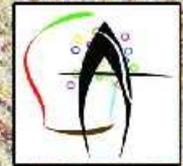




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L'Afrique et les défis du XXIème siècle
Africa and the Challenges of the Twenty First Century
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إفريقيا وتحديات القرن الواحد والعشرين

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**The Challenge of Policing in Postcolonial Africa:
Law and Order in the Streets of Post-Apartheid South Africa**

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Introduction

Police reform forms part of the debate in transitional societies that are moving from colonialism, communism, conflict and various forms of authoritarianism, to democracy. Bruce (2009) argues that post-conflict African countries are characterised by uneven state and non-state partnerships in policing, concluding that police and community partnerships should be strengthened and should focus on crime prevention rather than on police using communities as tools for state policing. This is echoed by Okafo (2007) in the case of Nigeria. In the same breath, Albrecht and Buur (2009) recognise the tensions in state-civilian policing partnerships in security and development reform programmes in sub-Saharan Africa. They partly attribute the tension to lack of an understanding of the context by policy makers and bureaucrats. Alemika (2007) regards most of police reforms in Africa as superficial and mere rhetoric from the ruling parties. Even though the context and priorities are different in transitional and post conflict societies, the commonality is that police reform research (as in South Africa, cf. Rauch, 2000) typically focuses on crime reduction and prevention (Cf. Marks and Shaw, 2002), police accountability (Cf. Leggett,2002), community policing, the law of policing (Cf. Brogden, 1994), recognising and accepting multi-agency or diversity in policing frameworks (Bruce, 2004) and public relations with the police.

It is the relationship between police and public (in the context of post-colonialism) that form the subject of this paper, which tries to bring forth the daily experiences of police and community as they encounter each other at street level. The paper argues that transforming the relationship between the state police and communities is more than the formal application of democratic law. Rather, we must also understand the tensions and informalities in everyday policing (Hornberger, 2004) and both the hidden and public transcripts that are embedded in the social history and practice of policing in South Africa and which have implications for democratic policing and the post-1994 generation of police. Moreover, like Okafo (2007), Marks's and Wood's (2010) argue for minimalist policing in recognition of multi-choice policing frameworks. They warn that the re-militarisation of the South African Police Services is regressive and puts further strain on police-public relations. They suggest that some policing should, and can, also be done by the community, and that the police should rather focus on the serious interventions, when such interventions are needed. However, as the paper will later show, the multi-choice policing framework are not easy in the context our constitution and super-diversity in mega cities such as Johannesburg.

The paper is arranged in four parts. I first discuss democratic policing. Secondly, explain some of the concerns about police reform in Africa. Thirdly I give some instances of the tensions in police and community encounters from the ethnographic study in one of the townships near Johannesburg. Finally, I suggest implications for democratic policing in super-diverse cities like Johannesburg.

Unlike sociodemographic and non-sociodemographic correlation studies such as those of O'Conner (2008) and Gau (2010) on public attitudes toward police, this chapter is based on ethnographic observation of the police during their patrols, over a period of five months. It derives its data from police actions, narratives, and their interaction with civilians in one of Johannesburg's townships. I was observing student constables' visible (street-level) policing under the guidance of their commanders.

Democratic policing

Rauch (1993) and Shaw (2002) sketch the political context within which police reform took place in South Africa during political liberalisation. Rauch mentions problems such as the political origins of the South African Police (SAP) in which policing was about protecting the interests of government, business and, later, racial domination; the lack of comprehensive policy on law and order within liberation movements where an organisation such as the ANC did not have a clear and coherent policy on the nature of policing in post-apartheid South Africa; a militaristic tradition in government and ANC discussions on security; lack of accountability and abuse of power by the SAP; and crisis intervention orientation in policing discussion whereby policing is seen as responding to crime rather than preventing it and making communities feel safe. Shaw mentions similar problems, but he focuses on increasing levels of crime during the transition period between the 1990s and 2000. Rauch concludes that after a series of police reform discussions and planning:

The model of 'community supported policing' is based on a rather simplistic interpretation of British and North American models of community policing. SAP policy-makers have managed to ignore the differences between South Africa and these advanced democratic states where citizens have rights, political representation, mechanisms of accountability at all levels of government, etc. The aspect of inter-agency cooperation is also underdeveloped. This problem is exacerbated by the absence or collapse of many state bureaucracies (e.g. education

and local authorities), especially in black residential areas. They have also failed to take into account the various organic traditions of self-policing, such as 'people's courts', and to draw from these some important aspects of indigenous community policing'. (Rauch, 1993: 8)

So How Should Policing Happen in a Democratic State?

In a democratic state the police should be guided and bound by the rule of law, which unfortunately is often in conflict with the values of a democracy. 'The police of a free country is to be found in rational and humane laws - in an effective and enlightened magistracy - and in the judicious and proper selection of those officers of justice ... yet the institutions of the country being sound, its laws well adjusted, and justice executed against offenders, no greater safeguard can be obtained without sacrificing all those rights which society was instituted to preserve' (Reith, 1938: 188).

The tension between the rule of law and the values of democracy has created public controversy, and a dilemma for the police. In a democracy, police cannot maintain order without regard of the law, for the law is the instrument of order. The rule of law controls matters such as the searches, arrests, handling of suspects, and what constitutes lawful accusation and the right to legal representation (Skolnick, 1975). Yet in everyday policing the rule of law often has to be maintained without regard for the law. The disregard, or sometimes ambiguity, of the law causes tension and controversies that lead to police abuse of power: police brutality, arbitrary or unlawful arrests, improper searches and contaminated crime scenes.

Skolnick (1975: 6) observes: 'the police in democratic society are required to maintain order and to do so under the rule of law. As functionaries charged with maintaining order, they are part of the bureaucracy. The ideology of democratic bureaucracy emphasises initiative rather than disciplined adherence to rules and regulations. By contrast the rule of law emphasises the rights of individual citizens and constraints upon the initiative of legal officials. This tension between the operational consequences of ideas of order, efficiency and initiative, on the one hand and legality on the other constitute the principal problem of police as a democratic legal organisation.' These tensions and dilemmas have led to several ways of understanding policing.

Lipsky (1982: xi) sees police as street-level bureaucracies, which he defines as organisations and agencies whose workers (police, welfare departments, schools, hospitals and lower courts) interact directly with the public and have wide discretions over the dispensation of benefits or the allocation of public sanctions. He argues that the decisions, routines and devices of the street-level bureaucrats (such as the police) that they use to cope with the vicissitudes of their work become public policy that they execute daily. The strictly followed rules of policing give way to the dynamic of the encounter between the police and the public on the streets and which leads to whatever course of action the police decide to take.

Reiner (1997) outlines three approaches that explain police discretion. The first is an individualistic approach, which focuses on the personalities of police or recruits. He demonstrates that, contrary to other claims, there is no evidence that police have more authoritarian personalities than do the civilian population, and he condemns the view that police have an inherently authoritarian personality which makes them choose a career in policing. The second approach is cultural: a 'set of informal rules, rites and recipes for coping' (Reiner, 1997: 1016). The final approach is a contextual explanation which supplements cultural explanations by suggesting that the context within which the police work presents countervailing factors that might inhibit the translation of police values into expected practices. Reiner argues that even though the police might create their own ways of policing and dealing with citizens, these ways are themselves a product, and counter-product, of the context in which police do their work. Reiner does not necessarily dispute the discretion of the individual police, but, rather, says that police are also influenced by their wider context.

Chan (1996) employs the concept of police culture in analysing the impact of police reform, arguing that static and structural concepts of culture cannot help us understand police culture, and observing that there are multiple cultures – and levels of cultures – in policing, and that acculturation is not passive but includes structure-agency mediation. She concludes that the craft of policing is constituted by the relationship between the social, legal and organisational contexts of policing, together with their discursive practices. Loftus (2010) agrees with this observation, but he disputes claims that orthodox conceptions of police culture (maintaining law, order and discipline by the book) are outdated, concluding that: 'The timeless qualities of police culture endure because the basic pressures associated with the police role have not been removed and because social transformations have exacerbated,

rather than reduced, the basic definitions of inequality. Unless there is a marked refashioning of that role stemming from wider social change, it would seem there is little hope of achieving any radical reconfiguration of police culture' (Loftus, 2010: 17). Policing in the streets of South African townships.

In South Africa, Hornberger (2004: 227) observed police at work in the Johannesburg inner city and concluded: 'I want to maintain the notion that the police force is informally managed and transformed through an imaginary to fit the conflicts that are played out in the inner city. State power is redirected and renegotiated for a purpose removed from its formal application. At the same time, this way of managing police interventions and its incoherence cannot guarantee security. Rather, it provides an improvised and provisional security that may backfire and contradict itself. Insecurity is not eliminated, only framed.'

Faul (2010: xiii) sums up the above discussion: 'The expectations placed on the everyday cop are enormous, often bordering on the impossible, while a progressive constitutional framework is interpreted as overly limiting police powers to act. In order to survive the weight of these competing forces, police develop their own informal rules, codes and systems to deliver on their mandate ... These informal systems are not taught at police college but rather learnt on the job ... even to the new student entering SAPS, familiarity with the informal culture [grows] as their post develops over time, through experience, observation and storytelling.'

In Township Z¹, police culture is reflected by much of what Faul argues. The interactions between constables and student constables seems to be partly characterised by power relationships, in which the student constables' success depends partly on accepting the daily 'teachings' of the senior constables. In many instances, student constables would talk about their admiration of how certain senior constables would violently force out confessions from suspects and how they themselves copied such 'strategies'. In parades and during informal lunchtime conversations, some senior constables would encourage the student constables to fight the criminals in the township and never to forget the bond of being a 'member of the force'. Therefore, above all the formal rules of policing, student constables would observe, listen and copy some of the ways of their seniors; but they were also aware of the changes

¹ The names of the township and police station are withheld as per contract with the South African Police Services (Gauteng Head Office).

that they are required to represent, as members of the police in a new democratic South Africa.

Policing in Post-Colonial Africa

There seems to be four main concerns about reforming policing in postcolonial African countries. The first one is the social perception of the police and how they go about doing their duties. "The social science literature on police in most African countries depict them as significantly brutal, corrupt, inefficient unresponsive and unaccountable to the generality of the population. Consequently, African police forces do not enjoy the trust or confidence of a significant proportion of the population they serve. The inefficiency, corruption and brutality of police officers in African nations have led to lack of trust in the public policing institutions" (Alemika, 2004:4).

The second one is recognition for other policing frameworks with which state police should recognise. "As people in Africa move about their daily business, so they move from the sphere of one security agency to which they would naturally look for protection to another or are faced at times with a choice of agency, to be make in terms of personal experiences, preferences for mentality (surveillance or punishment), cost or communal status...The extended family may protect the compound, but it is the street committee that sorts out assault at the bar, the sorcerer that detects the culprit, the headman or local priest that mediate a settlement over damages caused by a neighbour, a spontaneous mob that handles the bus station pickpocket, the commercial security guard that secures the entrance of the city centre office entrance and the state police that is called if a colleague is murdered at the bank. Policing, as it is experienced, is a complex pattern of overlapping policing agencies" (Baker, 2004:205).

The third one is demilitarisation of the state police (especially in post conflict countries where the state is weak). "In some of the countries, notably South Africa and Tanzania, there was an additional imperative to depoliticise the police. This involved removing the police from direct control or influence by the ruling party, and establishing multi-party or independent mechanisms of oversight and accountability. Again, this is in line with the modern discourse of community (or 'democratic') policing, which sees the police as serving the community as a whole, rather than merely serving the government in power" (Rauch and van der Spuy, 2006:161).

The final one is the ineffectiveness or rather failure of state police reforms after years of independence in Africa. The failure is primarily indicated by increasing crime rates (Berg, 2004), public mistrust of police (Alemika, 2004), disregard of indigenous forms of policing in favour of Eurocentric ones (Okafo, 2007) and abuse of human rights by police () “There also appears to be inadequate realisation that successful police reform can only be sustained if it is linked to an effective judiciary that enforces the rule of law fairly and effectively to protect individual rights and assure citizen security” (International Crisis Group, 2009: ii).

The purpose of this paper is not on the formalities of police reform. Rather it adds that, police reform should go beyond formal understanding of how policing should be. It tries to show how formal and informal ways of state policing at street level can help us understand public-police tension and how public-police encounters show the gap between formal requirements of policing and the actual experience of policing. The paper hopes to add to debates and requirements for police reform in Africa.

Police and Community Tensions in a Township

In a rather unusually sombre parade one day, an inspector said to student constables: ‘If a suspect points a gun at you or any officer you must shoot the suspect. Don’t wait for the suspect to shoot and then arrest him and take him to the police station. Don’t think that will make you look proper by adhering to the law. You must shoot them! You see, in Township Z, it’s a big thing to shoot a police. If you shoot a police you become a hero in the township. We can’t let that happen. We must fight them.’ The inspector was making this point as part of a painful and emotionally charged parade address, the night before which a policeman had been shot by a suspect. The suspect was arrested and the policeman was said to be alive and recovering. This utterance not only shows police intolerance for firearms in a civilian’s hands, but also reveals that the police are aware of the Policing in the streets of South African townships public’s attitude towards them – and it is a negative attitude. However, as I will suggest, the attitude has its paradoxes.

The police see the community of Township Z as extremely violent and criminal. In my conversations with the police, none spoke about sociological variables such as poverty. Instead, they see alcohol abuse as the primary cause of crime and disobedience in Township Z, and as a consequence police attitudes during patrols are also influenced by their perception of the community. In one conversation with a student constable, I asked him

what the problem was in Township Z. He answered enthusiastically and at length: 'Township Z is very hectic over the weekends. Alcohol, robberies and domestic violence are very widespread. Sometimes, someone comes to report broken entry and stolen property from his shack - that person would be drunk and have no knowledge of suspects or any information that might help us. Then the next day he forgets everything. People here have no respect for the police so we sometimes teach them a lesson just for the sake of it. For example, sometimes if I find you holding a sealed bottle of beer, I can arrest and charge you for public drinking even though I know you were not drinking in public'. 'Why do you do that?' I asked, amused. He replied, 'It's about the suspect's attitude. If I see that you are arrogant then I will find something to arrest you. However if a suspect is apologetic and respectful then I forgive him. If people show respect or are apologetic and say, "Sorry officer I did not mean to do this, forgive me,"³ then I will forgive them because I have a heart and I am human too.'

Thus, from the police perspective, Township Z is a place to teach criminals and the stubborn community some harsh lessons. Police work becomes primarily that of discipline.

This nature of police work also seems to influence how the police view the 'absence of crime'. In the absence of crime, patrol officers feel they are wasting time. In my early days of participant observation they would say, 'Thursdays are very boring, quiet. You see nothing. You must come on Friday, Saturday or Sunday; then you will see real action. Today it's just for you to take a tour of the township ... we on the other hand will be honking at ladies!'

Comments like this make it seem as if the only relationship that the police have with the community is over fighting crime or attending to matters that involve crime prevention. The visibility of the police does not seem to count, as a tactic, from the patrol officer's point of view. They do not think of their visibility as something that might make the community feel safe; it is, rather, a threat to criminals. Police seem to view their work as something that should be quantifiable by the numbers of arrests and 'stop and searches', and their mere visibility is not enough to qualify as work. They want action, which, of course, includes arrests and searches with the possibility of disciplining the criminal in the public gaze. This, they hope, reminds the public of the consequences of disobeying the law and the police.

The public gaze is not silent, though. Community members voice their disregard for the police. This is evident during arrests when civilian onlookers insult the police, directly or

indirectly. The insults are meted out in at least four categories: the first is that police are generally illiterate or functionally illiterate, which means that they did not pass matric and do not have tertiary education qualifications. In one instance, a shack stood burning while the police stood observing the flames. Although the police had called the fire brigade, the latter did not come because they were on strike (as were the doctors and ambulance workers). The burning shack was an excruciating sight and some of the onlookers could not understand why it was only the neighbours who were trying to extinguish the fire. In a callous tone one man shouted, 'What do these tenth or eighth graders know anyway?' He was suggesting that it did not come as a surprise that the police were not helping because they were invariably incompetent and uneducated.

The following incident exemplifies the next three categories of insults. One evening about twenty police were taking turns in beating three suspects. As the drama unfolded, a student constable asked the onlookers to move away from the scene in case shots were fired; they resisted and the student constable started shouting at them to move away. Other student constables backed her up and told them to move back. There followed the usual altercation between police and the group of civilians. The police were told how rude, illiterate and useless they were. They were told to go and attend to more serious cases.

As the civilians were dispersed I was among them, and as I moved around I eavesdropped on their conversations and heard comments such as: 'These people did not resist arrest. So why are they beating them?'; and 'She would not say these things if she was on her own. She is doing this because she has the backup of other police. They are very silly when they are in a group'; and 'It serves them right. Their Zuma said that we must like the xenophobia². Now look what these xenophobia people are doing'; and 'We know our rights. They won't tell us what to do'; and 'How can so many police come and attack just three people?'; and 'They [police] are just as corrupt as anybody else. You will find them drinking inside police cars too!'

In the middle of these confrontations, one of the student constables despondently and angrily said, as he left the civilian crowd, 'I don't understand these people. We are helping them but they are fighting us. We are helping them so that they don't get mugged by these thugs [pointing at the three suspects as the police continued with the beatings]'. Struggling

² By 'xenophobia' the drunken man meant 'foreigners'. The three suspects were said to be from Maputo.

to hear what was being said, as almost every group in the crowd seemed to be quarrelling with a member of the police, I witnessed a policeman hit a drunken man twice, causing him to fall to the ground.

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

The third category of insults is that police have no right to arrest or beat criminals because they are just as corrupt and criminal as the suspect(s). In so saying, the Policing in the streets of South African townships community does not of course refer to the police at any particular crime scene but, rather, to members of the South African Police Services in general. In this category of insult the morality of policing is questioned. The police are not seen as neutral enforcers of law and order; instead they are viewed as moral agents who hypocritically enforce ethical standards rather than the actual laws. In the community's eyes, the police, being moral agents, must feel guilt and shame for punishing people for offences which they (police) have probably themselves committed in the past. Onlookers, and even suspects, believe that the police should be understanding and let them go instead of arresting, warning or beating suspects for 'minor' offences.

The final type of insults refers to the police as cowards. They are cowards because they are usually arrogant and prone to violence if there are many of them on the scene. What the community members mean is that police need backup in order to be confident and arrest or beat suspects. On several occasions, onlookers were amazed at the number of police officers at a crime scene. They also expressed their disgust at police officers who take turns in beating suspects who are defenceless against so many.

Understanding the Context of the Community's Views

The first defining feature of this context is the level of education of the police. It is true that most of the police are functionally illiterate, and the community members feel intellectually superior to them. There is, however, some historical context to explain the view of the police as poorly educated. In the 1980s, black police performed 'surrogate policing' as municipal police or special constables, to augment the SAP strength and also to dissociate the SAP from white police violence in the townships. Like municipal police, special constable recruits:

required no educational qualifications, and included many illiterates. Equipped with shot guns, and dressed in functional blue overalls, they were allocated the tasks of foot patrol and riot control the work of black police men did not need a senior certificate. In fact black police men under apartheid could not be promoted beyond the rank of sergeant and constable because they were non-commissioned officers. It was also after the 1976 uprisings that black auxiliary police were allowed to carry firearms. Moreover a lot of officers who were recruited in the 1990s did not have a national senior certificate (Brogden and Shearing, 1993: 83).

The second contextual issue relates to police avoiding serious crimes. According to the police, serious crimes are indeed dangerous and need backup. They are often reluctant to attend to serious crimes if they do not have the necessary resources such as appropriate patrol vehicles and backup from colleagues. At other times, police feel too tired to attend to these calls, especially if they are not working within the sector in which the crime is being reported. However, in the streets, police also choose which crime interventions are important to them – for example, most find domestic violence intervention a waste of their time because the complainants usually drop the charges.

The third contextual issue relates to police corruption. The community sees police as corrupt and not worthy of arresting others. This evokes the argument about the principle of accepting to be policed in a democratic liberal state. By agreeing to be policed, the community accepts the authority and power of the police irrespective of the police's moral virtues or vices. In a democratic liberal court the arresting officer is innocent of corruption, but the community adds another dimension – that the police themselves must be morally upright before they are entitled to enforce the law. Such ideas were acceptable during

apartheid, and the police were chased out of Township Z by self-defence units. The return of police to Township Z since the early 1990s means that the community has accepted to be policed and thereby is expected to be cooperative. Cooperation, however, also demands that police should have virtues such as honesty, and this creates further tensions in street-level policing. The ideal of democratic policing, and the experiences of real policing in this context, are worlds apart.

The final contextual issue relates to police cowardice. In one of their patrols, the police in Township Z came across a brawl in the street. The suspect ran away, into a yard. It turned out that he was hitting his girlfriend. There was a crowd of about twenty people in the yard. The officers stood outside the yard and did not pursue the suspect. When they returned to their car they said that they did not pursue the suspect because the girlfriend did not seem in need of their intervention; they also said that they did not want to enter the yard because there were few of them and they could be easily disarmed by the crowd. In their training and parades, the officers are told that in every intervention they should consider their safety and lives first. Although the strength of the police lies, in reality, in their legal authority, member backup, and the Constitution, the community seems to view reliance on such factors as cowardice.

Police Views

Police have their own views about how the community sees them. In addition to participant observation, I conducted interviews with ten student constables, who all gave almost the same answers about the animosity between the police and their communities. Police think that the community lashes out for three reasons: the first is that the community is ignorant of the law. If people don't know how the law operates then they will always hate those who enforce it. All the officers said that they were not bothered by public insults during an arrest, as part of their training has socialised them and helped them to develop 'thick skins' to shield them from emotional abuse. The only time that police have to deal with the onlookers is when they are interfering with police duties, and at that point they are allowed to use 'minimum force' or to arrest a civilian for interference.

The second reason that the community insults the police is that police understand their duties as simply enforcing the law, regardless of the community's feelings about Policing in the streets of South African townships it, whereas the community, on the other hand, think

that the police make the law as well as enforce it. The police, who think of themselves as 'agents of the state', shrug at this display of what they consider simple ignorance. This reminded me of one public-drinking arrest incident. The perpetrator pleaded with the police not to arrest him but they refused, and got him into the vehicle. On the way to the station he continued to plead with them to let him go but they refused, and one of them said, 'We can't. He is our *success*! You know public drinking is wrong yet you do it. You don't respect the police.' Then a student constable said, 'We have already forgiven you. Now we are just doing our job!' They returned to the station to open a case against the arrestee.

The third reason, police observe, for communities to attack them, is that the onlookers who insult them are likely to be close to the suspect. On my first day of fieldwork, as a dagga arrestee was taken to the patrol vehicle, a civilian lad asked, 'Why are you arresting him?' One of the women constables retorted, 'Why do you want to know? What's in it for you? What are you going to do with that information?' The lad kept quiet. Then suddenly an old man appeared at the street corner, demanding to know why they were arresting his son. He shouted: 'This is my son. He does not smoke dagga. Why are you arresting him? Don't arrest him! Leave him alone!' The police explained that the boy was being taken to the police station but the old man continued to protest and police told him that if he carried on he would be charged with interference. A woman arrived, and also protested. She claimed it was her son. They were both told to keep quiet and go to the police station if they had any problems with the arrest, or else they would both be charged for interference. The vehicle left and the police continued with the patrol.

The patrol team were very angry about the civilians' responses and talked about the incident as they drove. The senior constable said, 'These parents are very silly. They know that their children use drugs and do nothing about it. When their children are arrested they defend them. They should tell them to stop taking drugs and we will not arrest them!' The team members all agreed.

Police say that friends and family members of suspects usually defend the suspect and view the police actions as unfair. Police understand that friends and family members don't want their relatives to go to jail, but they usually do not sympathise with any civilian who tries to defend a suspect during an arrest. In most cases, the police enter into a verbal altercation

with the onlookers – in fact, it often happens that when the suspect resists arrest most of the onlookers cheer in favour of the suspect, and the scene turns into a wrestling tournament.

Police are also aware that, inasmuch as the community disregards them, they sometimes think of them as superhuman. The community can also, at times, see police as male, macho, and brave. They are supposed to fight crime and arrest criminals; they are supposed to save lives. At one moment civilians think of police as ‘scumbags’ and at another moment they think of police as saviours – heroic, compassionate and merciful.

Police brutality is a contested concept and practice. The community think the police use brutal force too often, but the police themselves say that they use ‘minimum force’ and are forced to be brutal only when suspects resist arrest or pose a threat. For the purpose of this chapter, what caught my attention was that in one vehicle patrol the student constables spoke of a mother who called the police in to discipline her unruly daughter. One of them seemed to have savoured the moment when he hit the girl with a belt. They spoke of how ill-mannered the girl was towards her mother and the police. This presents one of the paradoxes of police work: the community hates the police for alleged police brutalities, yet when they feel powerless they invite the police in to use physical force.

The effect of this relationship on both the community and the police is negative. Even though the police say that they shrug at the insults and negative perceptions, these seem to have an emotional impact. On one evening after parade, and while waiting for the patrol vehicles to arrive, one of the student constables said, ‘I wish I could work at the community service centre. I hate patrols. I hate getting into altercations with people in the streets. They are just bad luck!’ On the other hand, civilians are often afraid of the police because a police presence might mean trouble instead of feelings of safety. The tension builds up.

Positive Aspects of The Police-Community Relationship

Even though the relationship between the police and the community in Township Z is tense and paradoxical, there are two aspects of the community about which the police feel positive. The first is that crime has decreased in Township Z. During patrols and interviews, the police would acknowledge that there was crime in the area but then emphasise that it had decreased. In an interview, one reservist recalled: ‘There is a place called Mike’s. It was very notorious. About seven police vehicles were damaged by the patrons. In one incident a

police firearm was lost. Police used to be afraid to pass by that place on Sundays but we fought back and patrolled that area, even inside it ... and now sometimes when we pass by there on Sundays we even forget it's Mike's place. They respect us now and they are no longer unruly.' In ensuing conversations with the student constables, and judging by their facial expressions and gestures in the conversation, it was clear that they felt that the 'order' in Mike's place means that the police were able to discipline the patrons. In effect they were trying to say that the patrons now feared the police and hence were no longer rowdy and disrespectful.

The second positive development that police see is the Community Police Forum (CPF). They view the CPF as community members who understand police work and who help police in preventing and fighting crime. Although the CPF did not feature in their usual conversations during patrols and parades, it featured prominently in the interviews as the positive aspect of the relationship between the police and the community.

In thinking about the relationship between the police and the Township Z community one can see that it is a relationship primarily based on crime. The police are suspicious of community members because they see Township Z as a criminal hub. The community hates the police because they think they are not doing enough to fight crime - and that Policing in the streets of South African townships police are criminals themselves. The community's attitude towards the police is positive to the police only insofar as they attend to crime and complaints; the police's attitude towards the community is positive only in regard to the CPF. In this relationship there is no room for building trust and civility.

Implications

When we think of policing we often understand it within the framework of the formalities of the law and the Constitution, but we should understand the context, subtleties and informalities that are involved in everyday policing. Understanding street-level policing, and the community's discourse of policing, is one way of doing so. It is part of trying to find possible ways of reforming policing in democratic and transitional states.

The focus on state police has been criticized as dominating research on policing and that there are multiplicities of policing frameworks. Okafo (2007) rightly argues for implementation of indigenous forms of policing in Nigeria and Bruce (2004) points out at the multiplicity of policing frameworks in Africa. However, their arguments speak of diversities

in policing but neglect diversities of populations within nation states. The emergence of superdiversity (in cities like Johannesburg and Lagos) has posed challenges for new forms of diversities partly in a form of new waves of migration across the world. Thus what is indigenous and context specific might pose new challenges for immigrants who themselves come from diverse cities. Anti-migration policing and violence adds another layer to the complexities of policing. Thus indigenous forms of policing frameworks might be biased against immigrants and used to abuse immigrants basic human rights.

Police-community tensions have to be minimised, in the interest of fighting and preventing crime in the country. If communities do not trust the police, then they are unlikely to cooperate in helping to prevent crime and to solve it. Moreover, police must make communities feel safe instead of threatening them. Community police forums are some of the structures that point towards this direction. In neighbourhoods that can afford private security companies the relationship between police, private security and residents is another way of making communities feel safe.

Finally, whatever the requirements of policing laws, street-level policing often deviates from them within both the current and the historical context of policing, and this has implications for a new generation of police. Spending time with student constables revealed the impact on them of police culture and of street-level policing. Policing in a democratic country not only requires revision of policing laws (such as the South African Police Services Act) and some understanding of the nuances of street-level policing, it also requires a change of attitude from both the police and the communities.

Conclusion

This paper has argued that transforming the relationship between the police and communities in should not just be left for the formal application of democratic law. The case of a South African township was used to illustrate the argument. The tensions and informalities in everyday policing (including policing migrants in South African streets) are embedded in the social history and practice of policing in South Africa. These have implications for the quest to reform policing as part of maintaining internal security and policing diverse populations. The argument has implication for general police reform in Africa.

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