



Professionalism and the South African Police Service

What is it and how can it help build safer communities?

INTRODUCTION

In recent years, South African non-governmental organisations have called for the South African Police Service (SAPS) to 'professionalise'.¹ In response, the SAPS pointed out that it was already a professional organisation and was focusing on further professionalisation. In many respects, this is true. The SAPS is a modern police agency with impressive recruitment, training, technology, management and operational systems. But does this really make it a professional agency?

A professional status implies expertise. As such, over three decades ago Peter Manning warned that police agencies might promote the idea of their professional status only to use it as a veil behind which to hide their inner, often unsavoury, dealings.² The logic follows that if lay people cannot tell technical experts how to perform their duties, then the public cannot interfere in something as elite as a professional police occupation. Fortunately, the SAPS does not appear to be using the concept of professionalism in this manner. When professionalism is understood as the expectation that police officials perform their duties in accordance with fair, accountable and just guidelines, the SAPS often admits that it must improve.

Crime and policing are always political, but especially so in a country like South Africa where the threat of violent crime is a constant for millions of people. Much of South Africa's response to crime has been focused on the SAPS, which paints its members as foot soldiers in a war on crime and against an invisible criminal element. As part of what it calls its tough and smart approach to crime, the SAPS reverted to the use of military-rank titles in April 2010 and began referring to itself as a 'force' rather than a 'service'.

Is this the best manner in which to construct the notion of a professional police organisation?

Controversies over SAPS officials' use and abuse of force have grown in frequency in recent years. The media has referred to a 'shoot-to-kill policy' adopted by police. Although police and political leaders have used the phrase, it does not refer to any formal policy. Rather, it reflects some police and political leaders' belief that the increased use of force by police will lead to reductions in crime and greater respect for police. Some might say they believe these shifts will help the SAPS become a more professional police agency. Unfortunately, the evidence does not support this conclusion.

This paper does not seek to offer new empirical data informing the police professionalism debate. Instead, it explores the idea of a professional police agency while probing what the concept might mean in the South African context. Some of its focus is on how one form of police professionalism might help garner police legitimacy. It also suggests that another interpretation might promote police effectiveness with regard to crime reduction. The paper begins with an overview of international literature on the subject before considering how this relates to the SAPS. It explores how the language of 'police professionalism' is used in South Africa, both by civil society and by the SAPS. It references two advocacy strategies, one pertaining to a 'professional use of force' and another that seeks to 'promote professional policing' as a response to police corruption. In so doing, it aims to provide a foundation from which current thinking with regard to police professionalism in South Africa might develop in future. This includes clearly defining a narrow, minimalised, professional police

mandate as part of a better networked approach to building safer communities.

PROFESSIONAL POLICING AND POLICE LEGITIMACY

The notion of police professionalism gained currency in the US and UK in the mid-20th century as police departments sought to move beyond the idea of a police officer as an unskilled night watchman to someone with a more substantial, respectable, societal role. The development followed a renewed recognition that public perceptions of police impacted on police effectiveness. It was believed that by improving police professionalism, public perceptions would improve, making police more effective against crime.³ Professionalism was also presented as a means of making police agencies more efficient in response to structural changes occurring through the growth of larger police organisations. This, in turn, led to a need for better management, legal knowledge, and general education of police officials.⁴

Literature emerging at the time suggested a professional police service was a reformed police service.⁵ Initially reform efforts focused solely on improving the effectiveness of police at controlling crime. The reform era of the mid-20th century sought to isolate the police from the political influences that had guided early policing and to transform them into specialised crime fighters.⁶ Focus was placed on improving crime suppression through motorised patrols, rapid response to emergency calls and retrospective investigations.⁷ Police officials were expected to dispassionately enforce the law while maintaining an impartial (and thus professional) relationship with citizens. The dominant belief was that a professional police service was one that focused narrowly on crime control and criminal apprehension.⁸

Writing at the time, Roddenberry traced the etymology of the word 'professional' in an attempt to come to grips with how it might relate to police work.⁹ He suggested that originally there were only three professions: law, medicine and theology. These were depicted as callings founded on ethical codes and focused on serving others. However, the 20th century saw a shift in the use of the words 'profession' and 'professional' so that they applied to almost any kind of income-earning occupation. Reverting to the origins of the word, Roddenberry suggested a profession should be defined as including:

- A duty to serve
- Maximum preparation before entering service (training)
- Constant improvement of skill and information (continual training)
- Hard, selfless work
- Rewarding merit only

- Guarding the profession's image at work and in private
- Constant attention to self-discipline¹⁰

In 1977 Holdaway noted that the idea of police professionalism that had emerged in the UK in preceding years defined it as based on:

- The acquisition of specialist knowledge of aspects of policing
- The introduction of technology
- The use of 'informed discretion' with a focus on evidence-based decisions
- The use of science to enhance credibility
- Increases in internal and public accountability
- Less emphasis on arrest and more on the broader police mandate¹¹

In the past decade, the idea of police professionalism has altered somewhat in most modern democratic states, where police agencies are supported by codes of ethical behaviour, professional policies, formal training and career development

Included in this last point, Holdaway recognised that police work was less about crime fighting and more about problem solving and social work, something since widely acknowledged.¹²

In the past decade, the idea of police professionalism has altered somewhat in most modern democratic states, where police agencies are supported by codes of ethical behaviour, professional policies, formal training and career development. Some contemporary definitions suggest that police professionalism should be understood as 'an expectation that officers will perform their duties within a set of fair, public, and accountable guidelines'.¹³ This is one of the most common ways in which the phrase is used in contemporary South Africa.

In the UK, however, it is being interrogated more elaborately. There, Sherman, Neyroud and others are calling for a new era of professional policing supported by research, evidence and regulatory governance. Sherman proposes that this be achieved through the development of faculties of policing at universities, providing a scientific

knowledge base for police work. This knowledge would feed into a Royal Academy of Policing that standardises and regulates training. Police forces would be overseen by a self-governing body that advises the public on police best practice in order to help them demand professional standards of police officials.¹⁴

Much of this was echoed in a report by Neyroud, commissioned by the Home Office and released in April 2011.¹⁵ Neyroud believes British police should have to pay an annual membership fee to be registered as police officers with a regulatory and standards-setting body. This body (similar to Sherman's academy) would serve as the public's guardian in ensuring police meet professional standards or risk losing their licence to practise.

One of Sherman's concerns is that police are often taught about the law but not about the causes, prevention and responses to crime, and that this reduces their effectiveness. He reflects on the manner in which over a hundred years ago, agricultural and medical sciences generated knowledge that revolutionised the manner in which farming and medicine were practised. He believes a similar reform is necessary and possible for the public police.

Bittner made very similar suggestions in his 1970 classic work, *The functions of the police in modern society*, but his recommendations were never fully implemented.¹⁶

In the US, Stone and Travis have defined 'new professionalism' as characterised by the principles of accountability, legitimacy, innovation and coherence (the latter relating to cooperation between the over 20 000 police forces there). Their approach is born of the belief that community policing has become too broad a concept to guide police action.¹⁷

But Sklansky questions a drive towards a 'new' professionalism specifically because it threatens to shift the focus away from the community and back towards the dispassionate crime-fighting model. His concern is that the reintroduction of the professionalism discourse has simply emerged out of a loss of interest with the lessons and concepts of community policing.¹⁸

Clearly, South Africa has a very different political and policing environment to those of the UK and US. However, it would be naive to think that the rhetoric of professionalism that has re-emerged in South Africa has done so in isolation from these debates. That said, while this discourse may have been reawakened by the debates abroad, it has manifested itself quite differently in South Africa. Here much of the professional policing conversation has centred on the importance of professionalism as a means to earn and promote police legitimacy, particularly with regard to the use of force and occupational integrity (corruption).

Professionalism and procedural justice

One way the police can earn respect and promote order is by practising what is known as procedural justice. Tom Tyler has suggested that state-sanctioned coercion as a means of creating compliance with the law has only a minimal effect and is extremely costly (for example, by placing a police official on every street corner). To have any impact on social order, the police must be widely accepted as legitimate by a citizenry, together with the state authority and its laws.¹⁹ In terms of democratic policing, civilians allow police the authority to limit their behaviour based on a shared understanding and acceptance of police power and earned legitimacy. In turn, the police are able to focus their resources on societal outliers who act outside of accepted social and legal norms. Tyler sees this legitimacy as vital because the police cannot entrench widespread control and conformation through the use of force.

This perspective is supported by research in the UK that found that civilians are more likely to comply with police because they feel they should (they perceive police and the state as legitimate) rather than because of the threat of punishment. It suggests that for this attitude to pervade, civilians must trust the police and feel that they are on their side.²⁰

To have any impact on social order, the police must be widely accepted as legitimate by a citizenry

Drawing on broader literature, Jackson and Bradford have suggested that trust in police requires shared values and morals, the feeling that police perform effectively and efficiently, and understand community needs, treat people fairly and communicate with individuals and communities.²¹

Together with Huo²² and Sunshine,²³ Tyler also found that civilian perceptions of police legitimacy in the US were heavily based on the degree to which police decisions were deemed favourable (to the civilian) and fair (in general), and on how legitimate the police authority was deemed to be. Furthermore, this influenced the degree to which civilians were willing to cooperate with police.

Another study of civilian compliance with police in the US, using observation and interviews, found that 'citizens who received respectful treatment from authorities were almost twice as likely to comply [with police], and those who received disrespectful treatment were nearly twice as likely to rebel'.²⁴

Skogen's work has suggested that negative experiences of police can significantly damage public perceptions of police, while positive encounters have only a minimal impact on improving perceptions.²⁵

Conversely, Bradford et al., and Myhill and Bradford have found that through visibility and communication, police in the UK can improve the public's perception of them.²⁶ In South Africa, victim survey research has suggested that perceptions of police tend to improve following contact with police.²⁷ This may be because people enter engagements with SAPS officials with very low expectations in comparison to citizens and police in more developed jurisdictions.²⁸

Tyler concludes that police officers who act according to procedural justice based on fair, universal principles, are likely to be perceived as legitimate by civilians and so be granted civilian compliance.²⁹ In considering how people interpret procedural justice, he concluded that they:

- Want to feel they have been heard and given a chance to speak, even if it does not affect the outcome of their interaction with police
- Want to feel that police are neutral and make decisions based on objective fact
- Value being treated with dignity and respect by legal authorities

Tyler's findings are supported by research on police use of verbal and physical force and how it impacts on community perceptions of the police.³⁰ Seron, Pereira and Kovath found that abusive language used by police can be a powerful barrier to healthy police-community relations if it is deemed unnecessary by civilians; the use of force elicited similar barriers. However, it also found that civilians are tolerant of forceful language and action in certain contexts when force or forceful language may be deemed necessary.

This raises questions for South Africa. Some might argue that a culture of violence combined with widespread crime fatigue has led many citizens to embrace forms of state violence that are likely to be considered illegitimate in other jurisdictions.

Rather than viewing themselves as agents of state punishment, police officials need to understand their occupation as being one of service and problem solving, science and inquiry. Where punishment might be justified, they must understand that they are only gatekeepers to the trial and punishment apparatus of the state – nothing more. Most SAPS officials reproduce this rhetoric, and yet some appear able to ignore it in order to justify the unlawful assault or abuse of those they deem uncooperative, disrespectful or criminal.

Terris went as far as to suggest that public police should be understood to be a 'social service' rather than crime

fighters.³¹ Indeed, Bayley showed that in the early 1990s as few as 15 to 20 per cent of calls to a sample of US police forces were crime-related and that most police work was about providing services and restoring order.³² Although South Africa has a higher victimisation rate than the US, it is still probably true that most police-civilian interactions are not crime-related. Although this question has not been a focus of ethnographies of police in South Africa, numerous descriptions of police work here support research abroad showing that little police work involves the invocation of criminal law.³³ When this is acknowledged, the importance of fair and consistent treatment in everyday interactions with the public becomes clear. It also highlights the importance of *not* invoking criminal law simply to meet arbitrary performance targets, such as arrest quotas, as is often required of SAPS officials. Illegitimate arrests severely erode police legitimacy.

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Writing about police-minority relations during the first decade of professional reform in the US, Terris suggested that improved training and education alone would not enhance relations, but that a reconceptualisation of the police occupation was required. He suggested that a focus on police efficiency characterised by profiling and random searches eroded police-community relationships and isolated the police. Notions of police work driven by crime reduction, he suggested, also meant that police agencies recruited the wrong kind of people for the job and encouraged misdirected ideas of police work. Furthermore, if police work is not understood as human-oriented, those police officials who possess the social skills suited to problem- and social-oriented police work are not recognised or rewarded.³⁴ In turn, police agencies will not fulfil their potential and may remain locked in an unhelpful understanding of their role in society.

While a reconceptualisation of police work as human-oriented may be necessary, much has also been written about the manner in which the police perpetuate a mythology of themselves as crime fighters, glorifying and playing up the drama, speed and danger that make up only

a tiny portion of the occupation.³⁵ As such, they set themselves the impossible mandate of crime reduction and prevention, and must constantly perform in line with this image in order to maintain appearances and support.³⁶ Rather than police officials focusing on improving their social and problem-solving skills, many focus on perpetuating their image as warriors on the front line of the war on crime – a force to be reckoned with rather than a community resource accessible to the public. Waddington went so far as to call the police's belief in their role as crime fighters a 'collective delusion'.³⁷

Community–police relationship and police legitimacy

Writing of the US in the 1950s, O.W. Wilson highlighted the importance of good police–community relations for successful policing. As he put it, the 'active interest and participation of individual citizens and groups is so vital to the success of most police programs that the police should deliberately seek to arouse, promote, and maintain an active public concern for their affairs'.³⁸ In the context of professional policing, Wilson supported the community-service model of professionalism, as opposed to the aloof crime fighter. He also highlighted the importance of police–community interaction in building trust and legitimacy, arguing that police could best improve their image and effectiveness through dialogue with the community, and the fair and just treatment of all citizens. Sixty years later, one accepted definition of what professional policing should be recognises that 'effective policing requires building trust and legitimacy ... that trust and legitimacy depend heavily on fairness and decency'.³⁹

Community-oriented policing gained popularity among Western police executives in the 1980s during what Kelling and Moore described as the 'community problem-solving era'. This era was characterised by a closer relationship between police agencies and the communities they served, as well as the cooperative establishment of police priorities.⁴⁰ The importance of this change is highlighted by research showing that crime reduction does not necessarily reduce community feelings of safety. Rather, researchers discovered that fear is more closely correlated to feelings of disorder.⁴¹ Instead of focusing only on crime levels, they believed the success of the community/problem-solving approach should be measured by 'quality of life in neighbourhoods, problem solution, reduction of fear, increased order, citizen satisfaction with police services, as well as crime control'.⁴² They concluded that in order to reduce fear and address communities' broader concerns, police organisations need to be decentralised and street-level officials need to be given greater discretion to work closely with citizens to identify community problems and cooperatively devise solutions.

A similar shift in thinking took place during the reform of apartheid's South African Police (SAP) in the early 1990s. International agencies and governments dispatched 'experts' to assist South Africa's transitional government in reinventing an agency that had earned international infamy in its violent suppression of freedom.⁴³ The new police agency envisaged was one that would be apolitical, guided by the transitional and final constitution, by respect for human rights and a deeper relationship with the communities they served. But as rates of reported, often violent crime soared in the subsequent 15 years, politicians scrambled to win favour with their electorate by repainting the police as no-nonsense masters of force once more.

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Professionalism and legitimacy in the SAPS after apartheid

During apartheid the SAP justified its forceful and authoritarian policing with reference to an impending threat to the well-being of the white South African electorate. During the 1970s and 1980s, select police officials were assigned to the elite Security Branch, a division responsible for internal security, sabotage prevention, and the suppression of communist and pro-democracy bodies. The use of torture was common and political assassinations were carried out from time to time. During the same period, police officials were trained in counterinsurgency warfare and deployed to various conflict zones across the country's borders together with the South African Defence Force (SADF). In addition to investigating breaches of criminal law (predominantly in white areas), the SAP was constructed by the governing political authorities as the strong arm of order maintenance, holding back communism, the *swart gevaar* ('black danger' or black threat) and anarchy.

The 1970s saw the government and the SAP adopt a rhetoric of professionalisation similar to that which was evolving in developed Western states.⁴⁴ This coincided with the introduction of new technologies, the raising of education standards for recruits and a focus on the 'science' of policing. The University of South Africa (UNISA) played an important role in providing management courses

and police diplomas, and continues to do so today. The 1980s saw a growth in managerialism (which remains dominant today) and the introduction of an internal research unit (which was shut down and re-established periodically over the years).⁴⁵

The biased and forceful approach to policing, together with the illegitimacy of the apartheid state and its discriminatory laws, created a relationship of mistrust between citizens and the police, preventing the majority of civilians from perceiving the SAP as legitimate, particularly in the final two decades of apartheid.⁴⁶ As apartheid unravelled in the early 1990s, and after the 1994 elections, the new democratic government focused on re-establishing a positive community–police relationship based on earned legitimacy.

In a 1993 discussion document the African National Congress (ANC) outlined the party’s vision for a democratic police service. It called for the transformation of what it saw as a ‘militaristic, secretive, unaccountable, racist, and violent institution’.⁴⁷ In its place, it envisaged a demographically representative, locally accountable and visible, non-political service focused on prevention and problem solving. A major task of the new government was to create a democratic police agency out of the former SAP, the homeland agencies and various armed wings of formally banned political parties. A central tenet of the new police service was that it would be capable of working with and through the people of South Africa rather than against them.

In an effort to build the legitimacy of the new police service, the government introduced a new range of civil-accountability mechanisms, promoted a human rights culture in the police service and sought to improve community relations, especially with black communities that had been the target of apartheid-era abuses.⁴⁸ The militaristic approach to policing was replaced with popular notions of community policing gleaned from law-enforcement police services of the developed West. To reflect the paradigm shift being embraced, the SAP was renamed the South African Police *Service* (SAPS) and the military-rank system, uniforms and police vehicles were replaced in an effort to break with the past. Five principles of community policing were introduced to the new SAPS, including a rearticulated notion of professional policing:

- Service orientation: the provision of a *professional* policing service, responsive to community needs and accountable for addressing those needs.
- Partnership: the facilitation of a cooperative, consultative process of problem solving.
- Problem solving: the joint identification and analysis of the causes of crime and conflict, and the development of innovative measures to address them.

- Empowerment: the creation of joint responsibility and capacity for addressing crime.
- Accountability: the creation of a culture of accountability for addressing the needs and concerns of the communities.⁴⁹

Additionally, new codes of conduct and ethics were introduced to the organisation, drawing on the new ethos of service, and aligned with the new constitution. These guiding principles were intended to help the SAPS realise its new constitutional mandate to:

- Prevent, combat and investigate crime
- Maintain public order
- Protect and secure the inhabitants of the republic and their property
- Uphold and enforce the law⁵⁰

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In 1997 the SAPS introduced its code of conduct to help guide members to fulfil these requirements while respecting other constitutional tenets. To the credit of some senior SAP officials, the reform efforts were met with pragmatic cooperation. From the late 1980s and early 1990s, police management had been taking steps to depoliticise the SAP, increase visible policing in township areas and establish effective management practices. In some ways these moves by the SAPS can be seen as an attempt to ‘manage change itself, in the hope of ensuring that it would not have change thrust upon it later’.⁵¹

In addition to this reform, the new SAPS was faced with undoing the internal structural damage of a racially and gender-skewed organisation. While numerically the organisation was racially diverse, and while inequalities between black and white officials began being repealed in

the late 1970s, the SAP was still dominated by white and Afrikaner culture in the early 1990s, with most of its management dominated by this group.⁵² However, while there were enormous changes at all levels of the organisation, the organisational culture was stubbornly resistant to change.

Even before it was formally constituted, the new police service was confronted with a crisis of crime that had been worsening since at least the 1970s but had been hidden largely by the SAP's inattention to crime in township areas.⁵³ Between 1990 and 1994, the rate of reported crime increased in almost all categories: assault increased by 18 per cent, rape by 42 per cent, robbery by 40 per cent, vehicle theft by 34 per cent and burglary by 20 per cent.⁵⁴ Murder was particularly high during the transition years of 1990–1994, and some believed the country was teetering on the brink of civil war.

But South Africa was not unique in the high levels of crime it suffered during and after the transition to democracy. Historically, countries experiencing major political transition suffer increases in crime due to the breakdown of community and social organisation, including crime prevention and control.⁵⁵

Recognising that its ability to control crime would weigh heavily on citizens' assessment of its ability to govern, the government responded by formulating the National Crime Prevention Strategy (NCPS) in 1996, followed by the White Paper on Safety and Security in 1998. Both the NCPS and the white paper recognised that the high levels of crime could not be brought down by traditional law-enforcement measures alone. These plans put forth a policing strategy focused on interdepartmental cooperation aimed at addressing the root causes of crime, prevention and social education.⁵⁶

Although this holistic approach to policing and regard for human rights was a welcome shift away from the heavy-handed methods of the apartheid police, it never fully got off the ground. Although murder peaked in 1994/95 and has largely followed a downward trend ever since, most other categories of crime rose until 2002/03, causing widespread fear. While crime trends have shown an overall decline in the years since, crime has become increasingly violent and brazen. A 2008 study into the violent nature of crime in South Africa identified a culture of violence supported by a range of factors. These included the prevalence of firearms, negative constructions of masculinity, high levels of alcohol consumption and the broad impact of the criminal justice system. This last category included ongoing police violence, which, the report suggested, reinforces the normalisation of violence and undermines respect for the law. Significantly, most of the recommendations made by the report are not criminal justice-focused.⁵⁷

Those categories of crime that have shown the most dramatic reductions have been the categories of interpersonal violence on which the police have limited direct impact. Increases in some categories of crime, such as house and street robbery, have left citizens feeling particularly vulnerable.⁵⁸ Despite overall reductions in crime, South Africans have been shown to distrust official crime data and, until recently, have believed that crime is actually increasing.⁵⁹ They have also been shown to feel less safe walking alone during the day than in the past when crime rates were higher.⁶⁰

Recent data suggests a shift in some of these trends, with more South Africans believing violent crime to be decreasing in their area (41,8 per cent) than increasing (32,1 per cent).⁶¹ And yet it could be said that the national psyche remains gripped by a chronic obsession with crime and the trauma it causes.

The increasing levels and fear of crime, together with the perception that government is unable to control it, made the long-term development and preventative approach politically unsustainable in the minds of successive ruling administrations. Widespread and on-going fear and discontent provides space in which aggressive policing is more easily justified by government, police and civilians.

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In response to calls for more effective law enforcement, politicians and police leadership began shifting away from the service-oriented model of policing to a focus on law enforcement. In 2000 the SAPS released the National Crime Combating Strategy and Operation Crackdown, targeting high-crime areas for aggressive policing operations in the form of high-density search-and-seizure-type operations.⁶² This 'get tough' strategy sought to improve police performance in identified high-crime areas as well as improve public perceptions of safety and confidence in the police through a series of aggressive policing operations.⁶³

The SAPS had hoped that the high number of operational results produced by Operation Crackdown would provide tangible proof of its ability to combat crime

and relieve some of the public's fear.⁶⁴ However, despite an increase in the number of arrests, searches and seizures as well as other law-enforcement outcomes, the number of reported violent and property crimes was 28 per cent higher in 2002/03 than in 1994/95, and marginally higher than the pre-Operation Crackdown figures of 1999.⁶⁵ Although increases in reported crime could be linked to improved police-community relations, a year into the operation a quarter of the targeted police precincts had recorded increases in 'policeable crimes'.⁶⁶

Recognising that operations-focused policing would not solve South Africa's crime problem, the 2003/2004 SAPS annual report declared that 'the SAPS [must] no longer focus solely on practical crime prevention through roadblocks and high-density search and seizure operations ... [but must now] suggest initiatives to combat serious and violent crime, which involve proactive measures such as partnerships and sector policing'.⁶⁷

Successive chopping and changing of police strategy in recent years has been described by one commentator as 'institutional schizophrenia'.⁶⁸ Police leadership and government officials continue to describe their efforts as a 'war on crime' and have taken steps to re-militarise the police. With the reintroduction of military ranks in April 2010, political and police rhetoric have increasingly replaced the word 'service' with 'force'. Even official press statements routinely refer to a 'Force', capitalising the word as if to imbue it with official status. But, as Bittner reminds us, the idea that crime can be addressed through 'war' is a 'trivial kind of utopian dreaming'.⁶⁹

MIXED MESSAGES

When it comes to the SAPS, a review of select statements by police leaders in 2010/11 illustrates the diversity of messages communicated about the organisation, its members and its role. These include threats to criminals and corrupt police as well as calls for professionalism and praise for police success. This section illustrates this through some examples.

Speaking at the launch of the festive season's operation, Duty Calls in 2010, then National Commissioner, General Bheki Cele, reminded police that:

[D]uring the 2010 FIFA World Cup we proved ... that we are one of the best police forces in the world ... You were excellent ambassadors ... Let's keep this high level of professionalism up and make this the best Festive Season ever.⁷⁰

This is an example of one of the earliest references to professionalism that have since become a regular feature in police discourse.

But Cele's tone differs significantly from a message delivered at a launch event for Duty Calls, held in Soweto at the same time. There, the Minister of Police, Nathi Mthethwa, was more dramatic in his choice of words:

Our purpose today is unambiguous: to rid Soweto and every other township, city and rural area of all evil and heartless scoundrels who for many decades traumatized these communities ... unless we can deploy correctly we shall not win this war. As the Force ... we will be on the ground. So law-breaking fanatics should take this as a friendly warning because when we find you on the wrong side, there [sic] will not be friendly ... Criminals have, for all intents and purposes, defined themselves as outcasts in the community and as such they must be treated. To be where we are, we have waged many battles and will have to fight many more to achieve our peaceful and prosperous future ... we shall be utilizing some of our innovations such as War Rooms ... rights of criminals must not supersede those of law-abiding citizens.⁷¹

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This excerpt is particularly revealing as it highlights a number of narratives in police-related rhetoric. First is the othering of 'heartless' and 'evil' criminals. Such rhetoric sets up a value judgement and creates room for punishment by police who 'will not be friendly' to criminals. Mthethwa unambiguously referred to the SAPS as a 'Force', the word being capitalised in the official press release, despite its having no official weight. He made numerous references to 'battles' and 'war' and ended by casting doubt on whether the law should apply equally to those deemed 'criminal'. Such rhetoric plays up to the electorate but deepens the social fractures and celebrations of violence that are at the root of the country's crime problem. Garland, reflecting on approaches to crime in the US and UK, points out that highly charged rhetoric like this values political advantage and public opinion over the views of experts and the evidence of research. In such contexts, dominant themes in crime policy are no longer

informed by experts or even practitioners, but by the construct of the victimised public.⁷² The minister's speech is a prime example of this.

However, against this rhetoric there remains a simultaneous acknowledgment that community participation and interdepartmental cooperation are necessary to address the root causes of crime. In November 2011 Trevor Manuel, Minister in the Presidency and head of the government's National Planning Commission, reportedly told Parliament that the SAPS needed to 'demilitarise' and focus on becoming a 'service' once more.⁷³ A vision document published by his department called for the reversal of recent trends in militarisation and force, saying that they should instead be replaced by 'professionalism'.⁷⁴ This extends the tug of war over who gets to define the role of public police and police professionalism.

One of the motivations mooted by government for its recent re-militarisation of the SAPS was that it would contribute to increased discipline in the organisation. Many perceived police failures in the last decade have been put down to a lack of discipline in the ranks. And yet, as Bittner noted four decades ago,

[I]f police can meet with purposeful efficiency the kind of public trust commonly associated with the exercise of professional expertise, there will be no need to treat police like soldier bureaucrats. As long as they are treated like soldier bureaucrats they cannot be expected to develop professional acumen ... It is part of the pathological influence of the military bureaucratic approach to the professionalisation of the police that it actually strengthens tendencies towards the combination of occupational individualism and defensive fraternal solidarity even though it is opposed to it in principle.⁷⁵

Marks stressed the importance of making SAPS stations and units more participatory in their management approach nearly ten years ago.⁷⁶ And yet the re-emphasis on 'discipline' suggests an organisational desire for unquestioning loyalty to what may often be misguided instruction. This is of particular concern in a country where the ruling party regularly conjures up ideas of 'discipline' or lack thereof in its own ranks, 'deploying' cadres to key positions, including the leadership of the SAPS. A police service that discourages talking back, operating under a ruling party that discourages talking back, sets up a fragile and easily abused security apparatus.

The debate on discipline in the SAPS has also been linked to corruption and crime control. Data from the 2011 Afrobarometer suggests that 51 per cent of South Africans believe 'most' or 'almost all' police are involved in

corruption, up from 38 per cent in 2002.⁷⁷ SAPS leadership has in recent years begun to acknowledge that corruption is a serious problem and has talked of improved 'discipline' as one remedy.⁷⁸ Regardless of what definition of professionalism SAPS managers embrace, police corruption has an enormously damaging effect on perceptions of police legitimacy.

A speech delivered by the minister of police at another Duty Calls launch in 2010 carried a harsh message. This time, however, it was directed largely at police officials:

Police stations are not political stations or arenas. They have never been and should never be. We want our police to be given space to fight this scourge ... We shall continue to fight crime, smarter and tougher ... [With regard to our police members] we shall not compromise, either you become disciplined or else we would have to kindly and nicely request those who are opposing this stance, to leave the Force before being pushed ... We wanted people and even our own police members to know that those who find themselves on the other side of the law, we will be acting and acting toughly ... Change is inevitable if we are serious about putting a dent on this evil scourge. Command and control in the Force is not a privilege, but a principle.⁷⁹

Data from the 2011 Afrobarometer suggests that 51 per cent of South Africans believe 'most' or 'almost all' police are involved in corruption, up from 38 per cent in 2002

The suggestion that the SAPS had never been influenced by politics is bizarre considering the organisation's history, as well as its politically saturated present. In June 2012 presidential spokesperson Mac Maharaj defended the appointment of the third consecutive politically connected civilian to lead the SAPS by suggesting such posts needed to be held by 'people who could be trusted'.⁸⁰ But what the minister's address above does is offer a warning to SAPS members more than criminal offenders. He reiterated the view that members must remain on the 'right side' of the law and be 'disciplined'. He again referred to the SAPS as a 'Force' working against criminals who are 'evil'.

The focus on a 'new' mould of police official was reiterated in an address by Mthethwa and Cele to new recruits in 2011. According to an official press release, the two:

urged the new police recruits across the country to uphold discipline and the principles of the Constitution, remain morally upright, serve with excellence and enforce the law at all times, without fear or favor ... 'As the police leadership and management, we made a clarion call to all South Africans that we are in search of a new cadre of cop. You heeded the call and the entire nation will be looking upon you for their safety. The expectations will be no less. Without doubt the challenges will be massive. Now more than before, the nation will in the coming years rely on you in fighting crime. You will be the shields of the nation. The gauntlet has been thrown before you. Rise to the occasion and dare not fail,' urged Minister Mthethwa ... 'Always perform your duties with the strategic objectives of the SAPS in mind and never lose sight of the fact that you are the protectors of the communities. You are warriors who are pushing back the frontiers of evil.'⁸¹

This statement is revealing in terms of how the SAPS imagines its members. In their words the new recruits are the 'shields of the nation' and 'protectors of the communities' relied on to 'fight crime' and push back 'the frontiers of evil'.

Combining these various narratives at the 2011 launch of Duty Calls, the minister stated:

We are here to reaffirm our commitment in reducing crime across every corner of our country. This is a duty to take action against criminals who harass, steal [from] and kill ... the poor as well as the rich ... Firstly, that the battle against crime cannot be separated from the war on want. Secondly, that the deviant activities of a few rotten apples in our midst should not be allowed to tempt us to subtract from the human rights of society, the majority of whom are responsible, law-abiding citizens.⁸²

Here there is once again a suggestion that the police have a leading role to play in 'reducing crime' while recognising that crime is caused by broader societal challenges. There is also a frank recognition that the SAPS has among its members many who engage in corruption and other offences. Recognition of criminality and 'lack of professionalism' in the SAPS is a positive development. These have become dominant themes, together with a rhetorical narrative of violence and force, in recent years. But

the two themes are in some ways contradictory. Police officials' abuse of force can constitute a crime. Encouraging them to be hard on unnamed suspects but also perform as professionals sends a confusing message to the official, who may not have the inclination to critically separate the two. As with crime in general, the threat of punishment against errant police officials alone will not be enough to reform the organisation and reduce police criminality. The SAPS needs organisational reform to support its members in all aspects of their work to prevent them from engaging in criminality and abuse.

With regard to discipline and crime, the inference is that a more disciplined police service will be more effective at reducing crime, a task government often refers to as being their primary function. This despite evidence that most South Africans think crime should be addressed primarily through social and economic development.⁸³ Indeed, Altbeker has pointed out that it is unlikely many in the ANC truly believe the country's crime problem can be solved through police work and yet admitting as much would be to assume responsibility for crime. The SAPS provides a convenient political buffer, used to deflect attention away from the ANC and government more broadly.⁸⁴ That said, sections of government are certainly aware of their overarching responsibility to promote conditions of prosperity that foster safety. This is evident in the National Development Plan 2030, which, in outlining its vision for a prosperous South Africa, does not list crime or policing as primary points of intervention. Although the document does engage with these issues, one can infer from it that the Planning Commission is of the view that addressing challenges such as job creation and education will lead to a more peaceful society.

With regard to discipline and crime, the inference is that a more disciplined police service will be more effective at reducing crime, a task government often refers to as being their primary function

The October 2011 suspension of Cele following the public protector's findings of misconduct against him earlier in the year provided the Ministry of Police with an opportunity to replace Cele's 'cowboy' police chief mould with a new cut of police leader. While the appointment of Major General Nhlanhla Mkhwanazi as the acting police chief appeared at

first to recognise the need for a career police official to lead the organisation, it did not appear to have broken with the gung-ho approach introduced by Cele. Within a week of his appointment, Mkhwanazi was reported as stating: 'We will meet fire with fire. If that is not clear to anyone, I challenge you to commit crime ... I want to take this opportunity to warn the criminals out there that they will not enjoy the Diwali, Christmas, New Year or even Easter in this country.'⁸⁵ These statements suggested a continuation of a punitive rhetoric in which respect is earned through fear and violence. However, Mkhwanazi spent most of his tenure standing up to probable political meddling in crime intelligence regarding its on again/off again head, Richard Mdluli. Perhaps partly due to these distractions, he did not make many more gung-ho crime-related statements. Furthermore, in May 2012 Mthethwa told a gathering of the Police and Prisons Civil Rights Union (POPCRU) members that police officials cannot use 'maximum force in a situation requiring minimum force'.⁸⁶ Things might be changing.

The June 2012 appointment of Mangwashi Phiyega as the SAPS's first female national commissioner provides an opportunity for a shift in SAPS discourse. At the time of writing, not enough was known about her to comment on where she might lead the SAPS. However, in one of her first statements to the media, General Phiyega, a trained social worker, painted a very different picture from her predecessors of how she hoped South Africans would see their police officials: 'We want our public to want to give the SAPS officers a hug when they see them. To give them a glass of water. To be proud of them. Let's take some Phuzza Amandla and some Red Bull and start building that type of police service. Nothing is insurmountable. We have been charged to rescue the situation and we will do so.'⁸⁷ If only rhetorically, this message is an early indication of a possible shift in the SAPS back towards a more human-oriented focus on policing. However, it remains to be seen if Phiyega will be able to resist the political pressure to 'get tough' on crime like her predecessors.

Garland points out that shifts in rhetoric and policy should not be understood as changes in practice or ideology. By the same token, he warns that one should not assume talk to be inconsequential. He notes that political rhetoric and representations of crime and criminals have a symbolic significance that leads to real social consequences.⁸⁸ In South Africa the consequence appears to be a general celebration of violence and force as a solution to crime, manifesting in increased abuse and death at the hands of the police, but also in regular incidents of vigilante justice. The irony that violence is held up as a solution to violence appears lost on many political and police leaders.

In its effort to reduce crime levels, the SAPS has reverted to a militarised police organisation with an

emphasis on a punitive approach to law enforcement. Although this approach plays well in headlines targeting a traumatised populace, it disregards the basic truth that civilian cooperation is vital to successful democratic policing. Although the government has publicly recognised the need for partnerships, official rhetoric seems to celebrate a forceful approach first and partnerships second. This reactionary emphasis on forceful policing methods neglects research suggesting that community trust in police is based on more than the 'toughness' of their police services.

Exploring British trust in the police, Bradford and Jackson commented that 'when individuals trust the motives of an institution and its representatives – when they believe that it has their interests at heart, is on their side, and shares their own values – they are more likely to engage with it and assist it'.⁸⁹ Bradford and Jackson's subsequent work on South Africa (discussed later in this paper) suggests that citizens here expect both fairness and impact on crime from police (unlike elsewhere where fairness trumps impact on crime). This finding makes some sense against an acknowledgement of fairly widespread and violent vigilante justice in some parts of the country. And yet, acknowledging that the regular use of force by police in public spaces and against general citizens will do little to reduce crime, it becomes clear that if the SAPS hopes to solicit the help of South African citizens it must reconsider its aggressive posture. Building legitimacy also requires addressing growing concerns about police corruption.

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UNPACKING POLICE PROFESSIONALISM IN SOUTH AFRICA

Current South African discourse around police professionalism is clearly connected to an expectation about how the police should behave. They should treat people fairly and they should not abuse force or authority. In general, however, this discourse is not linked to the task that

police officials should perform in society more broadly. This is because in South Africa, as in most jurisdictions, popular conceptions of what the police should do are considered common sense. Unfortunately, this common sense is skewed and based on a dramatic but tiny portion of police work.⁹⁰ In general, and unless chasing arrest quotas, police seldom invoke the criminal law (in terms of performing arrests) in their work, but spend their days performing a myriad of order maintenance and problem-solving tasks.

As such, these authors believe that current calls to professionalise the SAPS will be limited if they do not include an active interrogation of what the police do, and whether this itself needs revisiting. This will be discussed in more detail at the end of the paper.

Thus far we have foregrounded the SAPS's and government's aggressive rhetoric relating to crime and policing. But behind this there is a SAPS vision that is more measured in its outlook and understanding of crime and policing. The SAPS Annual Performance Plan for 2011/2012 noted that the SAPS's primary focus for the year was 'human resource development, from recruitment to retirement. We need to ensure that we are able to recruit the right kind of people and then to train and develop these people into the kind of cop we want to see.'⁹¹ The document promised the '[continued transformation of] the police force to ensure that it becomes a true servant and protector of all law-abiding citizens ... [and ensures a] service delivery-orientated police service'. It outlined a vision in which 'stations are run effectively and service delivery is improved', and recognised that 'training cannot be just about churning out numbers but must be ongoing and relevant'. Furthermore it says that:

increased visibility must be accompanied by enhanced levels of *professionalism* and integrity by all SAPS members ... It is imperative that SAPS members understand that more often than not, the SAPS is the first source of assistance for those in need, irrespective of the problem or difficulty they have. This places a burden of responsibility on the shoulders of every SAPS member to act with compassion, *professionalism* and integrity, but within the scope of the law. [emphasis added]

Similarly, the Annual Performance Plan for 2012/13 states that '[t]he continued development of a *professional police officer and service* must be addressed at all levels of the organisation' [emphasis added].⁹² It defines this professional officer as one:

who respects the Constitution ... [enforces] the law without fear or favour ... recognizes that we are a developmental state and embraces effective service

delivery within the Police ... [and] demonstrates, through their deeds, a firm commitment to ensure government priorities are realized.⁹³

The document also emphasises command and control 'as a key aspect of professional policing'.

What might be the start of an encouraging shift is that while reference to a police 'force' was made in the 2011/12 document, no reference was made in that of 2012/13. Similarly, 'war' was used in 2011/12 but not in 2012/13. The messages and visions presented in these documents are far more balanced and sensible than much of what makes the daily headlines. Unfortunately, it is these headlines and sound bites that influence public and organisational perception more than a document that few South Africans or SAPS members read. Still, the plans reveal an important contrast to the SAPS's public image, which at times appears to mirror a band of gung-ho cowboys. The subtle shift in discourse away from 'force' and 'war' is particularly promising.

In general, and unless chasing arrest quotas, police seldom invoke the criminal law (in terms of performing arrests) in their work, but spend their days performing a myriad of order maintenance and problem-solving tasks

The 2011/12 document refers to the development of an Integrity Management Framework (part of the anti-corruption strategy) to support professionalism – a detailed communication strategy targeting communities, enhancing health and wellness of SAPS members, and improving discipline. It discusses the '... develop(ment) of a culture in the SAPS that is *professional* and does not tolerate corruption and criminality' [emphasis added]. In pursuit of this new culture, the anti-corruption strategy works 'to establish an effective Ethics and Integrity Management capacity within the SAPS.'⁹⁴ As Carter notes, the correct orientation of police culture promises significant improvements in both professionalisation and in the prevention of corruption:

The ideal environment will be based on pride, *professionalism*, trust, autonomy and open

accountability. It will capitalize on the positive aspects of police culture ... [which is] one of the strongest and probably most underutilized positives of police organizations. [emphasis added]⁹⁵

Similar posturing and goals found in the two Annual Performance Plans are expressed in the SAPS Plan for 2010–2014, though this document appears layered with more contradictions than the other two plans. It begins with a slightly concerning statement by former National Commissioner Cele suggesting ‘a new, forceful course of action’ lies in store to establish ‘authority and respect’ but also ‘professionalism’ in the SAPS.⁹⁶ This sounds alarm bells in terms of the SAPS’s belief that it can earn its legitimacy through force. However, the document recognises that

service delivery at station level [is] closely aligned with the *levels of professionalism* of personnel in their dealings with [the public]. The more focused implementation of the Batho Pele programme, the rigorous application of risk management, the combating of corruption involving SAPS personnel members and the continued development of the skills of personnel members, will contribute to the continuous improving of levels of *professionalism* ... *Professionalism*, authority and respect [must be established] in the services that are provided to communities ... the capacity and professionalism of detectives investigating crime has been a priority for some time within the SAPS [and will be] prioritize[d]. [emphasis added]

Clearly, the SAPS believes it needs to improve its ‘professionalism’ and this is important. But what is uncertain is how the organisation understands the concept. Some utterances suggest that it means well-trained, polite, competent officials who seek to serve their clients in a procedurally fair manner, avoiding corruption. Others suggest that it means the professional embodiment of force and fear. Promisingly, the 2012/13 Strategic Plan suggests that the latter is giving way to the former.

In 2010, Snyman interviewed nine station-based police officials in Gauteng in order to probe their understanding of professionalism.⁹⁷ The officials identified seven characteristics of their ‘professional way of being’: having a clear sense of purpose; passion for their work; a willingness to go beyond the call of duty; the ability to manage oneself and others well; to think ahead in order to timeously put systems in place; teamwork; and having a holistic and balanced outlook on themselves and the environment in which they function. The officials also identified a core value system and ‘way of being

professional’ as being central to professionalism in the SAPS. Much of this echoes the decades of literature on police occupational cultures and it is likely that similar answers might have been elicited through questions about general attitudes toward the job. Importantly, none of the interpretations offered by these officials suggests any occupation-specific expertise – learned or inherent. Instead, they mostly relate to personal attitudes, with the possible exception of time management as a skill that can be honed. It is likely that this common-sense type of interpretation of professionalism overlaps in many instances with the manner in which police management employs the concept. Although these concepts are positive, they are not enough on which to build a professional service.

Clearly, the SAPS believes it needs to improve its ‘professionalism’ and this is important. But what is uncertain is how the organisation understands the concept

NGO articulations of professionalism

Earlier we suggested that professionalism, when used by non-police actors in South Africa, generally refers to police legitimacy. Three examples illustrate this point: David Bruce’s work on the ‘professional use of force’, the Institute for Security Studies’ (ISS) Promote Professional Policing campaign, and the presidency’s vision of a ‘professional’ police agency.

In recent years, Bruce has championed what he calls the ‘professional use of force’ by police in South Africa.⁹⁸ Much of Bruce’s concern is with the use of lethal force, governed by Section 49 of the Criminal Procedures Act. He has called for new systems for reviewing the use of force by police, and for a ‘use of force policy’ to be introduced to guide police officials in this regard. He argues that the law, as a guide regarding the use of force, represents a minimum threshold for acceptable conduct. Relying on it alone as a guide shuts down a space in which police officials might reflect on the best way to approach various situations that might require the use of force. It also allows the development of cultures that support or ignore abuses of force against civilians and suspects considered uncooperative or disrespectful of police. A policy around the professional use of force, together with a supportive

management environment, would allow police officials to better reflect on, and so refine, their use of force. This could also help alter station cultures tolerant of abuse of force. A 2011 pamphlet produced by Bruce on behalf of the Centre for the Study of Violence and Reconciliation (CSVR), the ISS and the African Policing Civilian Oversight Forum (APCOF), proposed a four-point definition of the professional exercise of police force:

- Guided by the law and the concern to protect human life
- Emphasising the avoidance of unnecessary force
- Where force is necessary, using the minimum amount of force required
- Police service monitoring of the use of force⁹⁹

Through Bruce's work, the 'professional use of force' has become one of the dominant calls relating to professionalism with regard to the police in South Africa. Bruce suggests that respectful and fair treatment of civilians can challenge the subculture of violence and criminality that thrives in many South African communities.¹⁰⁰ This subculture often exists in townships and inner city neighbourhoods, and is associated with young men who have adopted an 'oppositional' identity.¹⁰¹ He notes that these oppositional identities are built around a sense of antagonism towards official institutions and are fostered by broader attitudes of ambivalence to the law that exist within their community. Members of these communities are reluctant to contact the police because of the negative police–community interactions that are common in high-crime neighbourhoods. Fair and professional policing is more likely to contribute to the perceived legitimacy of the criminal justice system and counter the oppositional identity of the community.

It is this kind of thinking that lies behind the ISS's Promote Professional Policing campaign, in which both these authors played a part in conceptualising and launching in 2011. The campaign emerged out of a three-year project aimed at improving the integrity of the SAPS and reducing corruption in the organisation. The campaign seeks to promote a civic culture in South Africa that appreciates fair, polite and efficient police service, and is intolerant of corruption and other police abuses. It aims to accomplish this through a number of means, most notably by encouraging the public to report both good and bad behaviour by police. In so doing, it is hoped that good, professional police officials will feel supported and able to stand up to their corrupt and abusive colleagues. This will close down spaces within the organisation that might tolerate abuse, will strengthen ties between communities and the police, and will help dedicated officials feel appreciated and proud of their profession.¹⁰²

Finally, the presidency's National Development Plan outlines a vision for a professional SAPS. It couples 'professionalism and discipline', and calls for the linking of the code of conduct and what it calls a 'code of professionalism' with disciplinary regulations and promotions (something which in theory has taken place since 1995). It advocates for the demilitarisation of the SAPS and for this to be replaced with a 'civilian, professional service'.¹⁰³ It proposes a national policing board that will set standards for police. Perhaps most importantly, it states that professional police officials will be knowledgeable about the law and their role. The document describes the SAPS role in terms that are perhaps unhelpfully broad, but the emphasis on its role is a vital one nonetheless, as we elaborate in the next section.

When police officials are encouraged to view their work as combative, they are more likely to establish community relationships based on domination, as opposed to service

TOWARDS A CLEARER PROFESSIONALISM FOR THE SAPS

The 'Building Safer Communities' chapter of the National Planning Commission's National Development Plan 2030 begins with a reference to the criminal justice system and the police. While this is not ideal in its implication that safety is generated primarily through criminal justice, the chapter develops into a clear recognition that safe communities come about through integrated systems that involve all members of society. In clarifying exactly what is expected of professional police, we believe that this sentiment, often accepted but seldom acted upon, must be incorporated into a new, popular understanding of who police officials are and what they should do in South Africa.

With regard to the SAPS as 'crime fighters' involved in a 'war', evidence suggests that forceful policing erodes police–civilian relationships. When police officials are encouraged to view their work as combative, they are more likely to establish community relationships based on domination, as opposed to service. Police authority becomes grounded in fear.¹⁰⁴ High arrest numbers may well politically serve the government's ends, but militaristic and abrasive policing risks alienating the community that police officials are supposed to be a part of.

Supporting the UK and US research cited earlier in this paper, focus groups conducted in Cape Town, Johannesburg and Durban suggest that South Africans would prefer police officials who treat them fairly, rather than police who are 'tough on crime'.¹⁰⁵ Respondents suggested that fair treatment may be more important than police officials' ability to bring an end to crime. The implication is that receiving fair and respectful treatment will encourage civilians to view police officials as legitimate and trustworthy, encouraging cooperation. Citizens will be more likely to call on the police for help and provide information to police officials. However, discourteous treatment or police abuse of authority will result in community distrust of the police and unwillingness to assist in a cooperative effort against crime.

The focus group data is supported and qualified by measures of social attitudes in South Africa, analysed by Bradford et al. This important contribution suggests that although '[as elsewhere,] trust in police fairness is an important influence on South Africans' legitimacy judgments ... unlike other contexts, the links between concerns about crime, effectiveness and legitimacy are especially strong'.¹⁰⁶ In other words, while procedural justice research abroad tends to find that police effectiveness is inconsequential in relation to perceptions of legitimacy, this does not ring true in South Africa in the same way.

The authors conclude their paper by throwing their support behind the recent contributions of Steinberg,¹⁰⁷ himself building on the work of Walker and Loader.¹⁰⁸ Steinberg's argument is that the early 1990s reform of the SAPS was mistaken in its vision. Rather than focusing on building legitimacy in the democratic sense, he believes emphasis should have been placed on providing police services to formerly neglected (township) areas that had been lacking for decades. Emphasis should have been on building investigative capacity and providing rapid, fair and businesslike interventions in response to emergencies. This, he believes, would have better forged police legitimacy. Instead, he sees the current approach to crime prevention as

... police mov[ing] to urban space like agents of disease control working to push back contagion. They seek to neutralise people, generally young men. Playing this crime prevention function stymies police capacity to pay the minimalist functions on which mutual respect [is] based.¹⁰⁹

Steinberg supports what Loader refers to as 'deep but narrow' policing. Coming from the perspective that police officials are active shapers of communities, Loader suggests they should not contribute to security simply by

controlling crime and preventing disorder because this can be achieved in ways that damage police legitimacy (and, perhaps, shape unhealthy communities). Rather, they must perform these tasks in ways that 'sustain the conditions of a democratic common life in which the security of all individuals and groups can best flourish'.¹¹⁰ He believes that police officials can accomplish this by remaining constrained, reactive and rights-regarding agents of minimal interference and last resort. This is what Steinberg believes is required of the SAPS. He hints that this might be considered a form of 'professionalism'.

Discourteous treatment or police abuse of authority will result in community distrust of the police and unwillingness to assist in a cooperative effort against crime

Although, unlike Steinberg, they do not make regular use of 'professionalism' in their writing, Marks, Shearing, Wood and Cartwright have made similar calls for a minimalist reform of the SAPS, as well as the metro police.¹¹¹ Similarly, Holtmann has called for the building of 'safe communities of opportunity' through holistic initiatives that ensure police are plugged into broader community and government initiatives.¹¹² These authors build on the widely accepted view that broad policing functions and safety-generating activities are carried out by a range of private and non-police actors.¹¹³ The fact that the public police seldom invoke the criminal law in their work (so that the common image of police is tainted by myth) bears testament to the fact that much of what they are asked to do could be better addressed by other government departments or civilian organisations.

As such, these authors suggest that the role of the SAPS (and metro police) should be more clearly defined, restricted to those instances where the invocation of criminal law is required. For other 'policing' functions, local area initiatives should be formalised and regulated by the state or public police. Holtmann believes that safety initiatives must integrate different local actors to build strong social systems that promote safety. This would result in systemic solutions in which police serve only their specifically defined role. Cartwright and Shearing believe it was this kind of structuring that allowed for the smooth management of safety initiatives during the FIFA World Cup

in 2010. Every agency knew what it was meant to do and did it, while the SAPS led but did not dominate proceedings. They emphasise the need for government to identify, invest in and make sustainable civil-society initiatives that contribute to public safety, and restrict police activity to only those tasks for which their specialties of law enforcement and potential for coercive force are needed.

Johan Burger, formally the head of operational coordination for the SAPS, has for a number of years echoed similar sentiments. He believes it especially unfair to expect police officials to perform crime-prevention functions that can only really be addressed by other government departments. He proposes a national coordinating structure much like that envisaged in the 1996 National Crime Prevention Strategy. This would not be police-centric but instead would monitor crime and safety trends as well as coordinate responses and strategies across departments. Importantly, it would need the highest authority to ensure interdepartmental compliance and effectiveness.¹¹⁴

In the present authors' view, these various suggestions provide the context for a new step towards understanding and refining the meaning of 'police professionalism' in South Africa. As Marks and Wood point out, a police service with a clearly defined, minimalist mandate would avoid the catch-22 of the 'impossible mandate' with which police officials have been saddled for so long. As such, they could be evaluated and judged only on that which falls within their scope of expertise, and within these boundaries they could be judged harshly. In the meantime, a better-networked, democratic approach to security generation beyond the police service would help foster community and national bonds. Significantly, specific instances in which the criminal law, and therefore the SAPS, is employed, should be clear. Criminally charging people for sleeping on the street, for example, erodes police legitimacy and yet vagrancy is often treated as a criminal problem by the SAPS. That the SAPS currently charges almost 800 000 individuals each year for crimes not considered a 'priority', suggests that the criminal law is being misused in a failed attempt to address social ills.

Writing of the US in the 1960s, Bittner noted that the disproportionate, often abusive, policing of the poor was ignored by broader society. Against this he said that 'the professionalisation of police work is a non-discernible necessity and every alternative to it is nothing short of the betrayal of democratic ideals'.¹¹⁵ Like Shearing and Cartwright, he believed professional public police officials should not be required to do anything beyond that for which their special competencies qualify them. Such duties would comprise rapid response to emergencies and enforcement of the law (potentially using coercive force). For Bittner, all other work with which police officials are so

often lumped should be carried out by others, while the knowledge-based professional competency and regulation of the police must be ensured. Of course, the professional and efficient investigation of crime would also be central to the police service's key function, but for his part Bittner focused on patrol officials.

It is here that the National Planning Commission's vision for South Africa and the SAPS is promising. It suggests that the government may be poised to take the steps civil society has been calling for for over 15 years. South Africa has been here before. Similar proposals were made in the 1996 National Crime Prevention Strategy, but they were short lived as the government turned its attention to politically convenient police-centric crime strategies and forceful rhetoric. One might hope that in the current context, with declining crime rates and some signs of increased feelings of safety among the population, government will stick to this vision and usher in a new era of public safety and policing in South Africa. However, making such a change is likely to be enormously difficult.

If police officials appear only when things are already very bad, it might be difficult to associate them with anything but disorder

The commission's vision includes establishing a police standards-setting and regulatory board. While it is important that the SAPS and Metropolitan Police develop shared standards where these are relevant (for example, a shared code of conduct), external structures (particularly those without authority) are not as relevant in South Africa with its national police body as they are in jurisdictions with disparate public police authorities. Although regulation is imperative, there appear few reasons why such regulation cannot be carried out within the SAPS itself. Other regulatory functions could be handled by the type of coordinating structure envisaged in the NCPS.

In some respects, this might sound much like the professionalism of the 1960s and 1970s in the US and UK. If what is now being proposed is pursued, it will be important that the narrowing of the police mandate does not bring an end to the nurturing of community-police bonds. If police officials appear only when things are already very bad, it might be difficult to associate them with anything but disorder. One way to counter this might be to shift some uniformed members, reservists and community police forum participants into newly articulated community

engagement functions. Such officials need not even carry firearms. This would help to shift the conceptual association of police and force towards an association with community support and coordination as well as rapid emergency response and criminal investigation. It would also attract a different kind of individual to the SAPS, reserves and community organisations – people who want to build safe communities rather than feel the rush that comes with carrying a state firearm.

CONCLUSION

The SAPS has done well to weather the storm of rising crime and panic that has gripped South Africa for almost two decades. Although police work is by no means the main driving force behind its decline, crime appears to be decreasing while public confidence and feelings of safety are gradually improving. Without the commitment and dedication of many tens of thousands of hard-working police officials, South Africa might be in a significantly less healthy state.

But the task of these officials has not been helped by ambiguous messages that populate different layers of SAPS and political discourse, nor by the violence and abuse carried out by some police officials. Some of these messages speak of long-term, sound policing approaches that recognise the limitations of police work while others speak in unhelpful terms of ‘war’ and ‘evil’, suggesting that quick fixes might be found in the barrel of a police-issued firearm. Although this latter message is more prevalent in spoken rhetoric than in official documentation or strategy, it is still heard by police officials and operational managers, and influences the way some approach their work under extreme organisation-generated performance-management pressures.

Consequently, reports of police abuse and poor service remain common, eroding public confidence in police and making life harder for those officials who might have a more balanced understanding of their role in society. The result is that in many instances SAPS members continue to be viewed with distrust and fear. Current evidence suggests more civilians than ever before believe most police officials are involved in corruption.

Some police and government rhetoric also perpetuates the idea that crime is a police problem. As such, South Africans at times expect the impossible of the police, setting them up for perpetual failure.

Turning this tide will be difficult. What the SAPS must do to improve legitimacy is focus on ensuring that members engage with the public (whether client or suspect) in a manner that encourages their acceptance as a neutral and legitimate authority. This can be encouraged by:

- Improving recruitment and training
- Encouraging a culture of integrity

- Professionalising the use of force
- Ensuring that policing is integrated with, but not controlling of, other social and community services
- Improving police communication and interaction with civilians

Additionally, the SAPS, together with related government departments, metro police agencies, traffic enforcement authorities, police unions as well as university/research centres engaging with crime, safety and policing matters, might benefit from monitoring developments around police professionalism occurring in foreign jurisdictions. They may contain important and transferable lessons, such as the emphasis on knowledge-based police work in the UK. That said, current articulations of professionalism in South Africa, including those proposed in this paper, differ in many ways from those elsewhere. This is not a bad thing. South Africa is well positioned to contribute to global knowledge on crime and justice, including the governance of related agencies, particularly in transitional and developing states. With the correct kinds of cooperation between agencies and institutions, the SAPS can be a leading part of this contribution.

What the SAPS must do to improve legitimacy is focus on ensuring that members engage with the public (whether client or suspect) in a manner that encourages their acceptance as a neutral and legitimate authority

We have suggested that if government and police leaders can frame a minimalised, networked and clearly defined vision for the police, and encourage both police and public to buy into this vision, it will be an important step towards developing a new police professionalism in South Africa. The ISS’s Promote Professional Policing campaign is already aimed at encouraging communities to recognise particular aspects of ‘good’ police behaviour. This can easily be broadened to incorporate what should be a shrinking of the SAPS mandate, so that the public do not place unnecessary pressure on police but instead transfer those policing needs that fall outside of criminal law to other capable structures. This will involve the SAPS, and government more broadly, communicating to the public

just what can be expected of the SAPS, and what other policing or public safety-related structures might be better placed to support them. It will also involve the active fostering of local-level community support initiatives, and the shifting of government funds accordingly. There are already indications that moves are afoot to make this happen, including a shrinking of the overall personnel base of the SAPS.

Presently, not all communities have alternative structures to which the public might turn to address community ills, but in time, if the government pursues its vision, these will hopefully mushroom and become sustainable. These alternative structures will help solidify community bonds, contribute to nation building and allow the police – symbols of particular kinds of community – to fade into the background, only to appear promptly and with due courtesy whenever their specific expertise is required.

As in other jurisdictions, police professionalism remains an undefined and elusive concept in the South African context. While this might be true, striving for improved professionalism is likely to do more good than bad for local policing. The potential changes might be small, or they could mark a revolution in public safety and policing for the country.

The appointment of Phiyega as the SAPS's new national commissioner in June 2012 provided an opportunity for the SAPS to pause, regroup and check its direction. This might include reflection on how it aims to become more professional. A day after her appointment, Phiyega was quoted as saying, 'We will be working towards a paradigm shift in the police.'¹⁶ If nothing else, this is positive talk. Time will tell if her appointment will mean any significant adjustments in government's approach to policing and public safety.

NOTES

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ABOUT THIS PAPER

This paper explores developments in the concept of police professionalism that have emerged in South Africa in recent years. It considers professionalism in relation to comparable historical and contemporary developments in the US and UK, and consolidates the different ways in which these are currently manifesting in South Africa. Adding to the current discourse, it suggests that a professional South African Police Service (SAPS) should include a clearly defined, minimalist mandate.

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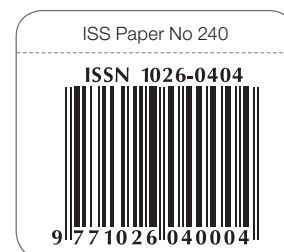
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