

# Democracy and its discontents

## Protest from a police perspective

Heidi Brooks\*

heidi.brooks@monash.edu

<http://dx.doi.org/10.17159/2413-3108/2019/i67a5711>

*In South Africa, media and scholarly research has increasingly drawn into question the correctness of police responses to post-1994 popular protest. Assessments of democratic policing, moreover, emphasise the critical role of the police in democratic political development. Existing accounts of protest, however, seldom draw upon the assessments of individual police members, and the dual obligation of the police to both ensure the safety and security of communities and protect democratic rights and freedoms. In an attempt to understand some of the challenges to democratic policing, this article examines protest from the perspective of rank and file officers in the South African Police Service (SAPS). It shows, not only the importance of recognising bottom-up perspectives in constructing appropriate responses to protest, but the complexity of SAPS members' own identities as both officers and citizens. For many officers, protest seems to straddle their police and private lives, conferring on them a duty to enforce law and order, while experiencing the shortcomings of democracy themselves.*

The reform of policing and the criminal justice system has been a crucial component of post-1994 democratic consolidation.<sup>1</sup> Indeed, global literature on policing in democratic societies has placed emphasis on the crucial role of the police in democratic political development.<sup>2</sup> As such, the South African Police Service (SAPS) has an important role to play, not only in the management and prevention of crime, but in protecting and supporting democratic political life.<sup>3</sup>

Since the mid-2000s, and particularly from the early 2010s, police management of popular protest in South Africa has come under considerable scrutiny. Research undertaken by the Centre for Social Change (CSC) at the University of Johannesburg suggests that an estimated 14 200 community protests took place between 2005 and 2017.<sup>4</sup> The rise in protest, located from approximately 2004 onwards, is a phenomena Peter Alexander has labelled a 'rebellion of the poor'.<sup>5</sup> Yet, while findings from the CSC emphasise the importance of distinguishing 'violent' from both peaceful and 'disruptive' protest (the latter of which involves actions such as blocking a road),<sup>6</sup> they also indicate a decline in peaceful protest

\* Heidi Brooks is a Senior Lecturer in political and international studies at Monash South Africa, and a Research Associate of the Centre for Social Change at the University of Johannesburg. She holds a PhD and an MA in political studies from the University of the Witwatersrand, and a BA Hons in Development Studies from the University of Leeds in the United Kingdom.

between 2008 and 2014, and a corresponding increase in violent and disruptive protest.<sup>7</sup>

Clashes between police and communities, the killing of striking mineworkers by police at Marikana in 2012, and the collision of police and students in the #FeesMustFall protests on South African university campuses in 2015–16,<sup>8</sup> have shed light, not only on the use of force and repressive action in maintaining public order, but on the continued lack of police legitimacy in the eyes of many South Africans.<sup>9</sup> It has also brought into sharp relief the complex entanglement of violence and democracy,<sup>10</sup> and the use of violent protest to challenge democracy's failures.<sup>11</sup>

Research into the policing of post-1994 protest has stimulated important dialogue, not only among social scientists and the academic community, but between the SAPS and civilian oversight structures seeking ways to improve democratic policing. These interactions provide important opportunities for holding the SAPS to account and for establishing measures to assess police conduct.<sup>12</sup> However, beyond the statements of senior officials and SAPS spokespeople, we know a very limited amount about protest from a police perspective. This concerns not so much the official line and statements of the SAPS as an organisation, but the perspectives and experiences of ordinary officers dispatched to manage protest situations.

Through individual interviews with SAPS officers, this article examines protest from a police perspective, interrogating how individual officers charged with protecting communities and preserving law and order perceive the exercise of popular protest. Media reports and scholarly research continue to suggest as problematic the issuing of unjustified instructions of force by commanding officers and inadequate training of SAPS members. At the same time, interviews with officers

show that many of them bridge complex dual identities: as law enforcers and preservers of safety and security, on the one hand, and as South African citizens on the other, often subject to the same structural inequalities and social challenges as the communities in which they work. While officers view protest as a democratic right, many are torn between their sympathy for the plight of fellow citizens and their own ascribed duties to enforce law and order and ensure community safety.

## Methodology

The research draws on semi-structured, open-ended interviews with a total of 56 members of the SAPS: 36 station-based officers, predominantly in visible policing and spread across four stations in the Johannesburg area, and 20 public order police (POP) officers, based at two of Gauteng province's designated POP units. The combination of station-based and public order officers was chosen due to the latter's primary responsibility for the policing of public gatherings, and the former's involvement as the initial and ongoing contact with the communities in which protest occurs. POP are trained specifically to manage protests and gatherings, and are called out to either support visible policing or take over responsibility for the restoration of order in protest-affected areas. Officers from the local station, however, are often first on the scene and remain involved in the monitoring of protest incidents as part of ongoing relationships with the communities they serve.

The majority of SAPS members interviewed (24 out of 56) joined the police service after 1994. Even the longest serving officers of those interviewed had spent at least 70% of their police career as an officer of the post-1994 service. The vast majority (48 of the 56) were non-commissioned officers (in the ranks of Constable, Sergeant and Warrant Officer) and are those who undertake the public-facing

police work on the ground. Of the interviewees, 18 officers were female. The SAPS stations at which interviews were undertaken included two of the stations called upon to assist in policing the #FeesMustFall protests; and two stations where community protests, concerning issues including service provision, housing, and electricity, had taken place in the precinct area in the preceding 24 months.

Following on from existing ethnographic research by Andrew Faull into the critical intersections of policing and personal identity,<sup>13</sup> and by Antony Altbeker into the impact of both local and historical context and human fallibility on the conduct of police work,<sup>14</sup> the article seeks to provide some insight into perspectives on protest among the individual men and women charged with democracy's protection. It also adds to the critical work undertaken by Monique Marks into the post-apartheid transformation of public order policing in the late 1990s,<sup>15</sup> and by Julia Hornberger into the complex interaction of policing and human rights.<sup>16</sup> It highlights the important social and human dynamics of policing, particularly in a context where high levels of crime, vast structural inequality and popular disillusionment with the fruits of democracy intersect with police-community relations.

### **A feature of democracy: protest and rights**

When assessing the management of protest, one of the areas of democratic policing that comes into play is the protection of democratic political life. Drawing on the work of policing scholar David Bayley, David Bruce and Rachel Neild state that: 'The first area of concern in evaluating democratic policing is whether the police act in a manner which supports democratic political life itself'.<sup>17</sup> As such, they argue that 'democratic policing requires that police simultaneously stand outside of politics and protect democratic political processes and

activities'.<sup>18</sup> Accordingly, policing is not only about safety, security and the task of fighting crime, but about the protection of citizens' democratic rights and thus the broader system of democracy itself.

Among the officers interviewed for this research, when asked about their understanding of 'democracy', there was a predominant association of democracy with 'rights'. While democracy was seen as positive for South Africa in general – particularly in the pursuit of equality – there was a common discourse among officers that the freedoms granted since 1994 have engendered an abuse, or misuse, of rights. Although longer-term data trends indicate that violent crime, and murder in particular, reached its peak in the 1980s,<sup>19</sup> the comparatively high levels of criminality that continue to plague South Africa were perceived by many officers as a consequence of the abuse of post-1994 freedoms and lack of respect for the law. All of the officers interviewed believed that people had a right to protest and to have their voices heard. Indeed, several officers conveyed that, for South Africans, protest was the only means of getting government to listen.<sup>20</sup> In light of political leadership only addressing communities when they need votes, one officer remarked that protest, 'is the right thing to do'.<sup>21</sup>

Overall, the vast majority of officers objected not to the right (even the need) for people to protest, but to the frequency with which protest transgressed into violence or breaking the law. Although research into the frequency and nature of protest has urged caution in labelling as 'violent' those protests that cause merely disruption,<sup>22</sup> the SAPS may be inclined to conflate transgression of the law with violence. For some, there was a sentiment that the culture of post-1994 freedom had led some people to take 'democracy' too far; to

claim their rights without responsibilities. For others, although blocking roads is illegal, as one POP officer remarked, ‘the public are forced to do something extreme. It’s the only way they’ll get noticed’.<sup>23</sup> One officer in the POP described protest as ‘a tool to exercise democracy’.<sup>24</sup> Another referred to protest as ‘part and parcel of the fruits of democracy’.<sup>25</sup>

Of the officers interviewed, 16 referred to community protest that had taken place in the areas in which they live. From this perspective, many officers are not removed from the challenges in the communities they police, a factor we return to below. Whether or not they agreed with protestors’ actions or the means used to get the attention of authorities, many officers were sympathetic to their cause. Interviewees’ association of the *quality* of democracy with not only political but *socio-economic* freedom resonates with the trend in protest action toward economic grievances – particularly in contexts of inequality – and their origination in South Africa’s disadvantaged communities.<sup>26</sup> One POP officer, who had joined the police in 1989 after completing national service, and had always been in public order policing, remarked:

If you look at people living in the squatter camps, ah, those people are poor. And I understand why they get unruly and upset and burn down stuff – not that it’s the right thing to do, definitely not. But they see their leaders – whether it’s community leaders, whether it’s the councillors that they vote for, or the Mayor – they see these people stinking rich, driving nice cars, living in nice houses, eating the best food. And that’s why they get upset. And so much corruption is day to day. They see it everywhere and they see that these people are stealing millions and millions of rand, and these people were put into positions by them, as the community. And

that money was supposed to go to them for education, for houses, for job creation, and it’s not happening. So, I understand their frustration.<sup>27</sup>

Another POP officer, who joined the SAPS in 2002, also saw protest as emerging from broken promises – from a gap between leadership and people, and a breakdown of trust.<sup>28</sup>

Notably, none of the interviewees reflected on the longer history of protest in South Africa – possibly a reflection of all interviewees having undertaken either all or the vast majority of their policing career since 1994. They were also asked to respond to questions about their perceptions of South Africa’s democracy, and the role of protest in that context. One officer in operational command reflected that democracy was not benefitting the communities in which he works. He recounted that, during the week prior to our interview, the SAPS attended a protest where a memorandum of demands regarding electricity provision was handed over by the community to the council. As he explained it, the protest resulted from unfulfilled promises from the last election.<sup>29</sup> At the same station, another officer reasoned: ‘you put people in power and they don’t listen to you ... [They] put people’s hopes up. So, I’m going to hold you accountable and now you change your story!’ For him, openness and transparency were lacking in the relationship between communities and government.<sup>30</sup>

Alongside officers’ positions of sympathy, however, was a firm stance that protest outside the bounds of law was inexcusable. One officer explained: ‘Some of the things, we understand why they protest. But we can’t say to them that it’s okay. When it is violent, the SAPS must act’.<sup>31</sup> In the experience of the majority of interviewees, protest which began as legitimate, almost always ended in criminality and lost its connection with the original cause.<sup>32</sup> An officer based at a station

where protests over housing have become common, explained that, due to unemployment in the area, protests were sometimes used to loot, burn property and damage things. While he understood that people need houses and water and must demand their rights, he felt that some participants came with their own agenda, making it difficult for police to separate out genuine protestors from more opportunistic or criminal elements.<sup>33</sup>

For a few officers, the exercise of protest was combined with the belief that people have 'too much rope'<sup>34</sup> – an echoing of the view that rights were taken as license for unlimited freedoms. One interviewee who had joined the SAPS as a reservist in 1996, while angry about corruption and with inequality between leadership and people, also believed that the rights granted to South Africans had generated the claiming of rights without responsibility<sup>35</sup> – a sentiment present among other interviewees.

The sense that democracy was taken as license was common among SAPS officers, and in the interviews there was a dominant theme of democracy understood as 'rights'. One officer who saw protest as a right and driven by legitimate grievances also remarked that when people loot and steal, he saw this as undermining its legitimacy: as people 'taking advantage' of the rights granted to them.<sup>36</sup> The perspective that rights were abused in South Africa, however, was not particular to protest, but rather to the perception of a post-1994 culture in which people feel they can do as they wish. That the criminal justice system offers too much protection to those who break the law, was a common sentiment among officers interviewed.<sup>37</sup>

Yet, for the vast majority of interviewees, it was clear that their disagreement was not with the reasons for protest, but the methods employed by protestors, which often involved damaging or burning property. A common view was that,

although people have a right to protest, this often infringes on the rights of others. As police, their duty is to ensure that no-one's rights are infringed. It was clear, in this respect, that the mandate to keep the rights of all intact, informs officers' responses. In a sense, the views shared by officers seemed a-historical. There was no reflection on the apartheid past in which protest was not only a response to an illegitimate state, but also a political statement and an instrument of struggle. Yet, at the same time, it also reflected an understanding among officers that democracy is a multi-faceted and collective endeavour. One POP officer, for whom protest was a right to be safeguarded, still reflected: 'People are knowledgeable about democracy, but they think that their understanding is the correct one'. As such, when protestors block roads to send a message to their municipality, 'only they get to enjoy democracy that morning'.<sup>38</sup>

### **As officer and citizen**

Although we can condemn the proportionality of SAPS responses to protest, especially the use of force, it was clear from the interviews conducted for this research that rank and file officers feel very much caught in the middle – balancing their sympathy with community struggles, with the obligation to ensure safety and security. For some, this also required balancing their defence of democracy with a feeling that democracy, understood as unlimited freedom, was being taken too far. Some officers thus seemed to associate democracy with the emergence of a more disorderly (and less punitive) society. Yet, for others, it echoed the position that everyone's rights must be protected – both protestors and the wider public. A female officer who had worked first in visible policing at a station before joining the POP in 2009, remarked on the complexity of policing protest as both an officer *and* a citizen: 'As a human being you feel for these people,

because you are a human being also. Whether they're angry about service delivery, housing or their job ... you feel for these people. But at the same time, you have to protect, you have to balance'.<sup>39</sup>

Another officer, who had always been based at a station where community protests were not infrequent, commented that protest was the only way to get government to listen: 'If you don't protest, they never hear what you're saying'.<sup>40</sup> She also indicated, however, that she had found the management of protest extremely challenging when children were involved. Three interviewees referred to attending scenes where adults had involved children in protest.<sup>41</sup> This fed into a concern that democracy, itself, was breeding new generational problems in which, not only were freedoms fuelling new social ills such as drugs, but were leading children to believe that violence is the answer.<sup>42</sup> While young people have been at the heart of protest in South Africa's history – most notably in the student uprisings of 1976 – for some interviewees, there seemed to be a hope for a different future in the current context. One officer, who joined the SAPS in 2009 upon finishing high school, explained:

There was once a protest here where they were looting shops and everything, and people who were doing that, it was your minor kids, you understand? And now having to shoot [rubber bullets] on those kids, it's minor kids! But eventually it's your work, you have to do it. Because they were looting the shops, they were robbing people. It was now not a strike whereby they striking for houses. They were damaging properties, schools, taking things from other churches ... In the middle of those children there's always adults. You don't find it where it's only kids. Mostly, they see it from adults and then they also gonna do it.<sup>43</sup>

There was a notable conflation in her statement of strikes and protests – possibly a suggestion that they are both a means of voicing grievances, or alternatively a reflection that protests (as opposed to strikes) are seen by police to veer into illegality. Yet the pull between the need for protest and its social ramifications is also visible in her reflection. This view was also present in officers' reflections on the #FeesMustFall protests. A sense that certain methods of protest were self-defeating – 'damaging things that are the future'<sup>44</sup> – was most notable among the more recent SAPS recruits – perhaps reflective of a younger generation who have not lived through the use of protest for social change, but who also have a different set of expectations about a democratic society.

In bridging the gap between protestors and police, several officers, in both visible and public order policing, explained the level of negotiation that took place when officers arrived at a protest scene, so as to understand the causes and to persuade participants to remain peaceful. An officer in the POP unit explained:

Protestors just see the police, and especially public order police, as a threat – that we're there to just shoot and chase them away, which is not the case. We have a specific job according to the Constitution ... We need to maintain that law and order when it comes to crowds. I suppose most of the times with violent situations or where there's not peaceful protest, they will obviously see the police as against them. And we're not against them, we have a job to do.<sup>45</sup>

It is likely that protest tensions build on existing poor relations between police and communities, and that it may be fuelled by instances in which police respond to protest activity with force. Many officers interviewed felt there was no respect for police from the public, and some

reported receiving derogatory or racist remarks in the communities they serve.<sup>46</sup> Nonetheless, while there was a notable presence of sympathy for protestors' grievances among front line officers, it does not erase the disproportionate use of force sometimes used on peaceful and violent protestors. Incidents such as the death by police fire of activist, Andries Tatane in 2011, and the use of live ammunition by police at the Tshwane University of Technology in August 2018, which led to the death of student, Katlego Monareng, are indictments on democratic policing. One POP officer explained that the police need to attain a balance between defending democracy and civil freedoms while maintaining law and order.<sup>47</sup> It is possible that some SAPS officers struggle to attain that equilibrium.

The application of the label of 'violence' was also used uncritically by officers interviewed. It was evident that there is a presence of opinion that the methods sometimes employed in protest are a misuse, even abuse, of freedoms. Yet it was also clear that many rank and file officers themselves feel let down by government and disillusioned with democracy. This was expressed, first, in their own experience of democracy as citizens of South Africa and, secondly, as officers in which they find themselves the scapegoats of failed delivery.

In the first respect, as citizens, many officers conveyed that democracy had not realised the benefits they'd expected, and that more needed to be done to improve government delivery and accountability. One officer who lives in a neighbouring area of the township in which she works, remarked: 'Where I stay, things take long to be done. The only time they're going to do something is maybe when it's towards the elections ... But besides you need to protest and protest and protest, without the protest, ahh, everything is fine. So, I wouldn't say the government is doing much'.<sup>48</sup> Another officer

explained that police themselves are affected by service delivery issues, recounting a case of a colleague who had no water in his area and had been unable to wash. His SAPS colleagues fetched him from home so that he could wash somewhere before going to work: as he explained it, 'we are all affected'.<sup>49</sup>

Many officers referred to the presence of government corruption and unfulfilled promises as indicative of democratic deficiencies. Reflecting on the recent revelations of 'state capture' in South Africa,<sup>50</sup> an officer at the POP unit expressed: 'We expected more, I expected more ... [Democracy] is not what I expected it to be'.<sup>51</sup> His unmet expectations were linked not only to the view that government was falling short, but to a reflection on the quality of democracy.

An important reflection in the experiences of SAPS members is their proximity to the many social and economic challenges facing South Africa. Andrew Faull, in his study of the SAPS, points to challenging socio-economic circumstances from which many officers themselves are recruited and in which they continue to live.<sup>52</sup> Two of the officers I interviewed, both based at stations, said that they had participated in a lawful protest when off-duty over municipal delivery in their own neighbourhood.<sup>53</sup> Another officer stated that he would do so, provided that it followed the legal process,<sup>54</sup> while another expressed that the risk of a protest turning violent, and thus compromising his job as an officer, would prevent him from ever participating.<sup>55</sup>

One POP officer advised that he had been part of meetings in his own community about a planned protest over electricity cut-offs, but had withdrawn when residents wanted to take immediate action without following the required steps. Nevertheless, he believed that protest was a democratic right that he would exercise if he needed to.<sup>56</sup> He explained to me that he

viewed their protest over electricity cut-offs as legitimate, despite the fact that some people had been connecting to the electricity supply illegally, because the community wanted to find a resolution with Eskom to establish legal connections going forward.<sup>57</sup>

For many SAPS officers, popular protest and its reflection of the deficiencies of democracy spoke to their own experience as citizens of post-1994 South Africa. As members of the SAPS, they are not simply men and women in blue, but also members of communities who face similar social challenges. They also confront the structural inequalities, and scars on the fabric of poorer communities, in their day-to-day work. The same officer who had expressed her internal struggle when facing children in community protests remarked: 'Eventually, with our government, if you don't protest they never hear what you're saying'. Reflecting on struggles that they have as police officers, she laughed quietly, 'Even for us, I wish we could protest! But we can't ... we can't basically say anything. You just need to comply. That's why they say, you comply and complain later'.<sup>58</sup>

### **Policing protest: picking up the pieces?**

As officers, a sentiment which emerged in the course of these interviews was a sense that the police had become scapegoats of failed delivery. Officers were clear that their role was to protect rights, prevent criminality, ensure safety, and restore order and it was a duty that was not shunned. However, there was also a sense, perhaps taken for granted by those of us outside the SAPS, that the police pick up the pieces of problems which originate elsewhere. Officers in POP and in visible policing described the SAPS as being stuck 'in the middle'.<sup>59</sup> When municipalities and councillors fail to do their jobs, it falls to the SAPS to deal with the consequences.<sup>60</sup> Reflecting on protest in his station precinct, one officer explained: 'the

root cause of a community problem is housing. Because of lack of housing, people get angry and turn to violence, and then it becomes a SAPS problem'. For him, political leaders were making empty promises to communities simply to get votes.<sup>61</sup> Another officer in POP expressed: 'As police officers, we are put between a rock and a hard place. You will find that politicians promised them something and then they don't deliver. But people will come to the police to deal with it'.<sup>62</sup> As such, the police would often end up mediating between government and communities.<sup>63</sup>

The 2016 White Paper on Safety and Security, with its focus on cooperation and collaboration within government in order to delivery safety,<sup>64</sup> indeed indicates an important role for the SAPS in facilitating community development. The police, as Marks explains, are the most public face of the state,<sup>65</sup> and the building of safer communities by the SAPS would contribute to the White Paper's objectives. Yet there is also a perception among the SAPS that the government doesn't support its own officers. As such, they are sent into the fire to fight government battles without the support of the relevant departments. One POP officer, after explaining that, once the reason for a protest was established, the police would contact the municipality or councillor to address the community, added wryly: 'They're waiting for somebody to come and lie to them'.<sup>66</sup>

When protests emerge around identifiable issues such as housing, some officers were aggrieved that the relevant provincial or municipal department didn't always come to the party, but left the aftermath to police to resolve. At the POP unit, an officer explained that the councillor or mayor is the key bridge in such instances. Yet, as he explained it, there were occasions when these officials refused to meet with the community because they couldn't meet their demands.<sup>67</sup> A visible policing officer recalled a

situation where the councillor and mayor were afraid to address the community and went to the SAPS for protection. In this instance, the officer explained to me, the local councillor wanted to open a case against individuals in the community without sufficient grounds. When refused, the councillor argued with the police, when, as this officer exclaimed, 'We are supposed to work together!'<sup>68</sup>

The ongoing monitoring of the SAPS' response to protest is critical for the oversight of human rights commitments. It also assists to ensure the proportionality of police responses and their adherence to standards of democratic policing. The joint efforts of civil society organisations and institutions such as the South African Human Rights Commission, with the cooperation of the SAPS, are examples of positive work on human rights and policing.<sup>69</sup> Scholarly research has also been conducted, which urges a distinction between 'disruptive' and 'violent' protests in a way that captures their specific dynamics and thus improves our understanding of appropriate responses.<sup>70</sup> Holding the SAPS to account for their actions when both preventing disorder and policing violence, in this regard, is critical.

A separation of institutional challenges and individual perspectives is also important to understanding the deficiencies in democratic policing. Challenges to the proportionality of SAPS responses notwithstanding, it is possible to see how many officers feel they take the fall for the wider state. Here, we are reminded of John Brewer's warning in 1994 that unless police reform is 'part of a wider process of social change', addressing both political and economic problems, then the police would be left to deal with the consequences of structural inequalities.<sup>71</sup> A notable reflection from one officer, who had been part of the 'old' police as well as the new, remarked that, under the apartheid regime, they were 'used as a force' to control communities. Today, he observed,

'democracy uses the police to intervene in a situation where promises weren't delivered'.<sup>72</sup>

Structural conditions should by no means allow the unwarranted use of force by police. They do, however, underline the impact of social, political, and historic contexts on the conduct of democratic policing and the complexities of officers' roles as guarantors of rights and public safety. The experience of arriving on a scene to manage a problem whose roots lie elsewhere is most certainly compounded by the, often fragile, relations between police and communities and low levels of trust in the SAPS, which continue to be reported in national surveys.<sup>73</sup>

Officers who were part of the pre-1994 police emphasise the changes the SAPS has undergone in terms of organisational culture, personnel and training. For much of this contingent, relations with communities have changed considerably and they see much greater cooperation with, and service to, the public at large. Yet there is also acknowledgement that police relations with communities remain challenging, and are often reflective of South Africa's vast social and economic disparities. Rank and file officers – dispatched to protest environments to ensure public order and engage with communities – are themselves deployed as instruments to contain popular frustrations. They are individuals who, as members of the SAPS, must have their actions held to account. Yet they are also men and women whose views of protest and policing are seldom heard in discourse on the protest phenomenon.

## Conclusion

This article has sought to examine popular protest in South Africa from the perspective of ordinary SAPS officers. It has done so, not to oppose accounts that emphasise the deficiencies of police reform. Indeed, the

development of the SAPS as an organisation whose actions reflect the utmost regard for human rights is critical for a democratic South Africa. Yet the article has also sought to highlight the importance of understanding the views of those officers who populate the SAPS ranks if we are to achieve democratic policing. These men and women witness the incidence of protest and the discontents of democracy in their day-to-day work, and sometimes in their own communities. They constitute a contingent whose views are seldom represented in either SAPS statements or scholarly opinion.

In examining the nature of protest from the perspective of police members, there is evidence of a presence of opinion that South Africa's culture of protest is part of a wider 'misuse' of democracy. For some officers, post-1994 freedoms have been utilised to carry out disruptive and violent action. This perspective was not, however, related to protest alone, but to the broader challenges of preventing crime and establishing a societal culture in which people are respectful of both the police and the rule of law. Much more common, however, was that protest was viewed by officers as an upshot of democracy's failings and of the very real challenges facing disadvantaged communities. As a result, for those officers called to manage popular unrest, protests often fall on the cusp of illegality and justice.

The article has also shown that, for many officers, there is a dual obligation: to ensure the safety and security of communities and to protect democratic rights and freedoms. On the one hand, they believe that South Africans have been let down – that the democracy established in 1994 has not confronted the very real challenges that plague the communities they police. On the other, they are charged with protecting the rights of all in the context of societal transition, community rupture and social upheaval. The importance of understanding the

views of SAPS officers, both sympathetic and critical of protest, are vital if we are to identify the challenges and obstacles to a culture of democratic policing.



To comment on this article visit

<http://www.issafrica.org/sacq.php>

## Notes

Heidi Brooks: <https://orcid.org/0000-0003-4995-5310>

- 1 D Gordon, *Transformation and trouble: Crime, justice and participation in democratic South Africa*, Michigan: University of Michigan Press, 2006.
- 2 D Bayley, *Democratising the police abroad: What to do and how to do it*, Washington DC: National Institute of Justice, US Department of Justice, 2001; I Loader, Policing, recognition and belonging, *ANNALS, American Association of Political Science*, 605, 2006, <https://www.jstor.org/stable/25097805>; Gordon, *Transformation and trouble*; B Bradford, A Huq, J Jackson et al, What price fairness when security is at stake?: Police legitimacy in South Africa, *Regulation and Governance*, 8:2, 2014, <https://doi.org/10.1111/rego.12012>.
- 3 Bayley, *Democratising the police abroad*; and D Bruce, with G Newham and T Masuku, *In the service of the people's democracy: An assessment of the South African Police Service*, Johannesburg: CSVR, 2007.
- 4 P Alexander, C Runciman, T Ngwane et al, Frequency and turmoil: South Africa's community protests, 2005–2017, *South African Crime Quarterly*, 63, 2018, <http://dx.doi.org/10.17159/2413-3108/2018/v0n63a3057>.
- 5 P Alexander, Rebellion of the poor: South Africa's service delivery protests – a preliminary analysis, *Review of African Political Economy*, 37:123, 2010, <https://doi.org/10.1080/03056241003637870>.
- 6 Alexander et al, Frequency and turmoil.
- 7 P Alexander, C Runciman and T Ngwane, *Community protests 2004–2013: Some research findings*, Centre for Social Change, University of Johannesburg, 2014.
- 8 The #FeesMustFall movement refers to the protest action that spread across South Africa's public universities in 2015–2016. Participants engaged in protest action against increases in tuition fees – eventually demanding free tertiary education – as well as solidarity protest with university staff facing job cuts due to outsourcing.
- 9 See, for example, B J Roberts, N Bohler-Muller, J Struwig et al, Protest blues: public opinion on the policing of protest in South Africa, *South African Crime Quarterly*, 62, 2017, <https://doi.org/10.17159/2413-3108/2017/v0n62a3040>; M Marks and D Bruce, Groundhog day? Public order policing twenty years into democracy, *South African Journal of Criminal Justice*, 3: 2014, <https://hdl.handle.net/10520/EJC167884>.
- 10 K von Holdt, South Africa the transition to violent democracy, *Review of African Political Economy*, 40:138, 2003, <https://doi.org/10.1080/03056244.2013.854040>.
- 11 M Paret, Violence and democracy in South Africa's community protests, *Review of African Political Economy*, 42:143, 2015, <https://doi.org/10.1080/03056244.2014.995163>.
- 12 Bruce et al, *In the service of the people's democracy*.
- 13 A Faull, *Police work and identity: A South African ethnography*, London & New York: Routledge, 2017.
- 14 A Altbeker, *The dirty work of democracy: A year on the streets with the SAPS*, Johannesburg & Cape Town: Jonathan Ball, 2005.

- 15 M Marks, *Transforming the Robocops: Changing Police in South Africa*, Scotsville: UKZN Press, 2005.
- 16 J Hornberger, Human rights and policing: exigency or incongruence?, *Annual Review of Law and Social Science*, 6, 2010.
- 17 D Bruce and R Neild, *The police we want: a handbook for oversight of police in South Africa*, Johannesburg & New York: CSVR and Open Society Justice Initiative, 2005, 18.
- 18 Ibid. Emphasis added.
- 19 A Kriegler and M Shaw, *A citizen's guide to crime trends in South Africa*, Johannesburg: Jonathan Ball, 2016.
- 20 Interview, WO5, 14 August 2018; Interview, WO1, 3 July 2018; Interview, C8, 14 August 2018; and Interview, S6, 17 August 2018; Interview, S12, 20 November 2018.
- 21 Interview, WO4, 14 August 2018.
- 22 Alexander et al, Frequency and turmoil.
- 23 Interview, S12, 20 November 2018.
- 24 Interview, S8, 4 October 2018.
- 25 Interview, WO11, 10 October 2018.
- 26 N Bohler-Muller, BJ Roberts, J Struwig et al, Minding the protest: Attitudes towards different forms of protest action in contemporary South Africa, *South African Crime Quarterly*, 62, 2017, 82, <https://doi.org/10.17159/2413-3108/2017/v0n62a3041>.
- 27 Interview, Cap2, 4 October 2018.
- 28 Interview, S8.
- 29 Interview, Cap5, 23 October 2018. This officer had spent time in both public order and crime prevention.
- 30 Interview, C12, 16 October 2018.
- 31 Interview, WO5.
- 32 Interview, Cap3, 5 October 2018; Interview, WO4; Interview, C8; Interview, Cap2; Interview, WO15, 23 October 2018 – prior to joining the detective branch in 2014, this officer had spent 19 years in visible policing).
- 33 Interview, WO4.
- 34 Interview, WO2, 6 July 2018.
- 35 Interview, S7, 17 August 2018.
- 36 Interview, WO15.
- 37 The presence of opinion among the police that criminals have too many rights is also reported elsewhere; see A Faull, Police culture and personal identity in South Africa, *Policing*, 11: 3, 2017, <https://doi.org/10.1093/police/pax016>.
- 38 Interview, S8.
- 39 Interview, C9, 11 October 2018.
- 40 Interview, C8.
- 41 Interview, C8; Interview, S6; Interview, WO8, 4 October 2018; Interview, C9.
- 42 Interview, C9.
- 43 Interview, C8.
- 44 Interview, C5, 26 July 2018.
- 45 Interview, Cap2.
- 46 Interview, C3, 4 July 2018; Interview, C6, 14 August 2018; Interview, WO4; Interview, WO6, 17 August 2018; Interview, WO8.
- 47 Interview, Cap3.
- 48 Interview, C8.
- 49 Interview, WO4.
- 50 This is a reference to the current investigation in South Africa into extensive political corruption in the ANC government, in which private interests may have significantly influenced state decision-making for private gain.
- 51 Interview, WO8.
- 52 Faull, *Police work and identity*.
- 53 Interview, WO4; Interview, S4, 27 August 2018.
- 54 Interview, S8.
- 55 Interview, WO9, 5 October 2018.
- 56 Interview, S8.
- 57 Ibid.
- 58 Interview, C8.
- 59 Interview, WO4; Interview, WO11, 10 October 2018; Interview, C19, 20 November 2018.
- 60 Interview, WO4; Interview, C7, 14 August 2018; Interview, WO12.
- 61 Interview, C7.
- 62 Interview, C19.
- 63 Interview, WO12.
- 64 Civilian Secretariat for Police, *2016 White Paper on Safety and Security*, Pretoria: Civilian Secretariat for Police, 2016.
- 65 M Marks, Shifting gears or slamming the brakes? A review of police behavioural change in a post-apartheid police unit, *Policing and Society*, 13:3, 2003, <https://doi.org/10.1080/10439460308031>.
- 66 Interview, WO11.
- 67 Interview, WO12.
- 68 Interview, WO4.
- 69 The African Police Civilian Oversight Forum and South African Human Rights Commission, for example, host an annual dialogue on human rights and policing in South Africa, bringing together role players, including the SAPS, civil society organisations and the Independent Police Investigative Director.
- 70 Alexander et al, Frequency and turmoil.
- 71 J Brewer, *Black and blue: Policing in South Africa*, Oxford: Clarendon Press, 1994, 348.
- 72 Interview, WO5.
- 73 Afrobarometer, AD90: In South Africa, citizens' trust in president, political institutions drops sharply, 2016, <http://afrobarometer.org/publications/ad90-south-africa-citizens-trust-president-political-institutions-drops-sharply> (accessed 7 July 2018). See also data on declining household satisfaction with police services between 2013 and 2018; see Stats SA, *Victims of Crime Survey 2017/18*, 11 October 2018, <http://www.statssa.gov.za/publications/P0341/P03412018.pdf> (accessed 16 April 2019).