

## Protest Blues: Public opinion on the policing of protest in South Africa

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**Abstract.** The policing response to rising protest action in the country has received increased attention in the last decade. This is particularly due to concerns over confrontations during which protestors have been arrested, injured and in some instances killed by the police. Despite the criticism voiced by various stakeholders about the manner in which the police manage crowd gatherings, relatively little is known about the views of South African adults on the policing of protest action and the factors that shape such attitudes. To provide some insight, the study presented in this article draws on data from a specialized module on protest-related attitudes and behaviour that was fielded as part of the 2016 round of the Human Sciences Research Council's South African Social Attitudes Survey (SASAS) series. This nationally representative survey included specific questions probing the public's overall evaluation of the performance of the police in dealing with protests and the justifiability of the use of force in policing protest action. The paper will present the national pattern of results based on these measures and then determine the extent to which there exist distinct underlying socio-demographic cleavages. A combination of bivariate and multivariate analysis will also be undertaken to provide an understanding of the role of the perceived effectiveness, acceptability and reported participation in protest (especially disruptive and violent actions) in shaping views regarding policing protest. The article concludes with a discussion that reflects on the implications of the research for the policing of protest action in future, taking into account the appreciable rise in the incidence of protest since the mid-2000s as well as the mounting tensions between state institutions and communities over the political, moral and constitutional arguments for and against such actions.

### Introduction

The media and commentators have often referred to South Africa as “the protest capital of the world”.<sup>12</sup> Indeed, the country has experienced a considerable increase in protest activity, some of which have been quite violent, in the last ten years.<sup>3</sup> The manner in which these protests have been handled from a policing perspective has placed law enforcement in South Africa under appreciable public scrutiny.<sup>4</sup> Crowd control of these protests by police, especially the Public Order Police (POP) units, has been called into question by academics as well as civil society.<sup>5</sup> The unfortunate death of Andres Tatane, who subsequently became a symbol of inadequate policing during protests, has regularly been cited as an example of police failure in this area. The August 2012 Marikana massacre also highlights the failure of policing during protests and the lack of response from government.<sup>6</sup> Despite the criticism voiced by civil society and other stakeholders about the manner in which the police control crowd gatherings, relatively little is known about the views of South African adults on the policing of protest action and the factors that shape such attitudes. To provide some insight, this article draws on recently collected and nationally representative public opinion data to examine attitudes towards the policing of protest action.

The violent treatment of protesters at the hands of police officers is not an aberration of the modern period but dates back to the apartheid era.<sup>7</sup> The General Law Amendment Act No 37 of 1963 and the Criminal Procedure Amendment Act No 96 (180-Day Detention Law) of 1965 gave the South African Police (SAP) the power to arrest anyone suspected of acting against the state and holding them without charge for ninety days.<sup>8</sup> These laws were used to suppress protests and arrest protestors. SAP officers often lacked proper crowd control training and were deployed to suppress public armed with shotguns, bullwhips and batons.<sup>9</sup> The result was brutal and violent, the most poignant example being the Sharpeville massacre in 1960 when police fired live rounds into a crowd of between five to seven thousand protestors. Similar incidents occurred in 1976 during the Soweto Uprising as well as in Uitenhage in 1985 when 69 people were killed.<sup>10</sup> During the apartheid period, the policing of protest action “ensured that sustained brutality” was a dominant feature of a “Black South African experience”. One notable outcome of this history of authoritarian policing is a deep-seated lack of public confidence in the legitimacy of the SAP.<sup>11</sup>

With the transition to democracy in the early 1990s, the new government sought to restore public confidence in the authorities’ ability to manage protests. Legislation, including the South African Police Service Act of 1995 and the Regulations of Gatherings Act of 1993, were introduced to reform how the police handled crowd control. The fragmented policing service that apartheid spatial planning had produced was swept away and a single, centralised South African Police Service (SAPS) was created. A new organisational transformation agenda aimed to alter “police cultures, structure and symbols” and brought a new emphasis on a community policing model.<sup>12</sup> Unlike the former SAP, the new SAPS would no longer suppress the popular will but work with communities to maintain order and law.<sup>13</sup> The POP units were created in 1996 to ensure prudent and judicious crowd control.<sup>14</sup> In keeping with these commitments, the country became a member of the Peace and Security Council which is an African Union organ for the stability and resolution of conflict in Africa.<sup>15</sup>

In 2002 POP units were restructured into Area Crime Combatting Units (ACCUs), reflecting a strategic shift in focus from crowd management policing to crime reduction.<sup>16</sup> POP units were further restructured in 2006 with the number units cut from 43 in 2002 to 23; the number of trained POP members also shrank from 7227 to 2595.<sup>17</sup> The restructuring of public order policing functions coincided with an increase in the number of crowd management incidents the ACCU/POP units had to respond to and the restructuring had a negative impact on the police’s ability to deal with protest.<sup>18</sup> This has placed a considerable burden on existing police resources and there’s been an attempt to strengthen the POP units by increasing numbers of trained POPs officers and the number of POP units. In 2014 the SAPS reported it had 28 units and 4,175 officers and requested R3.3 billion for further expansion.<sup>19</sup> The government currently aims to employ 11,800 POP officers by 2020.<sup>20</sup>

The capacity of SAPS to perform their crowd management duties is undermined by negative public sentiment towards the police. A small body of scholarship has attempted to understand antipathy towards the police in spite of the considerable policy change and experimentation post-1994. International scholarship on legitimacy and procedural justice has tended to demonstrate that public judgments about police fairness and effectiveness have a considerable influence on an individual’s overall evaluations of police legitimacy.<sup>21</sup> A number of recent studies have raised concern about the fairness by which the police treated ordinary South Africans.<sup>22</sup> Existing research suggest that trust in the police is low which undermines this important institution’s legitimacy.<sup>23</sup>

Many challenges exist in relation to police legitimacy in present-day South Africa. Despite the widespread policing reforms since 1994, not only is the role of police during apartheid likely to weigh heavily in

evaluations of present day policing for many, but the resurgence of paramilitarism in policing practices, such as the deployment of Tactical Response Team (TRT) units at Marikana, is likely to provide ambivalent public responses. Further complicating the scenario is the use of excessive and lethal force, mounting issues of police corruption, lingering concerns over fair and equal treatment, as well as the perception of police incompetence in the face of high crime rates. This has resulted in a remarkable turn towards various forms of non-state policing,<sup>24</sup> such as vigilantism, which in turn is likely to inform perceptions of police legitimacy. These factors have resulted in increasing calls for a form of minimalist policing in which police activity focuses on more effectively performing core functions such as criminal investigation and emergency response, with non-state actors assuming strong roles in everyday policing and crime prevention.<sup>25</sup>

The next section of the paper provides an outline of the survey data and measures used in our study. This leads into a presentation of our findings, which is structured in three parts. Firstly, we examine the extent to which the public on average expresses confidence in the way protest is being policed, and determine the extent to which distinct socio-demographic differences in perspective exist. Secondly, we cast attention to the use of force by police in managing protests in the country, focusing in particular on the perceived justifiability of such behaviour. Finally, we conduct multivariate regression analysis to discern which factors influence individual evaluations of the policing of protest. This aims to provide an understanding of the role of basic socio-demographic factors, the perceived effectiveness, acceptability and reported participation in protest, as well as views on use of force and general trust in the police in shaping views regarding policing protest. The article concludes with a discussion that reflects on the implications of the survey results for the policing of protest action in future.

## **Methodology**

### ***Data***

This study employs quantitative data from the 2016 round of the South African Social Attitudes Survey (SASAS), a repeat cross-sectional survey series which has been conducted annually since 2003 by the Human Sciences Research Council (HSRC). Each SASAS round has been designed to yield a nationally representative sample of adults aged 16 and older living in private residence. Statistics South Africa's 2011 Population Census Small Area Layers (SALs) were used as primary sampling units (PSUs). For each round of SASAS, 500 PSUs are drawn, with probability proportional to size, from a sampling frame containing all of the 2011 SALs. The sampling frame is annually updated to coincide with StatsSA's mid-year population estimates in respect of the following variables: province, gender, population group and age group. The sample excludes special institutions (such as hospitals, military camps, old age homes, school and university hostels), recreational areas, industrial areas, and vacant areas. It therefore focuses on dwelling units or visiting points as secondary sampling units (SSUs), which are separate (non-vacant) residential stands, addresses, structures, flats, homesteads, and other similar structures. Three explicit stratification variables were used in selecting SALs, namely province, geographic type, and majority population group.

In each of these drawn PSUs, 21 dwelling units were selected and systematically grouped into three sub-samples of seven, each corresponding to the three SASAS questionnaire versions that are fielded. The relevant protest action questions was included in only one of the three instruments, and thus administered to seven visiting points in each PSU.<sup>26</sup> The sample size of the study consisted of 3079 interviews, which is equivalent to an 88% response rate.

The English base version of the research instruments was translated into the country's major official languages and the surveys were administered in the preferred language of the respondent. This was to ensure that all respondents in different provinces understood the questionnaire and that it was culturally equivalent and consistent across all languages. Pilot testing was conducted in an attempt to ensure the validity of the research instrument. Interviews were conducted by means of face-to-face interviewing, using print questionnaires.<sup>27</sup>

### ***Measures on the policing of protest.***

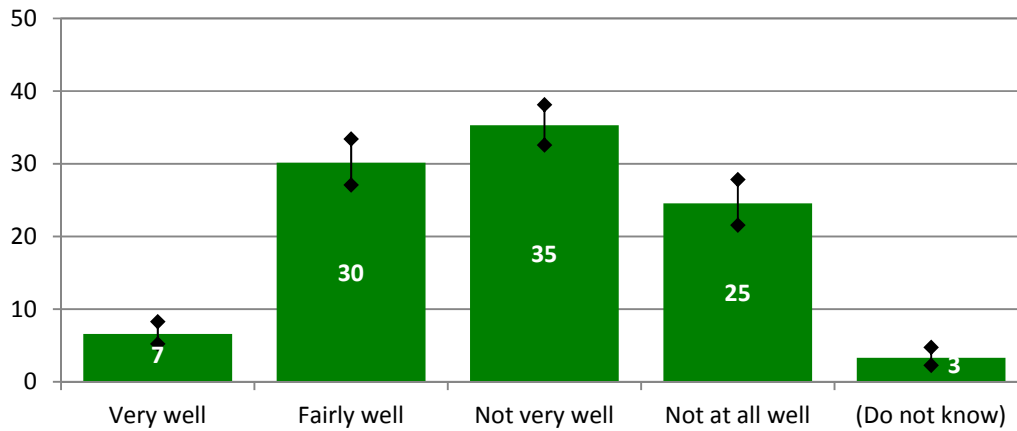
The 2016 SASAS round included a specialised module on protest-related attitudes and behaviour. This was designed in conjunction with the University of Johannesburg's Centre for Social Change. The module included two items that address the policing of protest action in the country. The first measure addresses the perceived effectiveness with which the police are addressing protest action. Specifically, respondents were asked: "In your opinion, how well are the police dealing with protests in South Africa?". Responses were captured using a four-point scale, with the coded options labelled as 'very well', 'fairly well', 'not very well', and 'not at all well'. The second survey measure deals with the perceived legitimacy of the use of force by the police in responding to protests. The question was introduced with an explanation of use of force, following by an example aimed to elicit a clear response by the public on whether they regard such police action as justifiable or not. The specific phrasing of the question is as follows: "There are different views on the use of force by police during protest action. By force we mean the use of rubber bullets, stun grenades, tear gas and water cannons by the police. Please say whether the use of force by the police against protesters who throw stones at them is justified in all cases, is justified in some cases, or is never justified".

### **Police performance in handling protest action**

From Figure 1 it is apparent that barely a third (37%) of South Africans considers the police to be performing 'very' or 'fairly' well in handling protests in the country.<sup>28</sup> By contrast, a majority (60%) believe that the police are faring poorly in their response to protest, with 35% stating they are not performing very well and a further 25% saying they are not performing well at all. The remaining 3% were uncertain how to evaluate this form of policing.

To better understand whether the South African public holds relatively uniform or discrepant views in relation to the policing of protest action, we examined the nature and extent of variance in perspective based on various socio-demographic attributes. The findings show that there were not statistically significant differences in evaluation based on age, gender, race, marital status, educational attainment, employment status or living standard level. Employment status has a modest effect, with unemployed adults provided more critical views than pensioners and others who were labour inactive.<sup>29</sup> This suggests that demographic variables do not exert much influence over how the public views the way in which protest action is being policed in the country, and points to a fairly broad level of consistency in attitude.

**Figure 1: Evaluation of the effectiveness of the policing of protest, 2016 (%)**



Source: HSRC South African Social Attitudes Survey (SASAS) 2016

Note: The vertical lines represent the 95% confidence intervals for each point estimate

**Table 1: Spatial differences in the evaluations of how the police are handling protest action, 2016 (percentages and mean scores)**

	Percentage: 'very' or 'fairly' well	Percentage: 'not very well' or 'not at all well'	Mean score (0-3 scale)
<b>National average</b>	37	60	1.19
<b>Geographic type</b>			
Urban formal	36	60	1.20
Informal settlements	26	68	0.91
Rural, traditional authority areas	41	58	1.29
Rural farms	48	44	1.39
<b>Province</b>			
Western Cape	35	61	1.17
Eastern Cape	44	56	1.24
Northern Cape	47	48	1.44
Free State	38	57	1.29
KwaZulu-Natal	32	66	1.13
North West	20	74	0.99
Gauteng	37	62	1.13
Mpumalanga	35	51	1.19
Limpopo	48	51	1.49

Source: HSRC South African Social Attitudes Survey (SASAS) 2016

Note: The mean scores are based on a reversed scale, where 0='not at all well' and 3='very well'. 'Do not know' responses have been omitted.

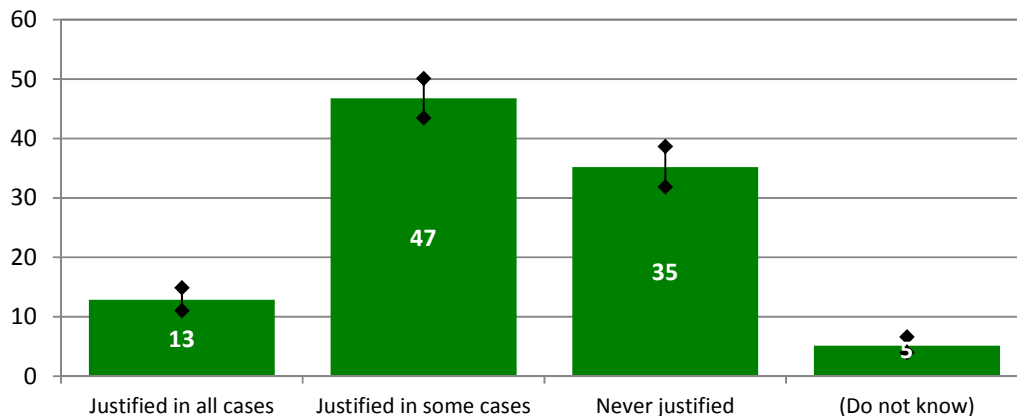
There is however notable spatial variation underlying the national average. In terms of type of geographic location, we find that those residing in informal urban settlements tend to offer harsher views on police performance in handling protests than those based in formal urban areas, rural, traditional authority areas and on rural farms. Provincially, those in Limpopo and the Northern Cape provide less critical assessments of the effectiveness of the policing of protest, though even in these instances the public remains quite ambivalent, with virtually equivalent shares adopting favourable and unfavourable positions. At the other extreme, the most negative evaluation comes from residents in North West province, where approximately three-quarters (74%) indicated that that the police went

far from being well equipped to deal with protest action. We unfortunately cannot determine the extent to which this has been informed by events in Marikana five years ago or as a result of other deaths that have occurred during protest in the North West, such as the water protests in Mothutlung that resulted in the deaths of four people, given the absence of trend data on the measure, but it is plausible that this tragic event may have had an indelible effect on attitudes towards public order policing and the police more generally in the province. Bivariate testing reveals that those living in the North West, Gauteng and KwaZulu-Natal are more negative in outlook than those in Limpopo and the Northern Cape.<sup>30</sup>

### The justifiability of using force in policing protest

The use of force in the context of policing protest in the country has received increased attention over the last decade. This has been prompted in particular by specific high-profile events, including the killing of Andries Tatane and the Marikana massacre, as well as the manner in which the Fees Must Fall protests were handled. This raises the question as to whether the public favours or rejects the kinds of displays of force that have become an increasingly common response by public order police in cases of violent protest. In Figure 2, we present the national distribution based on the measure regarding public views on the use of force in policing protest. Slightly more than a tenth (13%) regards a forceful policing response as unequivocally justifiable, with close to half of South Africans seeing such action as acceptable in certain instances. Only around a third (35%) expressly rejected the use of force in responding to protests, with a nominal share remaining uncertain in their views on this matter. This is quite a disconcerting finding as it seems to suggest that the public has an appetite for a strong policing response (at least in certain contextual circumstances) in dealing with more violent forms of protest. It does nonetheless resonate with the public preferences regarding how criminality in general ought to be dealt with, which tends towards a demand for punitive actions.<sup>31</sup> It is again important to understand how widely shared this general predisposition is among the adult public before we return to the issue of how this and other factors inform confidence in the policing of protest more broadly.

**Figure 2: Views on the use of force in policing protest action, 2016 (%)**



Source: HSRC South African Social Attitudes Survey (SASAS) 2016

Note: The vertical lines represent the 95% confidence intervals for each point estimate

At the subgroup level, we find no significant differences in views on the use of force based on age, gender, educational attainment, employment status, marital status, or living standard level. There are however notable population group and geographic differences that are apparent, as presented in Table 2. The findings show that white adults and, to a lesser extent, coloured adults are more inclined to

favour the use of force than black African and Indian adults. The main basis of this distinction is due to a greater tendency among white and coloured adults to respond 'sometimes justifiable', while the opposite pattern is true in relation to the 'never justifiable' category. There is not a significant variation in the shares responding 'always justifiable', though Indian adults were more likely to voice uncertainty (15% compared to 5-8% for the rest). Despite these differences, the predominant response in all cases is that police force is seen as warranted in certain circumstances, even if the degree of support for this option varies.

**Table 2: Significant differences in views on the use of force in policing protest, 2016 (percentages)**

	Always justifiable	Sometimes justifiable	Never justifiable	(Don't know)	Total	% Always / sometimes
<b>National average</b>	13	47	35	5	100	60
<b>Population group</b>						
Black African	13	45	38	5	100	57
Coloured	11	53	28	8	100	64
Indian / Asian	10	45	31	14	100	55
White	17	59	19	5	100	76
<b>Geographic type</b>						
Urban formal	13	48	32	7	100	61
Informal settlements	14	38	45	3	100	52
Rural, traditional authority areas	13	47	37	2	100	60
Rural farms	7	50	33	10	100	57
<b>Province</b>						
Western Cape	7	57	30	7	100	63
Eastern Cape	11	59	31	0	100	69
Northern Cape	18	50	25	7	100	68
Free State	21	41	24	14	100	62
KwaZulu-Natal	11	51	35	3	100	62
North West	9	44	37	9	100	54
Gauteng	14	42	40	4	100	56
Mpumalanga	21	31	32	16	100	52
Limpopo	14	40	44	2	100	54

The observed differences with respect to type of geographic location are only barely statistically significant. Those residing in informal urban settlements were less likely than formal urban dwellers to respond that the use of force is 'sometimes justifiable', while conversely those in informal settlements were more likely to respond 'never justifiable' than those in formal urban areas. Those living on rural farms displayed greater uncertainty than those in informal settlements and rural traditional authority areas.

### **What factors influence evaluations of the policing of protest?**

Apart from the descriptive analysis outlined above, we also conducted regression analysis in order to provide a clearer sense of the significant predictors of public evaluations of the effectiveness of the policing of protest. In so doing, one of the aims was to ascertain whether the statistically significant findings identified earlier remain when one combines the variables jointly in the multivariate models. Given that the dependent variable is an ordered categorical measure, we make use of ordered logistic regression techniques. For ease of interpretation, we reversed the scaling of the item, so that a value of '0' was assigned to those reporting that the police are faring 'not at all well' in dealing with protest, a score of '1' to those answering 'not very well', '2' to those 'fairly well', and lastly a value of '3' to those responding that the police are doing 'very well'. A series of models was then generated, as presented in

Table 3. We begin with a base model containing only the socio-demographic attributes of respondents (Model 0). This is followed by five models that test the effect of including specific attitudinal or behavioural measures to the base model (Models I-V). Finally, we run a fully specified model includes the socio-demographic and all the additional indicators (Model VI).

Our base model (Model 0) confirms the earlier result that virtually none of the socio-demographic attributes are statistically significant predictors of the way South Africans assess the policing of protest. Specifically, the model indicates that there is no evidence of an age, gender, race, marital status, employment status, or educational effect informing such evaluations. Geography matters to some degree, with residents of informal settlements more inclined than those in formal urban areas to report lower effectiveness scores. This may partly be due to a greater likelihood to have participated in protest action, and by extension more exposure on average to public order policing. Provincially, those living in Limpopo and the Northern Cape were significantly more likely to offer more favourable views of the manner in which protests are being policed. The Odds Ratio is lowest among residents of North West province, but this narrowly misses out on being a statistically significant finding when controlling for other variables. The findings observed in the base model remain largely unchanged once other attitudinal and behavioural measures are included in Models I - VI.

In Model I, recent participation in disruptive or violent protest is added as a variable together with the socio-demographic attributes. This behavioural measure is based on whether South Africans report having engaged in one, both or neither of the two types of protest in the five years prior to being interviewed, and accordingly is scaled on a 0 to 2 scale. The results show that protest participation does not have a significant influence on how respondents rate the performance of the police in responding to incidents of protest. Alternate formulations of the protest participation indicators, such as accommodating more distant protest behaviour, peaceful actions, and testing out separate disruptive and violent protest behaviour measures in the model, also failed to produce statistically significant results. This is an important finding, since one might have assumed that exposure to public order policing through direct participation in disruptive or violent protest might lend itself towards more critical views on the policing of protest. It nonetheless appears that engagement in such forms of protest does not predispose individuals to adopt a particular outlook on police evaluations that is characteristically distinct from that held by the rest of the public.

We were also interested in determining whether the general image and perceived effectiveness of disruptive and violent protest action had any bearing on evaluations of the policing of protest. These measures are more fully examined in their own right in the article by Bohler-Muller and colleagues in this special issue. The survey included separate measures on whether respondents tend to regard peaceful, disruptive and violent protest action in a positive or negative light, with responses captured on a 7-point scale ranging between 'extremely negative' and 'extremely positive'. For analytical purposes, we created an index focusing on the image of disruptive and violent action, which was constructed by averaging together the scores for the two indicators together, which retains the original 1-7 negative to positive scaling. Similarly, the survey fielded questions on the effectiveness of the three types of protest using a 7-point scale ranging from 'extremely unsuccessful' to 'extremely successful'. We constructed an index of the effectiveness of disruptive and violent actions by again averaging the two constituent items, with higher scores continuing to represent greater perceived effectiveness of these actions. The testing of these attitudinal measures as predictors of evaluations of public order policing is presented respectively in Models II and III. In common with participation in protest action, both the image and perceived effectiveness of disruptive and violent protest action are not significant factors in explaining public assessments of performance in policing protest.



In Model IV, we concentrate on the relationship between views of the policing of protest and the perceived acceptability of the use of force by police in responding to protests. In this instance, we find that the justifiability of the use of force in policing protest emerges as a significant predictor. Those who view the use of force as never or only sometimes justifiable tend to provide the SAPS with lower protest performance scores in terms of their handling of protests compared to those who view the use of force as always justifiable. Even those that were unsure about their position on the use of force tended to offer significantly lower evaluative scores relative to those viewing such force as always permissible in responding to protest. This remains the strongest single effect based on the various indicators that we tested in our analysis.

In approaching the study, we were keen to examine the extent to which one's general confidence in the police as an authority has a bearing on appraisals of specific areas of performance, such as public order policing. Our hypothesis was that those that exhibit distrust of the police would on average tend to voice more critical views on performance, vice versa. Indeed, this proves to be case, as demonstrated in Model V. Our measure of overall police confidence was initially designed as part of an European Social Survey module on confidence in the criminal justice system, and which has been fielded in the SASAS series in recent years. The question is phrased as follows: 'Taking into account all the things the police are expected to do, would you say they are doing a good job or a bad job?', with responses captured using a five-point scale ranging from a 'very good job' to a 'very bad job'. For modelling purposes, we reversed the scale, so that higher values indicate greater confidence levels. The appeal of this item is that it is phrased in a similar way to our policing of protest item. We also tested the effect of an alternate police confidence measure that explicitly asks about levels of trust in police, using a standard five-point trust scale. Based on this specification, the finding remains the same.

**Table 3: Ordered logistic regression of the effectiveness of the policing of protest, 2016**

	Model 0	Model I	Model II	Model III	Model IV	Model V	Model VI
	O.R.	O.R.	O.R.	O.R.	O.R.	O.R.	O.R.
Age	1.009	1.010	1.012	1.011	1.005	1.011	1.006
Age squared	1.000	1.000	1.000	1.000	1.000	1.000	1.000
Female	1.145	1.155	1.139	1.138	1.104	1.169	1.117
Race (ref. = black African)							
Coloured	1.156	1.163	1.140	0.981	1.039	1.104	0.920
Indian / Asian	0.901	0.913	0.804	0.798	0.883	0.954	0.782
White	1.426	1.444*	1.402	1.283	1.069	1.382	1.003
Employment status							
Unemployed	0.889	0.881	0.873	0.883	0.903	0.823	0.835
Pensioner	1.508	1.506	1.517	1.471	1.472	1.299	1.230
Student/learner	0.741	0.730	0.766	0.748	0.734	0.699	0.693
Labour inactive	1.219	1.208	1.246	1.220	1.062	1.036	0.936
Other	0.488*	0.489*	0.492*	0.499*	0.409**	0.368***	0.330***
Marital status							
Separated, divorced or widowed	0.924	0.924	0.936	0.934	0.968	0.946	0.979
Never Married	0.946	0.942	0.951	0.963	0.879	0.982	0.914
Years of schooling	0.989	0.988	0.986	0.987	0.976	0.985	0.974
Province (ref=WC)							
Eastern Cape	1.294	1.298	1.333	1.178	1.121	1.116	0.956
Northern Cape	1.864**	1.868**	1.896**	1.742**	1.612*	1.737**	1.483
Free State	1.475	1.484	1.475	1.244	1.208	1.204	0.939
KwaZulu-Natal	1.103	1.094	1.154	1.007	1.038	0.950	0.885
North West	0.681	0.683	0.681	0.576	0.685	0.707	0.629
Gauteng	1.197	1.184	1.229	1.094	1.200	1.194	1.152

Mpumalanga	1.156	1.161	1.147	0.993	0.997	0.930	0.815
Limpopo	2.112**	2.122**	2.114**	1.853*	2.371**	1.771*	1.872*
Geographic location (ref=formal urban)							
Urban Informal	0.535*	0.532*	0.556*	0.527*	0.556*	0.518*	0.511*
Rural traditional authority areas	1.124	1.134	1.135	1.117	1.112	0.995	1.015
Rural farms	1.566*	1.571*	1.467	1.482	1.749**	1.443	1.446
Participation in protest in last 5 years	...	1.000	...	...	...	...	0.885
Image of disruptive & violent action	...	...	0.931	...	...	...	1.038
Effectiveness of disruptive & violent action	...	...	...	0.912	...	...	0.921
Use of force in policing protest (ref=always justified)							
justified in some cases	...	...	...	...	0.500**	...	0.540**
This is never justified	...	...	...	...	0.108***	...	0.132***
(Do not know)	...	...	...	...	0.237***	...	0.277***
Overall confidence in the police	...	...	...	...	...	1.849***	1.673***
/cut1	-1.026	-1.010	-1.185	-1.443	-2.799	0.448	-1.722
/cut2	0.573	0.595	0.426	0.173	-0.966	2.219	0.259
/cut3	2.744	2.755	2.580	2.331	1.411	4.532	2.733
Pseudo R2	0.0180	0.0187	0.0196	0.0201	0.0868	0.0675	0.1230
N	2803	2797	2770	2742	2790	2772	2701

Note: Dependent variable is a reversed scaled version of the performance of the policing of protest measures, with 0='not at all well', 1='not very well', 2='fairly well' and 3='very well'. 'Don't know' responses were omitted.

Lastly, Model VI runs the analysis with all the different indicators included. The findings from the preceding models remain largely unchanged. The socio-demographic measures continue to be insignificant factors, with only minor geographic effects present. Limpopo residents continue to express higher than average performance ratings, though the similar pattern in Northern Cape loses its salience once other attitudinal and behavioural variables are controlled for. South Africans living in informal settlements continue to exhibit a more disapproving stance than those in other geographic locales on how protests are being policed. The perceived justifiability of the use of force in addressing protest in addition to overall levels of confidence in the police retain their positive association with protest policing evaluations. Past participation in violent and disruptive protest actions, together with the image and perceived effectiveness of such protest, continues to register no discernible influence in appraising SAPS performance.

### Concluding reflections

Following years of relative neglect due to the prioritisation afforded to the fight against crime, public order policing in South Africa has in recent years received renewed attention as a response to the rising incidence of public protest in the country. However, as Marks and Bruce maintain, this newfound focus has been accompanied by an ethos that has tended to emphasise a 'hard-edged' approach rather than the application of minimum force.<sup>32</sup> The subsequent rise in the reported cases involving excessive use of force and police fatalities during acts of demonstration, together with the frightful events of Marikana in 2012, has resulted in fundamental questions being raised about the manner in which protest is being policed in our constitutional democracy. From a public opinion perspective, it also leads to questions regarding the implications of such developments on the perceived legitimacy of the police.

Our examination of public attitudes towards the way in which police are responding to protest has shown that performance evaluations tend to be fairly negative on average. This perspective is commonly shared across various demographic and class traits, though appreciable geographic variation is nonetheless apparent. The results confound expectations of lower stocks of confidence in police crowd management activities among more vulnerable and marginalised segments of society, which

indicates that the so-called 'rebellion of the poor' in protest behaviour is not resolutely manifest in the mind of the public.<sup>33</sup> This is an interesting finding that will require further tested using data on a broader set of concepts and constructs, including views of the distributive and procedural fairness of public order policing, as well as core legitimacy measures such as a felt duty to obey and sense of moral alignment with the police.

In considering other factors beyond socio-demographic markers that might help explain the way citizens appraise protest policing, the lack of salience of measures such as recent participation in protest action, as well as support for and the perceived effectiveness disruptive and violent protest actions, is particularly striking. It signifies that one's experience of engaging in protest action – and by extension first-hand exposure to the manner in which the police are approach crowd management – does not exert a sizable influence on one's view of police performance in undertaking such duties. Furthermore, one's general predisposition towards disruptive and violent actions also does not play a role in structuring expressed levels of confidence in the policing of protest action. So, an aversion to less peaceful forms of protest does not automatically translate into a more sanguine view of public order policing.

What clearly seems to matter though is the public's position in relation to the acceptability of the use of force in maintaining public order. The more one deems it justifiable for officers to use violence in particular situations, the more inclined one is to provide a positive evaluation of the policing of protest. For approximately a third of South Africans, the use of force by the police in the context of protest is deemed to be wholly unacceptable. This is associated with acutely diminished confidence in the police handling of protest. It may be that for this segment of society the unfairness and brutality that has characterised the policing of protests has violated their notion of 'good' policing and the values of fair treatment, appropriate conduct and respect that maintain a sense of legitimacy, trust and confidence.<sup>34</sup> By contrast, for the smaller minority (one in eight, or 13%) that considers the use of non-lethal physical force as always justifiable, levels of confidence in public order policing is more than four times higher. This suggests, somewhat controversially, that the use of force to control protesters may serve to promote or reinforce police legitimacy for some South Africans. This would imply that, for this group, a less aggressive or violent approach to public order policing might bring into question the legitimacy and confidence in the police. Although our study does not provide a comprehensive account of the attitudes towards police use of force in protest situations, international evidence points to aggressive personality traits, a tendency towards right-wing authoritarianism, and a stronger social dominance orientation as possible factors associated with a more accepting stance on the excessive use of force.<sup>35</sup> This may be due to a desire to control social threats, promote security and help maintain current power hierarchies.<sup>36</sup>

The dominant public response to the use-of-force question remains one that regards the violent policing of protest as justifiable in certain circumstances. Accounting for slightly under half the adult population, this position is associated with a more ambiguous position in respect of confidence in protest policing, with virtually equivalent shares expressing favourable and unfavourable views. What the situations might be under which such tactics are tolerable cannot be ascertained from our data, but the calculus is likely to involve a range of factors, from the behavioural repertoires of the protesters to whether the police response has firstly exhausted negotiation and all other options involving a minimal amount of force. The ambiguity in public order policing confidence ratings might also partially reflect a sense of unease about whether the use of force in managing protests is perceived as falling within the ambit of reasonable or justifiable use of force or whether it is regarded more as a form of excessive or unjustified force. This group is likely to view force as a constituent element of effective policing, but regard the

application of force in crowd management incidents as highly conditional and contextual. In relation to the preceding points, it is worth noting that the definition and accepted normative limits of 'police violence' may tend to vary over time, context and ideological outlook.

The processes of transformation in public order policing since the early 1990s have been complex and non-linear. This has been marked by an initial political commitment to professional, democratic public order policing, followed by a period of organisational degradation and leadership problems which may have opened the door for a return to more forceful policing practices. As a response to the policing failures in dealing with public protest, including the escalation in the number of protesters killed by police over the 2010-2014 period,<sup>37</sup> there have since 2014 been signs of a distinct retreat at the senior political and police level from the strong-arm public order policing approach that typified the early 2010s.<sup>38</sup> This has involved something of a cyclical return to the priorities of the mid-to-late 1990s, a period characterised by deliberate attempts to move public order policing away from the apartheid state's repression of demonstration through brutally forceful policing. Developments include the return in name of the Public Order Policing (POP) unit with a primary emphasis on crowd management, a commitment to reinvesting in public order capacity in terms of both training and numbers of police members, and the introduction of a National Instruction on Crowd Management during public gathering and demonstrations. The latter restates the importance of a well-trained, resourced and command-driven unit that displays utmost restraint and adheres to strict guidelines governing the use of force as a tactic of last resort and in compliance with legislative and constitutional imperatives.<sup>39</sup>

The apparent political will that currently exists for a new organisational model of public order policing represents an opportune moment to critically engage with and shape the future approach to this specialised form of policing.<sup>40</sup> The choices that are made in this regard will indelibly influence the next generation of police-citizen relations. Based on our survey results, we contend that a continued reliance by the police in practice on disproportionate and excessive force and a tendency to resort quickly to the use of rubber bullets and teargas as controlling tactics in dealing with protest may provoke a further withdrawal of support for the use of force. This, in turn, would further diminish overall confidence in the ability to police protest actions. This is of concern since public trust and confidence is generally recognised as a key component of ensuring effective, democratic policing.<sup>41</sup> Organisational transformation is a necessary but insufficient part in promoting positive and enduring change. It also requires an appreciation of the socio-economic and political context in which protest action and public order policing are occurring.<sup>42</sup> Rather than constraining the right to protest and demonstrate by means of repressive and controlling actions, the policing approach to crowd management should aim to assist and facilitate peaceful protest that enables those taking to the streets to effectively convey their message to the elite. As Tait and Marks eloquently stated several years ago in this journal, "ultimately what we want are public order police officers who are deeply conscious of citizens' constitutional and other rights, are firm and impartial, and operate in ways that are professional. The best we can hope for is a contextually and situationally appropriate South African model of public order policing".<sup>43</sup>

### ***Study limitations***

This article has been able to provide a contribution to our knowledge of South African public opinion on police performance in handling protest action. However, the analysis is not without limitations. There is currently no available trend data on attitudes towards the issues under discussion. As a result, we do not know how stable or variant such attitudes are and how these sensitive attitudes are to contextual events. In addition, we only have a single-item measure of satisfaction with police performance on crowd control or the acceptability of use of force by the police. The use of single-item measures may fail to capture important nuances in public opinion on protest action. Public attitudes towards the use of

force by police may, for example, vary depending on the type of protestors under consideration, for instance students versus workers. Moreover, our use of force measure focused only on retaliatory responses to violent protest (i.e. protestors throwing stones at police) and we might arrive at a different or more nuanced set of results if a range of examples of excessive and reasonable use of force are provided.<sup>44</sup> To address these limitations future public opinion research needs to utilise a more comprehensive set of questions on police performance in handling protest action.

## Notes

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- <sup>5</sup> Daniel Pillay, An analysis of the policing of service delivery protests in the Free State, (September) 2016, Unpublished MTech thesis, UNISA, Pretoria, 2016.
- <sup>6</sup> During the massacre, the police, including but not limited to POP units, used lethal use of force on the protestors, resulting in the death of 34 miners. For further discussion of the incident, see K Geldenhuys, Policing Public Violence, *Servamus Community-based Safety and Security Magazine*, 110, July 2017, p 21.
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- <sup>13</sup> G Cawthra *Policing South Africa*. London: Zed Books, 2003. A Altbeker *A country at war with itself: South Africa's crisis of crime*. Johannesburg: Jonathan Ball Publishers, 2007.
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- <sup>15</sup> Ministry of Police, Policy & guidelines: Policing of public protests, gatherings and major events, 2013, p 12.
- <sup>16</sup> Peter Alexander, Carin Runciman & Boitumelo Maruping. The use and abuse of police data in protest analysis: South Africa's Incident Registration Information System. *South African Crime Quarterly* 58, December 2016, 12.
- <sup>17</sup> K Geldenhuys, Policing Public Violence, *Servamus Community-based Safety and Security Magazine*, Volume 110, July 2017, p 21. I would rather use the Omar reference here. That's who first used this data.
- <sup>18</sup> B Omar, SAPS Costly restructuring a review of public order policing capacity, ISS monograph series no 138, October 2007, p 30.
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- <sup>26</sup> Interviewers called at each visiting point selected and listed all those eligible for inclusion in the sample in terms of age and residential status criteria. The interviewer then selected one respondent using a random selection procedure based on a Kish grid.
- <sup>27</sup> The HSRC's Research Ethics Committee granted ethical approval for the instrumentation and research protocols for each round.
- <sup>28</sup> The lower and upper 95% confidence intervals for this estimate are 33.4% and 40.3% respectively.
- <sup>29</sup> This effect is present based on One-Way Analysis of Variance (ANOVA) post hoc testing, but it falls away when one combines the percentages opting for the two positive categories and compares this with the combined two negative categories.
- <sup>30</sup> Residents in the Western Cape also provide on average less favourable ratings of the handing of protest compared to those in Limpopo, but this is not true of comparisons between the Western and Northern Cape.
- <sup>31</sup> For instance, the SASAS series has found a strong demand for the reinstatement of the death penalty in cases of murder and broad-based tolerance of vigilantism, coupled with a positive response to the paramilitaristic turn in policing that characterized former police commissioner Bheki Cele's term of office.
- <sup>32</sup> Monique Marks and David Bruce, Groundhog day? Public order policing twenty years into democracy, *Acta Criminologica*, 27(3) (2014), 372-373.
- <sup>33</sup> There are glimpses that such an attitudinal patterning exists, such as the finding that significantly lower confidence ratings are evident among residents in informal urban settlements, though support for this hypothesis is overall fairly circumscribed. This is confirmed by the multivariate analysis.
- <sup>34</sup> Jenna Milani, Ben Bradford and Jonathan Jackson, Police Violence, in Henry N. Pontell (ed), *Oxford Research Encyclopedia of Criminology and Criminal Justice*, Oxford, 2017; Diarmaid Harkin, The police and punishment: Understanding the pains of policing, *Theoretical Criminology*, 19(1) (2015), 48.
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- <sup>37</sup> Political repression in post-apartheid South Africa, Wikipedia, [https://en.wikipedia.org/wiki/Political\\_repression\\_in\\_post-apartheid\\_South\\_Africa](https://en.wikipedia.org/wiki/Political_repression_in_post-apartheid_South_Africa) (accessed 1 September 2017).
- <sup>38</sup> Marks and Bruce, Groundhog day?, 366. Julia Hornberger, We need a complicit police! Political policing then and now, *South African Crime Quarterly*, 48, 2014, 17-24.
- <sup>39</sup> This would include adherence to the philosophy, principles and guidelines contained in the SAPS National Instruction 4 of 2014.

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<sup>40</sup> The convening of a SAPS Research Colloquium on suitable policing models in February 2017 is symbolically important of this. See: [https://www.saps.gov.za/resource\\_centre/publications/research\\_colloquium.php](https://www.saps.gov.za/resource_centre/publications/research_colloquium.php).

<sup>41</sup> Geneva Centre for the Control of Armed Forces, *International Police Standards: Guidebook on Democratic Policing*, 2009.

<sup>42</sup> Marks and Bruce, *Groundhog day?*, 371; Trevor Ngwane, 'Decolonise the police': Policing an unequal, unruly society within a human rights framework, paper presented at the SAPS Research Colloquium 'Towards an ideal and suitable policing model for the SAPS', 7 February 2017.

<sup>43</sup> Sean Tait and Monique Marks, *You strike a fathering, you strike a rock*, *South African Crime Quarterly*, 38 (2011), 21.

<sup>44</sup> For a recent example of such a measurement approach, see Gerber and Jackson, *Justifying violence*, 86.