **Ethical consideration.** The study was ethically constructed and approved by the UNISA's Ethical Committee.
9. **Questions and concerns.** The researcher welcomes any questions and concerns regarding the research study.

Please provide your initials and surname below

I understand my rights as a research respondent and voluntarily give my consent, prior to commencement of the interview, to participate in the study.	
Research respondent name:	Date:
Researcher:	Date:

ANNEXURE E: SURVEY QUESTIONNAIRE

QUESTIONNAIRE

AN ANALYSIS OF THE PREVENTION OF POLICE BRUTALITY IN THE WESTERN CAPE.

CPF MEMBERS/POLICE MEMBERS OF SAPS CAPE TOWN CENTRAL						
QUESTIONS		1. STRONGLY AGREE	2. AGREE	3. NEUTRAL	4. DISAGREE	5. STRONGLY DISAGREE
1.	Police brutality is a problem					
2.	Police brutality can be prevented					
3.	The Community should be more involved in police activities/ decisions					
4.	Police brutality cannot be eradicated					
5.	The police serve the community indiscriminately					
6.	Police members can be trusted					
7.	Police members should receive harsher punishments for crimes.					
8.	The police are sufficiently trained.					
9.	Training of police members should be reviewed.					

Please turn over for question 10

Short Answer Questions: Comments are often the most important part of the evaluation process. Please try to answer with as much detail as possible.

10.	How have you been affected by police brutality?	
11	Has your attitude towards the police been affected by police brutality?	
12.	What can be done to prevent police brutality?	
Any additional comments.		

THANK YOU FOR YOUR PARTICIPATION IN THIS STUDY. YOUR INFORMATION WILL ASSIST THIS STUDY PROFOUNDLY.