ASSESSING POLICE BRUTALITY IN SOUTH AFRICA

ABSTRACT

The issue of police brutality in South Africa is an overwhelming problem with increasing cases being reported and yet no active interventions being implemented. Assessing the statistics, causes, and possible preventative measures may provide an opportunity for growth and reconciliation wherein the future of South Africa's police violence can take a different path to its history.

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"NO ONE SHOULD HAVE TO LIVE IN FEAR OF THOSE SWORN TO PROTECT THEM"

- AMNESTY INTERNATIONAL

1. Introduction

"To serve and protect". This is the mantra of many police stations, both within the United States as well as in other areas across the world. This phrase inspires a feeling of safety and trust. Unfortunately, that is seldom the case. The matter of police brutality is a tragic phenomenon sweeping across all areas of the world, with certain areas struggling more than others. Due to this upsurge in cases, there has been a significant increase on the focus of police brutality across the globe. With a number of high-profile cases in the United States recently, such as the George Floyd case, people are taking more time to focus on the issue and the resulting consequences thereof.

This problem is not limited to the United States; South Africa is facing this problem as well and has been doing so for several decades. South Africa has long been tainted by the violence synonymous with the Apartheid era. Images of racial abuse and violence perpetrated by the police members of that time still form the biggest part of South Africa's history. One would think, or at least hope, that the end of the Apartheid era would signal the end of the unlawful behavior of the police members. Unfortunately, that is not the case; the violent acts carried out under the guise of "policing" did not come to an end when South Africa embraced its democracy. Police brutality is still as rife and prolific as it ever was.

As the problem still persists to date, it is clearly not simply a by-product of the Apartheid era, and it is therefore prudent to examine the elements that could possibly cause the issue, as well as potential intervention strategies.

This assessment of police brutality in South Africa indicates that issues such as insufficient training, violent environments, lack of accountability and system failure are contributing factors, as well as current punishment methods being found to be ineffective. Deliberate strategies at multiple levels, such as better training methods and access to counselling, need to be implemented in order to reduce instances of police brutality.

2. Defining Police Brutality

a. Police units in South Africa

The South African Police Service (SAPS) is South Africa's principal law enforcement body. There are a few different units within the SAPS, each of which has its own code and directives. Examples of these different branches include the flying squad (these members attempt to have the quickest response and focus on stabilizing the scene and apprehending the suspect), the Hawks (this is a specialized investigative unit focused on preventing, combating, and investigating national priority offences, in particular serious organised crime, serious commercial crime, and serious corruption) and the Metropolitan police (this division deals with vehicular incidents). Although the focus of the tasks of these units may vary, they are ultimately still part of the whole body that needs to conform to the values and visions set forth by the South African Government. "The vision of the SAPS is to create a safe and secure environment for all people in South Africa. The mission of the SAPS is to: prevent and combat crime that may threaten the safety and security of any community; investigate any crimes threatening the safety and security of any community; ensure that offenders are brought to justice; and participate in efforts to address the causes of crime." (SA Government)

b. Definition of Police Brutality

There is no clear, concise, or globally accepted definition of police brutality, however, there is a general overlap of descriptions that can be found within the material researched. This description of police brutality encompasses all the actions by the police that include and are considered to be aggressive and unnecessary behavior that is not required for the situation.

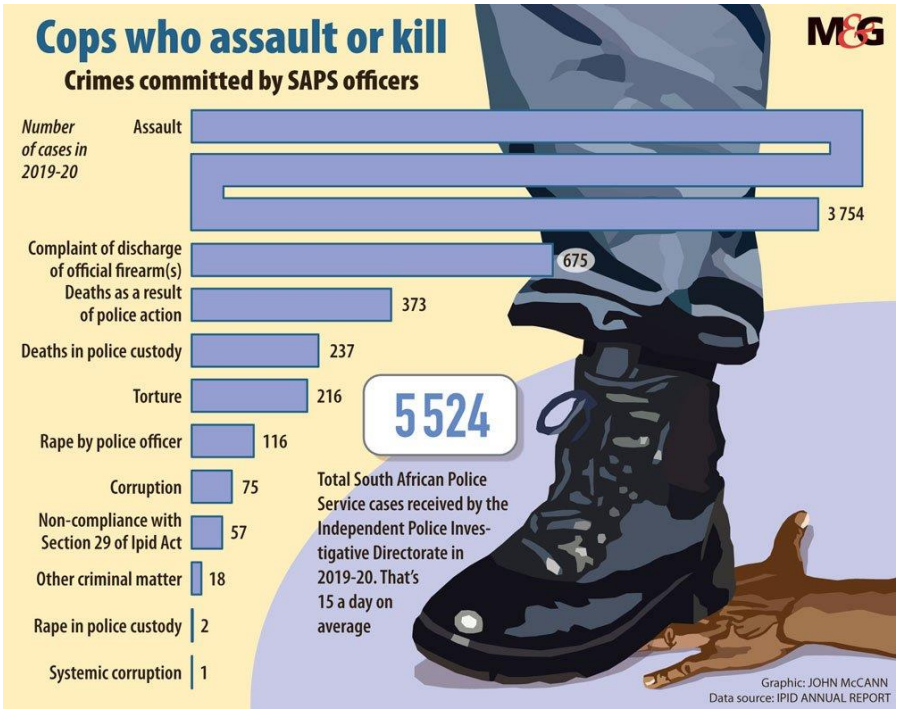
According to South Africa's Independent Police Investigative Directorate (IPID) Strategic Plan (2013-2018), police brutality is not a singular crime but is comprised of a variety of crimes that are difficult to monitor. The offences that are investigated by the IPID include murder, culpable homicide, assault, rape, death in custody and domestic violence. (Root, 2015)

Amnesty International (2021) defines police brutality as "various human rights violations by police. This might include beatings, racial abuse, unlawful killings, torture, or indiscriminate use of riot control agents at protests."

3. Statistics

"Surprisingly, police brutality is actually a statistically more prevalent issue in South Africa than it is in the United States" (Swoy, 2015). Statistically, South Africa has an incredibly high rate of police brutality, much more than one would imagine. The lack of awareness of this issue may stem from the fact that there is a high visibility and reporting rate in countries such as the USA, whereas in South Africa, this is not as widely reported.

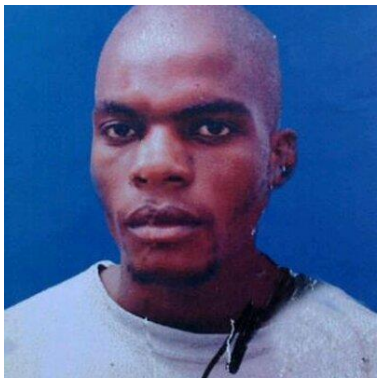
South Africa has more than 5 500 cases of police criminal offences reported every year. According to the Independent Police Investigative Directorate (IPID) Annual Report Statistics (2019/2020), more than 3 500 cases of these numbers reported are instances of torture and assault (police brutality).



According to data from the Independent Police Investigative Directorate (Ipid), 440 people died last year "as a result of police action", slightly fewer than the previous term. This equates to a death every 20 hours on average. Researcher Paul Clarke argued that this equates to a rate far more egregious than the US — a country that has received unparalleled global scrutiny for police killings. Using data between 2014 and 2019, he found 7.96 deaths per one million people in South Africa. Over the same period, the US recorded a per capita average of 3.37 deaths per one million people. (Feltham & Rupiah, 2021)

4. Police Brutality examples in South Africa

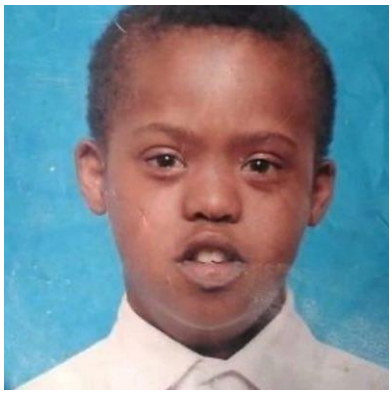
MIDO MACIA



Mido Macia was a 27-year-old man from Mozambique that had come to South Africa to look for a better job as a taxi driver; he was also a husband and father. On 26 February 2013, after parking his taxi illegally and causing a traffic jam, he was stopped by police. 2 hours later he was dead. The actions that occurred in the time between his illegal parking and his death shocked the country. After his initial contact with police, they determined that he was resisting arrest and the 8 police officers involved in the altercation decided to handcuff him to the back of the police van and drag him behind the speeding vehicle. He died in custody for an illegal parking violation.

(https://www.theguardian.com/world/video/2013/mar/01/south-african-police-drags-man-fresh-video-footage)

NATHANIEL JULIES



Nathaniel Julius was 16 years old when he was killed on 26 August 2020. He had gone to a nearby tuck shop to purchase biscuits. While there, he and some other children were approached by the police. Suffering from Down's Syndrome, he was unable to respond appropriately to the police when they questioned him. A senior officer got out of his vehicle

and shot Nathaniel with a shotgun at point blank range. The force of the blast threw his body under a nearby truck. The police pulled him out from under the vehicle and attempted to take him to hospital. He died before he got there. Thereafter the police lied about what had happened and claimed that Nathaniel had been killed in crossfire during an altercation with gangs. (https://www.news24.com/news24/southafrica/news/nateniel-julies-cops-discussed-lying-to-superiors-covering-up-fatal-shooting-court-hears-20211005)

MELEKE ANDRIES TATANE

Meleke Andries Tatane died at the age of 33 years after an altercation with police during a service delivery protest. After being shot with water cannons and facing arrest, an unarmed Tatane was assaulted with batons by a number of police officers and shot twice in the chest at close range by rubber bullets. He died on the scene. (https://www.youtube.com/watch?v=oL-FuBGioHw)

MARIKANA MASSACRE

On 16 August 2012, 34 striking miners lost their lives in one of the worst cases of police brutality South Africa has ever seen. After days of ongoing strikes over wage disputes, miners

at the Lonmin Mine in Rustenburg engaged the police with knobkieries and spears. The police opened fire with live ammunition and this led to the death of 34 miners.

(https://www.youtube.com/watch?v=fs1-OPfbA2g)

UNNAMED MOTHER AND CHILD

An unnamed mother and child, refugees in a peaceful sit-in protest over xenophobic violence were victims of police brutality on 18 October 2019. During the protest, police employed water cannons and rubber bullets to disperse the crowd of refugees seeking expatriation after the xenophobic violence. A mother was knocked to the ground and her toddler was forcibly ripped from her arms. The child is screaming and tries to cling to her mother while members of the SAPS pull her away. (https://www.timeslive.co.za/news/south-africa/2019-10-31-watch-or-video-of-police-forcefully-taking-baby-from-mother-in-cape-town-goes-viral/)

5. Possible Causes

An article written by Hosken (2011) investigates the reasons why South African police Officers are prone to violence and brutality. He identifies several factors that influence their behavior, namely: poor training, negligent police management, criminal members within the police force, disrespect for the law and order, as well as disregard for internal disciplinary procedure as the main causes for the increasing police brutality that is affecting the South African police Services.

a. Insufficient training

South Africa's training for the police force is a 24-month program, however, only 10 months is spent focusing on learning. Thereafter, the recruits are interned at a station and receive workforce exposure. This small and insufficient window of learning contributes to a lack of skills and training which results in police members reacting negatively to certain

situations and using excessive force and brutality. Police members are not trained effectively to diffuse a situation peacefully and therefore violence is often their only option.

b. Violent environment

The environment within South Africa is a volatile and racially charged space overrun with crime and violence. Police members face a huge risk every day with very little financial compensation. This leaves the way open for criminals to bribe and coerce police members to either overlook the criminal activity or to join up with an illegal organization. This means much fighting and violence.

c. Lack of accountability

Police officers that make use of excessive force and brutal measures are not held accountable by their superiors for their actions. There is very little supervision and management of police behavior. The lack of accountability to senior members means that there is more opportunity for violence and bad behavior.

"The weakness of police accountability systems in South Africa contributes to widespread brutality by law enforcement officers. For accountability to be strengthened, the South African Police Service (SAPS) leadership must be directly answerable for how their members use force." (Bruce, 2020)

"One factor that contributes to the prevalence of violence by police is an absence of accountability. The absence of accountability of police officers who abuse force is an ongoing problem in South Africa and many other countries." (Bruce, 2020)

d. Lack of punishment

Punishment is designed to be a deterrent to the crime. However, a lack of suitable or effective punishment does not curb the incidence of crime.

"Reports of police brutality in South Africa have soared by 313% in a decade, experts warn, yet only one in 100 cases against officers results in a conviction" (Smith 2013).

"With this large number of reported cases of police violence, one would expect the conviction rate to be high as well since there is an IPID oversight body that is responsible for ensuring that the police are accountable for their acts of violence. Unfortunately, that is not the case in South Africa as it is evident that, since the financial year 2014/15 to 2017/18, only 1.9% of police officers were convicted at a conviction rate of lower than 2.5% per year. Shockingly, there was

a zero-conviction rate for torture, whereas assault was the predominant crime that ended in convictions. In the four-year period, the National Prosecuting Authority (NPA) declined to prosecute in 36.58% of the cases. (SaferSpaces, 2019)

6. Preventative measures

While there are many actions that may be taken after the police have behaved in a brutal manner, such as punishment and accountability, there are certain methods that may be implemented that could pre-emptively curb the excessive force and misconduct displayed by so many armed members of the police force. If pre-emptive measures are employed, it can reduce the cycle of violence and alleviate some of the current pressures experienced by civilians and police alike.

a. Training

Abraham Lincoln once said, "*Give me six hours to chop down a tree, and I will spend the first four sharpening the axe*."

When entering into any type of action, preparation is the most important element. This is certainly a considerable factor in police conduct. When a police officer is efficiently and comprehensively trained to deal with all situations and given the right tools, via education and practical experience, they are in a far better position to overcome the obstacles that often lead to violence and brutality. When a police officer is effectively trained, they know the best methods to implement, and the correct procedures to follow. This can assist in the correct way to identify and approach a suspect, search, and disarm the suspect and also, most importantly, how to diffuse a tense and potentially violent situation.

“Training isn’t a cure for everything that ails modern policing, but it can do a better job of preparing police to deal with violent crime more effectively.” (Cordner, 2021)

b. Counselling

Many police officers face violent and gruesome scenes regularly. They risk their lives and see fellow officers die or get injured. They struggle with secondary trauma when they attend tragic scenes. All of these situations have a severe impact on the mental and emotional

well-being of the police. If an officer does not have access to counselling where they can share their problems and seek some type of intervention, then there is a significantly higher risk of violent behavior.

"Stress and trauma experienced by police officers in the line of duty can have negative impacts on officers' health and well-being. Psychological support is imperative to help officers maintain psychological well-being and to perform their duties efficiently." (Papazoglou & Tuttle, 2018)

7. Conclusion

South Africa's issue of police brutality is not a new problem, neither is it one with a clear end in sight if the necessary steps are not taken to reduce the rates of police violence and misconduct. There are a number of factors to be considered when attempting to integrate strategies to alleviate police brutality. The cooperation of multiple agencies needs to be employed both preemptively as well as reactively to decrease the issue. Member assessment, better accountability and leadership oversight are key factors that are required to accurately manage the current problem, while improved training and access to counselling may preclude the crisis.

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