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ABBREVIATIONS / ACRONYMS

| | |
|----------|--|
| AARTO: | Administrative Adjudication of Road Traffic Offences |
| ACA: | Anti-Corruption Agency |
| ACAS: | The Advisory, Conciliation and Arbitration Service |
| ANC: | African National Congress |
| APA: | American Psychological Association |
| AU: | African Union |
| BMF: | Black Management Forum |
| CAQDAS: | Computer-aided Qualitative Data Analysis Software |
| CCA: | Council for Canadian Academics |
| CCLA: | Canadian Civil Liberties Association |
| CEO: | Chief Executive Officer |
| CIVITAS: | Institute for the Study of Civil Society |
| COD: | Category of description |
| CoE: | City of Ekurhuleni |
| CoJ: | City of Johannesburg |
| CoT: | City of Tshwane |
| CPF: | Community Policing Forum |
| DCAF: | Geneva Centre for the Democratic Control of Armed Forces |
| EMPD: | Ekurhuleni Metropolitan Police Department |
| ETSC: | The European Transport Safety Council |
| HRC: | Human Rights Commission |
| IDP: | Integrated Development Plan |
| IPCC: | Independent Police Complaints Commission |
| IPID: | Independent Police Investigative Directorate |
| JCPS: | Justice, Crime Prevention and Security Cluster |
| JMPD: | Johannesburg MPD |
| MEC: | Member of the Executive Council |
| MPD: | MPD |
| MPS: | Metropolitan Police Service |
| NGO: | Non-Governmental Organisation |
| NPA: | National Prosecuting Authority |

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| NRTA: | National Road Traffic Act |
| OECD: | Organisation for Economic Co-operation and Development |
| OSCE: | The Organisation for Security and Co-operation in Europe |
| PRM: | Mozambique Republic Police (<i>Polícia da República da Moçambique</i>) |
| PTD: | Pretoria Traffic Department |
| RCMP: | Royal Canadian Mounted Police |
| RSA: | Republic of South Africa |
| RTMC: | Road Traffic Management Corporation |
| SAPS: | South African Police Service |
| SOPs: | Standard operating Procedures |
| TMPD: | Tshwane Metropolitan Police Department |
| UK: | United Kingdom |
| UN: | United Nations |
| UNDP: | United Nations Development Plan |
| UNDP: | United Nations Development Program |
| UNESCO: | United Nations Educational, Scientific and Cultural Organisation |
| USA: | United States of America |
| VIP: | Very Important Person |

CHAPTER 1

INTRODUCTION AND GENERAL ORIENTATION

1.1 INTRODUCTION

Liberté, égalité, fraternité – Liberty! Equality! Fraternity! The slogan chanted by revolutionaries during the French revolution that embodies man's perpetual quest for freedom. Human history is littered with tales of mankind's struggle to rid itself from tyranny, poverty and oppression brought about by authoritarian political and religious structures (Linthicum, 2015). Over time, various political and social philosophies, such as communism, socialism, Marxism and democracy, that actively seeks socio-economic equality and freedom emerged. Of these philosophies, democracy proved to be the most intriguing and long-lasting ideal (Fukuyama, 2015). There is no doubt that democracy is the most dominant and widespread political system of the early 21st century (Inglis & Aers, 2008). In mid-2017, 116 of the world's 195 countries exhibited significant democratic characteristics, such as fair electoral processes, freedom and expression of belief, the rule of law and substantial protection of human rights (Freedom House, 2017).

Democracy inadvertently places police organisations in the situation of a polygonal paradox (Willis, 2015). This paradox revolves around the notion that the police are given the legal authority to impede and limit the very rights that democracy sets out to provide and protect (Gualini, 2015). Subsequently, police organisations operating within a democracy are expected to find a balance between allowing individual and communal freedoms and the enforcement of laws and regulations (Baker, 2008). Global events such as the 2016 killing of Keith Lamont Scott, an unarmed African-American male by police in North Carolina, United States of America (USA) and the alleged rape of a 22-year-old black youth worker, by the police while in their custody in France during February 2017 verifies that this indeed is a difficult task (Al Jazeera, 2017; Jarvie, 2017).

As from 2000, 6 metropolitan police departments (MPDs) have been established in 4 of South Africa's provinces. These departments are directly controlled by local authorities and are fundamentally tasked with the policing of road traffic and municipal

bylaws, in addition to the prevention of crime (Newham & Masuku, 2006; van Biljon, 2014a). After a relatively short existence of approximately 18 years, it is unclear to what extent the democratic paradox affects these departments. Recent news articles accusing these departments of widespread corruption, brutality and unprofessionalism suggests that little progress has been made in this regard (Bateman, 2015; Pienaar, 2017; Mngadi, 2017).

1.2 BACKGROUND TO THE STUDY

The literature infers that the normative and real-life application of the democratic ideal is indeed a dominant, but varied concept in transnational present-day politics (Ivison, 2010). Schmidt (2002) is of the opinion that the etymological term “democracy”, refers to a wide range of governmental and social institutions, associations and organisations. This view is shared by Meyer-Resende (2011) and Orber (2007) who are both of the opinion that the notion of democracy is ambiguous in nature, and holds different meanings to different individuals and groups. Indeed, this seems to be the case, as a scan of the literature reveals various modes of democracies, democratic theories and perceptions of democracy (Campbell, 2008). Authors like Göçmen (2007), Klein (2011), and Segrillo (2012) differentiate between direct democracies, in which all citizens participate directly in political processes, and representative or indirect democracies, where selected representatives, elected by the people, make political decisions on their behalf (Sullivan, 2009a). Other authors like Anderson (2007), Ishiyama, Kelman and Pechenina (2011) and Pace (2009) distinguish between various democratic systems and perspectives, like liberal democracy, neoliberal democracy, and consociational democracies, to mention but a few.

Within any democratic state, irrespective of the prevailing democratic ideology, the police constitute a critical role-player in the establishment, conservation and promotion of democracy. The police, who are a physical and visual representation of the state's authority, are endowed with immense authority and power, more specifically to impede on the very personal liberties and freedoms they endeavour to protect (Organisation for Security and Co-operation in Europe [OSCE], 2008). Subsequently, the power that the police have must be applied with tremendous responsibility and restraint (Lumina, 2006). The responsibility and controlled application of the police authority essentially should be based on the fundamental underpinnings of the democratic ideology

concerned. Subsequently, members of police organisations should be familiar with these democratic underpinnings and the subsequent spirit of democracy. Yet, very little research exists that indicates if this is indeed the case.

Prior to 1994, the South African government was an authoritarian regime, which advocated a policy of segregation in terms of social, political and economic development between white and other racial groups (Potgieter, 2013). The first free elections, held on 27 April 1994 ushered in a new democratic dispensation, founded on the principles of equality, freedom, social justice and fundamental human rights (Booyesen, 2013). This shift from authoritarian rule to a participatory democracy required a radical change in the mind-set and operation of police organisations throughout South Africa (Minnaar, 2010). Many authors like Faull and Rose (2012), Ncube (2014), Hornberger (2014), Potgieter (2014), and Super (2014), are however of the opinion that police organisations in South Africa have not yet fully been transformed and orientated in relation to the democratic vision of the new South Africa. Considering this sentiment, one cannot help but wonder if the members of these organisations are truly familiar with the meaning of democracy. In view of the etymological ambiguity of democracy, it can be contended that various understandings and subsequent procedural interpretations of democracy potentially might exist amongst those very organisations that must protect and promote democracy

1.3 PROBLEM STATEMENT

Section 64 E of the South African Police Service Act (1995) defines the mandate of metropolitan police departments as:

- Traffic policing, subject to any legislation relating to road traffic.
- The policing of municipal bylaws and other municipal regulations.
- The prevention of crime.

Although these functions appear to be fairly clear and self-explanatory, previous research (van Biljon, 2014a) has revealed that the metropolitan police mandate is in actual fact much more complicated than meets the eye. While general perception and tradition holds that traffic and bylaw policing are centred on law enforcement activities, the fundamental conceptual difference between the terms 'law enforcement' and

'policing' proposes that the metropolitan police mandate in fact consists of a wider variety of activities than mere law enforcement (Roufa, 2017a; van Biljon, 2014a).

When traffic and bylaw policing are considered *vis-à-vis* law enforcement, it becomes evident that these functions will consist of more than the issuing of summonses, the warning of potential lawbreakers and arresting offenders. McLaren and Wilson (1977), Parker and Manstead (1996) and White and Perrone (2006), believe policing, irrespective of the inherent law enforcement activities, includes a wider range of activities like education, counselling, consultation, community building, traffic control, incident management and general public assistance. Subsequently, it is reasonable to conclude that these activities should be included in the road traffic and bylaw policing functions of the metropolitan police department. It however remains unclear how MPDs engage in these functions.

When crime prevention is mentioned within the context of the MPD, the metropolitan police mandate becomes even more sophisticated. Van Biljon (2014a) demonstrated that MPDs, when the crime prevention capabilities of these organisations and the legislative framework applicable to MPDs are considered, can participate in approximately 18 headlining crime prevention activities. These activities *inter alia*, include undertakings such as promoting local cohesion, deflecting offenders, surveillance and visibility and victim empowerment. The role of MPDs in these activities however is limited to visible policing, bylaw policing, formal observation, victim empowerment and swift reaction to incidents of family violence. Like road traffic and bylaw policing, it remains unclear how MPDs engage in the prevention of crime.

It is noticeable that the mandate of MPDs does not mention functions such as crime combatting, maintaining public order, criminal investigating and safeguarding of inhabitants and their property, as is the case with the South African Police Service (SAPS). It can thus be contended that MPDs should only play a small and supportive role in this regard (van Biljon, 2014a). This notion is supported by policy documents such as the National Policing Standard for Municipal Police Services regarding Domestic Violence (Republic of South Africa, 2006) and the National Municipal Policing Standard for Crowd Management during Gatherings and Demonstrations

(Republic of South Africa, 2008) which both describe supportive roles for MPDs in these regards.

The sequence in which the legislator lists the functions of MPDs are of extreme significance (Burger, 2007; van Biljon, 2014a). By listing traffic policing in the first place, it can be argued that the legislator sees the policing of road traffic as the primary function of the MPD (Burger, 2007). Listing the policing of bylaws, which is the responsibility of the municipality concerned, in the second place, stresses the importance of bylaws within the context of local safety and security, as bylaws are designed to address local issues and local community needs. By listing the prevention of crime in the third place, it can be argued that the legislator sees crime prevention as an implied result of the two foregoing functions. This notion is reinforced by the Civilian Secretariat for Police (South Africa, 2016 p 31) which states that:

'MPS [metropolitan police services] are well placed at municipal level to proactively address crimes through the rigorous enforcement of their other two mandates - traffic enforcement and bylaw enforcement. By ensuring that traffic laws and bylaws are observed, MPS will contribute to instilling a culture of lawfulness. In this way MPS can effectively contribute to visible policing...'

It appears however that various interpretations, in contrast to this academic interpretation of the metropolitan police department, are currently in existence, particularly in the Gauteng Province. To date, three MPDs have been established in the province:

TABLE 1.1: Metropolitan Police Departments in the Gauteng Province

| METROPOLITAN POLICE DEPARTMENT | ABBREVIATION | DATE ESTABLISHED |
|---|--------------|------------------|
| Johannesburg Metropolitan Police Department | JMPD | March 2001 |
| Tshwane Metropolitan Police Department | TMPD | February, 2002 |
| Ekurhuleni Metropolitan Police Department | EMPD | February, 2002 |

(Masuku, 2006; Newham, Masuku & Gomomo, 2002).



Although these three departments are fairly similar in structure, appearances and composition, various differences in their application of the metropolitan police mandate can be detected. The Johannesburg Metropolitan Police Department (JMPD), on its public webpage advocates that crime prevention is their current main focus (City of Joburg, 2014), while previous research has indicated that the current focal point of the Tshwane Metropolitan Police Department is the enforcement of traffic legislation (van Biljon, 2014a). The Ekurhuleni Metropolitan Police Department on the other hand, seems to be focussed on visible policing, as their Integrated Development Plan (IDP) for the 2017 / 2018 financial year advocates increased visible policing and increasing the number of metropolitan police members (City of Ekurhuleni, 2017). Since 2000, a total of six MPDs have been established across South Africa. The 3 departments indicated above are all situated in the Gauteng province, while the provinces of KwaZulu-Natal, the Eastern Cape and the Western Cape each feature one of these departments. These departments share the same mandate, but are controlled by different municipalities.

Due to an absence of empirical research on these departments, the cause and actual extent of this varied interpretation of the MPDs remains relatively unknown. It can however be argued that these various interpretations of the metropolitan police mandate allow these departments to apply a more appropriate and customised approach to local crime and community problems. This will however only be true, if these approaches are built on the values and principles of a democratic society. Bayley (2009) is of the opinion that police organisations can be regarded as democratic if:

- They act legitimately within all legal constraints;
- They vigorously protect human rights;
- Are accountable to authorities outside themselves, and
- They see community needs as their highest priority.

There is little evidence that suggests that these principles are indeed promoted within the current interpretation and application of the metropolitan police mandate. It therefore becomes necessary to determine how senior metropolitan police officials,

who provide these departments with strategic and operational direction, perceive the mandated functions of these departments, specifically within the framework of a democratic South Africa.

A perception can be described as a “*conscious recognition and interpretation of sensory stimuli that serve as a basis for understanding, learning, and knowing or for motivating a particular action or reaction*” (Lewis, 2001, p. 272). From this description, it becomes clear that perception is the manner in which an individual perceives reality, based on his experience, culture, prejudices and emotional state (Zadra & Clore, 2011). Subsequently, it can be contended that understanding is based on perception (Jayyousi, 2014). It remains unclear which perceptions motivate the current application of the metropolitan police mandate and how it impacts on South Africa’s democracy.

It is anticipated that an analysis of how metropolitan police managers, particularly those within the Gauteng Province, collectively perceive South Africa’s democracy will ultimately reveal if the current application of the metropolitan police mandate is in fact democratic. Additionally, such an analysis might reveal that various perceptions of South Africa’s democracy might have caused an unequal promotion of democratic principles by the various MPDs in Gauteng. Should this be the case, these departments might indeed pose a threat to South Africa’s democracy, and the manner in which senior metropolitan police officials understand the metropolitan police mandate should be standardised as a matter of urgency.

1.4 RESEARCH AIM AND OBJECTIVES

This research is aimed towards investigating if the manner in which the metropolitan police mandate, as it is collectively understood by senior officials in the Gauteng province, is aligned with the notion of a democratic South Africa. By adopting a phenomenographic research approach, as is explained in section 4.2.2, the researcher intends to explore the metropolitan police mandate from a second order perspective. Such a second order perspective will reveal how research participants understand the metropolitan police mandate, instead of describing how it exists in the world. This perspective will allow the researcher to study multiple collective experiences and understandings of democracy and related phenomena, while

uncovering the extent to which these departments enhance and promote South Africa's democracy. Based on the outcome of such an analysis, recommendations to ensure and maintain a democratic application of the metropolitan police mandate can be formulated, together with a model on how to best implement it.

The objectives of this research subsequently are:

- To investigate how senior metropolitan police officials in the Gauteng Province collectively understand and experience democracy in South Africa.
- To investigate how senior metropolitan police officials in the Gauteng Province collectively understand and experience democratic policing.
- To investigate if senior metropolitan police managers in the Gauteng Province collectively understand the metropolitan police mandate.
- To investigate if the collective understanding of the metropolitan police mandate is aligned with a democratic South Africa.

1.5 RESEARCH QUESTIONS

Creswell (2008) contends that a research question ought to be formulated in two tiers. Firstly, a central question should be posed, followed by several supporting, associated sub-questions.

1.5.1 CENTRAL RESEARCH QUESTION

Is the collective understanding of the metropolitan police mandate held by senior police managers from the various MPDs in the Gauteng province, appropriate and aligned to a democratic South Africa?

1.5.2 SUB QUESTIONS

- How do senior metropolitan police managers in the Gauteng province collectively perceive democracy in South Africa?
- How do senior metropolitan police managers in the Gauteng province collectively perceive democratic policing?
- How do senior metropolitan police managers in the Gauteng province collectively understand the mandate of the metropolitan police?

- To what extent are these collective understandings related to a democratic South Africa?

1.6 RESEARCH SIGNIFICANCE

It is anticipated that the creation of a unified collective understanding of the metropolitan police as it relates to a democratic South Africa will enable MPDs to clarify their complicated mandate. Such a clarification will provide these departments with valuable information on how they can enhance and ensure their accountability, service delivery and legitimacy, subsequently improving public credibility and approval. South Africa's democracy is constantly threatened by corruption, profound inequalities, state deficiencies and personal insecurity (De Kadt & Hudson, 2014). It is hoped that this research will provide MPDs with an appropriate model to address these issues, subsequently contributing towards greater national stability. It is also expected that this research will assist local governments with developing strategies, policies and programmes to ensure enhanced public safety.

1.7 REFERENCING

Referencing is a critical aspect of any research undertaking. It acknowledges the work done by other authors, while it demonstrates the breadth of the researcher's background reading, subsequently contributing to the overall trustworthiness of the research (Stogdon & Kiteley, 2010). Various reference styles, such as the American Chemical Society (ACA), the Harvard referencing system and the Vancouver referencing system are currently in wide use around the world (de Jager & Steele, 2015). Based on previous experience and personal preference, the researcher made use of the American Psychological Association (APA) 6th edition referencing system during the research (Indiana Wesleyan University, 2015).

1.8 LIMITATIONS OF THE RESEARCH

Although a total of 6 MPDs in four provinces of the Republic of South Africa have been established, the study is limited to the 3 MPDs found within the borders of the Gauteng province. These departments were specifically selected as they are the only MPDs that exist within a single province. Subsequently, as these departments all report to the same provincial administration, they are similar in structure, composition and topography. In addition, the population relevant to this study will be limited to such an

extent that only mid-level and senior managers of the various departments are included. The reason for this limitation is rooted in the postulation that these members are those who are responsible for the interpretation, and the subsequent application of the metropolitan police mandate within the context of South Africa's democracy. It should furthermore be noted that this research is intended not to debate the academic and real-life validity of the any specific democratic paradigm. The literature relating to democracy is vast and wide-ranging, encompassing multiple ideas, perspectives and applications. The literature reviewed in relation to the democratic paradigm will thus be limited to such an extent that only universal and general characteristics of this paradigm emerges.

1.9 PROBLEMS EXPERIENCED IN RELATION TO THIS RESEARCH

Although small issues such as regular power outages, technological failures and limited resources frustrated the researcher, they had no significant impact on the research. The researcher however encountered two significant difficulties during the research process. Firstly, was that of a limited timeframe in which to conduct the research. The phenomenographic process is a fundamentally long and intricate process, involving prolonged data collection and data analysis methods, as is demonstrated in figure 4.3. It was thus significantly challenging to comprehensively conduct all these processes within the designated research period. Proper time management and a strong support structure however ensured that all processes were completed in a timeous and effectual manner. Secondly, and most significantly so, the recruitment of participants to participate in the study was especially challenging. Although a large number of potential participants were invited to participate in the study, only a small number of participants actually responded to the invitation. From those who responded favourably to the invitation, a significant number of individuals later indicated that they no longer wished to participate in the study. Various personal circumstances and professional commitments were indicated as reasons for their withdrawal. Additionally, unexpected operational situations such as strikes, protest actions and isolated incidents of xenophobia resulted in the continuous postponement of various interviews. In the case of one department, permission to conduct the research was granted, but due to political changes and subsequent changes in the organisation's structures, operationalising of the research was significantly delayed.

However, by prolonged engagement in the research field, enough data was collected to sufficiently answer the research question.

1.10 KEY TERMS

Because of different attitudes, beliefs, perceptions, languages and cultures, the meaning and interpretation of a single concept may vary significantly across time and space (Kaufmann, 2011). Defining key terms is thus of significant importance, as it eliminates ambiguity and interpretation bias by ascribing a clear and suitable meaning to a word or phrase (Rajasekar; Philominathan, & Chinnathambi, 2006). Subsequently, this section sets out to ascribe unambiguous meaning to various terms that hold multiple layers of subjectivity, which fluctuates in relation to the context it appears in (Pepper & Driscoll, 2015).

1.10.1 DEMOCRATIC POLICING

From the literature, it becomes clear that the meaning of democratic policing varies significantly in relation to the context it appears in (Aitchison & Blaustein, 2013). The varying context that democratic policing is applied in, can largely be attributed to the ambiguous nature of the relationship that exists between policing and the notion of democracy (Manning, 2015). Subsequently, a variety of acceptable definitions for democratic policing exists.

A very simplistic definition of democratic policing is provided by Babakhel (2015, para. 5) who views democratic policing as “*the amalgamation of internal control, state control and social control.*” This definition is however very limited and one-dimensional, as it is mainly centred on the concept of police accountability. A more comprehensive definition, predominantly focused on the concept of objectivity is provided by the United Nations (UN) (2011) which describes democratic policing as being fair in the execution of their duties, while efficiently responding to community needs. Although this definition reflects a somewhat wider ontology of democratic policing, it is fundamentally limited, as various key features normally associated with this concept are omitted. Lemieux (2014, para. 2) provides an even wider and more appropriate definition when he defines democratic policing as “*a police force that is publicly accountable, subject to the rule of law, respectful of human dignity and that intrudes into citizens’ lives only under certain limited circumstances.*” This definition

demonstrates that democratic policing should be thought of as a multi-dimensional concept, encompassing more than accountability and community needs.

Considering these definitions, democratic policing for the purpose of this research, will be defined as a policing model in which democratic principles are preserved by ensuring that the police act within the law, vigorously protect human rights, are accountable to external authorities and positively react to community needs (Bayley, 2009).

1.10.2 POLICE OBJECTIVITY

Very few definitions of objectivity, specifically as it relates to the policing environment is currently in existence. Considering that objectivity is an essential element of the policing function, the scarcity of such definitions is surprising (Kappeler, 2013; Miller, 2016). Subsequently, an appropriate definition of police objectivity must be created.

Conceptually, police are generally understood to refer to the organisation itself (Wolcott, 2007). The police can subsequently be defined as a state entity, which is responsible for the prevention and detection of crime and the maintenance of public order (Police, 2017). Easton (2017) similarly describes the police as a government service which is generally mandated to execute the state authority by preventing and investigating crime, in addition to maintaining public order. However, these definitions, specifically as it relates to the notion of objectivity, is fundamentally limited, as they only reference the organisation. In this regard it is argued by Garner (2008); Manning (2002) and Maguire (2003), that police organisations should not just be thought of as a bureaucratic organisation, but should also be considered as a social structure, as the organisation essentially revolves around social relationships internal and external to the organisation. Conceptually, police should thus be construed to have a bilateral implication, as it fundamentally references both the organisation and the individual.

In essence, the principle of objectivity is concerned with discovering the true state of things by detaching oneself from personal values, beliefs, biases and perceptions (Ivory, 2006; van Inwagen, 2013). Magni (2017) to some extent, extended this definition by stating that objectivity is an internal process of eliminating predispositions, unreasonableness, personal feelings and emotions from the decision-making process.

Similarly, Heymans (2016) contends that objectivity implies that one should put all personal feelings and personal goals aside, in order to judge a situation fairly and impartially. Objectivity should be construed to refer to the notion of dealing with a situation or condition as it is comprehended without distortion by personal feelings, prejudices or interpretations (Objectivity, 2017).

Considering key elements from both police and objectivity as is alluded to above, police objectivity should be construed to mean the impartial, fair and just execution of the police authority by police officials and police organisations.

1.10.3 POLICE PROFESSIONALISM

Police professionalism should be considered as an ambiguous concept, as it is used within the literature to denote two distinctive but fundamentally related ideas. Firstly, police professionalism should be understood to refer to the idea of redefining policing as a profession instead of an occupation or job (Schneider, 2009; Sealock, 2012). The focus of police professionalism is thus to move away from the image of police officials being unskilled proletarian watchmen, towards a more specialised and respectable functionality in society (Faull & Rose, 2012). This would require that police officials should become skilled, continuously exercise sound judgement and exhibit a respectful demeanour towards fellow officers and community members (Sklansky, 2011). Wakefield and Fleming (2009a) provides an appropriate summary of this concept, when they describe police professionalism as the process by which the field of policing is moving towards becoming a profession.

On the other hand, it's argued by Baczor and Zheltoukhova (2017) and Carlan and Lewis (2009) that professionalism reflects the proper and appropriate behaviour that characterise moral and satisfactory service delivery, as it applies to the police. Subsequently, this notion of police professionalism reflects values, attitudes, skills and organisational strategies as they manifest within a real-world setting (College of Policing, 2014). It is thus highly associated with standard setting, individual behaviour of officials, and organisational policies as it relates to community expectations, requirements and needs (Roufa, 2017b).

For the purpose of this study, police professionalism should thus be construed to refer to standards maintained by police organisations and police officials and how these standards are perceived by the community (Harrits, 2016).

1.10.4 SOUTH AFRICA'S CONSTITUTIONAL DEMOCRACY

On 27 April 1997 the Republic of South Africa made a historic transition from an authoritarian and racial oligarchy to a multi-racial constitutional democracy (Inman & Rubinfeld, 2013; Seo, 2008). In general, a constitutional democracy is understood to be a democratic dispensation, in which the authority and power of the government is defined, limited and proportionally distributed by a central and supreme law, normally referred to as a Constitution (Quigley, 2015; Chandramouli, 2017). Typically, a constitutional democracy is found on a number of democratic principles and values such as popular sovereignty, minority rights, the separation of powers, regular elections and fundamental human rights (Klein, 2011). South Africa's Constitution, which is hailed all over the as revolutionary and progressive, undoubtedly echoes many of these principles and values (February & Pienaar, 2014). The Constitution consist of 14 chapters, which addresses the following matters:

Table 1.2: Chapters of the South African Constitution

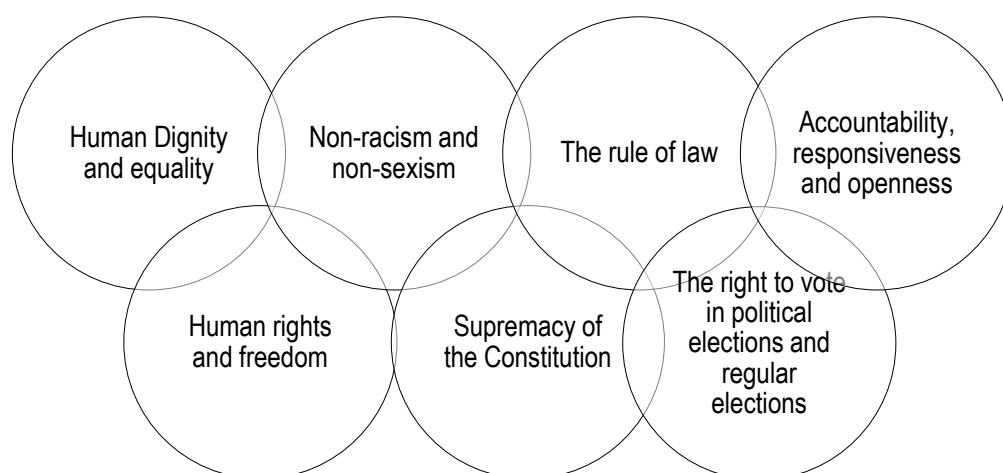
| CHAPTER | TOPIC | DESCRIPTION |
|---------|--|--|
| 1 | Founding Provisions | Describes the values that the constitution is found on. It addresses constitutional supremacy, equality, the national anthem, the flag and official languages. |
| 2 | Bill of Rights | Spells out the fundamental human right of each and every individual within the Republic. |
| 3 | Co-operative government | Describe the three spheres of government and sets an axiological framework for co-operative governance and intergovernmental relations. |
| 4 | Parliament | Defines the parliament and the National Council of Provinces and describes processes and principles relevant to these bodies. |
| 5 | The President and National Executive | Describe the roles and responsibilities of the President and the National Executive, as well as the relevant processes. |
| 6 | Provinces | Defines South Africa's nine provinces, describes the duties and responsibilities as well the processes relevant to the provincial legislature and the provincial executive of each province. |
| 7 | Local Government | Describes the duties, functions and responsibilities of local governments. |
| 8 | Courts and Administration of Justice | The courts are independent and subject only to the Constitution and the law. They must apply the law impartially and without bias. |
| 9 | State Institutions Supporting Constitutional Democracy | Describes and define the State Institutions, which is responsible for strengthening the constitutional democracy. These institutions inter alia include the Human Rights Commission, the Public Protector and the Auditor-General. |

| CHAPTER | TOPIC | DESCRIPTION |
|---------|-----------------------|--|
| 10 | Public Administration | Provides a framework the effective, professional and accountable administration of public affairs. |
| 11 | Security Services | Describes the duties and responsibilities of the National Defence Force, the South African Police Service and Intelligence Services. |
| 12 | Traditional Leaders | Recognises the role of traditional leaders and customary law, subjected to the Constitution. |
| 13 | Finance | Provide a Constitutional Framework for the administration of public finances. |
| 14 | General Provisions | Addresses issues such as international agreements, international law, funding of political parties and transitional arrangements. |

(Researchers illustration of concept)

Of particular importance to this study is chapters 1, 2, 9 and 11. Chapter 1 on the Constitution spells out the values that the Constitution is found on. These values, which serves as a broad definition of the aims and purposes of the government, include (Mukwewa 2014):

Figure 1.1: Core values of the South African Constitution



(Republic of South Africa, 1996)

By viewing these values as a collective, the core of South Africa's democratic ideal is exposed. This ideal can best be described as (African National Congress [ANC], 2018):

'A united, democratic, non-racial and non-sexist South Africa, a unitary State where a Bill of Rights guarantees fundamental rights and freedoms for all on an equal basis, where our people live in an open and tolerant society, where the organs of government are representative, competent and fair in their functioning, and where opportunities are

progressively and rapidly expanded to ensure that all may live under conditions of dignity and equality.'

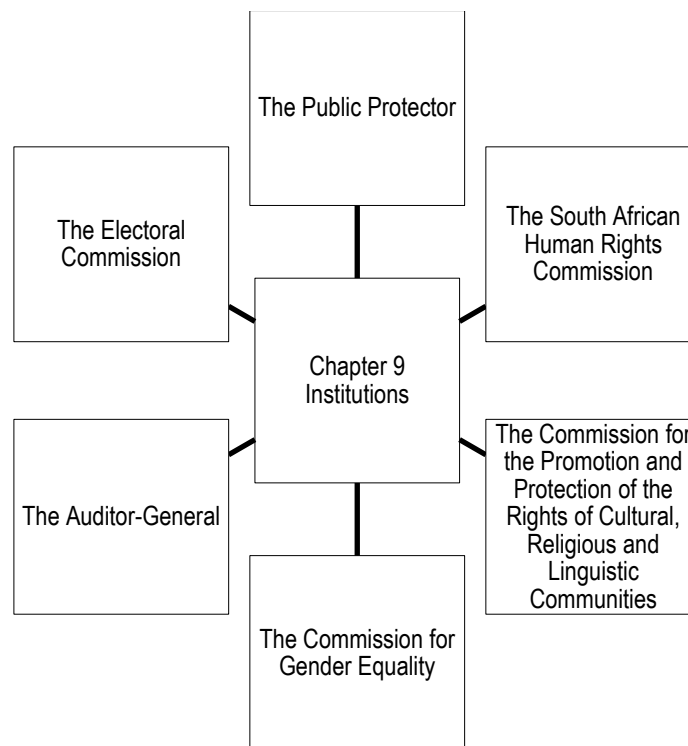
Chapter 2 of the South African Constitution contains the Bill of Rights. The Bill of Rights constitutes the cornerstone of South Africa's democracy, and enshrines the fundamental rights of all individuals residing in South Africa, irrespective if these individuals are South African citizens or not. The Bill of Rights confirms and reinforces the democratic values of human dignity, equality and freedom. These fundamental rights *inter alia* include:

- Equal protection and benefit of the law;
- Inherent human dignity;
- Life;
- Privacy;
- Freedom of religion, belief, opinion and expression;
- Peaceful and unarmed assembly, demonstration, picketing and petition;
- Freedom of association;
- A variety of political rights, including the right to free political choices, the right to vote and to stand for public office.
- The right to use the language and to participate in the cultural life of their choice; and
- Just administration and the access to courts.

In addition, this chapter also spells out the basic rights that each arrested, detained and accused person has, as well as the conditions under which the rights mentioned in this chapter can be limited.

Chapter 9 of the South African Constitution establishes six independent state institutions supporting constitutional democracy (Murray, 2006). These institutions are independent of the government, subject only to the Constitution and the rule of law, and annually report to National Assembly (Langeveldt, 2012). These institutions are:

Figure 1.2: Chapter 9 Institutions supporting constitutional democracy in South Africa



(Republic of South Africa, 1996)

These institutions act as guardians of South Africa's democracy. Collectively, the Institutions are tasked with watching over the other organs of government, ensuring that the conduct their business in a transparent and accountable manner, and that the government represent and promote South Africa's democratic and constitutional values (Calland & Pienaar, 2016).

Sections 205 till 208 of the South African Constitution, contained in Chapter 11, provides a constitutional framework for security services in South Africa. These security services include the Defence Force, police and intelligence services. Sections 205 till 208 *inter alia* provides for the objects of the police service, political responsibility and control of the police service, as well as for the establishment of the Police Civilian Secretariat.

1.11 ORGANISATION OF THE THESIS

This thesis consists of seven chapters and will be structured as follows:

- Chapter 1: This chapter intends to provide a brief overview of the study. It provides an overview of the research problem, the objectives of the research, research questions and key concepts. It furthermore reviewed problems experienced during the study, key axiological issues, significant limitations and the envisioned significance of the reproach. Additionally, it provided a short summary of South Africa's constitutional democracy.
- Chapter 2: This chapter presents a theoretical outline of both the principles and organisational requirements of democratic policing. Based on the experiences of Canada, England and Wales, Mozambique, Japan, Germany and France, headlining international practices and trends in relation to democratic policing are then highlighted. This chapter then concludes by presenting a contemporary consideration of democratic policing.
- Chapter 3: The purpose of this chapter is to contextualise the mandate of the MPDs within South Africa's democracy. Firstly, the regulatory framework applicable to MPDs are reviewed, followed by an overview of the processes and structures sanctioned by legislation to enhance democratic policing. This chapter then proceeds to provide a democratically relevant interpretation of the metropolitan police mandate. Lastly, this chapter highlights significant challenges these departments face in relation to democratic policing.
- Chapter 4: This chapter provides a concise overview of all the processes that were followed to conduct the research. Firstly, the research approach selected for this study is reviewed, after which the phenomenographic research method is briefly outlined. Methodological issues, such as the population, the sampling strategy, data collection and data analysis are then comprehensively discussed. This chapter then describes all the methods employed to ensure the overall trustworthiness of the research. Lastly, a brief outline of the axiological framework relevant to this research is provided.
- Chapter 5: The purpose of this chapter is to report on the findings of the research, as it emerged from the data analysis process. This chapter will present various categories of description, outcomes spaces and collective understandings as it

inter alia relates to democracy in South Africa, democratic policing and the metropolitan police department.

- Chapter 6: This chapter is intended to articulate the research findings as it relates to the theoretical outlines presented in chapters 2, and 3. Throughout the whole chapter, research findings are equated with key theoretical concepts, and significant differences and similarities are explored within the context of the democratic paradigm.
- Chapter 7: Firstly, this chapter will provide a brief and summative account of all the preceding chapters. This will be followed by proposing feasible recommendations relating to the various conclusions derived from the data analysis and interpretation processes. Based on these recommendations, a model for a collective interpretation of the metropolitan police mandate as is appropriate within South Africa's democracy will be presented. Lastly, this chapter will conclude with the overall outcome of the research.

A complete list of references will follow chapter 7. Following this reference list, all supporting documentation relevant to this research, such as consent forms, letters from gatekeepers and interview schedules will be presented as appendixes.

1.12 SUMMARY

This chapter presented a concise overview of the study that is to follow. Firstly, it contextualised the research by providing a short background to the study, after which the problem statement was comprehensively reviewed. This was followed by an overview of the research objectives and the research questions that emerged from the problem statement. This chapter highlighted the envisioned significance of the research, which was followed by a concise overview of the referencing style that will be applied throughout this research. Following this overview, a short description of the limitations relevant to this research were highlighted. Notable problems that were experienced during the study, such as participant recruitment and a limited timeframe were then shortly alluded to, followed by a clarification of key terms and definitions. This chapter then concluded with an overview of chapters that are contained within this thesis.

CHAPTER 2

POLICING A DEMOCRACY: THEORETICAL OUTLINE AND INTERNATIONAL EXPERIENCES

2.1 INTRODUCTION

In order for a police organisation to be valid and relevant in the context of a democracy, such a police organisation should create and maintain an environment that is safe and free from fear, while promoting and protecting the irrefutable individual and communal human rights associated with democracy (Prasad, 2006). The UN (2011), provides a simplistic explanation of democratic policing when they state that democratic policing is concerned with creating a police organisation that is fair in the execution of its functions, while effectively and professionally dealing with community needs. This notion of democratic policing is shared by the Organisation for Security and Co-operation in Europe (OSCE) (2008) who states that a truly democratic police organisation is one which firstly responds professionally to community needs, while using its state authority to promote the legitimate interests of the people. Likewise, Salihu (n.d.) states that police organisations in a democracy should work towards finding a balance between allowing the liberties of an individual and the enforcement of all the legitimate laws of the society concerned.

Fichtelberg (2013) argues that a democratic police organisation can only exist if such an organisation is driven by democratically-orientated government institutions and maintained by a vigilant civil society. From these descriptions, the following core features of democratic policing, as was identified by Bayley (2009), Lemieux (2014) and Marx (1995) can be identified:

- They act legitimately within all legal constraints;
- They vigorously protect human rights;
- Are accountable to authorities outside themselves, and
- They see community needs as their highest priority.

It remains unclear how these core features can be achieved and maintained, specifically within the unique perspectives offered by the South Africa's constitutional democracy. It is thus necessary to explore the fundamental underpinnings, principles and organisational structures normally associated with the democratic policing ideology.

2.2 PRINCIPLES OF DEMOCRATIC POLICING

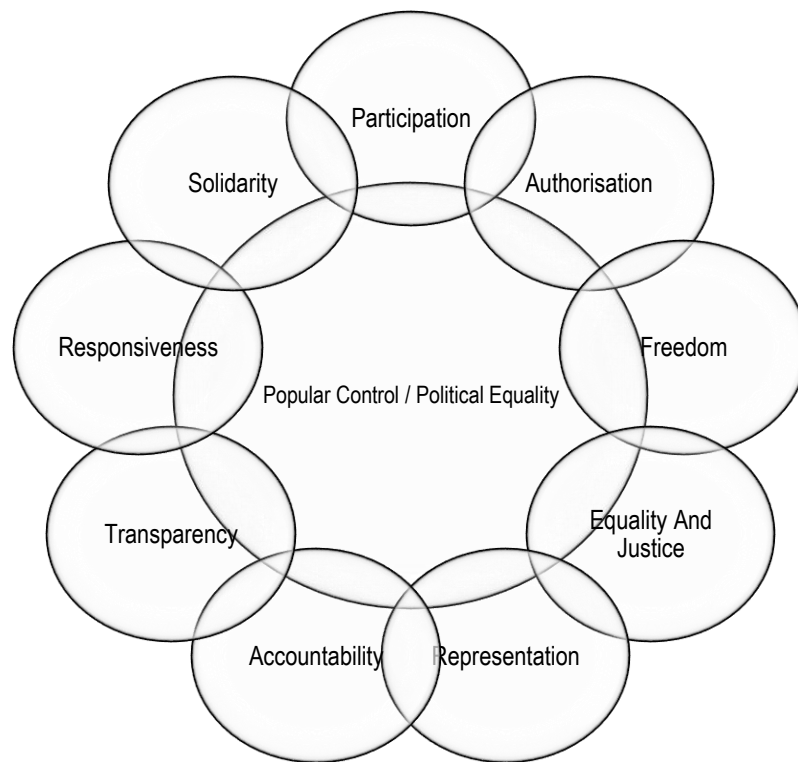
Although democratic policing is considered to be a cornerstone of contemporary policing in many Western democracies, a noticeable variation in the manner in which it is applied and understood can be identified from the literature (Reiner, 2013; Rogers, 2014). Despite this variation, it can be contended that any police organisation operating within a democratic state, should display at least a minimum number of fundamental characteristics to be considered as democratic (Nalla, 2009; Manning, 2015). This section subsequently aims to provide a concise overview of these principles and to contextualise these principles within the framework of a constitutional democracy, as was suggested by Friedman and Ponomarenko (2015) and Stone and Ward (2000)

2.2.1 AN ORIENTATION TO DEMOCRATIC VALUES AND PRINCIPLES

Values and principles are an essential element of any social or political belief system, as these provide the ethical framework and subsequent application of the ideology (van Dijk, 2000). A value can be described as a non-concrete but desired consequence that people endeavour to uphold (Malle & Dickert, 2007). Slade (2010, p. 645) provides the most suitable description of values within the context of this discussion when he states that: “... *values are the fundamental secular imperatives about the rights and prerogatives to which society members should be entitled and on which government action and their public policies should be based.*”. Principles emerge from values, and serves as a guiding light in the operation of organisations, governments and individuals (van Biljon, 2010).

True to the ambiguous nature of democracy, the literature infers that the principles and values associated with democracy vary significantly across international and regional borders (Heine & Weiffen, 2015). However, certain values and principles must be present and promoted within a society in order for such a society to be considered democratic (Petersen, 2008). These principles should, at the very least include participation, authorisation, representation, accountability, freedom, equality, transparency, responsiveness and solidarity, all of which is present within the South African Constitution.

FIGURE 2.1: Democratic principles



(Beetham, Carvalho, Landman, & Weir, 2008).

From the above figure, it becomes evident that the principles of popular control and political equality stand central to the democratic ideology (Beetham, 2009; Törnquist, 2009; Vidmar, 2013). Within the context of democracy, popular control refers to the belief that the power of the state is vested within the people, who are the source of all political power (Jackson, 2008; Popular sovereignty, 2009). Political equality, on the other hand, refers to the notion that all adult individuals have equal power to influence the collective decision-making processes of a political community (Rueschemeyer, 2011). Subsequently it can be contended that it will be impossible for a democracy to exist, if popular control, also known as popular sovereignty, is not recognised and exercised within a system of political equality (Pettit, 2008). From the principles of political equality and popular sovereignty several fundamental democratic principles and values have been established. These principles and values include the following:

2.2.1.1. PARTICIPATION

Public participation means that citizens should be able to interact with government on decisions that affect them (Toth, 2010). Subsequently, public participation should be considered to be a system of collaborative communication between the state and the people that facilitate joint problem solving leading to improved and socially acceptable social and governmental resolutions (André, Enserink, Connor & Croal, 2006). Extensive, effective and consistent public participation is central to responsible democratic governance and a fundamental prerequisite to achieve maintainable economic and social development (Bastidas, 2004). Public participation includes competing for political office, voting in elections, creating and attending community assemblies, joining civil and / or political organisations, paying taxes, protesting, petitioning and joining a trade union.

2.2.1.2. AUTHORISATION

Fundamentally, the notion of authorisation can be described as an official permission for something to happen, or the act of giving someone official permission to do something (Dobson, 2013). Volmert (2009) is of the opinion that authorisation within the context of democracy, infers that those selected to take decisions on behalf of the people should be sanctioned by the people to do so. This notion is shared by Saward (2005) who states that authorisation involves a group of individuals or society at large sanctioning a representative to act on their behalf.

2.2.1.3. REPRESENTATION

Representation assumes that government decisions and actions should take place within the context of a principal-agent relationship (Castiglione, 2007). This implies that the governed elect those who will govern in their name, thus granting the selected representatives a mandate to act on their behalf and promote their interests (Mastropaolo, 2011). Subsequently, those governing will be accountable to those being governed (Saward, 2010).

2.2.1.4. ACCOUNTABILITY

Accountability refers to the principle of holding individuals or groups liable for having participated, contributed or caused a particular outcome within the public domain (Accountability, 2009). Jelmin (2012) describes accountability as the various methods

in which individuals, political entities, governments and other democratic role players should provide feedback to society, while rewarding or sanctioning elected and non-elected government officials entrusted with setting and enacting public policy. Subsequently, structures and systems must be created that enable both elected and non-elected officials to explain and clarify their actions to the general public (Waldron, 2014).

2.2.1.5. TRANSPARENCY

Transparency implies that the general public should have access to information relating to the policies, performance and functioning of all public enterprises (Buren, 2008; Zabortseva, 2012). This then implies that those elected into power must allow for public examination of their official conduct while in office (Klein, 2011). Transparency thus requires systems to make the relevant information known to the public, and a public that can access, comprehend and use the information it receives (Ginsberg, Carey, Halchin & Keegan, 2012).

2.2.1.6. RESPONSIVENESS

Barabas (2006) states that responsiveness within the context of democracy refers to a measurement as to what extent government policies coincide with public preferences. This view is shared by Markowski (2011) who believes a responsive government considers the preferences and needs of the people and acts in accordance with these needs and preferences. Responsiveness improves the quality of government-citizen relations, subsequently increasing government legitimacy (Hydén & Samuel, 2011).

2.2.1.7. EQUALITY AND JUSTICE

Equality and justice are particularly complicated, polygonal, ambiguous, but yet essential concepts within the arena of modern politics (Bufacchi, 2003). This notion of equality is shared by Burchardt and Vizard (2007) who argue that, for a state of equality to exist, every individual must be equal, especially in relation to status, rights, or opportunities. This implies that there should not be any distinction between individuals, specifically in respect of an individual's legal, political, social and economic status (Dahm, Gombert, Krell, Petring, & Rixen, 2012). Consequently, the state must ensure that, at the very least, all citizens should be equal in respect equality of

outcome, opportunity, impartiality, equal protection under the law, racial, sexual, social and political status (Ochs, 2009; Kolm, 2011).

2.2.1.8. FREEDOM

Without a doubt, the notion of freedom and liberty is central to any democratic ideology (Price, 2008; Inglis & Aers, 2008; Sanders, 2004). Nida-Ruemelin (2012) believes freedom within this framework refers to the tangible legal, social, economic, cultural and political circumstances that allow individuals to pursue a self-directed existence. This implies that each individual is at liberty to live by their own choices and not to live by the choices forced on one by others, provided that their exercised decisions do not impede on the freedom of others (Carter, 2011). Within the framework of South Africa's Constitutional democracy, the freedoms of speech, opinion, education, profession, movement and quality of life are highlighted as essential collective and individual liberties (Carlsson & Lindgren, 2007; Skrzypek, 2012).

2.2.1.9. SOLIDARITY

The notion of solidarity cannot be viewed in isolation: solidarity represents the ideals of freedom and equality amalgamated as one (Gombert, 2009; Pensky, 2008). Within this paradigm, the notion of solidarity refers to the capacity of individuals within a community to act in agreement with each other to promote communal needs and interests, subsequently causing individuals to be unified with other individuals (Solidarity, 2003). Solidarity works towards the common good, by eradicating as many physical and intellectual inequities as possible, so the equality of all will be expressed within a more just social and cultural life (Toolin, 2006). Subsequently, it can be contended that solidarity will lessen political, economic and social divisions and conflict between individuals within a diverse society (Sanchez & Karabanow, 2005).

2.2.2. AN APPROPRIATE CODE OF CONDUCT

Gilman (2005) describes a code of conduct as a set of rules about how to behave and do business with other people. Building on this definition, one can deduct that a code of conduct is concerned with demarcating the legal, ethical and professional behaviour expected of those to whom it applies (Garth-James, 2014). Mintz (2016) describes the advantages of having a code of conduct as:



- It enriches the organisation's core values, beliefs and ethics, while inspiring a shared vision of these values, beliefs and ethics;
- It provides the organisation with a direction as it underwrites the vision and mission of the organisation;
- A code of conduct can contribute towards a positive external and internal image of the organisation;
- It refrains employees from violating laws, regulations and departmental policies;
- Nurtures an atmosphere of conviction and moral behaviour.

Within the context of policing, it is widely accepted that the purpose of adopting a code of conduct within the organisation is to create rules and standards that lay the foundation for accountability and internal discipline within the law enforcement agency (Shapiro, 2014). The code of conduct defines the principles and standards of behaviour that will promote, reinforce and support the highest level of professionalism and ethically focused behaviour, while encouraging the prevention of unprofessional and questionable behaviour (College of Policing, 2014). The code of conduct usually takes the form of an oath, taken and undersigned by police officials when graduating from their basic training (Grant, 2002). Considering Section 195 (1), of the South African Constitution (South Africa, 1996) it can be contended that the following values should be contained in such a code of Conduct:

- The promotion and maintenance of an ethical value system;
- Efficient resource management, including human resources;
- Development orientated;
- Services must be rendered impartially, fairly, equitably and without bias;
- Services must be in accordance with public needs;
- Accountability and transparency;
- Representative of the population.

When the notion of a police code of conduct is considered against the backdrop of South Africa's democracy, it is critical that the democratic principles highlighted in the sections 1.10.4 and 2.2.1 are reflected in such a code of conduct. Furthermore, special emphasis should be placed on the notions of equality, freedom and solidarity – it seems only logical to conclude that the police will have a critical role in the promotion

of these principles, which is central to the philosophical underpinnings of South Africa's democratic ideal. It should however be noted that if police officials do not embrace these principles, they can potentially play an instrumental role in the relegation and eventual destruction of these democracy in society.

2.2.3. PROTECTION OF LIFE

It is widely believed that the core purpose of any policing agency is the protection of human rights (van Biljon, 2010). The right to life is an inherent and absolute right, which may only be infringed upon under very limited and extreme circumstances (Reisoğlu, 1999; Wicks, 2012). The protection of life should be considered as the highest priority of any policing agency (Banks & Barker, 2013; Organisation for Security and Co-operation in Europe, 2008). The right to life implies firstly that no individual, group or government may attempt to take, or take your life, and secondly that the individual has the right to protect his or her life when threatened (Möller, 2010).

It should be highlighted that the right to life will apply on an equal basis to both perpetrators and their victims. Police organisations and its individual members should thus protect human life objectively, irrespective of the circumstances in which such a life find itself in. Police officers and organisations should also pay attention to, and respond to underlining social, environmental and political factors that might contribute towards the loss of life and other factors that negatively impact on the communal quality of life. The protection of life, undoubtedly should be reflected in the organisational philosophy of the organisation – the police organisation should see itself as a lifesaving and life-improving agency, rather than that of judges, jailers and executioners.

2.2.4. PUBLIC SERVICE ORIENTATED

Public service refers to those services provided by government institutions or their appointed agents (Eliassen & Sitter, 2008). Within a broad sense, these services should include amenities like health care, safety and security, public housing and infrastructure development. An orientation to public service, which is closely linked to the concept of customer service, implies that the government and its agencies must take care of the public's needs by providing and delivering professional, helpful, high quality service and assistance before, during, and after the public's requirements are

met (Mckinney, 2016). This then subsequently implies that the government should deliver quality services in accordance with the will and the needs of the people.

To ensure that government departments deliver quality services in accordance with the will of the people, the South African Government has adopted a set of principles, known as the Batho Pele principles, as was demarcated in the Whitepaper on Transforming Public Service Delivery (South Africa, 1997). The Batho Pele initiative aims to increase the quality and availability of government amenities by improving effectiveness, transparency and accountability to the community who receive these public goods and services. The term 'Batho Pele' is a Sesotho expression meaning "people first", (Khoza, 2009), and consists of the following principles (South Africa: Public Service Commission, 2007):

- Consultation: citizens should be consulted about their needs and the services they require and the level of such service;
- Standards: all citizens should know the type and level of services they can expect;
- Redress: all citizens should be offered an apology and a solution when a particular service standard is not realised;
- Access: all citizens should have equal access to quality services;
- Courtesy: all citizens should be treated with courtesy and dignity;
- Information: all citizens are entitled to full and accurate information relating to the services that they have a right to get;
- Openness and transparency: all citizens should know how public decisions are made and departments are managed;
- Value for money: all services provided should offer value for money.

Irrespective of these principles, South African legislation dictates that the overarching approach towards policing in South Africa will be that of community policing (Civilian Secretariat for Police, 2016). Community policing can be described as a range of philosophies, policies, tactics, and programs that endeavours to amend the traditional understanding of policing from crime control to one of communal problem solving and community empowerment (Wilder-Bonner, 2009). This philosophy facilitates a long-term bond between the police and the community, subsequently improving communication and interaction between the police and the community, thus

contributing towards the service delivery potential of the police. Within the context of democratic policing, community policing should be thought of as an essential tool in the process of achieving and maintaining a culture of service-orientated service delivery (Civilian Secretariat for Police, 2016).

If the concept of service orientation is considered within the backdrop of South Africa's democracy, it becomes evident that this principle is critical in the formation and conservation of equality and solidarity, as the democratic ideal demands that every individual is treated equally by the law and by implication by the government. Furthermore, it creates a significant platform to address a multitude of social issues like gender equity, ethnic and racial equity, unconstrained immigration, and multiculturalism which is of major concern within this paradigm. Additionally, it can be contended that services rendered to offenders and victims of crime should also be based on this principle. The issue of community orientated service delivery however will receive specific attention later in this chapter.

2.2.5. FOCUS ON CRIMES AGAINST PEOPLE AND PROPERTY

A crime against a person can be described as a crime that typically consists of an act that causes, or attempts to cause, bodily harm or a threat of bodily harm to another person (Williams, 2015). This type of crime will typically include crimes such as assault, rape and murder. Crime against property on the other hand, can be described as instances where persons, households or corporations are deprived of their moveable property, by any illegal action, or where their property is damaged by such an act (Lee & Green, 2014). This category of crime will generally consist of crimes like burglary, theft, shoplifting and fraud.

Considering that the central focus of democratic policing is the citizen, the obvious importance of a central attention on these types of crimes becomes apparent (Nalla, 2009). The police organisation should adopt a proactive and preventative focus, focusing on the social, economic and cultural processes embedded in society contributing towards these crimes. Should the police adopt a purely responsive approach towards these types of crime, the police organisation will not be considered democratic within this democratic paradigm.

2.2.6. RESPECT FOR HUMAN DIGNITY

Human dignity encompasses the belief that all humans should be treated with inherent self-worth and respect simply because they are human (Valdés, 2009). Subsequently, it can be contended that all individuals have inborn and inviolable rights which cannot be destroyed, taken away or measured (Alzheimer Europe, 2010; United Nations Educational, Scientific and Cultural Organisation [UNESCO], 2011). Section 10 of the South African Constitution (South Africa, 1996) states that:

'Everyone has inherent dignity and the right to have their dignity respected and protected'.

Goolam (2001) additionally contends that human dignity is a universal human duty and responsibility, from which various fundamental and non-negotiable rights emerge. Taking these arguments and descriptions into account, it can be contended that human dignity displays three fundamental characteristics (Andorno, 2009):

- Human dignity is fundamental to human existence, and subsequently inseparable from the human condition.
- As human dignity is a phenomenon intrinsic to the human existence, it applies equally to all individuals, irrespective of race, age, creed, sexual orientation and religion.
- The rights that fundamentally rise from human dignity, should be given facilitating authority and should be protected in order to prevent illegitimate deprivation of these rights.

The implication of this principle closely resembles the implications of that of the protection of human life. Human dignity must apply to both the perpetrator and victims of crime on an equal and non-discriminative basis. Again, it should be mentioned that the fundamental business of the police organisation is the protection of human rights. As these rights transpire from human dignity, it is critical that members of a police organisation appreciate what human dignity in a real-world application infers. Subsequently, it is expected that the respect for human rights must be embodied and reinforced by the legislative and policy frameworks of the police organisation.

2.2.7. NON-DISCRIMINATION

Discrimination can be described as the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex (Acas, 2015). Stated otherwise, discrimination implies that an individual or group of individuals are excluded from the full enjoyment of their political, civic, economic, social or cultural rights and liberties (Zick, Küpper & Hövermann, 2011). Considering these descriptions of discrimination against the notion of non-discrimination, the conceptual meaning of this term becomes profusely clear. Non-discrimination implies that a person, organisation, a government or its agents are obligated to refrain from treating individuals or groups prejudicially because of any social, economic, political or cultural status such an individual or group holds.

Xiaoqing (2010) argues that conceptually, non-discrimination and equality are fundamentality interwoven concepts. Subsequently, it can be contended that non-discrimination will be a noteworthy characteristic of any policing agency operating within a democracy. The principle of non-discrimination should be incorporated in any proactive and preventive focus that may be initiated or applied by a police organisation. Every community is equally entitled to the services of the police, irrespective of the social, economic, political or cultural status of the community concerned.

These principles represent the minimum principles needed to conceptually constitute the notion of democratic policing. Based on these principles, it can be contended that any police organisation which claims to be engaged in democratic policing, should exhibit certain key institutional features. These features should be central to the organisational culture of the organisation. Subsequently, an overview of these institutional features or requirements is necessary.

2.3. INSTITUTIONAL REQUIREMENTS FOR DEMOCRATIC POLICING

For any police organisation to firstly participate in, and secondly facilitate democratic policing, it seems only logical to contend that a police organisation and the members of such an organisation must comply with specific and internationally accepted requirements (UN, 2011). This section subsequently aims to contextualise these

principles, as was identified by Pino and Wiatrowski (2012a), within the framework of a constitutional democratic paradigm.

2.3.1 THE RULE OF LAW

Although there is no general agreement on what exactly constitutes the rule of law, the rule of law as a principle has become an inherent characteristic of contemporary democratic societies (Cole, 2011; Holden, 2012). According to Kadian-Baumeyer (2016) this principle, in general, has a bilateral implication. Firstly, this principle implies that no individual, group, governmental or private structure is beyond or above the law. Secondly it implies that no government institution or its agents can enforce a law if such a law is unfair or arbitrary to an individual's fundamental rights or society's sense of the greater good. Subsequently, it can be argued that the rule of law provides an assurance against injustice and inequality as everybody, from the poorest labourer to the highest placed governmental official, is subjected to specific legally defined restraints (Barry, 2008). Yu and Guernsey (2007) have identified eight factors that have to be realised if the principle of rule of law is to be recognised. These principles entail the following:

- Laws should be proclaimed, and all individuals, groups, and governmental institutions should adhere to these laws;
- Laws must be freely available within the public domain;
- The law may not permit an individual to be prosecuted in retrospect of a particular offence;
- Laws should be reasonably understandable by the general populace, subsequently avoiding unfair prosecution and malicious enforcement;
- Laws must be unambiguous and must avoid inconsistencies;
- Laws should be rational, and should not demand the impossible;
- Laws must be consistent through time to allow the formalisation of rules and regulations, while allowing for review if so needed;
- Sanctioning by the state should be consistent with the affirmed law.

In addition to these principles, Tai (2012) and the World Justice Project (2015) are of the opinion that the rule of law can only be validated if the law places significant and appropriate constraints on the conduct of individuals, groups, private enterprises and

governmental institutions, including their agents. They furthermore contend that the rule of law would be a functional impossibility if corruption and the abuse of power were not extensively confined.

Considering this principle, it becomes evident that a police organisation can be considered as democratic only if (LawTeacher, 2013; Marx 1995; Organisation for Security and Co-operation in Europe, 2008):

- Suitable legislation which fairly and appropriately governs police conduct is proclaimed and implemented;
- Legislation clearly defines the extent and limitations of police authority and police conduct;
- Legislation clearly describes the circumstances under which a police official may impede on an individual's fundamental rights;
- Structures that ensure the accountability of the police organisation and that of individual police officials are created and maintained;
- Police officials, in both their private and official capacities, conform to exemplary lawful conduct;
- The existence of a general consensus within the police organisation on how legislation should be interpreted and applied;
- Corruption and the abuse of power within the police organisation should have been eradicated, or at the very least, structures and policies should be in place that ensure that incidents of corruption and abuse are a rare phenomenon;
- Legislation and organisational policy should provide clear guidelines on the processes and procedures that should be followed when a police official acted outside of his scope of power or acted criminally;
- The police shall enforce the law equally, regardless of a respondent's social status or political association.

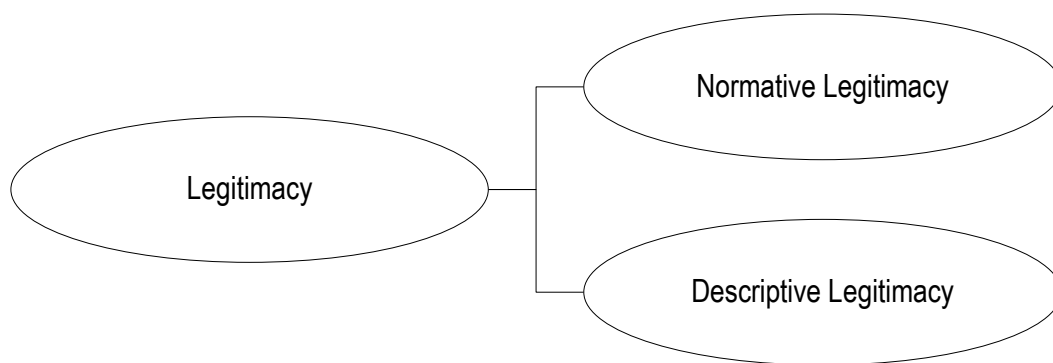
Subsequently, it can be contended that the characteristics mentioned above should be reflected in the legislative, policy and operational frameworks applicable to a policing organisation which is operating within a constitutional democracy, subsequently contributing towards freedom, equality and solidarity. Police organisations should thus not perform any functions that they are not mandated to do.

Furthermore, it is critical that the police organisation must demonstrate their adherence to democratic principles, within their submission to these principles and the subsequent laws based on these principles.

2.3.2 LEGITIMACY

In its most basic sense, the principle of legitimacy implies that a government will only be legitimate if such a government exists and operates in accordance with the law (Lacewing, 2008). Alternatively, Blatter (2007) is of the opinion that legitimacy is concerned with the popular acceptance of a government or governmental system by the populace. From these descriptions, it becomes clear that the notion of legitimacy should be considered as a bilateral concept, as is contended by Binnall (2014):

FIGURE 2.2: Divisions of legitimacy



(Binnall, 2014).

In terms of normative legitimacy, it can be contended that a government or institution will have legitimacy if it is morally justified in exercising administrative power (Sullivan, 2009b). Subsequently, normative legitimacy is concerned with the tangible moral framework of a political entity (Schmelzle, 2011). In contemporary politics, normative legitimacy addresses issues such as organisational arrangements, democratic participation by the populace, accountability of the government and its agents, and safeguards against the abuse of government authority (Scharpf, 2007). Descriptive legitimacy, on the other hand, has to do with perception rather than with norms and standards (Aloyo, 2016). Pattison (2010), who appropriately refers to descriptive legitimacy as sociological legitimacy, argues that legitimacy hinges on the beliefs of

those being governed. Peter (2014), extends to this notion, when she describes descriptive legitimacy as being concerned with society's views about political authority and political obligations. Within the paradigm of descriptive legitimacy, an organisation, institution or government will only be legitimate if the general population believes such organisation, institution or government to be legitimate (Bradford, Jackson & Hough, 2013).

In order for an organisation, institution or government to be truly legitimate, such an organisation must possess both descriptive and normative legitimacy. Judgements and perceptions held by the populace relating to the legitimacy of such an institution, organisation or government shall, to some degree, be based on a normative assessment of the police's intentions, general conduct, organisational policies and operational strategies (Bradford & Jackson, 2011). Subsequently, it can be contended that the normative domain of legitimacy will prominently impact on the descriptive domain, leading to a two-dimensional construct of legitimacy within a subjective observable reality (Czapska; Radomska, & Wójcik, 2014). This concept can be demonstrated when the concept of procedural justice is considered.

Procedural justice can be described as the degree to which a system shaping decision-making process, is judged to be fair by those who are subject to it (Young, 2008). Within the normative domain, procedural justice is concerned with taking and implementing decisions in accordance with the principle of fair processes (Maiese, 2013). Within this domain, procedural justice is thus concerned with creating and implementing policies and procedures that take all viewpoints and concerns into consideration, subsequently facilitating processes that results in fair outcomes (Schofield, 2015). These fair outcomes will result in subjective interpretations of procedural fairness amongst the populace of being treated either fairly or unfairly under a particular procedure, subsequently representing a cognitive outcome within the descriptive domain (Lind, 2010). If this cognitive outcome reflects an overall feeling of being treated fairly, the organisation, institution or government who facilitated the process, will be considered to be legitimate, and worthy to be followed (Chan, 2008). Subsequently, the populace will become more self-regulating to follow social and legislative rules, imposed upon them (Tyler, 2006).

Considering this argument, it becomes clear that within the paradigm of the police, procedural justice will be a critical tool to enhance legitimacy. Should the operational procedures, organisational policies, moral framework and character of the police foster a shared feeling of fair treatment; the police will be perceived as legitimate, subsequently improving public cooperation with, and public trust in the police. Fischer (2014) and Wakefield and Fleming (2009b) contend that the degree of police legitimacy will depend on various elements:

- The degree to which citizens are treated with dignity and respect constitutes communal trust and confidence in the police;
- The preparedness of individuals and groups to voluntarily submit to the law and the authority of the police;
- Confidence that police actions and conduct are ethically acceptable and appropriate to the situation at hand;
- Active public participation in discussions preceding police decision-making and subsequent to police decision-making that is neutral and objective;
- The effective control of crime and criminal behaviour while creating a real threat of discovery and retribution for those individuals who break the law; and
- The services of the police are equally distributed across all communities and societies.

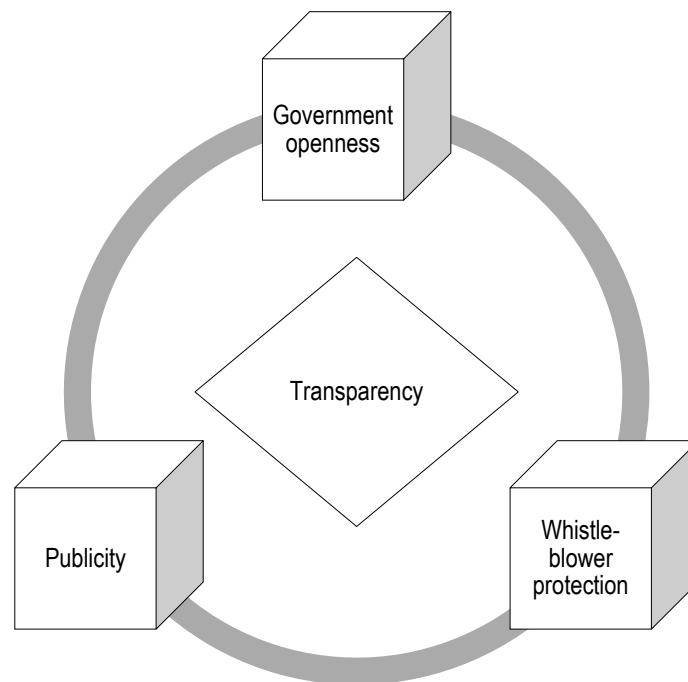
In addition to the criteria listed above, it can be contended that within the paradigm of a constitutional democracy, it is essential that the police organisation display both normative and descriptive legitimacy. It can thus be contended that communities will be more inclined to obey and cooperate with the police if they are perceived as legitimate (Hinds & Fleming, 2006).

2.3.3 TRANSPARENCY

Transparency refers to an organisation, institution or government's obligation to share information with the public, and the public's ability to understand and use this information (Ginsberg *et al*, 2012). Subsequently, transparency should be thought of as a partnership between public administrators who make information available, and the public with motives and opportunities to put information to use (Johnston, 2006).

Zabortseva, (2009, p 1669) provides the most appropriate description of transparency when he defines it “as a term that refers to openness and public accessibility of information.” According to Bauhr and Grimes (2009), there are three fundamental dimensions to transparency:

FIGURE 2.3.: Fundamental dimensions of transparency



(Bauhr & Grimes, 2014).

Government openness implies that the system of government should be transparent, accessible and responsive, with a free flow of information to and from the government, through a multitude of channels (Gavelin, Burall & Wilson, 2009). An open government provides citizens with access to information, empowers people with systems and opportunities to hold the government accountable, and promotes public participation in policy deliberations (The World Justice Project, 2015). Boserup and Christensen (2005), list various characteristics of a government, or government institution that is truly open. These characteristics imply that government should, on its own initiative, provide the public with access to the information that it possesses, while providing information to individuals and groups upon request. Furthermore, the community must

be involved in public affairs, policy formulation and other forms of public participation such as public boards and commissions of inquest.

Whistle-blower protection is vital to inspire the reporting of misconduct, fraud and corruption (Whitton, 2008). According to the Organisation for Economic Co-operation and Development (OECD) (2012), the probability of corruption is considerably larger in an environment where the reporting of misconduct and corruption is not reinforced or protected. Whistle-blower protection can be described as the protection of public or private sector employees and the public from unfair, punitive or discriminative action, who in good faith reported on reasonable grounds suspicions of corruption and misconduct to the appropriate competent authorities (Ambler, 2015). Walker (2014) contends that any whistle-blower protection strategy, policy or system should display the following characteristics:

- Encourage individuals to voluntarily voice their concerns, without fear of any negative consequences;
- Confidentiality and anonymity of the plaintiff, while providing significant safeguards against retaliation;
- Provide for an appropriately detailed process reporting matters of concern and a comprehensive review mechanism;
- Ensures that employees and the general populace are informed on reporting channels, prohibited behaviour and the level of protection offered by the policy, system or strategy;
- Provides for more than one avenue of reporting;
- Ensures proper third-party intervention, if so required;
- Proper enforcement and application of the policy, strategy or system.

Considering the previous elements, it becomes clear that mechanisms must be in place to ensure that the relevant information reaches the intended audience. Subsequently, information needs to be distributed on a variety of accessible platforms, i.e. the publishing of information. Publicity can be described as releasing and spreading comprehensible and appropriate information to the general public and other interested parties (Lindstedt & Naurin, 2010). In order for publicity to be effective, van Zyl (2013) argues that information should firstly be made available and

understandable, secondly this information should be distributed in the free press or other suitable platforms, after which institutions and individuals, with the necessary technical skills to interpret and apply the information, must be available to do so.

When the concept of transparency is viewed in the backdrop of South Africa's democracy, it becomes clear that the principles of openness, whistle-blower protection and publicity are of significance to the police. In terms of openness and publicity, Jackson (2015) suggested that the police should publish appropriate information relating to their conduct, the intended metaphysical and functional outcomes of such conduct, and any measures taken to address issues of corruption, misconduct and the abuse of power.

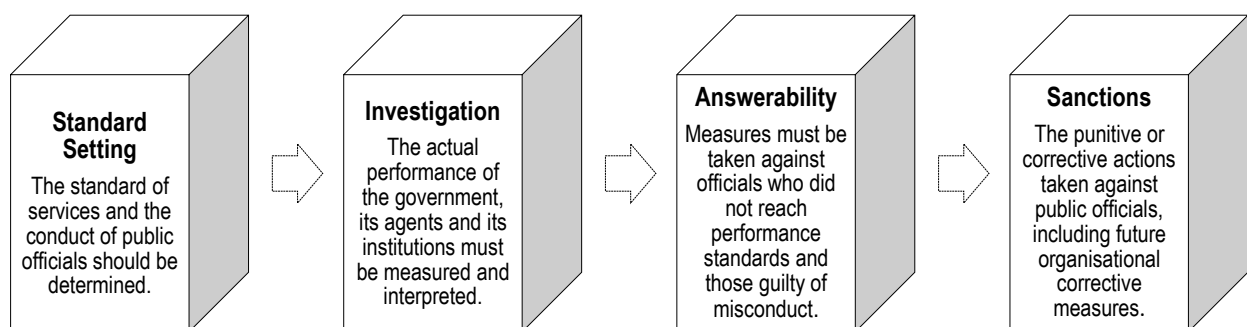
When it comes to the protection of whistle-blowers, the police organisation should employ a trilateral strategy: firstly, they must provide protection for employees of the organisation who report misconduct and other acts of corruption committed by their colleagues. Secondly, they must offer protection to members of the community and other individuals who are external to the organisation, especially in relation to the threat of retribution. Lastly, on a broader level, the police must offer to any member of the public who reports a crime of any nature to the police, a minimum, guaranteed level of protection. Within this final level of protection, ensuring the anonymity and privacy of the complainant will be of significant value, emphasising objective professionalism and individual and situational responsiveness. Furthermore, it can be argued that the police will be democratic, only if offenders are provided with a substantial level of information, specifically information relating to the charges brought against them, the purpose and extent of their confinement, fundamental rights and other operational procedures, subsequently ensuring equality through objective professionalism. Victims of crimes will also be entitled to the same level of substantial information, which ought to pertain to arrests made, the progress of the investigation, court dates and the outcome of court cases, subsequently reinforcing the feature of individual and situational responsiveness. If the police organisation makes use of a proactive and preventive focus to eradicate internal corruption and misconduct, details of any strategies and mechanisms, as well as the effects of such mechanisms should be made available within the public domain.

2.3.4 ACCOUNTABILITY

In section 2.2.1 of this chapter, the concept of accountability was briefly alluded to. This section aims to explore this principle more comprehensively, specifically as it applies to the police. Within the context of democracy, accountability can best be described as the obligation of an individual or organisation to account for its activities, accept responsibility for them, and to disclose the results in a transparent manner (Smyth, 2007).

From this description, 3 fundamental elements of accountability can be identified: firstly, organisations must be able to account for their actions. This implies that an organisation must be able to supply a complete and accurate account of its activities. Secondly, organisations must accept responsibility for the outcomes of their actions. This then means that the organisation will have to evaluate whether the relevant service standard has been met, after which some form of corrective action should be taken if necessary. Lastly, the organisation has a duty to publish the results of the evaluation within the public domain, in an understandable manner, on platforms reachable by those who are entitled to this information. From these fundamental elements, it becomes clear that accountability should be thought of as a very specific process (Open Society Foundation, 2016):

FIGURE 2.4: The Accountability Process



(Open Society Foundation, 2016)

In order to ensure comprehensive accountability within any government, institution or other enterprise, it is essential that the above-mentioned process is applied on a

variety of intrinsic and extrinsic levels of the organisation (Lindberg, 2009). Goetz and Jenkins (2005) and the United Nations Development Programme (UNDP) (2010) suggest that accountability should exist on the following levels:

TABLE 2.1: *Levels of accountability*

| TYPE OF ACCOUNTABILITY | | DESCRIPTION |
|------------------------|----------------------------|--|
| 1. | Upward accountability: | Described as when lower level ranks are accountable to a higher authority, whether within the organisation or not (Goetz & Jenkins, 2005). |
| 2. | Downward accountability: | The accountability of a higher rank to a lower level, whether within the organisation or not (Goetz & Jenkins, 2005). |
| 3. | Vertical accountability: | Vertical accountability is exercised by societal actors with respect to state actors (Bovens, 2004). Vertical accountability is imposed by regulatory and other supervisory bodies which are composed of professionals acting on behalf of the public (Inter-Parliamentary Union, 2006). |
| 4. | Horizontal accountability: | Formal relationships within the state itself, whereby one state actor has the formal authority to demand explanations or impose penalties on another. Its focus is on internal checks and oversight processes (Open Society Foundation, 2016). |
| 5. | Outward accountability: | The duty on public bureaucrats and office-bearers to be open to external inspection and assuming responsibility within the public domain (New South Wales Ombudsman, 2012). |
| 6. | Social accountability: | Refers to formal or informal mechanisms through which citizens and/or civil society organisations engage to bring state officials or service providers to account (Camargo & Jacobs, 2013). |

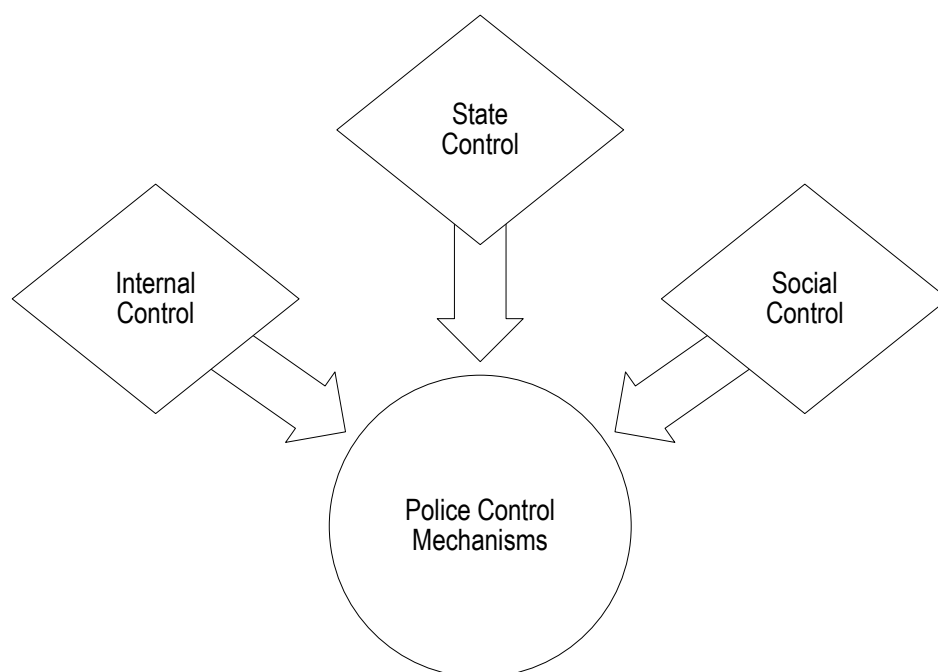
(Researcher's illustration of concept)

Bearing in mind that the statutory mandate of the police allows the police to impede on the fundamental rights of individuals and groups alike, the need for substantial police accountability becomes strikingly apparent (UN, 2011). The purpose of police accountability is to improve public trust and public cooperation in policing, by holding

the individual officers and the policing organisation accountable for their actions and omissions (Bajramspahić, 2015; Walker, 2007).

Considering the various levels of accountability mentioned above, it becomes clear that within any tangible application of police accountability, police accountability will consist of an amalgamation of internal control, state control and social control mechanisms, as is suggested by Babakhel (2015).

FIGURE 2.5: A trilateral approach to police control



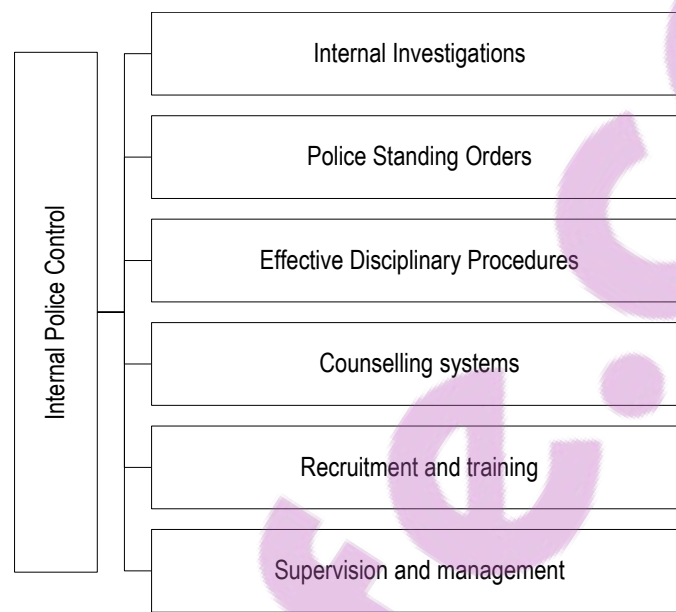
(Babakhel, 2015).

2.3.4.1 INTERNAL CONTROL

Internal police control, which in essence will represent upward, downward and to a limited extent outward accountability, can be described as regulations, protocols and procedures that exist within the police organisation which ensures that the conduct of individual members and the performance of the organisation are in accordance with the predetermined service standards (Alemika, 2011). Andersson (2012) states that the internal control allows a police organisation to either discourage malpractice and corruption through early detection systems, or it enables the organisation to act and rectify specific situations.

According to Lumina (2006), the following mechanisms and principles should be applied to ensure proper internal control, and subsequent accountability:

FIGURE 2.6: Mechanisms of internal police control



(Lumina, 2006).

Internal investigations, representing upward and, in certain instances, downward accountability, can be described as police officials within a policing organisation, with the responsibility to investigate claims of misconduct, corruption, inappropriate adherence to policies and procedures, committed by members of the same organisation (United States Department of Justice, 2007). When conducting internal investigations, all reasonable precautions should be taken to ensure that all investigations are conducted impartially, factually and free from bias and self-interest, subsequently internal investigative units normally report directly to the head of the organisation (den Boer & Fernhout, 2008). It is however argued that external investigations are more unprejudiced and impartial than internal investigations, due to the strain and pressure associated with “investigating on your own” (Bobb, 2004). Subsequently, external investigations have proven to be more popular in recent times (Lamboo, 2010).

Within the context of paramilitary institutions, like that of most policing organisations, a standing order can be described as a rule or directive governing specific procedures and conduct, which is considered to have long-term authority (van Biljon, 2011). The purpose of these standing orders is to clarify to members of the organisation and the public the specific rules and procedures that will apply to the police when dealing with specific situations (Bruce, 2006). These standing orders must reflect and promote the sentiments of the Constitution and other legislation governing police conduct (Release Political Prisoners Trust, 2012). The police organisation should however ensure that all members of the organisation and where appropriate, the public, are familiar firstly with the contents of these standing orders, and secondly the consequences of not adhering to these orders (Bruce, Newham & Masuku, 2007). Subsequently it can be contended that both upward and outward accountability will be represented in this mechanism.

In terms of effective disciplinary procedures, disciplinary procedures should describe a comprehensive system for dealing with professional conduct that does not meet the expected and communicated performance and service standards (USLegal, 2016). Effective disciplinary processes serve many important functions in a police organisation. These processes rebuke misconduct, bring about changes in professional conduct, reinforce democratic principles, provide the organisation with early warnings of potential internal and external problems, and highlight community orientated service delivery (Stephens, 2011). Any disciplinary procedure should be based on the principle of discouraging or correcting undesirable behaviour or unacceptable performance levels, while getting the employee involved in changing such conduct or performance (Chapman, 2014). Police management should however ensure that these processes are conducted in a fair, consistent and timely manner (West Virginia Advisory Committee, 2004). When considering the notion of disciplinary processes, it can be contended that upward, downward and outward accountability will be reflected in this mechanism.

The purpose of counselling systems in the police is to investigate sources of misconduct together with the employee and to jointly identify measures of modifying the unacceptable conduct (Van der Bank, Engelbrecht & Strümpher, 2008). This involves a supervising member of the organisation interacting with a lower ranking

member in such a way that it helps such a member, either to solve performance or behavioural problems, or to create a more conducive environment for such a member to rectify his behaviour, character or attitude towards service delivery. Such a counselling system however, will be futile if it does not provide members with some sort of support to improve their demeanour (van Biljon, 2011). Upward, and to a limited extent, outward accountability will be represented within the notion of counselling systems.

The policing profession's efficiency and public credibility hinges on its capability to attract, maintain and build competent and principled individuals (Pearsall, 2010). Allen (2003), Gordon (2004) and Donovan (2015) believe proper recruitment strategies and procedures are the most effective means to eliminate individuals who might be potential sources of concern, as these processes will prevent these individuals from entering the organisation. Employing the most feasible candidates will however not be enough. A comprehensive and contemporary training syllabus will have to be implemented to ensure that professional and ethical members of the police organisation are produced (Orrick, 2008). It is essential that training is not limited to new recruits only. Connolly (2008) highlights the importance of continued in-service training of all members of the police organisation. This will firstly ensure that members are up to date with new policy developments within the organisation and secondly, will improve the understanding of members of progressively changing communities, technologies ideologies and trends (Stanislas, 2014). It can thus be contended that a degree of upward, downward and outward accountability will be represented within this mechanism.

Considering the above-mentioned mechanisms of internal control, the critical role of the supervisor will, in this context, become strikingly evident. Supervision within the framework of policing will mainly ensure that the day to day operations of the organisation are done effectively and appropriately, that organisational policies are implemented and maintained by those responsible to do so, subsequently strongly representing upward accountability (Hess & Orthmann, 2012). The role of the supervisor within the framework of internal control can be considered as a powerful tool to control undesirable behaviour and to create an atmosphere conducive to organisational growth (Provetto, 2011). In order to ensure accountability, it is essential

that effective supervision is exercised through a clear line of command on all levels of the organisation (UN, 2011). The absence of effective supervision will significantly increase the risk of misconduct and corruption, subsequently making the organisation less accountable and democratic (Froese Forensic Partners, 2012).

In addition to the above-mentioned mechanisms, a variety of other mechanisms exist that the police can implement to enhance internal control and subsequent accountability. These mechanisms include internal integrity units, ethics enforcement, improved case management, regular performance reviews, improved communication, a strengthened infrastructure and enhanced administrative capacity (Olusola & Osunyikanmi, 2012; UN Woman, 2012). These mechanisms could however easily be combined with, or imbedded in the mechanisms listed above. The systematic implementation and maintenance of these mechanisms should be a major consideration during any act of police reform.

2.3.4.2 STATE CONTROL

When considering the nature of state control over the police, it appears that horizontal, vertical, social and to a limited extent, outward accountability exists in parallel with each other. Horizontal and limited social accountability will be represented in mechanisms which exist within the state itself, which will include mechanisms like parliamentary control and the judiciary (Berg, 2005).

TABLE 2.2: *Horizontal and Social accountability of the police*

| MECHANISM | DESCRIPTION | LEVEL OF ACCOUNTABILITY |
|-----------------------|---|---|
| Parliamentary Control | The police are accountable to the public through their representatives in parliament (UN, 2011). The parliament is responsible for the review, monitoring and supervision of government and public agencies, like the police, including the implementation of policy and legislation (Yamamoto, 2007). This is normally achieved through the establishment of various portfolios and ad hoc committees (Seedat & Naidoo, 2015). Due to the doctrine of the separation of powers, the parliament is independent from the judiciary and the | As the parliament represents the public, it can be contended that this is a formal structure which guarantees a minimum level of social accountability. Horizontal accountability is reflected in the authority of the parliament, which is a state institution, to demand answers from other state institutions, and to bring about penalties on state institutions should the need arise (Jahed, 2013). |

| MECHANISM | DESCRIPTION | LEVEL OF ACCOUNTABILITY |
|---------------|---|--|
| | executive (Mojapelo, 2013). They are also responsible for passing legislation governing the conduct of the police (Berg, 2005). | |
| The Judiciary | The judiciary scrutinises police conduct through civil and criminal proceedings when and if needed (Born, 2003). | Horizontal accountability is displayed within the outcome and penalties imposed during criminal proceedings, while social accountability is displayed in findings arising from civil proceedings (UN, 2011). |

(Researcher's illustration of concept)

Vertical and social accountability, however, seem to be much more complicated metaphysical concepts. It can be argued that within most headlining mechanisms of police control, vertical and social accountability are intertwined with horizontal accountability. Mechanisms like the public protector, human rights commissions, anti-corruption agencies (ACA) and specialised police complaints organisations could exist as state institutions. They normally employ and engage societal actors and autonomous professionals to hold the police accountable for their actions (Pyo, 2008).

When considering the definitions of horizontal and vertical accountability against these mechanisms, it appears that these structures demonstrate characteristics of both accountability types. They are state organisations that may demand explanations or impose penalties on the police, but these institutions consist of employees and professionals who act on behalf of the public, subsequently representing both horizontal and vertical accountability. Furthermore, when the definition of social accountability is considered against these mechanisms, it appears that these mechanisms, in addition to vertical and horizontal accountability, hint toward establishing a certain degree of social accountability as well. These are formally defined and existing structures, which may be approached by any group or individual within the public, to bring state officials to account, thus falling within the definition of social accountability. It can further be contended that these structures represent a certain degree of horizontal accountability as well, as these mechanisms, in theory at least, are state institutions that may demand answers from other state establishments

and actors. Subsequently, it can be concluded that these structures are critical components of any police accountability system, as they encompass various levels of police accountability.

TABLE 2.3: *Vertical and Social accountability of the police*

| MECHANISM | DESCRIPTION | LEVEL OF ACCOUNTABILITY |
|---|---|---|
| The Public Protector / Police ombudsman | Also known as a police ombudsman in some states (Berg, 2005). The public prosecutor / ombudsman is responsible for probing, correcting and redressing any inappropriate or prejudicial behaviour in state dealings and solving related disputes through mediation, reconciliation, negotiation and other measures to ensure fair, responsive and accountable public-sector policymaking and service delivery (Thornhill, 2011). | Vertical accountability is displayed in the fact that these institutions are normally state institutions, manned by independent professionals, acting on behalf on the public. As for social accountability, it can be contended that these are formal structures, which act on behalf of the public interest. Any member of the public has access to these agencies. |
| Human Rights Commissions | The formulation of mandates for these commissions vary significantly internationally, depending on the conduct under investigation, the nature of the government and the purpose of investigating governmental conduct (UN, 2015). In general, these independent commissions are directed towards guaranteeing the just and proficient application of national human rights laws, through investigations, actions of redress and education (Steinerte & Murray, 2009). | |
| Anti-Corruption Agencies | An Anti-Corruption Agency (ACA) can be described as an independent government agency, whose primary function is to provide centralised leadership in core areas relating to the eradication of corruption (Maeghar & Voland, 2006). These agencies ought to be insusceptible to undue interference, specifically focussed on corruption, and have the relevant resources and authority to fulfil their role (OECD, 2008). Under normal circumstances, these agencies engage in four categories of actions relating to the fight against crime: investigation, prevention, education, and policy coordination (Kuris, 2012). | |

| MECHANISM | DESCRIPTION | LEVEL OF ACCOUNTABILITY |
|---|---|-------------------------|
| Specialised Police Complaints Organisations | The purpose of these agencies is to provide independent oversight over police organisations, and to conduct independent and neutral investigations of alleged criminal offences and misconduct of the police (Vawda & Mtshali, 2013). | |

(Researcher's illustration of concept)

Outward accountability will be displayed in the willingness of police officials to have their conduct scrutinised and inspected by external bodies and authorities, and their cooperation with these bodies and authorities. Subsequently, it can be contended that the effectiveness of internal control mechanisms within the police, will be embodied within the quality and level of outward accountability displayed from within the police organisation. Various state and civil organisations can utilise this level and quality of outward accountability to evaluate the transparency of the organisation concerned. Subsequently, state institutions like the parliament may create new legislation, policies and reforms based on the outward accountability of the organisation.

2.3.4.3 SOCIAL CONTROL

Within the paradigm of police accountability, social accountability ought to be thought of as a varied range of activities and mechanisms that individuals, communities, autonomous media houses and civil organisations can use to hold police organisations and its members accountable (Singh, 2009). According to the UN (2013), organisations that contribute towards social accountability generally display four characteristics:

- They prepare and enable individuals and civil institutions to engage with the state and its agents;
- They collect, analyse, use and make information available through various media, social and political networks;
- Undertaking accountability engagements with the government or its agents, either through existing formal structures, creating new structures, or activating social protests;

- Using information gained from accountability engagements with the government or its agents to follow up on the delivery of commitments of the organisation or individual.

From these characteristics, it becomes evident that a varied multitude of structures could potentially exist to enhance social accountability. The sheer number of potential structures that could exist renders it impossible to identify and discuss the theme here. Within the South African setting however, civil movements like Solidarity, Afriforum and other Non-Governmental-Organisations (NGOs) serve as good examples of these types of organisations, as they display a variety of these characteristics. In addition to these organisations, there are a multitude of informal structures that ensure that the police are socially accountable for their actions. Menzies and Melis (2012) argue that easily accessible social media platforms, like Facebook, Twitter and Instagram play a critical role in facilitating social accountability of the police, as these platforms can provide reasonably accurate information to a vast number of individuals within a short period of time. They further contend that these platforms can be used either to enhance transparency, or to '*name and shame*' those allegedly guilty of misconduct. Bonner (2009) is of the opinion that the media, in addition to social media platforms, plays a critical role in the promotion of social accountability of the police, as the media can also be used to facilitate transparency.

Within the South Africa's constitutional democracy, it will be critical that a combination of mechanisms of internal, government and social control representing all levels of accountability, as was pointed out in Table 2.1, are created and maintained. The accountability of the police organisation must be portrayed as it relates to the rule of law, and must be representative of the democratic principles guiding the operation of the police organisation. The quality of accountability mechanism should form part of the evaluation criterion used to measure and analyse police accountability.

2.3.5 SUBSERVIENCE TO CIVIL AUTHORITY

The principle of civilian control over police organisations is a critical aspect of any democratic government. It is maintained that democracy would be promoted and protected if the police report to a civilian authority, rather than a police or military establishment (UN, 2011). Such a reporting structure will ensure that the police are

accountable to varied and diverse sets of possible interests, subsequently reinforcing that the state authority will be used in the interest of society (Pino & Wiatrowski, 2012b). Submitting to a civilian authority will allow a country to base its morals, establishments, and practices on popular will, rather than on the ideology of militaristic leaders, whose outlook do not necessarily reflect the promotion and maintenance of a free and democratic society (Kohn, 1997).

Within the paradigm of civilian control, civilians freely delegate decision making power and the implementation of certain policies to the police while the police have very limited decision-making power outside those areas specifically defined by the civil authority (Croissant, 2011). Subsequently, it can be contended that a state of subservience to a civil authority will exist when the civilian political leadership has broad decision-making powers in relation to the operations and functioning of the police (Trinkunas, 2011).

Although the civilian body controlling the police is external to the police, they should be well acquainted with the social and democratic principles described by the legislative framework applicable to the police organisation concerned. It should be kept in mind that this civilian body will be responsible for developing the policy framework of the police organisation. Subsequently, this body must demonstrate a deep-seated commitment to the democratic principles and democratic ideology maintained by the government of the day.

The importance of civilian oversight over the police, especially within the framework of democratic policing cannot be understated. In addition to the control and answerability functions normally attributed to these authorities, the researcher contends that the establishment of a fit civil authority, composed from representatives of the community concerned, will undoubtedly create a platform for workable and sustainable community relations (Kumar, 2000). Such community relations can be a significant tool in the creation of a community orientated service delivery approach by the police. Subsequently, a concise conceptual exploration of the appropriate meaning of community orientated service delivery is warranted.

2.3.6 COMMUNITY ORIENTATED SERVICE DELIVERY

In section 2.2.4 of this chapter, the notion of public service orientation has briefly been outlined. It is however important at this stage to differentiate between public, and community service orientation. Although these concepts share the same premise and are sometimes used interchangeably as synonyms, the researcher contends that within the framework of democratic policing, these terms infer similar, but considerably different concepts.

Conceptually, public, in its most general sense, refers to matters or concerns relating to, or affecting all the people or the whole area of a nation or state (Public, 2015). Earlier in this chapter (section 2.2.4), public service was described as collective services provided by government institutions or their appointed agents (Eliassen & Sitter, 2008). It was also stated that the idea of public service infers that high-quality services should be rendered by the government, in accordance with the communal will of the populace (Mckinney, 2016). Although this description distinctively mentions the notion of public, one cannot help but wonder if the services rendered on a national scale truly represent the unique needs of the various communities throughout South Africa, and if these services truly can be considered to contribute towards the greater good. Community, on the other hand, can be defined as a group of people who share a certain geographical area, as well as certain socio-economic traits and fellowships (Flynn, 1998). A community consists of various individuals and groups that represent particular occupations, events, and interests, each operating within specific boundaries (National Institute of Health, 2011). When comparing these descriptions, it becomes clear that community refers to a specific section of individuals or groups found within the public. Subsequently, the researcher contends that the term 'community service delivery' suggests that a much more personalised approach, custom made to the unique needs of the community concerned should be adopted by the government and its agents.

Recent research (van Biljon, 2015), raised the argument that the service delivery potential and crime prevention capabilities of municipalities would greatly increase if municipalities, as the sphere of government closest to the people, actually got to know the communities they serve, and rendered services in accordance with the actual needs of the community. This then reflects the notion of community service delivery in

lieu of public service delivery. Should policing organisations get to know the communities they serve, and they apply their authority and services in accordance with their knowledge of the local community and its needs, it could be considered to be policing that is truly democratic. Subsequently, it can be contended that an orientation to community service delivery would be a critical tool in supporting the feature of preventive and proactive focus. The features of objective professionalism and individual and situational responsiveness would play a critical supportive role by obtaining information that could be used in refining the proactive and preventive focus and in the building of contemporary and relevant community interactions.

This section presented an outline of various institutional features that a police organisation operating within a democracy must display to be considered as democratic. These institutional features and principles of democratic policing can be amalgamated into three distinct features that a policing organisation must display to be considered as truly democratic. These key features include:

- Situational responsiveness: police organisations must pay equal and significant attention to each individual occurrence of crime and all situations that threatens the public tranquillity. In addition, police organisations should be able to appropriately respond to these crimes and conditions. This feature will subsequently promote solidarity, equality and will reinforce a multitude of individual freedoms.
- Objective professionalism: Magni (2017) holds that objectivity is principally concerned with eliminating predispositions, unreasonableness, personal feelings and emotions from the decision-making process. In addition, it is held by Baczor and Zheltoukhova (2017) that professionalism is generally concerned with the proper and appropriate behaviour that characterise moral and satisfactory service delivery. When these descriptions are considered, objective professionalism implies that members of the police organisation and the police organisation itself must provide both the victim and the offender with unbiased, impartial and professional services and treatment.
- A proactive and preventative focus towards crime and community problems: crime is caused by a range of social, cultural and economic processes imbedded in the social fibre of society, and secondly that the influence of the police and the criminal justice on crime is limited (Reiner, 2012). Subsequently, the individualistic

psychological root causes of crime should be addressed, in leu of adopting a legalistic policing style.

Based on this discussion from which these features emerged, a concise exploration of international practices relating to these features and to the principles of democratic policing, alluded to in this chapter can be made.

2.4 INTERNATIONAL PERSPECTIVES ON DEMOCRATIC POLICING

The idea of democratic policing has become a cornerstone of contemporary Western policing models. Internationally, various structures, mechanisms, legislative frameworks and oversight bodies have been created to enhance the fundamental essence of democratic policing. Considering that the understanding and interpretation of the democratic ideology varies greatly across international borders, it seems only reasonable to argue that police organisations in different democratic states will metaphysically and materially engage differently in the notion of democratic policing. This section aims to investigate how democratic states such as Germany, Japan, England and Wales and Mozambique, Canada and France engage in democratic policing. These countries were specifically selected as they share various commonalities with the South African policing system. These commonalities include policing organisations on various government levels, community policing, strong appreciation of democratic principles, and similar democratic values. From such a discussion, the identification of a possible international best practices model of democratic policing could be identified, and subsequently applied to the MPD at a later stage of this study.

2.4.1 CANADA

In contemporary Canada, policing is delivered in three tiers, namely in the form of federal or nation-wide policing, provincial policing and municipal policing (Kempa, 2015). While the federal government does not have the principal constitutional obligation for policing, the national police force, the Royal Canadian Mounted Police (RCMP), is the largest single police force in the country and operates at national, provincial and municipal level throughout Canada, except in Ontario and Québec, which have their own provincial police services (Hutchins, 2015). The majority of policing in Canada however, is provided by municipal police services (Lithopoulos,

2015). The Council of Canadian Academies (CCA) (2014) states that numerous mechanisms of police control, including various governing bodies, inquiries or review bodies, government ministers, and courts of law have been established to ensure police accountability, and subsequent transparency. In addition, West (2005) states that the Canadian Government has developed comprehensive legislation aimed at firstly protecting the fundamental rights of individuals, while holding the police accountable for their actions. Furthermore, Burczycka (2012) holds that the majority of police organisations in Canada have developed comprehensive and suitable internal policies and procedures, ensuring proper internal control of these organisations. Miller and Merrick (2002) state that across Canada, a multitude of civilian oversight bodies specifically reviewing police conduct, has appeared, subsequently ensuring subservience to a civil authority, and the community at large. Civil organisations and movements like the Canadian Civil Liberties Association (CCLA) and various related NGOs ensure social accountability of the police (Murphy & McKenna, 2014). The overall approach to policing in Canada is that of community policing, subsequently demonstrating the potential for community orientated service delivery, improved transparency and community responsiveness (Tsai, 2012). Sossin (2004) also identified the existence of various internal and external investigative bodies throughout Canada, dedicated to investigating alleged incidents of police misconduct and crimes by the police.

2.4.2 ENGLAND AND WALES

Policing in Wales and more specifically England has a long and distinguished history. The first modern police organisation was established during 1829 in the City of London, under the leadership of Sir Robert Peel (Nazemi, 2009). During the 1990's, and in the early years of the 21st century, police organisations in both England and Wales experienced several philosophical and material transformations. These transformations gave these organisations access to more resources, increased centralisation of control, as well as a more business-like approach. Subsequently the capacity of these organisations to implement and take part in democratic policing have been greatly enhanced (Brain, 2013). The most significant of these changes was the introduction of directly elected Police and Crime Commissioners in November 2012 (Turner, 2015). This effectively implies that bureaucratic accountability was replaced with democratic accountability, subsequently leading to much greater responsiveness

to, and engagement with communities (Home Office, 2010). As was the case with the Canadian police services, the principal policing philosophy in England and Wales is that of community policing, subsequently enabling community orientated service delivery (Natale, 2010). This community-based service orientation is based on the Nolan principles, which advocate greater selflessness, integrity, objectivity, accountability, openness, honesty and leadership when dealing with service delivery (Committee on Standards in Public Life, 2014). According to Mawby and Wright (2005) and Barton (2010), police accountability is characterised by a tripartite structure of police accountability, which distributes accountability and police control between the Home Office, the local police authority, and the chief constable of the force. Morse (2014) states that the key role-players of the police accountability system include Police and Crime Commissioners, Chief Constables, Chief Financial Officers, The Police and Crime Panel and Her Majesty's Inspectorate of the Constabulary. In addition, the Independent Police Complaints Commission (IPCC), which is easily accessible to the public, was created to investigate allegations of police misconduct, (Home Affairs Committee, 2013). Mawby (2010) states that police organisations in both England and Wales have significantly improved their police corporate communications, subsequently enhancing transparency. Finally, it should be mentioned that the British Media plays a significant role in ensuring social accountability of the police (Her Majesty's Inspectorate of Constabulary, 2011).

2.4.3 MOZAMBIQUE

Like South Africa, Mozambique saw its first democratic elections in 1994, after an elongated history of colonialism and authoritarian rule (Pereira, 2009). Furthermore, Mozambique, as is the case with South Africa, is characterised by a multi-ethnic, multi-religious, multi-political and immensely unequal society (Guilengue, 2016; van Dalsen, 2017). Policing in Mozambique is the responsibility of the *Polícia da República da Moçambique*, or the Police of the Republic of Mozambique (PRM), which is divided into three branches: Public Order and Security Police, The Criminal Investigative Police and the Special Forces Police (Dissel & Frank, 2012). As from 2000, the PRM has adopted community policing as its overarching philosophy, in an effort to enhance police accountability, which lead to the creation of various and widely scattered police-community councils (Kyed, 2009). These police-community councils are however considered to be highly problematic, as various incidents of irregularities in

neighbourhood watch programs and instances of power-abuse have been reported (Open Society Foundation, 2006). Political oversight of the PRM is the responsibility of the Ministry of the Interior and various parliamentary portfolio committees (Dissel & Frank, 2012; Open Society, 2006).

The principal mechanism for ensuring police oversight is however its internal control, facilitated by the management of the PRM (Dissel & Frank, 2012; Kyed, 2009; Tait, 2008). These internal mechanisms inter alia include chain of command control and supervision, internal disciplinary procedures, a legislative code of conduct, various standing orders and a complaints book at station level for recording public complaints against the police (Amnesty International, 2008). However, these complaint books have proven to be incontestably ineffective, as very little complaints have been recorded and very little attention has been given to complaints that have been recorded (African Policing Civilian Oversight Forum, 2017). Although an Attorney General's office and a Justice Ombudsman are in existence, they have very little effect on police oversight, as these institutions are widely considered to be ineffective and prejudicial, due to political influences, limited resources and incompetent personnel (Lorizzo, 2013). In addition, the Judiciary, which constitutes an important control mechanism within the framework of democratic policing, is considered to be weak and inaccessible to the majority of the population (Amnesty International, 2011).

According to the UN (2013), the National Human Rights Commission of Mozambique became operational in 2012, but is characterised by impartiality and a lack of independence. An additional external oversight mechanism is the Legal Affairs and Human Rights Committee of the National Assembly, which has investigated police corruption in the past (African Policing Civilian Oversight Forum, 2008). However, information pertaining to the effectiveness of these mechanism is illusive, as the Mozambican Government rarely releases information concerning investigations and prosecutions of the police (United States Department of State, 2014). Although no formal structure for the independent investigation of complaints against the police has been created, civil organisations such as the Mozambican Human Rights League submit annual reports relating to police abuse misconduct (Barker, 2003; Dissel & Frank, 2012; Hendricks & Musavengana, 2010). Considering the lack of democratic control over the police, as is described above, it can be deducted that the PRM are

widely perceived to be corrupt, unprofessional and having little regard for human rights (Amnesty International, 2011; Human Rights Watch, 2017; United States Department of State, 2014).

2.4.4 JAPAN

In contemporary Japan, police services are rendered by various prefectural police organisations, while the national police organisation is responsible for the planning of police strategies and systems, control of police operations and police administration (Pike, 2000). The national police organisation consists of the National Public Safety Commission, which is responsible for formulating basic policies and regulations and co-ordinates police administration, and the National Policing Agency which supervises and controls prefectural police organisations (Craig-Parker, 2001). Each prefectural police organisation consists of a Prefectural Public Safety Commission which exercises administrative supervision over the prefectural police, and the Prefectural Police Headquarters which is responsible for actual service delivery of the police (Manalo, 2003).

From this structure, it appears comprehensive and effective supervision is an actual reality, thus contributing to internal control of the police. Sen (2010) states that Japanese police training is characterised by a high level of ethical training, subsequently also contributing to internal control of these organisations. As was the case with Canada, England and Wales, the overarching policing philosophy is that of community policing, subsequently enabling community orientated service delivery (Gordenker, 2015). In terms of accountability, Babb (2014) contends that police organisations in Japan are largely not held accountable to any legitimate organ of authority. Subsequently, it can be contended that there is a significant lack of government control over the police in Japan. This sentiment is demonstrated by Johnson (2004) and Kanayama (2010) who highlight various police scandals attributed to a lack of police accountability during the 1990's and early 2000's. Little, (2012) states that the Japanese system is mostly concerned with the benefits of maintaining political distance from elected officials, while placing emphasis on the importance of accountability on a micro scale. Lastly, it should be mentioned that Japan does not have any formal structure for civilian oversight over the police (Pyo, 2008). As was the

case with England and Wales, the media plays an important role in ensuring social accountability of the police (Ando, 2013).

2.4.5 GERMANY

Policing services in Germany are provided by a combination of different police organisations which have either a regional or national mandate (Interpol, 2016). The federal structure of the Federal Republic of Germany gives the 16 states the power to maintain their own police forces within their territory, along with the right to pass statutes and exercise police authority (The Federal Ministry of the Interior, 2015). There are no municipal police agencies found in Germany, and national policing is limited to a few competencies (Paun, 2007). According to Europol (2016) the federal police structure of Germany consists of the *Bundeskriminalamt* (Federal Criminal Police Office) which is responsible for cooperation between the Federation and the federal states, and the *Bundespolizei* (Federal Police) which is responsible inter alia for border security, railway policing, and very important person (VIP) protection. On both federal and state levels, the federal parliament and the parliaments of each federal state have established individual Petitions Committees to investigate allegations of police misconduct which occurred in the jurisdiction of the police organisation concerned. Four states also employ the services of a police ombudsman to supplement the responsibilities of the Petitions Committees in these states, yet there is no national police ombudsman (den Boer & Fernhout, 2008). According to Kersten (2013) police professionalism, police training and community relations are of exceptional quality in Germany, while the risk of corruption is low, thus contributing towards the overall legitimacy of German police organisations and enabling community orientated service delivery. The German government also appointed a Commissioner for Human Rights Policy and Humanitarian Aid, which may investigate police misconduct (Federal Foreign Office, 2016).

2.4.6 FRANCE

On a national level, policing in France is essentially provided by three main forces namely the *Police Nationale* (the National Police), the *Gendarmerie Nationale* (the National Gendarmerie Police) and the *Républicaine de la Compagnie* (Republican Security Companies) (OSCE, 2010). Both the National Police and the Republican Security Companies report to the Ministry of the Interior. The National Police are

primarily responsible for policing urban areas, while the Republican Security Companies are mostly concerned with local emergencies and rescue operations (Bagayoko, 2010; Europol, 2016). The National Gendarmerie Police falls under the jurisdiction of the Ministry of Defence, and is responsible for various judicial, administrative and military missions (Lutterbeck, 2013). In addition, the majority of cities and medium-sized towns have a municipal police service called the *police municipale*, which deals mainly with inconsequential crimes, traffic offences and road accidents (Paun, 2007). In terms of accountability, it should firstly be mentioned that all police officials, irrespective of the agency they are employed in, are subjected to criminal law and criminal courts for any unlawful conduct (Anderson, 2011). In addition, police agencies in France are subjected to several other accountability mechanisms, including their own hierarchy, police and administrative inspectors, three national commissions and the French parliament (Lawday, 2000; den Boer & Fernhout, 2008).

The *Commission nationale de déontologie de la sécurité* is the only independent institution overseeing the police. However, the public does not have direct access to this commission; all complaints must be laid via the prime minister or a member of parliament (Organisation for Security and Co-operation in Europe, 2008). Subsequently, it can be contended that there is a lack of public accountability in France (Sen, 2010). The French Police system does not use the term “community policing” to define their overall policing strategy. These principles have however been incorporated into a philosophy, appropriately termed “proximity” or “neighbourhood” policing (Denney & Jenkins, 2013). This philosophy, as was the case with Canada, England, Germany and Japan, enables prospects for the adaptation of a community oriented approach towards service delivery. On a local level, mayors of cities and towns are characteristically influential within the community; subsequently, local authorities have considerable control over the French police (Cornish, 2005). In addition, metropolitan police departments in France, have incorporated the services of a *Préfet*, which brings together the mayor, the local police chief, social workers and other non-governmental agencies to set police priorities, and review police performance (Rea, Donnelly, & Fitzsimons, 2009).

Based on the discussions above, it becomes evident that globally, various attempts to realise the ideal of democratic policing have been made. Although these structures

and mechanisms do not operate without opposition and criticism, they do yield significant lessons and experiences that can be adopted within the South African context. Firstly, it is significant to note that the Canadian police system allows for the existence of various independent civilian police oversight structures and various internal and external investigative bodies, subsequently enhancing accountability and transparency. The most significant lesson to be learned from England and Wales, is the appointment of directly elected Police and Crime Commissioners, which ensures democratic accountability of the police. Further, it is significant to note that police reforms in England and Wales provided police organisations with access to more resources and increased centralisation of control, subsequently enhancing the police's ability to participate in democratic policing. Significantly, England and Wales also have a very specific and relevant approach to enhance service delivery. It is remarkable to note that Japan and Germany highlight appropriate, constant and quality ethical training as a significant instrument of police professionalism and democratic policing. As the structure of the Japan police system allows for significant internal supervision, a similar structure might enhance supervision and subsequent internal control of the police.

Of further significance is the fact that all the countries mentioned in this discussion ascribe, at least on a metaphysical level, to the general philosophy of community policing. This international tendency highlights the importance of community involvement in policing, and subsequently the importance of a community oriented approach to service delivery. However, the lack of government and civilian control over the police in Japan and the tendency to micro manage police accountability should be noted, as these deficiencies seriously impede on the democratic legitimacy of the Japan police. In France, the restrictions on who may engage with the *Commission nationale de déontologie* to complain about police conduct also constitutes a serious threat to democratic oversight.

It becomes clear that the international policing community potentially offers South Africa a rich knowledge and wide-ranging experience on democratic policing. Based on the theoretical and international investigations of democratic policing contained in this chapter, unique characteristics of police organisations operating within a South Africa's democracy can be identified.

2.5 A SOUTH AFRICAN CONSIDERATION OF DEMOCRATIC POLICING

From the discussions of democratic policing presented above, the researcher contends that a police organisation will only be considered as truly democratic within the context of South Africa's democracy, if such a police organisation displays a multitude of unique characteristics. These characteristics include, but are not necessary limited to the following:

- The police organisation should display the features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus in relation to their mandated functions.
- A deep appreciation of democratic principles and a commitment to the features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus should be demonstrated in the legislative and policy frameworks, as well as the organisational culture of the police organisation.
- The police organisation essentially has a duty to demonstrate the utmost admiration for human life and human dignity, subsequently viewing themselves as a lifesaving and life improvement institution.
- An orientation towards community service delivery must be adopted, *in lieu* of an orientation to public service and should be provided equally to all individuals, groups and segments of community, based on the principle of non-discrimination.
- Human dignity ought to be appreciated and understood within the real-world situation of the community concerned, and promoted by adopting a proactive focus in regard to the protection of human life and dignity.
- The police organisation fundamentally ought to submit to the rule of law, and function strictly within the limitations imposed on it by legislation.
- Normative and descriptive legitimacy should be displayed and promoted, specifically if it relates to democratic principles and the features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus.
- Transparency should be reinforced through effectively integrating government openness and publicity, while offering proficient, multilateral protection for whistle-blowers.

- Police accountability must be ensured through an amalgamation of internal, government and social control mechanisms, in which upward, downward, vertical, horizontal, outward and social accountability are reflected and embodied.
- The police organisation essentially must submit to civilian control, provided that such a civilian control body demonstrates a deep-seated commitment to the democratic principles and democratic ideology maintained by the government of the day.
- The police ought to foster solidarity with the community they serve, specifically in relation to the crime and community problems faced by the community concerned.

It should be noted that these characteristics may vary in accordance with the manner in which democracy is perceived and practised within a specific situation or context. It can however be argued that as an overwhelming and dominating presence of these characteristics, both on a metaphysical and on a material level within a police organisation, such an organisation shall be democratic in nature. Should only a limited number of these characteristics be present within the philosophical or operational framework of the police organisation, it will be an impossibility to consider such an organisation as democratic.

2.6 SUMMARY

This chapter aimed to find an appropriate meaning of democratic policing within the context of the South Africa's constitutional democracy. This chapter presents a concise exploration of the fundamental underpinnings, principles and organisational structures normally associated with the democratic policing ideology, and contextualises these underpinnings, principles and structures within the paradigm of a constitutional democracy. From this analysis, it transpires that key role players in democracy, like the police, must demonstrate a deep-seated commitment and appreciation of democratic principles. This deep-seated appreciation and commitment must be reflected in the philosophical, legislative and policy framework of policing organisations operating within the framework of a democracy, together with the three unique features of objective professionalism, individual and situational responsiveness and a preventative and proactive focus. Policing agencies should hold human life and human dignity in the highest regard, and view themselves as a lifesaving and life improvement

organisation. Subsequently, within this democratic paradigm, special emphasis should be placed on crimes against the person, and crimes against property. Furthermore, police agencies should move away from a public service orientation, and move towards a community service orientation, if they are to be considered as truly democratic within this paradigm.

If any police organisation is to participate in and facilitate democratic policing, a police organisation and the members of such an organisation must comply with specific and internationally accepted requirements. These requirements *inter alia* include submitting to the rule of law, legitimacy, transparency, and subservience to a civil authority. In terms of legitimacy, it is essential that a police organisation displays both normative and descriptive legitimacy. To ensure appropriate transparency, the police organisation should employ a transparency strategy that incorporates government openness, publicity and whistle-blower protection. To be considered as truly democratic, police accountability should consist of an amalgamation of internal, state and social control mechanisms that represents various levels of accountability, including amongst others upward, vertical, horizontal and social accountability.

International experiences of democratic policing in democratic states like Germany, Japan, England and Wales, and non-social-democratic nations like Canada and France, demonstrated that a multitude of mechanisms to enhance democratic policing were indeed present, but functioning with various criticisms and shortcomings. Various possible lessons and potential threats that the South African policing community should take note of have been identified and highlighted through this analysis. Lastly, this chapter also emphasises key characteristics that a police organisation operating within a democracy should display in order to be considered as democratic within this paradigm.

Based on these key characteristics, the mandate of MPDs can now be examined to determine how this mandate can be used to promote and enhance democratic life in South Africa. It is anticipated that from such an analysis a comprehensive model that creates, enables and maintains democratic policing within the context of MPDs, as is appropriate within South Africa's democratic paradigm, will emerge.

CHAPTER 3

CONSIDERING THE METROPOLITAN POLICE MANDATE IN SOUTH AFRICA'S DEMOCRACY

3.1 INTRODUCTION

The purpose of this chapter is to conceptualise the metropolitan police mandate within the paradigm of a South Africa's democratic ideal, by identifying and isolating various key characteristics of the metropolitan police mandate. These key characteristics will be isolated and contextualised by firstly examining the regulatory framework applicable to MPDs. This examination will reveal various mechanisms and structures sanctioned by legislation, that MPDs should employ to enhance democratic policing, as well as possible shortcomings that may constrain the engagement of MPDs in democratic policing. This will be followed by a consideration of the metropolitan police mandate within the context of South Africa's democracy, based on the unique features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus as well as the fundamental underpinnings, principles and organisational structures normally associated with the democratic policing epitome. From this consideration a qualitative model for democratic policing, applicable to MPDs, will emerge.

3.2 A REGULATORY FRAMEWORK FOR METROPOLITAN POLICING IN SOUTH AFRICA

Although MPDs have been operational in South Africa for approximately 18 years, it appears that there is still some confusion as to what the core business of these departments is. To this extent, it is contended by Rauch, Shaw and Louw (2001) and Newham and Masuku (2004) that the metropolitan police mandate is dubiously ill-defined, subsequently providing these departments with an unprecedented freedom to interpret and apply this mandate as they see appropriate. A scan of the literature suggests that this might indeed still be the case. In contrast to the SAPS, which has been vigorously researched, MPDs appear to be of less significance to researchers than the South African Police Service (SAPS). The literature creates the impression that MPDs have been a major research interest only for a limited period. This period ranges from approximately 1998, when the creation of MPDs was fiercely debated, till about 2007, when the bulk of these departments had been operational for

approximately 5 years (Besdziek, 1996; Newham, 2006). Since 2007, very little research that dynamically describes the philosophical approaches, operational methodologies and cultural consequences of these departments has surfaced. Considering the importance of these departments in the criminal justice system, the lack of research interest in these departments becomes an alarming phenomenon.

When considering this interpretational freedom of metropolitan police against the backdrop of democracy, this absence of empirical research becomes even more distressing. If MPDs are free to interpret and apply the metropolitan police mandate as they see appropriate, the question should be asked if these various interpretations promote the fundamental democratic values of accountability, service orientation and the protection of human rights (Fichtelberg, 2013). The Civilian Secretariat for Police considered MPDs as a serious risk to South Africa's democracy (South Africa, 2016). Their distrust in these departments is largely based on the postulation that MPDs are not subjected to the same extent of control mechanisms as their national counterpart, the SAPS. Their argument seems valid, as national legislation is vague and unforthcoming when describing the type and functioning of control mechanisms which must be employed by these departments. Considering the lack of empirical research in this regard, very little is known on how these structures operate, if any other form of control measures has been implemented, or if these departments are in fact contributing towards South Africa's democracy. On the other hand, it can be argued that this interpretational freedom allows MPDs to employ a more delicate and customised approach towards local problems. This will however only be true if this customised application of the metropolitan police mandate promotes the relevant democratic principles.

The most appropriate departure point to understanding the metropolitan police mandate and the democratic application thereof, will be with an analysis of the regulatory framework applicable to MPDs. Previous research (van Biljon, 2014a) presented a comprehensive overview of this regulatory framework. Subsequently, this section is not intended to reanalyse this regulatory framework, but instead to highlighting significant obligations, duties, and characteristics revealed by this previous analysis. In addition, this section will point out proposed changes to this framework, as it applies to the philosophical and operational environments of MPDs.

3.2.1 THE CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA (1996)

The Constitution of the Republic of South Africa (1996), is the supreme law of the Republic and any law, conduct or policy that conflicts with it, is unenforceable and invalid. Remarkably, the role of the MPD is not described by the Constitution, as is the case of the SAPS which mandate is comprehensively described in Section 205 (3) of the said Act (1996). Only one reference of MPDs is found in Section 206 (7), which state that national legislation must provide a framework for the powers and functioning of these departments. Subsequently, the Constitution provides for the creation of legislation that regulate the functioning of MPDs. Such legislation has been created and is found in Chapter 12 of the South African Police Service Act (Act 68 of 1995).

Chapter 2 of the Constitution (1996), also known as the Bill of Rights, is of particular importance for police organisations. Although Chapter 2 does not describe the role or responsibilities of police organisations, it outlines the fundamental rights that all people within South Africa enjoy. As police organisations are entrusted to protect these rights, all members of these organisations should be well acquainted with its content, and it must form the foundation of all police activities and conduct.

3.2.2 THE SOUTH AFRICAN POLICE SERVICE ACT (ACT 68 OF 1995)

The South African Police Act (Act 68 of 1995) hereinafter referred to as (the SAPS Act) which came into effect after South Africa's transition to democracy, mainly describes the philosophical, operational and administrative functioning of the SAPS. Chapter 12 of this Act however, is specifically concerned with the establishment, functioning and control of MPDs. The table below provides a concise summary of Chapter 12 of the SAPS Act.

TABLE 3.1: A concise outline of Chapter 12 of the South African Police Service Act.

| SUBSECTION | DESCRIPTION | EXPLANATION |
|------------|---|--|
| 64A | Establishment of municipal police service | Describes the situations under which a municipality may create a MPD, as well as the process that should be followed in this regard. |
| 64B | Chief Executive Officer of municipality | Describes the responsibilities of the CEO (Chief Executive Officer) of the municipality in relation to the MPD. |

| SUBSECTION | DESCRIPTION | EXPLANATION |
|------------|--|---|
| 64C & 64D | Executive head of municipal police service | Describes the functions and responsibilities of the first and subsequent successive executive heads of the MPD. |
| 64E | Functions of municipal police service | Defines the mandate of MPDs |
| 64F | Powers of member of municipal police service | Contextualises the powers of members of a MPD in relation to the Constitution and the Minister of police. Also provides a brief outline of the circumstances under which a member may exercise his powers outside his area of jurisdiction. |
| 64G | Proof of appointment | States that a member of a MPD shall be in possession of an appointment certificate at all times. |
| 64H | Procedure after arrest by member of municipal police service | States that a member of a MPD shall, as soon as possible after affecting an arrest, present such arrested person to the SAPS. |
| 64I | Legal proceedings against municipal police service | Indicates that the municipality concerned shall be held liable if any legal proceedings are brought against a MPD or one of its members. |
| 64J | Civilian oversight of municipal police services | Describes the creation and functioning of structures to ensure civilian oversight over the MPD. |
| 64K | Policing co-ordinating committees | Indicates that any and all MPDs should participate in various coordination committees to avoid duplication. |
| 64L | Powers and duties of National Commissioner in respect of municipal police service | States that the National Commissioner is responsible for the setting of national standards, in relation to the training of members and the subsequent upholding of these standards. |
| 64M | Minister's power in respect of municipal police service | Describes the actions that the Minister must take in case national standards are not met, as is described in Section 64L. |
| 64N | Member of Executive Council's (MEC) power in respect of municipal police service | States that the MEC is responsible for ensuring compliance with national standards, and the actions that should be taken in the case of non-compliance with these standards. |
| 64O | Certain other sections of this Act to apply to municipal police service | Indicates that the Minister may prescribe the provisions of this Act and extent of their application as it shall apply to MPDs. |
| 64P | Regulations in respect of municipal police service | States that the Minister may promulgate regulations in relation to MPDs, and the process that should be followed in this regard. |
| 64O | Saving and transitional arrangements in respect of existing municipal police service | Provides details on how transitional arrangements during the establishment of MPDs should be handled. |

(Researcher's illustration of concept)

For the purposes of this study, Subsections 64F, 64J, 64K, 64L and 64M are of particular importance. Subsection 64F is critical to understanding the mandate of MPDs, while the other highlighted Subsections are critical to the notion of democratic policing. These subsections will receive attention throughout this chapter, as various concepts associated with democratic policing are investigated.

3.2.3 THE NATIONAL ROAD TRAFFIC ACT (ACT 93 OF 1996)

The National Road Traffic Act (NRTA) (Act 93 of 1996) constitutes a vital element of the regulatory framework applicable to MPDs. As any individual who wishes to be appointed as a member of a MPD must be appointed and registered as a Traffic Officer before such an appointment can be made, it is critical that cognisance is taken of all provisions relevant to traffic officers. Section 3D of this Act describes the minimum requirements that must be met for registration as a Traffic Officer, while Section 3E describes the circumstances under which such a registration can be revoked. Section 3I of the National Road Traffic Act (Act 93 of 1996) describes the powers and duties of traffic officers, which shall naturally apply to members of a MPD. Furthermore, the NRTA (Act 93 of 1996) provides a comprehensive national framework for the regulation of road traffic, while providing for consistent enforcement and application of this framework.

In addition to the National Road Traffic Act, MPDs are expected to police other legislation relating to road traffic. This legislation includes the Cross-Border Transport Act (Act 4 of 1998), The National Land Transport Act (Act 5 of 2009) and various bylaws relating to road traffic. The Criminal Procedure Act (Act 51 of 1977) and the Administrative Adjudication of Road Traffic Offences (AARTO) Act, (Act 46 of 1998) are the primary tools used to enforce road traffic legislation. Legislation is however unforthcoming when mentioning or describing any other structures or mechanisms that can be used to engage in other related policing functions.

3.2.4 THE CRIMINAL PROCEDURE ACT (ACT 51 OF 1977)

The Criminal Procedure Act (Act 51 of 1977) prescribes the exact processes and procedures that should be followed when an alleged offence has been committed. Subsequently, this Act provides members of police organisations and other peace officers with the authority and power to *inter alia* conduct various searches, seize a variety of objects and property, affect arrests, issue summonses and other administrative notices and assess bodily features, all of which are to occur under very specific conditions.

3.2.5 ADDITIONAL LEGISLATION

Annexure 6 of the Regulations for Metropolitan Police Services (Republic of South Africa, 1999) extended the powers of members of a MPD to include a range of additional powers under various statutes. Only specified Sections and Subsections of these statutes shall apply to members of a metropolitan police department, as is indicated below (van Biljon, 2014a):

- The Stock Theft Act (Act 57 of 1959): only Sections 3, 7 and 8;
- The Teargas Act (Act 16 of 1964): only Section 4;
- The Mental Health Act (Act 18 of 1973): only Sections 2 and 14;
- The Drugs and Drug Trafficking Act (Act 140 of 1992): only Subsections 1(a), 1 (b), 1 (d), 1 (g) and Section 11 (2) a; and
- The Domestic Violence Act (Act 116 of 1998): Only Sections 2, 4 and 8.

Members of any MPD should take note of the limited nature of their powers in relation to these statutes. Any action that surpasses the limitation of these powers, may lead to civil or even criminal proceeding against the members and the MPD concerned.

3.2.6 THE 1998 WHITEPAPER ON SAFETY AND SECURITY AND THE 2016 WHITEPAPER ON POLICING

The Whitepaper on Safety and Security (South Africa, 1998), published during September 1998 by the former Department of Safety and Security, represents a time when MPDs were a matter of sensationalised political debate, rather than a real-life phenomenon. As no MPDs, except for the Durban City Police, existed at the time this document was drafted, the Whitepaper on Safety and Security did not provide much detail on the role MPDs are expected to play within the criminal justice system. Instead, the 1998 Whitepaper on Safety and Security offered a comprehensive outline of the role municipalities must play in the prevention of crime. In terms of MPDs, the Whitepaper on Safety and Security did however contend that the role of MPDs lay primarily within visible policing, brought about by extensive law enforcement (van Biljon, 2014a).

The Civilian Secretariat for Police published the Whitepaper on Policing (South Africa, 2016), which did not view MPDs in a particularly positive light. The Civilian Secretariat

for Police considered MPDs as a serious risk to South Africa's democracy. Their wariness of these departments was largely based on the belief that MPDs were not subjected to the same extent of control mechanisms as their national counterpart, the SAPS. Their argument seems valid, as national legislation is vague and unforthcoming when describing the types and functioning of control mechanisms which must be employed by these departments, as will be demonstrated later in this chapter (Republic of South Africa, 1995).

The 2016 Whitepaper on Policing also petitioned for the creation of a 'single police service' within South Africa. A general misconception shared amongst the public and members of the various MPDs alike, was that this call for a 'single police service' would usher in the integration of the various MPDs into the SAPS. This was however not the case. Instead, the Whitepaper on Policing suggested a partnership and coordination approach between the SAPS and MPDs, which would see the creation of national structures to facilitate closer cooperation, coordination and consistent standard setting throughout South Africa. To accommodate this framework, the Whitepaper suggested that a Division for Municipal and Traffic Police be created within the SAPS, under the leadership of a Divisional Commissioner. Furthermore, the Whitepaper proposed the creation of a National Standards and Legislative Compliance Board, which would consist of the National Commissioner of Police, the SAPS Divisional Commissioner for Municipal and Traffic Police, the Secretary of Police, the Chiefs of the various MPDs, the Executive Director of the Independent Police Investigation Directorate (IPID), representatives of the National Department of Transport, the CEO (Chief Executive Officer) of the Road Traffic Management Cooperation (RTMC), as well as representatives of the South African Local Government Association. The duties of the National Standards and Legislative Compliance Board would include:

- To review, evaluate, improve and generate National Standards in cooperation with the Secretary of Police;
- Establish uniform standards for the approval of the establishment of MPDs;
- Provide for a collective organisational structure to be implemented by all MPDs;
- Establish consistent training standards and a uniform disciplinary framework;
- Homogeneous uniform and ranking insignia;

- Ensure compliance and review the performance of MPDs in national policing priorities and efforts.

It should be noted that this recommendation was made in addition to the various police coordination committees MPDs are required to participate in, as was indicated in Section 64K of the SAPS Act (1995). The Whitepaper on Policing also proposed an extension of the metropolitan police mandate, by introducing limited investigative competencies within the MPDs. This investigative mandate would be limited to traffic related matters, municipal bylaws, and crimes committed on, and related to municipal assets and property. MPDs would however not be granted the authority to keep suspects in custody. The custody of suspects would remain the responsibility of the SAPS.

The Whitepaper on Policing was strikingly clear on the role that MPDs are expected to play within the local policing context. It stated that:

'By ensuring that traffic laws and bylaws are observed, MPS [sic] will contribute to instilling a culture of lawfulness. In this way MPS [sic] can effectively contribute to visible policing and are in a position to observe violations of bylaws and petty and [sic] other crimes.' (South Africa, 2016, p 31)

It is important to note that till 31 December 2017, none of these changes have been implemented. Although these changes might potentially have a significant impact on the manner in which MPDs operate, it is anticipated that it would have no significant impact on how the core functions of road traffic policing, bylaw policing and crime prevention. This belief is generated by a statement within the Whitepaper on Policing, which specifically states that traffic law policing may not be compromised in favour of the other two mandates. As a preventive measure however, the potential extension of the metropolitan police mandate with limited investigative powers and these possible structural changes, would be imbedded within the envisioned interview strategy that would be used during this study.

3.2.7 PROCESSES AND STRUCTURES SANCTIONED BY LEGISLATION TO ENHANCE DEMOCRATIC POLICING

As was mentioned in section 2.3, it is essential that police organisations operating within a democracy should display certain key organisational characteristics to participate in, and facilitate democratic policing. Based on national legislation and available literature, this section aims to provide an overview of the minimum required structures and mechanisms that MPDs should employ to enhance democratic policing. This information will be crucial in determining current legislative limitations and inadequacies experienced in relation to democratic policing, and the subsequent improvement thereof.

3.2.7.1 THE RULE OF LAW

The Constitution of the Republic of South Africa (1996) is the supreme law of South Africa and is the first and most significant statute MPDs must submit to. Section 1 of the Constitution (South Africa, 1996), states that the Constitution is founded on the fundamental values of human dignity, equality, the expansion of individual and collective rights and freedoms, non-racism, non-sexism, supremacy of the constitution, the rule of law and a free, multiparty political system. Subsequently, as this democratic paradigm offers a deep appreciation of democratic principles, these central values, in addition to the rights and freedoms declared in Chapter 2 of the Constitution, should be the focus point of any legislative, policy or operational framework associated with these MPDs.

Bayley (2009), Lemieux (2014) and Marx (1995) contends that police organisations must only be allowed to impede on individual and collective freedoms, under very specifically limited circumstances, in a manner as is prescribed by legislation. These limitations and circumstances are primarily described in the Criminal Procedure Act (Act 51 of 1977), The SAPS Act (Act 68 of 1995), The National Road Traffic Act (Act 93 of 1996), The Administrative Adjudication of Road Traffic Offences Act (Act 46 of 1998) and various other Acts, as was mentioned earlier in this chapter. Consequently, organisationally and individually, members of a MPD must submit to this legislation, and act in accordance with the limitations and circumstances imposed by it. The fact that MPDs must submit to the rule of law, is emphasised by Section 64F of the SAPS (68 of 1995) that states that:

'Subject to the Constitution of the Republic of South Africa, 1996 (1996), and with due regard to the fundamental rights of every person, a member of a municipal police service may exercise such powers and shall perform such duties as are by law conferred upon or assigned to a member of a municipal police service.'

This Section highlights various significant features of the constitutional democratic paradigm. When this Section highlights that metropolitan policing is subjected to the Constitution, the notion of submitting to, and promoting democratic principles is reinforced. When maintaining that metropolitan police conduct must be accompanied with due regard for the fundamental rights of every person, the significance of an utmost admiration for human life and human dignity is emphasised. Lastly, this Section implies that MPDs should submit to the limitations and adhere to the specific conditions indicated by national legislation.

Legitimacy and accountability would be greatly enhanced if MPDs unconditionally submitted to the rule of law. In addition, submitting to the rule of law would ensure that democratic principles were adhered to at all times, while ensuring that a culture that is protective of human rights and focused on the individual would emerge from these MPDs. Furthermore, specifically the critical features of objective professionalism and individual and situational responsiveness, promoting solidarity, freedom and equality would be realised if MPDs truly submitted themselves to the rule of law.

3.2.7.2 LEGITIMACY

In section 2.3.2, legitimacy and specifically police legitimacy were comprehensively analysed. Based on this analysis, it was contended that both normative and descriptive legitimacy should be displayed and promoted, specifically if it related to democratic principles and the features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus. Legislation, however, does not provide MPDs with any framework or guidelines on how normative and descriptive legitimacy should be created and maintained. Thus, ensuring legitimacy is the responsibility of the Executive Head of the MPD concerned. As a result of this vague legislative description and extremely limited empirical research that investigates

legitimacy strategies of MPDs, very little is known on how MPDs in actual fact facilitate legitimacy.

3.2.7.3 TRANSPARENCY

Section 64D of the South African Police Act (Act 68 of 1995), states that the Executive Head of a MPD shall be responsible for creating and maintaining a MPD that is impartial, accountable, efficient and transparent. However, neither the SAPS (Act 68 of 1995) nor the Municipal Systems Act (Act 32 of 2000) provide any indication on how such impartiality, accountability, efficiency and transparency should be achieved. Subsequently, it can be maintained that each MPD would be responsible for the development and implementation of its own transparency strategy. Such a strategy should encompass the elements of government openness, publicity, and the protection for whistle-blowers. As was the case with legitimacy, very limited empirical research examining metropolitan police transparency has been conducted.

3.2.7.4 ACCOUNTABILITY

Within South Africa's democratic paradigm, accountability should be realised through a system that consists of various mechanisms of internal, state and social control, reflecting upward, downward, vertical, horizontal, outward and social accountability. As was mentioned in Section 3.2.6 as a result of perceived insufficient control mechanisms, the Civilian Secretariat for Police considered MPDs to be a significant threat to South Africa's democracy. Once more it was a case where legislation stipulated that MPDs should maintain accountability, but failed to describe how this accountability could be achieved. As was the case with transparency, the Executive Head of the MPD was given the responsibility to ensure accountability, without providing guidelines on how to do so. Legislation did not provide any indication on what type and the manner in which internal control mechanisms should be created and maintained. Subsequently, Executive Heads of MPDs are free to create internal control mechanisms that they deem appropriate. Consequently, one must wonder if these mechanisms, should they exist, would truly be appropriate in relation to the department concerned. As there is no notable empirical research relating to the internal control of MPDs, this question, for now at least remains unanswered. Considering that each MPD is an independent entity, one can conclude that internal control measures and the quality thereof would vary significantly across the various

departments. Subsequently, it is at this stage unknown how upward and downward accountability is promoted and maintained within MPDs.

When it comes to state control, The Minister of Police may, in terms of Section 64M of the SAPS Act (1995), in the case of non-compliance with any national standard, intervene in relation to this non-compliance as is contemplated in Section 100 of the South African Constitution (1996). In terms of Section 64L of the SAPS Act (Act 68 of 1995), the National Commissioner of the SAPS should report any non-compliance to the Minister of Police. Section 64N of the same Act, grants the applicable Member of the Executive Council (MEC) or a member of the provincial secretariat designated as such, the authority to investigate any failure to comply with national standards, and to demand for the MPD in question to rectify such a failure. Should the MPD concerned fail to correct such non-compliance, the MEC may place the MPD in question under provincial administration. This legislation thus implies that MPDs are at least accountable to the National Commissioner of the SAPS, the MEC of the province concerned and the Minister of Police. As MPDs are accountable to the Minister, it can be argued that this represents a measure of parliamentary control over these departments. In addition, state institutions like the Public Protector, IPID and the Human Rights Commission are responsible for investigating allegations of metropolitan police misconduct. Members of MPDs are also held accountable through civil and criminal proceedings by the judiciary when and if needed. Within the context of the municipality, Section 64J states that a municipality shall appoint a committee to ensure civilian oversight over the MPD concerned. This civilian oversight committee shall comprehensively be discussed in section 3.2.7.5. These structures subsequently represent both vertical and horizontal accountability.

Legislation does not prescribe any structures to ensure social accountability. However, scanning through newspapers and social media platforms such as Facebook and Twitter, it becomes evident that these platforms are critical instruments to ensure social accountability of the MPDs. Various videos, pictures and reports of alleged misconduct by metropolitan police members regularly surface on these platforms. In annexure F, various links to online videos and articles relating to unprofessional behaviour of MPDs can be found.

3.2.7.5 SUBSERVIENT TO CIVIL AUTHORITY

Section 64J of the SAPS Act (Act 68 of 1995) prescribes that a municipality shall appoint a committee to ensure civilian oversight over the MPD concerned. This committee shall consist of members of the council, and any other person or persons deemed necessary by the municipality to ensure civilian oversight over the metropolitan police department. The responsibilities of this committee shall include:

- advise the council on matters relating to the municipal police service;
- direct the CEO of the municipality and the executive head of the MPD in relation to the performance of his or her functions in respect of the metropolitan police department;
- perform such functions as the MEC, the municipal council or the CEO may consider necessary to ensure proper civilian oversight over the MPD;
- promote and maintain accountability and transparency of the MPD;
- monitor the implementation of policy and directives issued by the CEO and report to the municipal council or CEO thereon;
- perform various *ad hoc* duties that may be assigned to the committee by the municipal council or CEO; and
- evaluate the functioning of the MPD and report to the municipal council or CEO thereon.

As was mentioned in the introduction of section 3.2, very little empirical research that describe and examine the procedures and subsequent effectiveness of these oversight committees are in existence. Taking into consideration that each municipality is an entity on its own, it seems reasonable to assume that the function of these committees will vary across the various departments.

3.2.7.6 COMMUNITY ORIENTATED SERVICE DELIVERY

Chapter 4 of the Municipal Systems Act (Act 32 of 2000) creates a rudimentary legislative framework that obligates municipalities to engage and ensure the participation of local communities in the affairs of the municipality. In accordance with Section 17 of this Act, various political, developmental and operational structures should be developed and maintained by the municipality to facilitate community participation. Although these structures are mentioned, legislation fails to provide a

comprehensive description or guidelines on how these structures should be created and maintained. Subsequently, the onus of creating a culture of community participation rests on the elected councillors and officials of the municipality concerned, as is contemplated in Section 16 (1) (b) of the Municipal Systems Act (Act 32 of 2000).

As a MPD is a department within a municipality, it is only sensible to argue that MPDs are legally obligated to engage in, and make use of these political, developmental and operational structures. Furthermore, in terms of Section 64C of the SAPS Act (1995), the CEO of a MPD, or any person delegated by him must attend all meetings of every local policing co-ordinating committee established in terms of section 64K and all Community Policing Forum (CPF) meetings within the area of jurisdiction of the municipality. All these mechanisms surely can assist a MPD to create a community orientated approach to service delivery. These mechanisms, however, will not be sufficient for MPDs to truly get acquainted with the various communities they serve. Subsequently, MPDs must develop additional structures, platforms and mechanisms to understand and respond to unique community needs.

In terms of the SAPS Act (Act 68 of 1995) and other policy documents, like the Whitepaper on Policing (South Africa, 2016), the overarching policing philosophy in South Africa is that of community policing. A worrying phenomenon however, is that there is little evidence that suggests that MPDs actively engage in the community policing approach, specifically as it relates to their mandated functions. As was mentioned earlier, community policing constitutes a critical tool of democratic policing. Consequently, should MPDs not be engaged in community policing, it can be argued that the creation of a community service approach, will indeed be a near impossible endeavour.

From this analysis of the legislative framework, various inadequacies and limitations relevant to the democratic policing ideal can be identified. Although it is clear that MPDs should submit to the rule of law, legislation does not provide any description on how this is to be achieved. It can however be contended that the judiciary will hold individual members and departments accountable when an act superseding the lawful authority of the MPD has occurred. This will however transpire after the unlawful act

has taken place. It is significant that legislation does not provide any preventive mechanisms in this regard, and that members and departments should submit to the rule of law on their own accord. It is also significant that legislation does not explicitly provide any structure or mechanism to promote and maintain the legitimacy and transparency of MPDs. It can thus be contended that the normative and descriptive legitimacy of MPDs would vary significantly. The same argument would also be relevant to transparency, as each MPD would direct government openness, publicity and whistle-blower protection as is contained in its own transparency strategy.

It is notable that legislation does not provide any description or any other indication on the type of internal and social control mechanisms that should be employed by MPDs to enhance accountability. Subsequently, the creation and maintenance of these mechanisms are at the discretion of the Executive Head of the MPD. A fluctuating level of accountability between MPDs is thus a very conceivable reality. Furthermore, an issue of major concern is that municipalities should appoint council members, and any other person it deems necessary to ensure civilian oversight of the MPD. Legislation does not describe any or training that must be completed to serve on such a committee. One can thus not help but wonder if the individuals appointed to these committees would truly be the best persons to keep watch over the MPD. Considering this thought, a much more frightening and sensitive question unwillingly comes to mind. It should be kept in mind that council members essentially are politicians. Although general consensus holds that these individuals would be elected to represent the public's will, one cannot help but wonder if these council members would be dedicated to the community they are supposed to serve, or the political entity that positioned them there. Considering the aftermath and the response of the ANC in relation to the Constitutional Court Judgement of 31 March 2016 which found that the President of South Africa's conduct was in breach of the Constitution and his Oath of Office, this seems like a very relevant and critical question (Marrian, 2016). This then implies that democratic control and oversight of all democratic institutions, including the MPDs should also be questioned. Democratic institutions and police departments who 'serve' a political will rather than the will of the people, would truly be a significant threat to any metaphysical or material application of the democracy ideal (Hornberger, 2014).

Considering these inadequacies together with the ambiguous nature of both democracy and democratic policing, as was highlighted in section 1.2 and section 2.2, it becomes clear that it would be impossible for a single, democratic understanding of the metropolitan police mandate to exist. It seems more plausible that instead, a qualitative variation in the understanding of democracy, the metropolitan police mandate and the subsequent democratic execution thereof ought to be in existence. The extent of this variation however remains a mystery. Determining the extent of this variation would however only be possible if a standardised qualitative model, representing the democratic application of the metropolitan police mandate was created. It therefore becomes necessary to analyse the metropolitan police mandate, and contextualise this analysis within the framework of a South Africa's constitutional democracy.

3.3 THE METROPOLITAN POLICE MANDATE: A DEMOCRATICALLY RELEVANT INTERPRETATION

Section 64E of the SAPS Act (Act 68 of 1995) describes the functions and subsequently the mandate of MPDs as:

The functions of a municipal police service are-

- a) *traffic policing, subject to any legislation relating to road traffic;*
- b) *the policing of municipal bylaws and regulations which are the responsibility of the municipality in question; and*
- c) *the prevention of crime.*

Van Biljon (2014a) provided a comprehensive analysis of the metropolitan police mandate. Van Biljon's (2014a) analysis aimed to create a meaning of crime prevention within the context of MPDs. To create such a meaning, a comprehensive analysis, aimed at uncovering the factual meaning of the metropolitan police mandate was made. This analysis revealed significant features of the metropolitan police department, pertinent to understanding the metropolitan police mandate. Firstly, it was contended that it is of critical importance to note that the traffic and bylaw functions of the MPD are described as policing, and not as law enforcement. While law enforcement refers to the actual act of 'giving consequence to legislation', policing refers to a much wider application of the police authority, including but not limited to

various proactive and reactive policing activities, such as education, criminal investigations, community problem solving, public reassurance and order maintenance (Burger, 2007; Police Executive Research Forum, 2014). Considering this noteworthy conceptual difference between these two concepts, it seems only logical to conclude that the legislator expects more of MPDs in relation to road traffic and municipal bylaws than mere law enforcement, subsequently enabling democratic policing by these departments. Based on this postulation, van Biljon (2014a) found that traffic policing, in the context of MPDs should mean (City of Tshwane, 2010):

'Road Policing centres on all activities which reduce, deter or prevent the occurrence of all accidents firstly by ensuring effective and efficient law enforcement, secondly on the monitoring of relevant infrastructure as well as strategic interventions where and when necessary, and thirdly by providing supportive traffic control services with the vision to secure a safe road environment where the community can confidently use all roads, without fear for damage, injury or death.'

In terms of bylaw policing, van Biljon (2014a) extending Marais' (2003) definition of bylaw enforcement, found that bylaw policing involves:

'Ensuring compliance with local legislation by employing both reactive and proactive policing methods in order to improve the quality of life of all people within the municipal area.'

Based on the specific order in which the legislator lists the functions of MPDs, van Biljon (2014a) concluded that the primary objective of MPDs is the policing of road traffic and municipal bylaws, with crime prevention as an implicit result of these two functions. Subsequently, crime prevention within the framework of MPDs should mean (van Biljon, 2014b):

'Preventing crime and the fear of it, by maintaining a strong observable police presence through the persistent and effective policing of road-traffic legislation and municipal bylaws.'

Van Biljon, (2014a) also highlighted that MPDs, at the time that this previous research was conducted at least, did not have any investigative powers, and were subject to geographical jurisdictional limitations, subsequently impeding on the effectiveness of MPDs. As was mentioned in section 3.2.6, the Whitepaper on Policing (South Africa, 2016) did make recommendations in this regard, by proposing that MPDs be given limited investigative powers in relation to their mandated functions. These changes however have not been implemented at the time of this study.

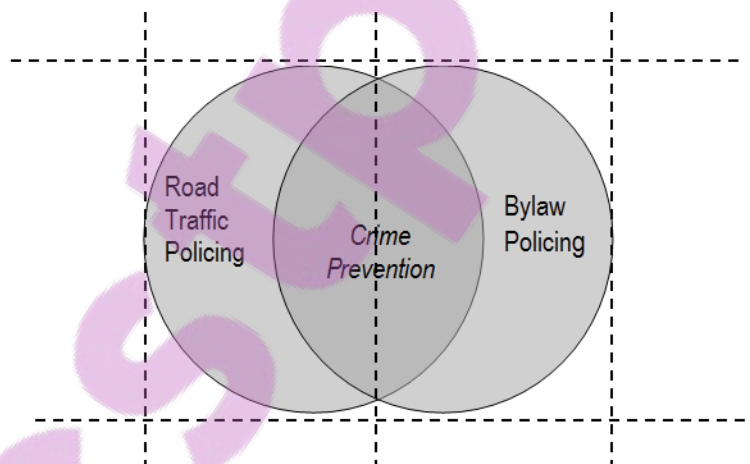
Although this analysis provided a convincing interpretation of the metropolitan police mandate, it remains unclear how these functions should be interpreted and applied, specifically as it relates to promoting democratic policing, within the paradigm of South Africa's democracy. It thus becomes necessary to generate a new metaphysical democratic interpretation of this mandate, based on the unique characteristics police organisations in South Africa's democracy must display to be considered as truly democratic, as was identified in section 2.5.

It is critical at this stage to note that the three mandated functions of the MPD are fundamentally interrelated and symbiotic in nature. Taking the definitions of these functions into consideration, it becomes evident that both road traffic policing and bylaw policing share various key characteristics. Firstly, it is significant to note that the definition of road traffic policing implies that both reactive and proactive methodologies should be applied in this regard, while the definition of bylaw policing specifically makes reference to both proactive and reactive policing models. Subsequently, it can be contended that both these definitions discreetly suggest that an approach wider than mere law enforcement should be adopted in terms of these functions. Secondly, as proactive policing methodologies are referenced in both definitions, it can be contended that both these definitions advocate that a proactive and preventive focus should be adopted in relation to both functions, in addition to law enforcement. In the third place, it is of significance that both these definitions hint that these functions should be carried out with the purpose of protecting and improving human life. Lastly, and significantly so, it is remarkable that the definition of road traffic policing specifically refers to '*...community...*', while the definition for bylaw policing refers to '*...all people within the municipal area.*' Subsequently, it can be contended that both

these definitions highlight the importance of community involvement and a community based service orientation in relation to these functions.

It is significant to note that the definition of crime prevention specifically refers to ‘... the persistent and effective policing of road-traffic legislation and municipal bylaws.’ (Van Biljon. 2014b) This then implies that the efficiency of crime prevention by MPDs is dependent on the manner in which road traffic and municipal bylaws are policed, and thus highlighting the interconnectivity of the metropolitan police functions. Consequently, it stands reasonable to contend that the reactive and proactive policing methodologies employed in the environments of road traffic and bylaw policing will be of extreme relevance in this regard. It can thus be argued that if the functions of road traffic and bylaw policing are democratically policed, as is appropriate within the context of a democracy, crime prevention can also be considered as democratic. Therefore, the researcher contends that crime prevention should display several of the same democratic characteristics as both road traffic and bylaw policing, due to the postulation that crime prevention is generated from these functions.

Figure 3.1: Interrelated and symbiotic nature of the metropolitan police mandate



(Researcher's illustration of concept)

Considering the interrelated and symbiotic nature of these functions demonstrated in the figure above and the characteristics identified in section 2.5, it can be contended

that the following democratic characteristics should display throughout all three these functions of the metropolitan police mandate:

- The approach implemented in relation to all metropolitan police functions should encompass the entire spectrum of duties associated with the policing function, and should not principally be focussed on law enforcement.
- All law enforcement activities should be carried out in strict accordance with the rule of law, and should embrace and promote the features of objective professionalism, individual and situational responsiveness and to a limited extent, that of a preventive and proactive focus.
- Any activity undertaken in terms of these functions should be undertaken with the objective of protecting and enhancing human life and human dignity.
- The overall approach towards road traffic, bylaw policing and implicitly crime prevention, should demonstrate a general proactive and preventative focus, rather than a reactive methodology, and should demonstrate the features of objective professionalism and an individual and situational responsiveness.
- Any proactive or reactive action undertaken in relation to these functions, should be based on community service orientation, in which the unique needs of the specific community concerned are responded to, subsequently promoting the feature of individual and situational responsiveness, provided that such a focus be based on the principle of non-discrimination.
- Objective professionalism entails that all communities and individuals are treated the same. Subsequently, a poor community should receive the same level of service than an affluent community, and individuals should be treated equally, irrespective if such an individual was a suspected offender, innocent bystander or a victim of a traffic crime, bylaw infringement or any other criminal conduct.
- All activities and attitudes associated with these functions should fundamentally be rooted in the democratic principles of participation, authorisation, representation, accountability, transparency, responsiveness and solidarity.
- Normative and descriptive legitimacy should be promoted through the conduct of the members engaged in these functions.

Although transparency, accountability and legitimacy are not expressly mentioned in these characteristics, any proactive or reactive activity that is engaged in by a MPD should obviously be done in such a manner that these principles are acknowledged, promoted and maintained. Considering however that the functions described in the metropolitan police mandate are fundamentally interweaved with, and supportive of each other, it can be argued that these issues should not be dealt with as they relate to specific individual functions. Instead, these issues should be dealt with as they relate to the overall transparency, accountability and legitimacy of the MPD concerned. Subsequently, various characteristics promoting these issues should exist on an organisational level. Firstly, it would be of utmost importance that MPDs submit to democratic control, by submitting to a civilian control body, which would be dedicated to enhancing democracy. The establishment and functioning of such a body was described in section 2.1.7.5. Secondly, various internal, governmental and social control mechanisms should be established and maintained to ensure accountability. Current structures to ensure accountability are described in section 2.1.7.4. Lastly, a comprehensive transparency strategy would have to be employed, as was alluded to in section 2.1.7.3.

It seems however that this democratic ideal is far from being realised. Gould (2008) believes a common characteristic of South African social and political structures is to camouflage various social problems, like *inter alia* crime and delinquency, as policing problems, rather than social problems. In terms of road traffic policing however, this appears to be an international tendency, as most of the literature describes the traffic function of the police as a law enforcement function, rather than a policing function. In this regard, it is contended by Cameron (2014) that traffic policing differs significantly from non-traffic crime policing, as traffic policing is mainly concerned with detecting and deterring unsafe behaviour through law enforcement and visibility, as opposed to contemporary proactive police strategies. Furthermore, various authors and institutions such as Arrive Alive (2016); Brace, Scully, Clark and Oxley (2010); Benitez (2003); Castillo-Manzano, Castro-Nuño and Fageda (2015); Mphela (2011); and The Institute for Road Safety Research (2013) highlight law enforcement as the most significant element of any road traffic safety initiative. Additionally, Bezuidenhout (2011) suggests that the adoption of a broken windows approach within the road traffic environment, in which road traffic legislation is effectively enforced, would yield

significant results in the prevention of road traffic collisions. Van Biljon, (2014a) supports the notion of overemphasised law enforcement, as he suggested that there might indeed be such an overemphasis on law enforcement within the road traffic environment, as the perceived organisational culture of the TMPD reflected such an overemphasis, specifically in relation to the issuing of administrative notices for road traffic offences. Additionally, it was contended by Akaateba and Amoh-Gyimah (2013); Corbett (2013); Leggett (1997) and Walsh (2012) that traffic crimes were generally perceived as trivial, victimless crimes with insignificant consequence.

During July 2017 the Metropolitan Municipal Councils of Tshwane Johannesburg and Ekurhuleni all undertook an extensive public consultation process in an attempt to review certain bylaws. These processes resulted in minor amendments of various bylaws within all 3 municipalities. These amendments will however have no consequence on the manner in which bylaws are currently policed. It appears however that bylaw policing is currently not of a major concern for MPDs. Very little contemporary empirical research that describes how MPDs engage in this function is currently available. Van Biljon (2014a) contended that, at least in the case of the TMPD, the approach towards bylaw policing was very narrow, and of very little philosophical importance. Manda (2015) further identifies various other challenges in relation to the policing of municipal bylaws, including cooperation between the MPDs and the SAPS, public perceptions and a limited overall knowledge of municipal bylaws. Subsequently, one cannot help but wonder if the policing of bylaws is currently conducted in a truly, democratic fashion.

Considering these perceived complications against the interconnected and symbiotic premise of the metropolitan police mandate, it stands only reasonable to argue that the democratic application of the crime prevention function would also suffer direly. Pondering the seeming overemphasis on law enforcement in relation to road traffic policing, and worrying under emphasis in terms of bylaw policing, one must wonder if the democratic features of objective professionalism, a proactive and preventive focus, and individual and situational responsiveness can be realised in terms of crime prevention.

Taking these observations into account, it seems reasonable to conclude that it would be particularly problematic to apply the metropolitan police mandate democratically as is acceptable within the parameters of a democracy. As law enforcement is principally reactive in nature, the metaphysical and material recognition of the feature of a preventive and proactive focus would be a proximate impossibility. It can thus be argued that the notion of protecting and enhancing human life and human dignity would suffer significantly due to this lack of preventive and proactive focus. This assumption is based on the rudimentary argument that it would be difficult to protect life and dignity, after it was placed at risk. Further reflection on the perceived inconsequentiality of road traffic crimes, raises the argument that, should this notion be shared amongst members of the various MPDs, recognising the features of objective professionalism and an individual and situational responsiveness would also remain a psychological and physical impossibility, as the majority of activities would be focused on other 'more pressing matters' than road traffic. Also, one cannot help but wonder if this overemphasis on law enforcement together with the perceived trivial nature of traffic crimes could in any way constitute a deep appreciation of democratic values like participation, responsiveness, solidarity and representation as is required within this democratic paradigm. The same question should also be probed in relation to the recognition of a community service orientation as such an orientation would require proactive engagement with the community concerned.

Despite the democratic ideal and contrasting observations highlighted above, it remains unclear exactly how those individuals, who are essentially responsible for the democratic application of the metropolitan police mandate, perceive this mandate, especially as it relates to South Africa's democracy. As was highlighted in section 3.1.7.6, it is expected that a qualitative variation in the understanding of democracy, the metropolitan police mandate and the subsequent democratic execution thereof is in existence. The extent of this variation at this stage is however unknown. It is anticipated that an empirical picture, revealing the nature and extent of this qualitative variation would emerge at a later stage of this study.

3.4 SUMMARY

This chapter was directed towards conceptualising the metropolitan police mandate within the paradigm of a democracy. As national legislation essentially describes and

directs the metropolitan police mandate, the legislative framework applicable to MPDs appeared to be an appropriate departure point for such a conceptualisation. Based on a previous analysis of this legislative framework by the researcher, this chapter provided a concise overview of various statutes and policy documents applicable to MPDs. Proposed changes to the philosophical and material functioning of MPDs were also highlighted by this overview.

Expanding this previous overview, this chapter provided an outline of structures and mechanisms prescribed by legislation that could enhance democratic policing, specifically within the context of MPDs. This concise outline pointed out that MPDs are held accountable for their actions by various municipal, provincial and national structures. It also indicated that each municipality should establish a committee to ensure civilian oversight over the MPD concerned. It also found that MPDs should submit themselves to various statutes, including but not limited to the Constitution of South Africa (1996), the SAPS Act (1995), and the Criminal Procedure Act (1977). However, it was emphasised that legislation is very vague and unforthcoming on issues relating to transparency, legitimacy and internal control of MPDs. It was also revealed that legislation subtly implies that a community orientated approach should be adopted by MPDs.

This chapter then proceeded to examine the metropolitan police mandate. Based on previous research by the researcher, functional definitions and key features of the metropolitan police tasks were discussed. Considering these functional definitions and features, it was argued that the functions referred to in the metropolitan police mandate are fundamentally interlinked and symbiotic in nature. Subsequently, various characteristics, which should be displayed throughout the entire spectrum of all metropolitan police functions, have been identified.

This chapter lastly argued that the democratic ideal alluded to throughout this chapter was far from being realised. It appears that a seeming overemphasis on law enforcement in relation to road traffic policing, and a worrying under emphasis in terms of bylaw policing are currently in existence. As the identified key characteristics associated with the democratic paradigm is superficially absent from these functions, crime prevention and subsequently the current application of the metropolitan police

mandate cannot be considered to be democratic, as is appropriate within South Africa's democracy.

The key characteristics that MPDs should display in relation to their mandated functions identified in this chapter, constitute a qualitative model of democratic policing, as is appropriate to MPDs operating within democracy. Subsequently, this chapter establishes a metaphysical foundation for examining the qualitative different understandings of the metropolitan police mandate that are probable to be in existence. As there is little empirical evidence that suggests that democratic principles are indeed promoted within the current interpretation of the metropolitan police mandate, it becomes necessary to determine how senior metropolitan police officials, who provide these departments with strategic and operational direction, perceive the mandate of these departments, specifically within the framework of South Africa's democracy.

CHAPTER 4

RESEARCH APPROACH AND METHODOLOGY

4.1 INTRODUCTION

The notion of research echoes the fundamental longing of mankind to understand the complicated social and natural worlds in which they exist. Over many centuries, philosophers and scientists conceived and developed numerous practices and approaches to study the complicated natural and metaphysical planes of the human existence. Some of these approaches and practices were, and continue to be, instrumental in shaping mankind's existing understanding of reality, while other approaches and practises are considered to be less effective. (Al-Busaidi, 2008). For research to be valuable and contribute towards understanding the complicated social and natural realities of the human experience, research must produce knowledge that is generated through accepted fundamental rules of reasoning. These accepted rules of reasoning encompass a variety of scientific methods, which are intended to minimise any undue personal, social or other unreasonable influences on research results. These scientific methods have their basis in empirical research, and produce scientific knowledge that is derived from observation or experimentation as opposed to theory.

Considering this sentiment, this chapter is intended to provide a detailed account of how scientific methods were employed to generate empirically sound scientific knowledge. Subsequently, this chapter will explain the reasoning behind the selection of the qualitative research paradigm for this study, which will be followed by a brief overview of the theoretical framework applicable to phenomenographic research. After appropriately defining the population relevant to this study, this chapter will comprehensively describe the strategies and techniques used to draw a sample from the defined population. The methodologies employed to collect and analyse data will be fully described, after which the strategies to ensure trustworthiness will be explained. This chapter will conclude with an overview of the ethical framework applicable to this research, as well as an overview of all subsequent measures taken to ensure an ethical research outcome.

4.2 RESEARCH DESIGN

Fundamentally, a research design encompasses an overall plan that articulates the design logic of the particular research project (Harwell, 2011). This plan typically describes the type of data that is needed, and how this data is to be collected. It further describes the data collection instruments, how these instruments will be used and the intended means for analysing the collected data (Williams, 2007). Subsequently, this section sets out to explain research perspectives, and research coordination, as was proposed by Congdon and Dunham (1999).

4.2.1 ADOPTION OF THE MOST SUITABLE RESEARCH PARADIGM

Any research undertaking essentially is grounded within, and constructed around the human understanding of reality (Bahari, 2010). From the literature, it becomes clear that understanding and eventually describing reality is indeed a difficult and perilous endeavour. The human mind in fact is caught between illusion and reality, since the mind must battle to comprehend a subjective and abstract world, grounded in individual and communal beliefs, perceptions and observations, as opposed to a physical world, based on an objective unalterable reality, that cannot be directly experienced or fully comprehended (Smith, 2004; Yacobi, 2013). Considering this statement, it becomes clear that reality can broadly be defined in terms of two opposing paradigms. Firstly, reality can be defined as it actually exists, when the physical state of a phenomenon is considered within the framework of single objective reality. In resounding contrast, reality can also be defined as it exists in the human mind, if the awareness of a phenomenon is reflected on, thus allowing a multitude of possible realities (MacIsaac, 2015). It consequently seems only reasonable to contend that a variety of research methods and approaches, based on these distinct understandings of reality, have emerged over time. These opposing views of reality subsequently gave birth to what is popularly known today as the 'paradigm wars', fought between the proponents of the supposed qualitative and quantitative research paradigms (Rhein, 2013).

On the one end of this continuum, are those individuals who fundamentally believe in a single reality, a physical world that exists independently from the human consciousness, which can be objectively studied through detached, impartial scientific methods (Muijs, 2011). Proponents of this perspective are generally associated with

the positivist movement, and typically employ quantitative research methods in which the researcher stands independent from the phenomenon under investigation (Castellan, 2010; Krauss, 2005). Quantitative research typically makes use of numerical data to test hypotheses, theories and make predictions of the future (Sibanda, 2009). Subsequently, quantitative research can be described as a type of research that objectively explains phenomena by collecting numerical data that is analysed using mathematically based methods (Creswell, 2003).

On the other side of this continuum, are proponents of the qualitative paradigm, who believe in a subjective, multidimensional reality in which reality resides within the cognitive domain of the individual (Nakkeeran, 2010). The qualitative paradigm is fundamentally concerned with investigating multiple realities, based on the lived experiences, perceptions and understandings of individuals interacting with the world they live in (Guba & Lincoln, 1994; Joubish, Khurram, Ahmed, Fatima & Haider, 2011). This explanation of reality is based on the simple assumption that the human understanding of reality is essentially influenced by the social, physical and ethical settings in which life is experienced. Subsequently, meaningful research will only be possible if it is conducted in the domain where all these contextual variables interact with the individual (Atieno, 2009). The qualitative paradigm thus allows scholars to view a phenomenon from the position of the individual experiencing reality (Thanh & Thanh, 2015).

From an examination of the research question, as was presented in section 1.3, it becomes clear that this study is not concerned with examining a single objective reality, as is advocated by proponents of the quantitative paradigm, but rather with investigating multiple realities embedded within the multidimensional realm of human awareness. Subsequently, this study will reside within the domain of the qualitative paradigm. Although no consensus has been reached on how qualitative research should be defined, qualitative research can be described as any kind of research that produces discoveries not derived from numerical procedures or other means of quantification and which is intended to provide a detailed and interpreted understanding of the social world of individuals (Mason, 2002; Moriarty, 2011; Hoepfl, 1997). Various authors like Atieno (2009), Choy (2014), Gray (2014), Tierney and Clemens (2011) and Vilakati (2009) highlight several advantages and limitations

normally associated with the qualitative paradigm. These advantages and limitations *inter alia* include:

Table 4.1: Advantages and Limitations of Qualitative Research.

| QUALITATIVE RESEARCH | |
|---|--|
| ADVANTAGES | LIMITATIONS |
| <ul style="list-style-type: none"> • Qualitative data produces data based on the participant's own classification of meaning. • It enables in depth examination of limited cases. • Explains the human experience of complicated phenomena. • Allows for cross-case comparisons and analysis. • Provides insight into the individual's experience of reality. • Responsive to changes that may occur while conducting research. | <ul style="list-style-type: none"> • Knowledge produced might not generalise to other people or other situations. • Replicating qualitative studies is nearly impossible. • Data collection and analysis are particularly time consuming and expensive. • Research results are easily influenced by the researcher's personal predispositions, personal knowledge and experiences. |

(Griffin, 2004; Sukamolson, 2007).

It is critical that researchers take cognisance of these advantages, and more particularly of these limitations, and that these advantages and limitations are considered during all phases of the research project (Hanacek 2001). Considering these advantages alongside the research question, it becomes clear that the qualitative paradigm is irrefutably the most suitable paradigm to answer the research question (Al-Busaidi, 2008). Further consideration of these advantages reveals that quantitative research enables researchers to create rich and detailed data, which preserves the perspectives, understandings and opinions of research participants, which personifies the purpose of this study (Griffin, 2004). Reflecting on the limitations of qualitative research as is listed above, it becomes clear that these limitations potentially would have a substantial impact on the overall trustworthiness of the research project (Silverman, 2006). Subsequently, researchers should employ a multilateral integrity strategy that guarantees credibility, objectivity and transferability, subsequently ensuring the overall trustworthiness and rigour of the study (Dantzker & Hunter, 2012; Shenton, 2004). Researchers consequently should be able to provide a detailed account on how all methodological, researcher and other limitations

experienced during the study were addressed, in order to ensure the authenticity of all research findings (Morrow, 2005; Pitney, 2004). Such a detailed account, as it pertains to this study, will be provided throughout this chapter.

Further examination of the research question reveals that the aim of this study is not to investigate structural features of understanding and of phenomena as experienced, as is typically associated with the phenomenological research approach. Rather, this study aims to examine the qualitative variation in the interpretation of a single phenomenon, in this case, the metropolitan police mandate as is experienced and understood within the backdrop of South Africa's democratic dispensation. Subsequently, this research is fundamentally rooted within the theoretical framework of the phenomenographic research approach. Phenomenography as a research method is mainly directed towards understanding the qualitative variation in the underlining understandings, motives and perceptions derived from, and influencing experience and awareness (Reed, 2006).

Phenomenography emerged in the late 1970's, when it was developed within the realm of the educational sciences as a means to examine variations in student learning experiences (Yates, Partridge & Bruce, 2012). The term phenomenography was coined by Ference Marton in 1979 and appeared in mainstream literature for the first time in 1981 (Marton, 1981). Etymologically, the term 'phenomenography' is derived from the Greek words '*phainomenon*', denoting 'appearance' and '*graphein*', meaning 'description' (Khan, 2014). Despite various criticisms, phenomenography has developed into a reputable research approach, being applied to multiple phenomena within the realm of the social sciences (Costello, Cole, & Ramussen, 2014; Lin & Niu, 2011). Seeing that phenomenography is a relatively new research approach within the South African context, and more specifically within the realm of police science (Larsson & Holmström, 2007), a brief outline of this research approach becomes essential, and will unfold throughout this chapter.

4.2.2 A CONCISE OVERVIEW OF PHENOMENOGRAPHY AS A RESEARCH METHOD

Phenomenography as a research method is noticeably popular in Australia and Europe, specifically as it relates to educational research, but is relatively unknown in

other parts of the world (Costello *et al*, 2014). Alsop and Tompsett (2006) contend that the phenomenographic research tradition embodies a model of qualitative data collection and analysis that is unique in its focus, its methods and its outcomes. This view is shared by Welsman (2006) who contends that phenomenography is developed from a strong empirical, rather than from a metaphysical base, with a real-world tradition, which precedes the articulation of epistemological and ontological assumptions and methodological requirements.

Considering the relative unfamiliarity of the phenomenographic research tradition, together with its distinctiveness, a concise overview of this research approach becomes essential. This section will therefore *inter alia* explore the philosophical underpinnings of this research tradition, as well as the focus, outcomes and diverse lines of phenomenographic research.

4.2.2.1 PHILOSOPHICAL ASSUMPTIONS OF PHENOMENOGRAPHIC RESEARCH

Essentially, all research is based on a particular assembly of underlying philosophical assumptions, relating to the nature of reality, the nature of knowledge and the validity of research methods (Thomas, 2010). These assumptions are typically reflected in the ontological, epistemological, axiological and methodological positions held by the particular paradigm or research tradition employed to conduct a particular study (de Gialdino, 2009; Scotland, 2012). In the case of phenomenographic research, it is contended by Yates *et al* (2012) that the phenomenographic tradition, over time, has constructed an exclusive set of epistemological and ontological assumptions relevant to the objectives of phenomenographic research.

These assumptions, derived and adapted from other research traditions, are critical to understanding the premise of phenomenographic research, and should be reviewed before any attempt can be made to meaningfully describe the objectives, research outcomes, research processes and the diverse lines of phenomenographic research (Brown & Barker, 2007). These assumptions would consequently also serve as the philosophical underpinnings of this study, and can be summarised as table 4.2 below.



Table 4.2: *Ontological, epistemological, axiological and methodological assumptions of phenomenographic research*

| | |
|---------------------------|--|
| Ontological Position: | <ul style="list-style-type: none"> Phenomenography follows a non-dualist ontology, whereby the individual and the world are viewed and studied in relation to each other (Ireland, Tambyah, Neofa & Harding, 2009). Thus, reality is neither subjective nor objective, but is both (Marton, 2000). The phenomenon under investigation cannot be viewed or examined as an object, unless the phenomenon is being observed or experienced by an individual or group of individuals (Yates <i>et al</i>, 2012). |
| Epistemological Position: | <ul style="list-style-type: none"> Knowledge is understood in terms of the various meanings associated with the phenomena of interest, and the similarities and differences in those meanings. Thus, knowledge exists within the collective consciousness relating to a specific phenomenon (Yates <i>et al</i>, 2012). The qualitatively diverse conceptions and understandings of the phenomenon under investigation are rationally connected to each another, typically by way of hierarchically inclusive relationships (Souleles, 2012). Knowledge exists within a 'second order perspective' in which phenomena are described in terms of people's experience and understandings of those phenomena (Richardson, 1999). |
| Axiological Position: | <ul style="list-style-type: none"> Fundamentally based on the principles of autonomy, non-maleficence, beneficence, justice, privacy, confidentiality and fidelity (Degu & Yigzaw., 2006). |
| Methodological Position: | <ul style="list-style-type: none"> Methods and procedures are fundamentally inductive, and methods can vary according to the research question, research context and the phenomenon under investigation (Booth, 2008). Methods that facilitate dialogue around the phenomenon between the researcher and the participant, like interviews, written surveys and drawings are most commonly used (Deji, 2012). The data collected must be representative of the relationship between the participant and a phenomenon under investigation (Collier-Reed & Ingerman, 2013) Qualitative analysis produces a hierarchical outcome space reflecting the participant's understandings and experiences of the phenomenon under investigation (Paakkari, 2012). |

(Researcher's Illustration of concept).

From these ontological, epistemological, axiological and methodological assumptions, it can be concluded that phenomenography could be described as an interpretive research approach that seeks to describe phenomena in the world as others see them, the object of the research being to identify variations in ways of experiencing the phenomenon of interest (Bruce & Ahmed, 2014; Limberg, 2005; Marton & Booth, 1997). When considering this description together with the philosophical framework above, various key features of phenomenographic research can be identified. These features, as identified by Barnard, McCosker and Gerber (1999) include:

- The understanding of a phenomenon, as experienced, can be found in pre-reflective and conceptual thought.
- The purpose is to describe variation in understanding from a perspective that views ways of experiencing the phenomenon concerned as closed, but not predetermined.
- The emphasis is placed on collective meaning.
- A second-order perspective in which experience remains at the descriptive level of participants 'understanding'.
- Analysis leads to the identification of conceptions and hierarchical outcome space.

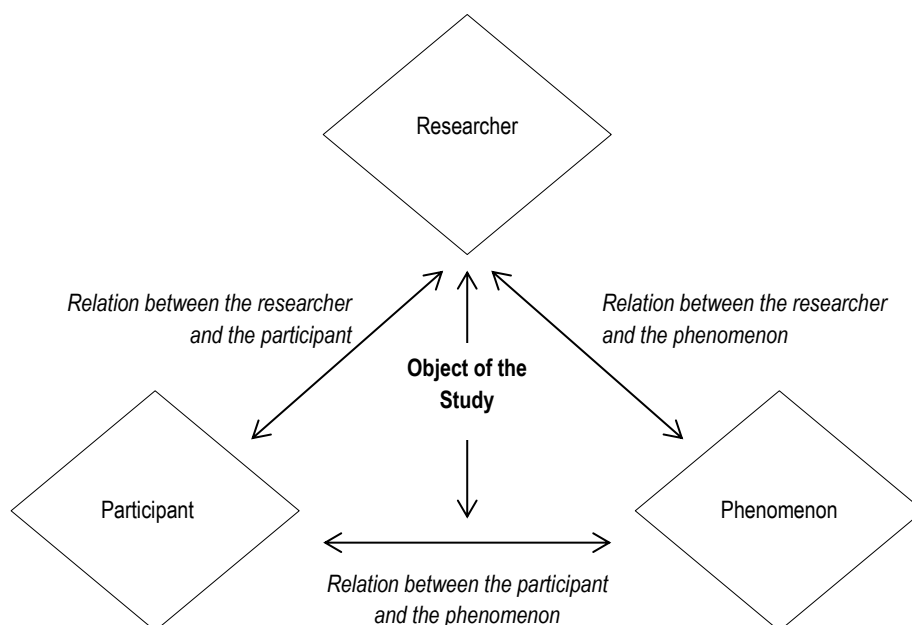
The philosophical underpinnings and features of phenomenographic research presented above, raise various positions that are unique to the phenomenography research tradition. These positions *inter alia* include the relationship between participant, phenomena and the researcher, the outcome of phenomenographic research, the phenomenographic process and various lines of phenomenography. The rest of this section will thus be dedicated to clarifying these positions, as understanding these positions would be critical to understanding the end results and conclusions of this particular study.

4.2.2.2 THE RELATIONSHIP BETWEEN PARTICIPANT, PHENOMENON AND RESEARCHER

From the ontological, epistemological, axiological and methodological assumptions presented in section 4.2.2.1, it becomes clear that a significant relationship exists between the participant, the phenomenon under investigation and the researcher (Khan, 2014). Experience, whether defined within conception, understanding or

perception, is not a separate entity, but should rather be considered as relationally interlinked with what is being experienced (Bowden, 2005). Experience within the phenomenographic framework, creates an inevitable relationship between the individual and the phenomenon under investigation (Sin, 2010). Subsequently, phenomenography is directed towards investigating the nature of the relationship between participants and phenomena, from which researchers could extract knowledge of the participant's experience (Reed, 2006).

Figure 4.1: Relationship between phenomena, subjects and the researcher



(Bowden, 2005).

As phenomenography enables researchers to examine the relationship between the participant and the phenomenon, as is demonstrated in the figure above, it can be contended that phenomenography permits researchers to capture the *experiences* of individuals interacting with other individuals, individuals interacting with phenomena and individuals interacting with contextualised situations, as opposed to capturing the *structures* of these interactions (Edwards, 2007; Wisker, 2008).

Considering these relationships, it becomes clear that these relationships endeavour to describe variation in understanding, from a perspective that views ways of

experiencing the phenomenon concerned as closed, but not predetermined, from the perspective of the individual experiencing the phenomena (Lupton, 2008). Subsequently, the relationship between the participant and the phenomena under investigation constitutes an indispensable element of phenomenographic research, and subsequently may not be overlooked.

4.2.2.3 THE OUTCOME OF PHENOMENOGRAPHIC RESEARCH

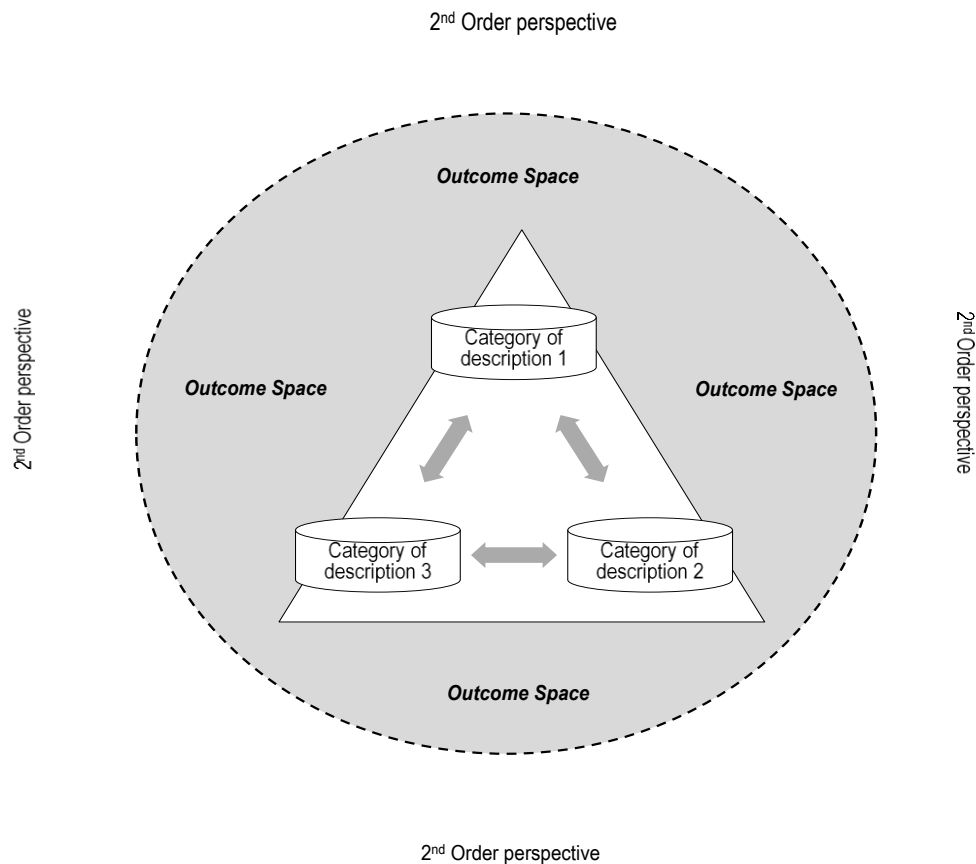
To effectively describe the outcome of phenomenographic research, it becomes of critical importance that various conceptions associated with the phenomenographic tradition, are clarified. These concepts include:

- *Category of description (COD)*: A category of description can be described as a unit of analysis that describes the different ways in which a phenomenon could be understood, at a collective level (Bruce & Ahmed, 2014; Govender, 2006). Subsequently, these categories of description illustrate the differing experiences, understandings and conceptions, which are logically related to each other, forming hierarchies in relation to the phenomenon under investigation (Drew, Bailey & Shreeve, 2001). Marton and Booth (1997) have established three criteria for ensuring that these categories of description are of sufficient quality to judge the research question. Firstly, they contended that the various categories should demonstrate a clear relation to the phenomenon under investigation, to such an extent that each category demonstrated a unique experience or understanding of the phenomenon in question. Secondly, each category would have to stand in a logical, hierarchical relationship to each other. Lastly, the system should be parsimonious, in order to capture the critical variation in the data.
- *Outcome Space*: Collectively, these categories of description translate into an outcomes space, which represents the structural relationships that exist between the varying understandings and experiences of the phenomenon (Khan, 2014). The purpose of this outcome space is to highlight the dimensions of variation that link and separate the different ways of experiencing and understanding the phenomenon in question (Lin & Niu, 2011). The outcome space thus embodies an interpretation of the phenomenon under investigation, through the collective experiences and understandings of the research participants (Bruce & Ahmed, 2014).

- *Second order perspective:* While the first order perspective is directed towards describing phenomena as they exist within the world, the second order perspective endeavours to describe the world as it is collectively understood and experienced by individuals interacting with the phenomenon under investigation (Bruce & Hughes, 2014; Marton, 1981; Richardson, 1999). Otherwise stated, the first order perspective is directed at investigating what individuals do and the way they do it as is observable from the outside, while the second order perspective is directed towards describing phenomena as they appear to individuals (Limberg, 2000; Osteraker, 2002). Within the second order perspective, experience and understanding remains at the descriptive level of participants' understanding, subsequently ensuring that experiences from the phenomenon under investigation are presented from the perspective of the research participants (Barnard *et al*, 1999).

The typical outcome of a phenomenographic study is a visual account of the range of different ways in which the phenomenon is conceived of by the participants. This representation consists of various related but limited categories of description that collectively articulate the qualitative variety of ways in which a defined phenomenon could be experienced or understood within a specific context (Bamigbola, 2012; Soon & Barnard, 2001). This collection of categories of description are commonly known as an outcome space, and represent a second order perspective of the phenomenon under investigation, as is depicted in figure 4.2 below (Collier-Reed & Ingerman, 2013; Smith, 2010). From this figure, it becomes clear that the outcome of phenomenographic research is a visual representation of all conceivable experiences and understandings of the phenomenon under investigation, relevant to the population represented by the selected sample. It thus provides a structure for understanding the phenomenon investigated, from the perspective of the research participants (Goh, 2013). Phenomenographic research therefore provides a broad, extensive and empirical understanding of real life experiences relating to the phenomenon in question, as they appear to individuals observing and experiencing this phenomenon (Akturk, Mihci & Celik, 2015).

Figure 4.2: The Outcome of Phenomenographic Research



(Researcher's Illustration of Concept)

From this diagram, it becomes clear that the outcome of phenomenographic research is a visual representation of all conceivable experiences and understandings of the phenomenon under investigation, relevant to the population represented by the selected sample. It thus provides a structure for understanding the phenomenon investigated, from the perspective of the research participants (Goh, 2013). Phenomenographic research therefore provides a broad, extensive and empirical understanding of real life experiences relating to the phenomenon in question, as they appear to individuals observing and experiencing this phenomenon (Akturk *et al*, 2015).

4.2.2.4 DIVERSE LINES OF PHENOMENOGRAPHIC RESEARCH

Marton (1988), who is one of the leading authorities on phenomenographic research, conceptualised three distinctive lines of phenomenographic research. These three

lines of phenomenographic research include naturalistic phenomenography, hermeneutic phenomenography and phenomenological phenomenography. Although these lines of phenomenographic research share the same philosophical foundations, they differ significantly in terms of focus and outcome. (Röing & Sanner, 2015).

Naturalistic phenomenography is mainly concerned with the more general aspects of the phenomenon under investigation, thus focusing on the central theme of being-in-the-world (Cibangu & Hepworth, 2016). Subsequently, naturalistic phenomenography is directed towards investigating phenomena as they are naturally observed and interpreted by research participants (Savener, 2013). A second line of phenomenographic research is hermeneutic phenomenography, which is concerned specifically with interpreting the collected conceptions of the topic under investigation (Lin & Niu, 2011). Normally, this type of phenomenography analyses text, statements or artefacts, not originally made for the purpose of a phenomenographic analysis (Barrie, Brew & McCulloch, 1999). Lastly, phenomenological phenomenography is concerned with characterising the different ways, or essence, in which individuals perceive various aspects of the world they interact with (Ireland *et al*, 2009). Subsequently, focus is placed on the understanding of the phenomenon and its context (Gerdtz, & Bucknall, 1999).

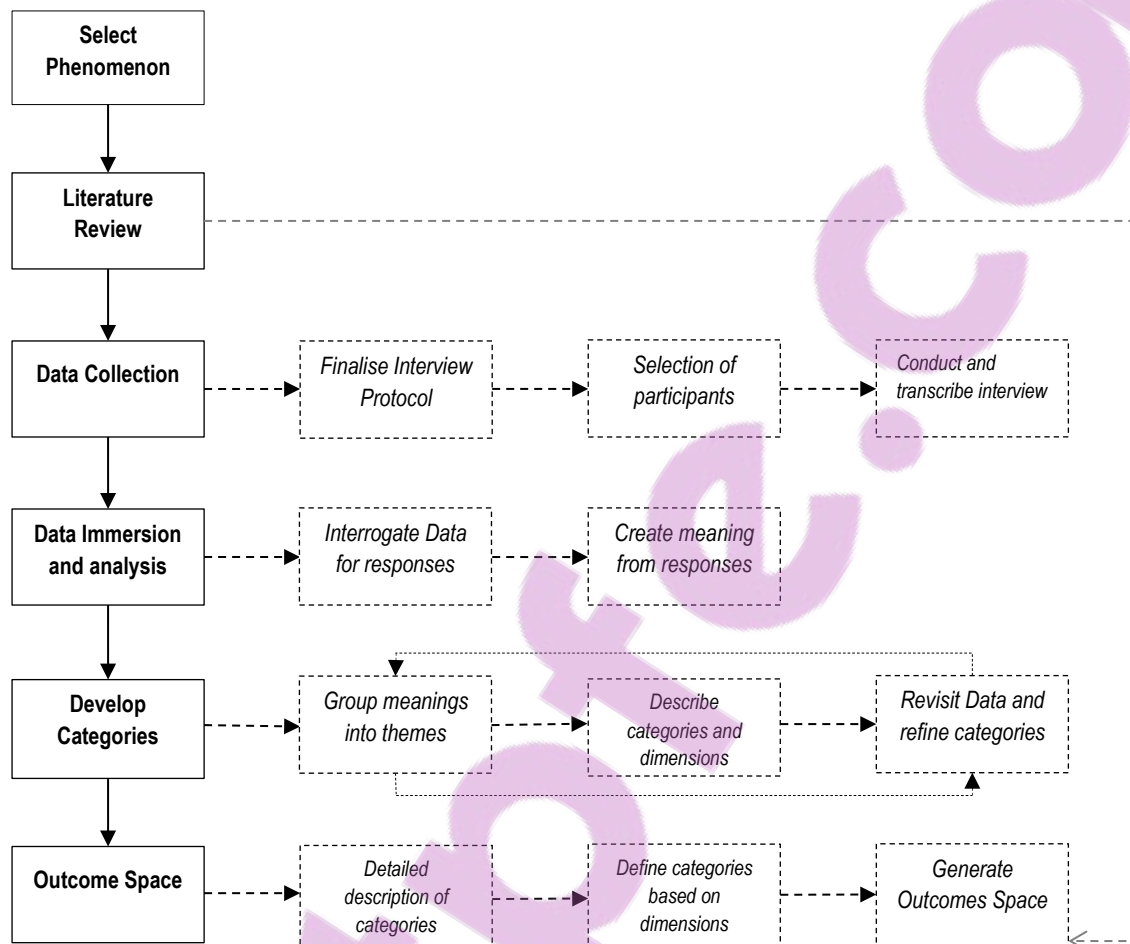
As this research is fundamentally directed towards investigating the variation in how the metropolitan police mandate is understood within the context of South Africa's democracy, this research is fundamentally rooted within the framework of the phenomenological line of phenomenographic research. Subsequently, it is envisioned that the outcome space would provide a comprehensive picture of the variation in how members of the identified MPDs understand and interact with the metropolitan police mandate.

4.2.2.5 THE PHENOMENOGRAPHIC PROCESS

Phenomenography involves the construct of abstract meanings from collected experiential data to create a set of diverse, but collective conceptions of the phenomenon under investigation (Sin, Reid & Jones, 2016). Essentially, phenomenography should be regarded as more than a research methodology, and subsequently would be integrated and imbedded within the entire research design of

this particular study (Sin, 2010). For the purpose of this study, the phenomenographic process, as was described by Herbert (2016) was adopted.

Figure 4.3: The Phenomenographic Process



(Herbert, 2016)

The process presented above describes the central stages of the phenomenographic process, but does not provide any detail on how these stages should be engaged with, thus leaving the researcher free to apply this process as is appropriate in relation to the phenomenon under investigation. Subsequently, the rest of this chapter is directed towards providing a detailed account on how the researcher engaged with, and applied the above-mentioned process, as it pertains to this study.

4.2.3 POPULATION

Within the domain of qualitative research, a population rationally consists of a universe containing the needed units of analysis, such as individuals, social groups, social objects, social situations or organisations from which the researcher intends to draw conclusions (Pavlichev, 2004; Saumure & Given, 2008a). Considering that a precisely defined population is a critical element of the overall trustworthiness of any qualitative research project (Asiamah, Mensah and Oteng-Abayie, 2017), this section sets out to unambiguously contextualise the population relevant to this study.

In terms of Section 103 (1) and Schedule 1 A of the Constitution of the Republic of South Africa (1996), South Africa is geographically divided into nine provinces, each with its own legislature, premier and executive councils (Alexander, 2016).

Figure 4.4: Map of Provinces in South Africa



(<http://www.globalsecurity.org/military/world/rsa/maps.htm>)

Landlocked between the provinces of the Free State, The North-West Province, Limpopo and Mpumalanga is the Gauteng Province, in which this study fundamentally was rooted. Although Gauteng, which is slightly smaller than the US state of New Jersey, is the smallest of the nine provinces, Gauteng contributes 34,5% to South Africa's gross domestic product (GDP) and hosts a variety of financial, business,

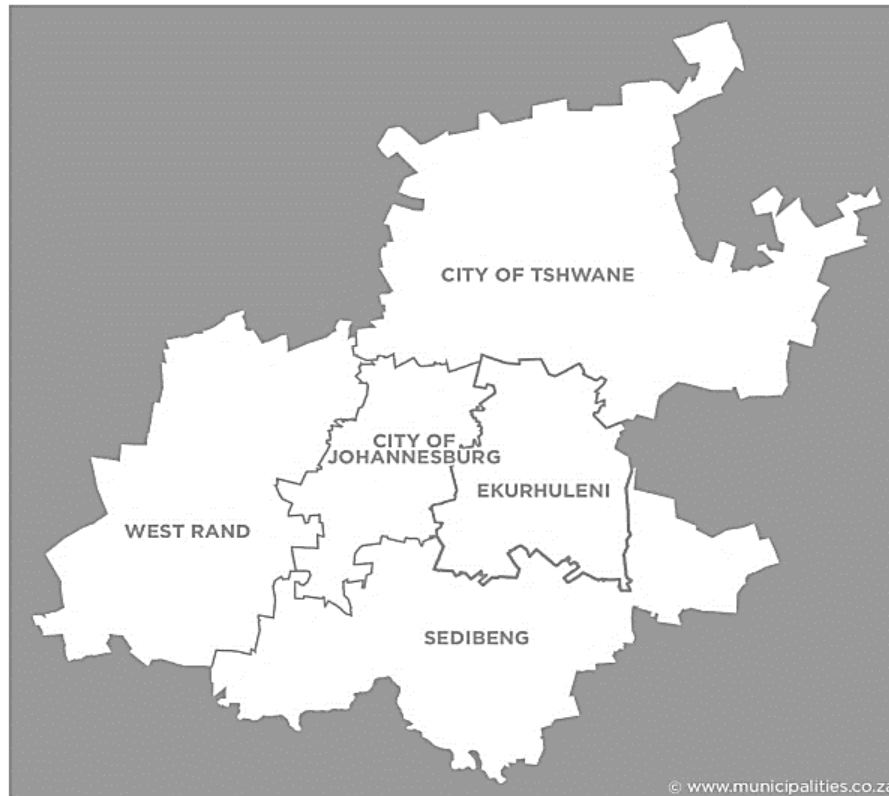
logistical, manufacturing, mining, property, telecommunications, trade industries and sectors within its borders (Tibane, E. & Malphia, 2015). Gauteng houses approximately 23, 9% (13.2 million) of South Africa's total population of approximately 54, 9 million individuals, within an 18 171 km² surface area, subsequently translating into an average population density of 675 individuals per square kilometre (Statistics South Africa, 2014).

Officially, Gauteng has an unemployment rate of 29.6%, with a labour absorption rate of approximately 51.8% (Sapa, 2015). As one of Africa's foremost economic centres, the province is faced with a constant barrage of illegal immigrants. Mabudusha (2014), Ndaliso (2015) and Wilkinson (2015), believe the largest number of illegal immigrants and asylum seekers, although the exact number is unknown, are found in the Gauteng province, consequently placing a tremendous strain on the social and economic infrastructure of the province, and contributing towards the overall unemployment and social decline in the province (Pelser, 2003). Furthermore, as the economic heartbeat of South Africa, Gauteng faces tremendous challenges brought on by the swift rate of urbanisation in the province (Ngonyama, 2012; Prinsloo, 2014). Urbanisation occurs when individuals migrate from rural to urban areas, most commonly seeking employment opportunities, improved social conditions and education (Annez & Buckley, 2009; Glaeser, 2013). Although urbanisation does yield various advantages such as higher wages for workers, greater life expectancy and better-quality opportunities, while being an effective stimulant for economic growth, it inherently creates various substantial economic and social challenges (Browne, 2014). These challenges relate to a variety of social issues such as housing, provision of health services, a shortage of employment and education opportunities, public transport challenges, and elevated levels of crime (Parikh, 2013). Gauteng faces a multitude of these challenges, including housing, unemployment brought about by urbanisation and transport challenges. These challenges were publicly recognised and acknowledged by the Black Management Forum (BMF), the current Gauteng Premier David Makhura, the current Human Settlements Minister Lindiwe Sisulu and the former Executive Mayor of Johannesburg, Mayor Parks Tau (Hartleb, 2005; Kilian, 2016; Thakali, 2015)



Administratively, the province of Gauteng is divided into 3 metropolitan municipalities, and 2 district municipalities which are further subdivided into 7 local municipalities.

Figure 4.5: Metropolitan and district municipal jurisdictions of the Gauteng province



<http://www.localgovernment.co.za/provinces/view/3/gauteng>

Pretoria, which is the capital of the Republic of South Africa, is found within the municipal boundaries of the City of Tshwane (CoT). The CoT hosts various national key points, like the Union Buildings, the Presidency, the SA Reserve Bank, Denel Land Systems and a multitude of international missions, embassies and high commissions. The City of Johannesburg (CoJ) is the capital of the Gauteng province, and is considered to be the economic heartbeat of South Africa. Like the CoT, Johannesburg also features various national key points, like the South African Broadcasting Corporation (SABC) Building in Auckland Park, the Sentech Tower, and the Gauteng Provincial Legislature. The City of Ekurhuleni (CoE), situated to the West of Johannesburg, hosts the OR Tambo International Airport, which facilitates approximately 19 million passengers a year, thus constituting the largest and busiest airport in South Africa.

The crime and road traffic situations in Gauteng are however a matter of major concern. Within the 2016 / 2017 financial year, approximately 599 316 crimes, including, amongst others 4101 murders, 53 793 robberies with aggravating circumstances, 24 147 commercial crimes, 27 674 stolen vehicles, 39 684 serious assaults and 9 566 sexual crimes have been reported to the police (South African Police Service, 2017). There are an estimated 4 586 921 registered and 249 218 unregistered vehicles traveling on Gauteng's over-saturated road network, which consists of 5 600 km of tarred road and 5 374 km of gravel road (Kannemeyer, 2014; Pienaar, 2011). Smith (2014) and Maregele (2016) are of the worrying opinion that no definitive and accurate road traffic accident statistics have been released in South Africa since 2011. Consequently, the true situation of road traffic remains elusive. Considering however that South Africa yields a road fatality rate of approximately 25.1 deaths per 100 000 people, in contrast to the international average of 16.1 deaths per 100 000 people and that Gauteng is the province with the highest number of registered vehicles, it can be contended that the true situation on Gauteng's traffic situation is indeed worrying (World Health Organisation, 2015).

Section 151 (1) of the South African Constitution (1996) states that municipalities covering the entire territory of the Republic of South Africa should be created. Subsequently, 278 municipalities comprising of 8 metropolitan municipalities, 44 districts and 226 local municipalities have been created throughout South Africa. Of importance to this study are the metropolitan municipalities which are geographically located in the Gauteng, Orange Free State, KwaZulu-Natal, the Eastern Cape and Western Cape Provinces.

Metropolitan municipalities are also known as Category A municipalities, and in terms of Section 155 (1) (a) of the Constitution of the Republic of South Africa (South Africa, 1996) can be defined as municipalities that have exclusive municipal executive and legislative authority in their area of authority. In terms of Section 2 of the Municipal Structures (Act 117 of 1998), these municipalities are generally characterised by a high population density, an intense movement of people, goods, and services, a complex and diverse economy and multiple business districts and industrial areas (South Africa, 1998).

Figure 4.6: Map indicating the geographical positions of metropolitan municipalities in the Republic of South Africa



(<http://www.gov.za/about-government/government-system/local-government#Municipalities>)

Of the eight metropolitan municipalities illustrated in figure 4.6, only six metropolitan municipalities have established MPDs. The lengthy and complicated process for establishing a MPD, is defined Section 64A of the South African Police Service Act (Act 68 of 1995), which describes the conditions under which the MEC of the province concerned may approve the establishment of a metropolitan police department (van Biljon, 2014a). Table 4.3 below provides a summary of metropolitan municipalities which has established MPDs as appose to those who did not, in addition to indicating the province in which these municipalities exist.

Table 4.3: Metropolitan police departments in South Africa

| METROPOLITAN MUNICIPALITY | | PROVINCE | EXISTING MPD | NAME OF MPD | DATE ON WHICH MPD BECAME OPERATIONAL |
|---------------------------|--|-------------------|--------------|--|--------------------------------------|
| 1. | City of Tshwane Metropolitan Municipality (CoT) | Gauteng | Yes | Tshwane Metropolitan Police Department (TMPD) | April 2002 |
| 2. | City of Johannesburg Metropolitan Municipality (CoJ) | Gauteng | Yes | Johannesburg Metropolitan Police Department (JMPD) | April 2001 |
| 3. | City of Ekurhuleni Metropolitan Municipality (EMM) | Gauteng | Yes | Ekurhuleni Metropolitan Police Department (EMPD) | February 2002 |
| 4. | Mangaung Metropolitan Municipality (MMM) | Orange Free state | None | Not Applicable | Not Applicable |
| 5. | City of eThekweni Metropolitan Municipality (CoD) | KwaZulu-Natal | Yes | eThekweni (Durban) Metropolitan Police Department (DMPD) | July 2000 |
| 6. | Buffalo City Metropolitan Municipality (BCMM) | Eastern Cape | None | Not Applicable | Not Applicable |
| 7. | Nelson Mandela Bay Metropolitan Municipality (NMBM) | Eastern Cape | Yes | Nelson Mandela Bay Metropolitan Police Department (NMPD) | March 2016 |
| 8. | City of Cape Town Metropolitan Municipality (CoCT) | Western Cape | Yes | Cape Town Metropolitan Police Department (CTMPD) | December 2001 |

(Newham, 2006; Sesant, 2016; van Biljon, 2014a).

As is evident from the map presented in figure 4.6 and the information presented in table 4.3, the Gauteng Province is the only province which hosts more than one metropolitan police department. Three MPDs, namely the Tshwane Metropolitan Police Department (TMPD), the Johannesburg Metropolitan Police Department (JMPD) and the Ekurhuleni Metropolitan Police Department (EMPD) have been established within the provincial borders of Gauteng. These neighbouring police jurisdictions cover approximately 55% (9914 km²) of Gauteng's total surface area (18178 km²) and provide services to approximately 86% (10 534 785) of Gauteng's total population of approximately 13 272 264 individuals (Statistics South Africa, 2011).

Considering that these 3 MPDs are the only in South Africa which are accountable to the same provincial administration, it can be contended that these 3 departments are similar in structure and functioning. Furthermore, these departments share a similar topographical and social configuration, therefore constituting a relatively constant social and economic dynamic across the region (van Biljon, 2014c). It should be noted that all the other 3 MPDs in South Africa are accountable to 3 different provincial administrations, are situated in harbour cities and are thus involved in the policing of international points of access. These 3 MPDs are also faced with different topographical and social conditions than those MPDs situated in the Gauteng province. It can subsequently be contended that the social and economic dynamics across the various regions these MPDs operate in would be significantly different from those departments operating in Gauteng. Taking into account the relative topographical, organisational and social similarities of the TMPD, the JMPD and the EMPD, and the manner in which these factors differ from other MPDs, it seems only appropriate that these departments should constitute the general population relevant to this study.

This study will be limited to such an extent that it will only include senior and middle level managers of the various departments as participants. Subsequently, only persons with the rank of Superintendent or higher will be recruited as participants. The reason for this limitation is rooted in the postulation that these members are those who are responsible for the interpretation, and the subsequent application of the metropolitan police mandate. As these departments are fairly similar in rank structure, the population would consist of the following sub-populations:

Table 4.4: Sub-populations relevant to this study

| SENIOR MANAGERS | MID-LEVEL MANAGERS |
|---|--|
| <ul style="list-style-type: none"> • Chief of Police • Deputy Chief of Police • Director | <ul style="list-style-type: none"> • Commander (Deputy Director) • Senior Superintendent • Superintendent |

(Researcher's illustration of concept)

Sub-populations are specifically selected, as their relevance to the research question is self-evident. These individuals are responsible for the interpretation and subsequent

application of the metropolitan police mandate within the various departments. Subsequently, it can be argued that the largest variation of interpretation, applicable to this research would occur within these sub-populations.

4.2.4 SAMPLING

Sampling can be described as the process of selecting individuals, to become participants in the research, with the belief that they would be able to provide detailed information relating to the phenomenon under investigation (National Health Service, 2009).

4.2.4.1 SAMPLING STRATEGY

Purposive sampling is regarded as the most appropriate sampling strategy in phenomenographic research (Yates, *et al*, 2012; Paakkari, 2012; Reed, 2006). According to de Vos, Strydom, Fouchè and Delport (2011) this type of sampling allows a researcher to select participants that, in the opinion of the researcher, hold the information relevant to the phenomenon under investigation. Battaglia (2008) states that the main objective of this type of sampling is to produce a non-random sample, which can be logically assumed to be descriptive of the population under investigation.

Although most qualitative researchers prefer this type of sampling, it does yield some limitations (Palys, 2008). These limitations *inter alia* include:

- Selection bias during the participant requirement process (Hussey, 2010).
- Limited transferability and generalisation of data (Saumure & Given, 2008b)

In order to accommodate these limitations, the researcher has limited the research to a small, cautiously precise described population from which a small, manageable sample has been drawn (Morgan, 2008; Hussey, 2010). To contribute towards the overall trustworthiness of this research, the researcher made use of a comprehensive sampling strategy. This strategy involved the selection of participants from various MPDs, and from different managerial levels within these departments.

Sampling within the TMPD was conducted by randomly selecting potential participants from the organisation's organigram. The researcher then emailed an invitation to participate in this research to each potential participant. This invitation briefly outlined the purpose, potential benefits and the extent of the participant's involvement in this research. Once a potential participant responded to the invitation, arrangements to conduct the interview were made. This process was repeated until a suitable number of interviews had been conducted. In the case of both the JMPD and the EMPD, the departments provided the researcher with a contact person to assist the researcher with arranging the relevant interviews. These contact persons provided the researcher with the names and contact details of individuals who fall within the scope of the selection criteria. As was done within the TMPD, the researcher then forwarded an invitation to participate in the research to all potential participants. The researcher contacted each individual who responded to the invitation and tentative arrangements to conduct the interview were made. The details of all tentative arrangements were forwarded to the relevant contact person, who then in conjunction with the researcher finalised all arrangements to conduct the interviews. Interviews were purposely scheduled to promote efficiency and organisational productivity. Subsequently, all interviews conducted within a specific department were conducted at a central venue that was easily accessible to both the researcher and the participant. In addition, all interviews within a specific department were conducted in quick succession of each other. These arrangements ensured that the impact of the research on the organisation would be minimal, while the researcher benefitted by traveling less to and from the various departments and their regional offices.

4.2.4.2 SAMPLE SIZE

Khan (2014), Larsson and Holmström, (2007) and Reed (2006) contends that the number of participants in a phenomenographic study should be sufficient to discover all the diverse understandings of the phenomenon under investigation. Bowden (2005) further contends that in addition to collecting sufficient data to uncover sufficient variation, the data should be manageable.

Based on these sentiments, the researcher initially intended to secure the participation of at least thirty participants in the study. However, taking data saturation, as was

described by Tuckett (2004) into consideration, twenty-five interviews were deemed sufficient to answer the research question.

The twenty-five interviews were qualitatively distributed across participating departments as is demonstrated in table 4.5 below.

Table 4.5: Sample size relevant to the study

| | TMPD | | JMPD | | EMPD | | TOTAL | |
|---------------------|---------|--------|---------|--------|---------|--------|---------|--------|
| | PLANNED | ACTUAL | PLANNED | ACTUAL | PLANNED | ACTUAL | PLANNED | ACTUAL |
| Senior Managers | 5 | 4 | 5 | 2 | 5 | 2 | 15 | 8 |
| Mid-level Managers: | 5 | 5 | 5 | 8 | 5 | 4 | 15 | 17 |
| | | | | | | | 30 | 25 |

(Researcher's illustration of concept)

Within the respective sub-populations, interviews were qualitatively distributed as in demonstrated in the figure 4.7 below.

Figure 4.7: Qualitative distribution within sub-populations



(Researcher's illustration of concept)

Although interviews within the senior management cluster were significantly less than within the mid-management cluster, the size of both sub-populations were sufficient to produce rich, suitable and sufficient data.

4.2.5 DATA COLLECTION

In phenomenographic research, semi structured interviews are considered as the most appropriate method to collect data (Lin & Niu, 2011; Osteraker, 2002; Sin, 2010). Semi structured interviews are flexible in nature, and are typically organised in terms of themes, topics and areas that should be covered during the interview, rather than a sequenced script of standardised questions (Mason, 2004).

The phenomenographic interview has a focus - the way in which participants understand the chosen concept, and this focus should be maintained throughout the interview (Drew *et al*, 2001; Stamouli & Huggard (2007). To ensure this principle, an interview schedule, consisting of various guiding questions, relating to the metropolitan police mandate was developed. These guiding questions were formulated as abstract, and gave participants the opportunity to define, to delimit and to deal with the question from their own perspective and life situation (Osteraker, 2002). As the interview was semi-structured, the researcher made use of probing and clarifying questions to explore and clarify participant's perceptions and opinions.

A comprehensive interview schedule, as is provided in Annexure C was methodically developed in relation to the research question and the key objectives of this study. The drafted interview schedule's relevancy and dependability was tested by conducting two pilot interviews before the data collection process commenced. One of these pilot interviews was conducted within the TMPD, while one was conducted within the JMPD. These pilot interviews confirmed that the questions contained in the interview schedule were understandable by participants, related to their real-world situation and sufficient to answer the research question. The same interview schedule was subsequently used throughout the entire data collection process. It should be noted that the mentioned pilot interviews do not form part of the data set presented in this study, as it will be inappropriate to include test data with primary data.

During the interview, the researcher made use of two independent devices to record the interview. The researcher made use of a tablet-computer which was placed between the researcher and the participant as the primary recording device. In addition, a portable voice recorder was positioned next to the researcher to act as a secondary recording device. Both devices were simultaneously activated when the interview commenced. During the interview, the researcher also made additional field notes of emerging feelings and themes, which enabled the researcher to preserve additional observations that does not reflect within the audio recording. After each interview, each interview was given a unique reference number and the audio recordings of the interview were backed up on the personal computer of the researcher, as well as on an additional external hard drive which was stored separately in a safe place.

The researcher opted to transcribe all the interviews himself. This was done in the interest of confidentiality and to assist the researcher to familiarise himself with the data. By making use of Microsoft Word 365, all interviews were transcribed in *verbatim*. After the interview was transcribed, it was printed and numerically filed together with all consent forms, field notes and interview schedules.

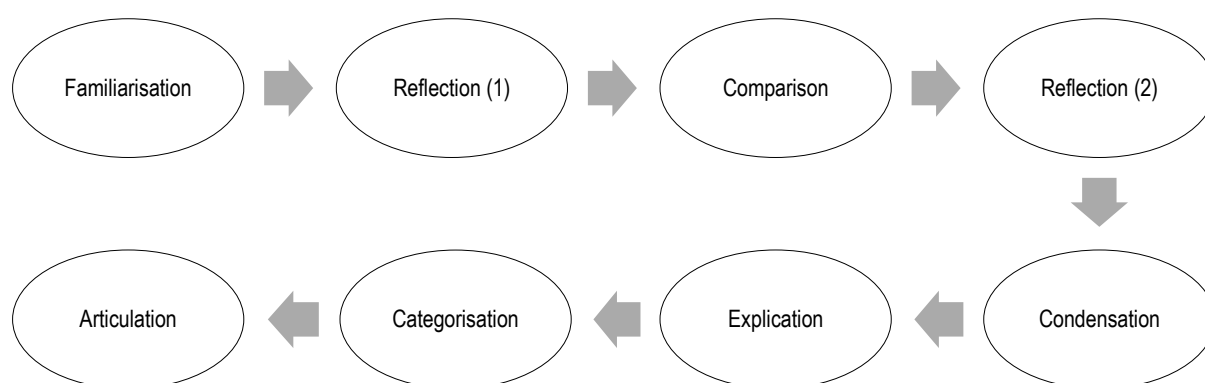
The data collection however was not without difficulties. Most significant of these difficulties was recruiting participants to participate in the study. Only a significantly small number of individuals who were invited to participate in the study responded to the invitation. In addition, many of those who initially agreed to participate in the study, later withdrew from the study because of professional commitments and personal circumstances. Unexpected operational situations such as strikes, protest actions and isolated incidents of xenophobia resulted in continuous postponement of various interviews throughout all participating departments, further delaying the data collection process. Furthermore, both the CoT and the CoJ underwent a significant change in political leadership as a result of the 2016 local government elections. This change in leadership resulted in various changes in organisational reporting structures which further complicated and delayed the data collection process.



4.2.6 DATA ANALYSIS

In addition to the steps suggested in figure 4.3, the researcher used the phenomenographic cycle of analysis, as was suggested by Dean (1994) to analyse collected data. This data analysis cycle consisted of the following phases:

Figure 4.8: *Phenomenographic Cycle of Data Analysis*



(Dean, 1994).

Taking the above-mentioned stages into consideration, the researcher made use of a multilateral data analysis strategy, which, *inter alia*, included systematic coding, comparative analysis and content analysis (Richardson, 1999).

Table 4.6: *Data Analysis Strategy*

| METHOD: | DESCRIPTION |
|-----------------------|---|
| Systematic coding: | A systematic process which condenses extensive data sets into smaller analyzable units (Lockyer, 2004) |
| Comparative analysis: | Seeks inconsistencies between similar data in context, and the apparent discrepancies are examined (Adelman, 2005). |
| Content analysis: | The analysis of the content of communications, in order to create valid inferences from text (Breuning, 2011). |

(Researcher's illustration of concept)

The researcher made use of Computer-aided Qualitative Data Analysis Software (CAQDAS) to analyse the data. The benefits CAQDAS holds for the researcher *inter alia* includes that it frees the researcher from manual and clerical tasks, it saves time and enables the management of large data sets while improving overall validity and

auditability (Herkama & Laajalahti, 2015). The researcher made use of ATLAS.TI 7 for windows to code the data.

All transcribed interviews were uploaded in to ATLAS.TI and arranged into three primary document families, representing the three participating departments. By making use of the various coding features presented by the software, the data was subjected to three rounds of coding. From the first round of coding, various themes and corresponding subthemes emerged, which were arranged into various coding families. During the second round of coding, a significant number of codes appeared which were then assigned to the relevant code families. The third round of coding, all code families and codes were recoded, as a measure to ensure general trustworthiness. Similar codes within each code family were then grouped together, by making use of various tools such as the Code Co-occurrence and Super Family tools offered by the software. These tools, together with the Network View tool were then used to establish relationships between the various code and code families. Lastly, data was controlled by making constant use of various query and report tools provided by the software.

4.3 METHODS TO ENSURE TRUSTWORTHINESS

In qualitative research, trustworthiness refers to the reliability of the research procedures and the data generated (Roberts, Priest & Traynor 2006). Golafshani, (2003) and Saumure and Given (2008c) state that trustworthiness is demonstrated in the way the researcher validates transferability, credibility, dependability, and conformability in his work, through an appropriate, transparent and auditable research process. In the case of phenomenographic research, it is suggested by Cope (2004) that the researcher could ensure trustworthiness by:

- Acknowledging his background.
- Providing a full description of the sampling strategy followed.
- Being able to justify the interview design.
- Describing the strategies employed to ensure unbiased data collection.
- Describing strategies used to approach data analysis with an open mind.
- Providing a detailed description of the data analysis process.

- Being able to account for the processes used to control and check interpretations made throughout data analysis.
- The results are presented in a manner which permits informed scrutiny.

Considering Cope's (2004) suggestion, the researcher employed a multilateral strategy to ensure reliability and validity, which, *inter alia*, included member checking, reflective journaling, providing an audit trail, triangulation and bracketing.

4.3.1 MEMBER CHECKING

Bryman (2004) describes member checking as a process in which the researcher submits research products for examination to research participants who were the source of those materials. Similarly, Yin (2011) describes member checking as a procedure whereby a study's findings or draft materials are shared with the study's participants. Member checking is a continuing process that is integral to data collection, and was primarily imbedded in the interview process (Sandelowski, 2008).

During the interview process, the researcher made use of a participant verification strategy, as was suggested by Carlson (2010) and Harper and Cole (2011), in which participants were asked to clarify and explain their statements, after which the researcher summarised the information, and asked if it was understood correctly. In addition, the participant randomly selected 5 participants to verify the content of the interview. Each selected participant was provided with a copy of the transcribed interview, and requested to certify that the contents of the transcript is a true reflection of what transpired during the interview. All 5 participants indicated that they viewed the transcribed interviews as a true reflection of the actual interviews. Furthermore, another set of 5 participants were selected and preliminary results were informally discussed with selected participants. During discussions, participants indicated that the results indeed are a true reflection of their understanding of the phenomenon under investigation.

4.3.2 REFLECTIVE JOURNALING

Janesick (1999) is of the opinion that reflective journaling provides researchers with the opportunity to refine the understanding of the role of the researcher and refine the

understanding of the responses of participants in the study. Similarly, it is argued by Dowling (2008) that reflective journaling describes the researcher's engagement of continuous examination and clarification of how they influenced a research project.

The researcher made use of a hardcover counter book in which all aspects of the research were recorded. These aspects *inter alia* comprised of ideas, perceptions, feelings personal observations, challenges, methodological decisions and ethical considerations. The journal was kept throughout the duration of the research project and was of extreme value during the data analysis process. The comprehensiveness of the journal enabled the researcher to revisit emotions and other observations made during the entire research process, thus stimulating proper data interpretation.

4.3.3 PROVIDING AN AUDIT TRAIL

Akkerman, Admiraal, Brekelmans and Oost (2008) describe an audit as a detailed collection of documentation regarding all aspects of the research. According to Carcary (2009) an audit trails documents throughout the course of development of the completed analysis. In addition to the research journals mentioned in section 4.3.2, the researcher kept detailed records of all issues and decisions relating to the research. These records included field notes, observation checklists, evaluation sheets and various forms of correspondence. All documentation was appropriately filed in relation to the document's type and will be kept for a period of 5 years after the study has concluded.

4.3.4 TRIANGULATION

Golafshani (2003) describes triangulation as the use of multiple methods to enhance validity and reliability. During this research, special emphasis was placed on data triangulation, environmental triangulation and theoretical triangulation as was described by Guion, Diehl and McDonald (2011).

Table 4.7: Triangulation Strategy

| TRIANGULATION TYPE | DESCRIPTION |
|------------------------------|--|
| Data triangulation: | Gathering of data by making use of a multi-layered sampling strategy. |
| Environmental Triangulation: | Using different locations, settings and other environmental factors in which the study took place. |
| Theoretical triangulation: | Using more than one theoretical position when interpreting data. |

(Researcher's illustration of concept)

Within this study, data and environment triangulation were largely embedded within the sampling strategy. The population was divided into two distinctive but related groups, from which the same data was collected. This ensured proper representation of the entire population. The sample was drawn across three departments, all of which are fairly similar in structure, composition and topography. This ensured that data originated not just from the context of one setting, but instead from various related sources. As was pointed out earlier, all interviews took place in the environment of the department concerned, thus constituting different organisational contexts from which data was generated. In order to ensure prolonged engagement in the research field, the data collection process was conducted over a ten-month period. Theoretical triangulation was ensured by making use of the regulatory framework of the MPD, general policing theories and a theoretical outline of the South Africa's democratic paradigm when analysing and interpreting the data.

4.3.5 BRACKETING

Bracketing is described by Tufford and Newman (2010) as a technique used to lessen the potentially harmful effects of preconceptions that may taint the research process. Similarly, White (2006) argues that the suspension of pre-existing knowledge by the researcher would enable the researcher to understand the phenomenon from the perspective of the participants.

The researcher's desire to improve the quality and image of MPDs in South Africa is the true motivation behind this research. This desire was born in 2000, when the

researcher joined the then, Pretoria Traffic Department (PTD), in his capacity as a traffic officer. His duties at that time were primarily focused on the enforcement of traffic law enforcement. In 2002, the Pretoria Traffic Department was amalgamated into the TMPD, which exposed the researcher to broader concepts like traffic policing, bylaw policing and crime prevention. Since the establishment of the TMPD in 2002, the researcher has worked in a variety of sections, performing various functions relating to the mandated functions of the department. During his experience in the PTD and the TMPD, the researcher experienced various circumstances and situations in which the behaviour of police officials did not meet the expectations of a free and democratic society, subsequently exposing the policing fraternity to brutal public criticism and condemnation.

As the researcher is currently still a member of the metropolitan police department, he has a particular interest in MPDs. He has first-hand knowledge and experience of the challenges faced by these departments. As MPDs are a relatively new phenomenon on the South African policing landscape, with the first MPD appearing only in 2001, there are still a multitude of fallacies and misconceptions surrounding these departments. Previous research conducted by the researcher indicated that the metropolitan police mandate is in fact more complicated than currently perceived (van Biljon, 2014a). This research suggested that the responsibilities of MPDs extend beyond that of mere law enforcement and include an array of related policing functions.

As this research is directed towards investigating the metropolitan police mandate from the perspective of those officials who apply and interpret this mandate on a daily basis, the researcher should set aside his experience, knowledge, opinions and beliefs as is summarised above. This would be achieved by the creation of a bracketing mind map as is suggested by Simon (2011). Souleles (2012) states that the following presuppositions should be bracketed, and subsequently would be contained in this mind map:

Table 4.8: *Presuppositions to be bracketed during the research process*

| PRESUPPOSITION | FEATURE |
|--|--|
| Previous research findings | <ul style="list-style-type: none"> • Previous research conducted by the researcher. • Current, related research being conducted by the researcher. • Research findings of other researchers, which might taint personal perceptions and opinions. |
| The assumption of pre-given theoretical structures or particular interpretations | <ul style="list-style-type: none"> • The suspension of theoretical lenses during the interview process. • Not exposing participants to academic interpretations of the phenomenon under investigation. • Not exposing participants with practices and interpretations from other departments. |
| Personal knowledge, belief and experience | <ul style="list-style-type: none"> • Personal knowledge of MPDs, their mandated functions and their operational practices. • Personal experience, interpretations and views within metropolitan police and traffic departments. |

(Souleles, 2012)

In order to enhance trustworthiness, bracketing was applied throughout the entire duration of the study. All bracketing issues will be recorded in the appropriate research journal.

4.4 ETHICAL CONSIDERATIONS

Research is a public trust that must be ethically conducted, trustworthy, and socially responsible if the results are to be valuable (University of Minnesota, 2003). Orb, Eisenhower and Wynaden (2001) believe an ethical framework is necessary to ensure that the fundamental rights of each research participant are protected. As the intended research made use of human participants, special emphasis was placed on the ethical principles of autonomy, informed consent, non-maleficence, beneficence, justice and confidentiality, as is described by the European Commission (2010).

Considering these principles, together with the guidelines for research involving human participants as is described in Part 2 of the University of South Africa's Policy

on Research Ethics (University of South Africa, 2013) the researcher implemented the following measures to ensure ethical research:

- Ethical clearance to conduct the research was obtained from the UNISA College of Law Ethical Clearance Committee, as is reflected in Annexure E.
- Written permission to conduct this research within the identified MPDs was obtained from all the relevant metropolitan police Chiefs, as is indicated in Annexure B.
- Written permission in the form of informed consent was obtained from all research participants, as is reflected in Annexure D.
- Participants were given sufficient information about the research to either refuse or agree to participate in the research, as is indicated in Annexure D.
- Participants were made aware of all their rights in relation to study, also demonstrated in Annexure D.
- Participants were informed of the possible consequences that may transpire from participating in the study.
- Data analysis was conducted in an ethical manner.
- All sources used during the research were acknowledged by means of complete referencing.
- In order to ensure confidentiality, no personal details of participants were recorded. All digital recordings of interviews were accessible to the researcher only.
- Participants were not exploited or abused in any manner.
- The identities of metropolitan police departments and participants were not divulged during the research process, as the researcher made use of a unique numbering system to refer to these departments and organisations in the research text.
- All ethical issues were recorded in the appropriate private research journals.

Irrespective of the above-mentioned measures, the researcher ensured that all stages of the research were conducted in an ethical and appropriate manner, to the benefit of all those concerned, as was suggested by the Balmont Report of 1978 (Ministry of Health, 2009).

4.5 SUMMARY

This chapter provided a concise overview of all the processes that were followed during the research process. This chapter firstly pointed out the fundamental differences between the quantitative and qualitative research paradigms, after which the suitability of the qualitative paradigm to this research was highlighted. This chapter then proceeded to provide a concise overview of phenomenography as a research method after which the population relevant to this research was comprehensively discussed. This was followed by a concise overview of the sampling strategy that was used to recruit participants to participate in the research. A comprehensive description of the data collection and analyses processes was then provided, followed by a review of the measures to ensure the overall trustworthiness of these processes. Lastly, all procedures followed to ensure that the research was conducted in an ethical manner were shortly reviewed.

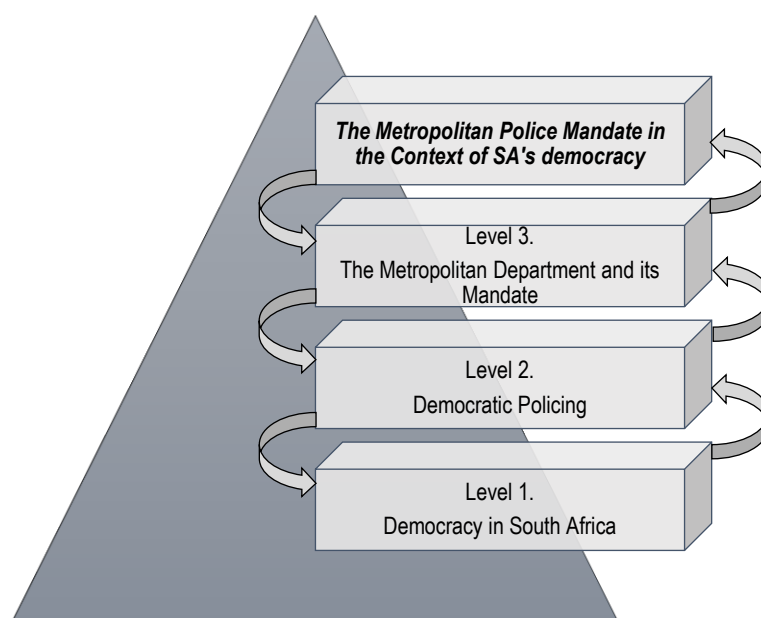
CHAPTER 5

PRESENTATION OF THE RESEARCH FINDINGS

5.1 INTRODUCTION

In section 4.2.5 the data collection process was comprehensively discussed. The subsequent purpose of this chapter is to interrogate and analyse the data that was collected during this process. By making use of the Phenomenographic cycle of data analysis, as was described in sections 4.2.2.5 and 4.2.6, various themes, categories of descriptions, collective understandings and outcomes spaces become known. Fundamentally, three central themes emerged from the data analysis process which where, the meaning of democracy, democratic policing and the metropolitan police role. These themes were rationally arranged into a 3-level hierarchy, which represent distinctive yet interrelated levels of understanding relevant to describing the collective understanding of the phenomenon under investigation.

Figure 5.1: *Levels of understanding the metropolitan police mandate within the Context of South Africa's Democracy*



(Researcher's illustration of Concept)

This hierarchy represents a specific sequence of levels of understanding that logically build on each other to create an understanding of the metropolitan police mandate, as

it relates to a democratic South Africa. Fundamentally, figure 5.1 indicates that one must first understand democracy, before one can comprehend democratic policing. Only after these concepts are understood can the metropolitan police mandate be contextualised within the notion of a democratic South Africa.

Based on this hierarchy, the data analysis followed a very specific sequence, and will be presented as such. Emerging categories of description were grouped in relation to this hierarchy, and subsequent interconnected topics in relation to each theme emerged. These themes were then rationally arranged into hierarchical tiers within each theme. Each tier comprises of a variety of interrelated categories of description, which collectively will be translated into a collective understanding of each tier.

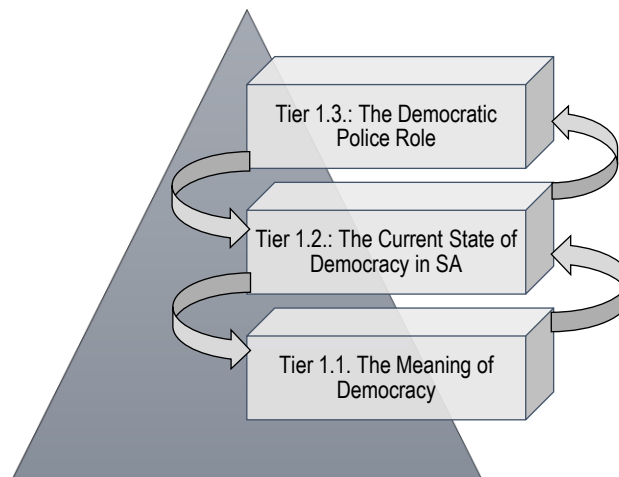
It should be noted that from this point forward, no explicit reference to a particular department will be made. Each department was assigned an alphabetical letter, and this letter will be the only manner in which a department is referred to. The letter assigned to each department is only known to the researcher. This is done in the interest of confidentiality and non-maleficence, as was indicted in section 4.4.

5.2 LEVEL 1: DEMOCRACY IN SOUTH AFRICA

Within this domain, the collective understanding of democracy in South Africa, as it is understood from the viewpoint of metropolitan police managers operating in the Gauteng Province was examined. A 3-tiered hierarchy, reflecting 3 interrelated but distinctive phenomena relevant to comprehending democracy in South Africa, specifically as it applies within the context of policing was constructed, as is demonstrated in the figure below.

As was the case with figure 5.1, figure 5.2 represents a logical hierarchy of understanding that provides a full view of how participants collectively understand and experience democracy in South Africa.

Figure 5.2: Levels of understanding relevant to perceiving democracy in South Africa



(Researcher's illustration of Concept)

Participants were requested to comprehensively describe how they understand and perceive all the elements contained within this hierarchy. Various categories of description arose in relation to each of these phenomena.

5.2.1 TIER 1.1: DESCRIBING THE MEANING OF DEMOCRACY

As was demonstrated in section 1.2, democracy is an extremely complicated phenomenon, which generally holds different meanings to different individuals. However, the majority of democratic ideologies are centred on specific inherent characteristics that are seemingly inseparable from democratic ideology. Commonly, the democratic ideal contends that an equal, free, fair and just society can be created through the participation of the general populace in government matters. This description of democracy seems relatively simplistic. However, the meaning of equality, fairness and freedom and the real-world application thereof within the framework of democracy remains distinctively illusive, as it varies in relation to democratic ideologies and from region to region.

The majority of the descriptions offered by the participants identified 'public participation' as the most central feature of democracy. This category of description made a significant appearance in department C, with a limited appearance in department B and a significantly limited appearance in department A. Within the

second most occurring description of democracy, participants described the most central feature of democracy as 'equality'. This description made a significant appearance in department B, with a limited occurrence in department A. It did not appear in department C. Describing democracy as 'freedom' was the third most occurring descriptions, occurring significantly in department B and equally limited throughout departments A and C. A small number of participants described democracy as 'harmony'. This description occurred on limited occasions in department B, with very limited appearances in department A. It did not appear in department C.

That is very important because you are able to participate in all spheres of the Government. The thing is, you can stand for the government [sic]. Democracy means that we [are] able to challenge certain norms that we are not comfortable with. That is participation of it [democracy]. Which means that I can participation [sic] in any form. That is why I am saying that participation is the overall feature [of democracy]. (P 5: ii[A]2.pdf - 5:1 (4:243-4:626))

It means public participation and the government taking into account the interest of their citizens and the citizens having a free right to participate [in] the running of their country and critical decision making in the country. (P 15: vi[B]2.pdf - 15:1 (3:427-3:653))

Democracy... My understanding is that everybody are able to participate [sic]. Everybody's comments and inputs are taken into consideration, and the views of everybody, like I said into account. Everybody has the right to make decisions that affect them. (P 19: i[C]2.pdf - 19:1 (2:1418-2:1666))

Democracy.... I think it is when people are given the opportunity to be part of the running of the country. (P 23: iii[C]2.pdf - 23:1 (2:1862-2:1968))

Democracy means that everybody in the country has got equal rights, equal expectations and equal service before the law. (P 3: i[A]2.pdf - 3: (2:109-2:230))

Democracy, it is a wide term, but it might boil down, it's to do around with [sic] human rights and the right to share in equal, can I say the word equal... the right to have equal rights. (P 9: i[B]2.pdf - 9:1 (3:1511-3:1682))

Democracy's meaning is equal treatment of human beings and [sic] without necessarily gender or race. (P 11: ii[B]2.pdf - 11:1 (4:908-4:1003))

To me, I don't think democracy should be a very complicated word. It means free and fair, non-sexist, non-racists and religions aside. That is what democracy means. (P 17: viii[B]2.pdf - 17:1 [(3:1356-3:1517))

It means, taking responsibility of the freedoms that [we] in a democracy have. It means that we have to own it up [sic], without stepping on other people. (P 6: iii[A]2.pdf - 6:1 (3:530-3:673))

Democracy to me is about bringing freedom and for the people to be free in anything that they want to do. (P 14: v[B]2.pdf - 14:1 (3:1303-3:1409))

For me personally it means you are free to do what you want to do, but as long as it is in the framework of the law. You are free to get information, whatever information what [sic] you can want from the government, and stuff like that. As long as it is information that are [sic] due to you and stuff like that. (P 21: ii[C]2.pdf - 21:1 (4:745-4:1050))

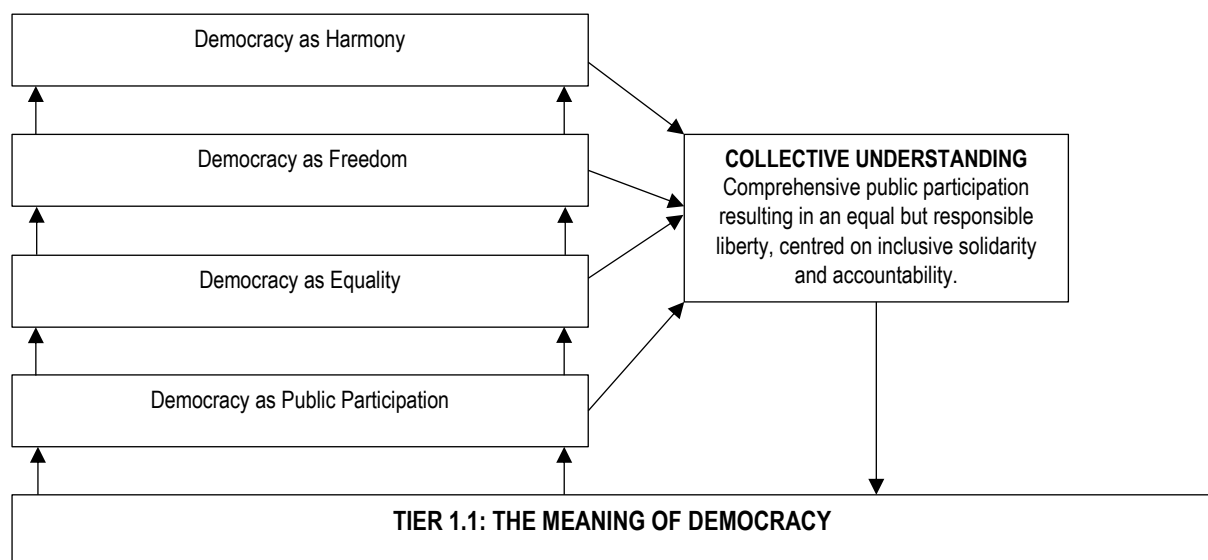
Democracy... I would say that for me, democracy the way of us, when I say us, I am covering everyone, white, black, pink, yellow, big, small... All the races living together in a nice controllable environment. I would say in short. (P 7: iv[A]2.pdf - 7:1 (3:754-3:984))

Yes, South Africa's democracy. We were into democracy from the 27th of April 1994 of which we thought that would bring us harmoniously together with the other diverse nation only to find that we have been working hand in glove. (P 1 2: iii[B]2.pdf - 12:1 (5:683-5:958))

True to the ambiguous etymological nature of democracy, these participant responses suggest that there are indeed multiple understandings and interpretations of democracy present within this outcomes space. Considering South Africa's past of apartheid and tyranny, it seems sensible that these specific categories of description occur within this outcomes space. They all reflect fundamental civil liberties that most South Africans were denied during the apartheid era. It can then be articulated that these democratic features are structurally valued the most by participants.

Referentially, two underlining yet noticeable democratic sentiments are detectable. Firstly, participant responses contain a strong element of solidarity. Very little reference is made to the individual. Rather, descriptions such as ‘diverse nation’, ‘everybody’, ‘us’ and ‘the people’ are commonly occurring within this outcomes space. Although not explicitly stated, this can be taken to suggest that participants are, in theory at least, willing to promote communal needs and interests, in lieu of their own. Secondly, this outcomes space contains a strong subconscious awareness of the inherent responsibility normally associated with freedom. This responsibility entails that individuals and communities may live in autonomy, provided that their exercised decisions do not impede on the freedom of others. It can thus be contended that participants, even at this rudimentary stage, are aware that their actions will have consequences – thus setting the scene for democratic policing. From these categories of description, it can be contended that the collective understanding of what democracy means to participants entails a comprehensive public participation resulting in an equal but responsible liberty, centred on accountability

Figure 5.3: An outcomes space representing the meaning of democracy



(Researcher's illustration of Concept)

It is however disconcerting that, so many diverse understandings of democracy are present within a collective understanding representative of those specifically tasked

with protecting democracy. Should this be the case, it is possible that the metropolitan police mandate may not be implemented to the same democratic extent across the jurisdictions of the various departments. In such an instance, a situation will exist in which policing in South Africa might be contradictory to South Africa's democratic ideal, and thus be undemocratic.

5.2.2 TIER 1.2: DESCRIBING THE CURRENT STATE OF DEMOCRACY IN SOUTH AFRICA

On 27 April 1994, the world witnessed the transformation of South Africa from a minority ruled authoritarian state to a unified democratic nation, founded on the principles of equality, freedom, social justice and human rights, when the first free elections in South Africa's history took place. Prior to these elections, the majority of South Africans suffered tremendous human rights abuses and other travesties under a racial-orientated oppressive government. Certain racial and religious groupings were not allowed to participate in any form in government affairs, had designated areas of residence, and were subjected to meagre social services such as education, health and housing. The April 1994 elections ushered in a new dispensation where all people, irrespective of race, religion, sexual orientation, culture or creed now can enjoy the liberties brought on by equality and freedom.

Participants were requested to elaborate on their feelings and impressions of democracy in South Africa. Unpredictably, a conspicuously large number of participants regarded democracy in South Africa as 'flawed'. This description of South Africa's democracy made a significant appearance in department C, with a less significant appearance in department B and a modest appearance in department A. A notable number of participants described democracy in South Africa as 'good and working well'. Throughout departments A, B and C, this description appeared significantly often and equally distributed. It is of significance that a modest portion of participants described democracy in South Africa as 'reverse apartheid'. This description occurred modestly but equally distributed throughout departments B and C, while it did not appear in department A.

It is [a] young democracy, we are getting use to [the] concept of democracy, but I think there is too much of a broad interpretation of freedoms. We are too free in certain instances, and we take things to the extreme. It need [sic] to come to a point where law and order prevail – without law and order there is no democracy. And that is where we are, at the cross roads now. We have given people unabated freedom, and as a consequence, the law and the order have suffered, because people are pushing more and more freedoms. (P 2: i[A]1.pdf - 2:2 (3:111-3:626))

Yes, yes that's [South Africa's Democracy] dictatorship at the moment. (P 12: iii[B]2.pdf - 12:3 (7:436-7:480))

South Africa's democracy, I can say that it is not truly balanced, as per my own observation. Because South Africa, South Africans are not yet free. (P 26: v[C]2.pdf - 26:2 (3:1257-3:1406))

To me... I think so far, in terms of the world standard, South Africa is more democratic than other countries. (P 4: ii[A]1.pdf - 4:2 (3:1101-3:1209))

I think South Africa's democracy in principle, is the best democracy in the world. In terms of the constitution; in terms of rights that we have for each and every person. (P 11: ii[B]2.pdf - 11:3 (5:403-5:575))

I think it is the best democracy. It is the best democracy and I think it is envied not only by other countries in Africa, but also by the world. (P 24: iV[C]1.pdf - 24:2 (4:1189-4:1336))

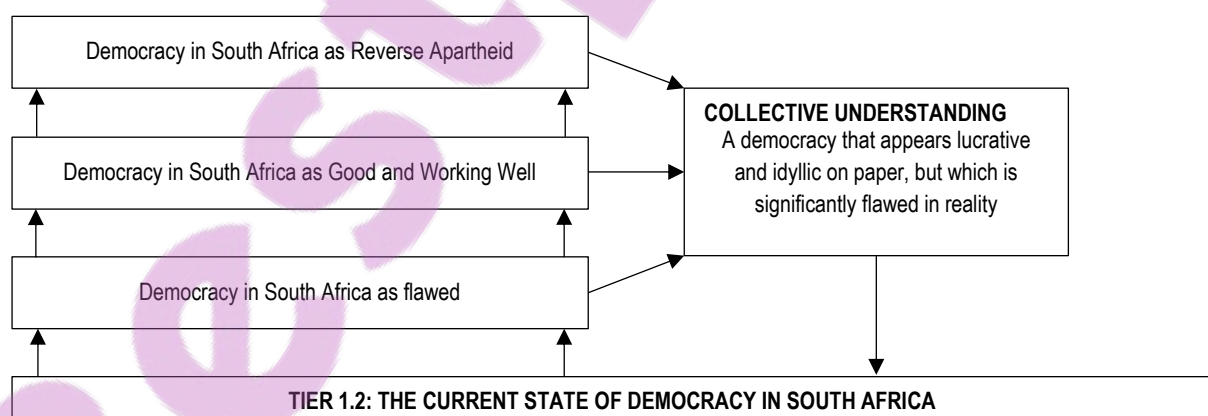
The reason we have democracy is to reduce apartheid. But when [you] look at it, we still have apartheid in another way. We were trying to say that not the white people ruling only by going their way [sic]. (P 14: v[B]2.pdf - 14:2 (4:723-4:919))

Ja... I think that democracy is nothing more than a new term for apartheid in reverse. Hmm... It was set or made for a certain group of people within South Africa, but it [is] misused currently. (P 18: i[C]1.pdf - 18:1 (2:1392-2:1579))

Actually, on the other side, other ethnic groups it is unfair for... Because people are treated the same. Between black and white. Now white people are being oppressed, and previously blacks where oppressed. (P 23: iii[C]2.pdf - 23:2 (3:655-3:865))

Within this particular outcome space, the referential and structural plains are in direct and clear contrast to each other. Referentially, participants perceived South Africa's democracy as a near-perfect democratic state, which is even 'envied by other countries in Africa' and 'more democratic than other countries'. These descriptions appear to be largely based on the excessively idyllic portrait of South Africa's democracy as is popularised by the international media. It is extremely alarming that on the structural plain, participants used hard-hitting phrases such as 'apartheid in reverse', 'apartheid in another way' and 'dictatorship' to describe democracy in South Africa. It is of further significance that opposing expressions such as 'not free' and 'too free' occurred within this outcomes space. This then strongly suggests that within the collective experience of participants, democracy in South Africa only benefitted a small number of participants, instead of bringing about the idealised radical social and economic change needed by the people. When assimilating the referential and structural plains of this outcomes space, it can be articulated that the collective understanding of participants holds democracy in South Africa as a democracy that appears very lucrative and idyllic on paper, but which is significantly flawed in reality.

Figure 5.4: An outcomes space representing the current state of democracy in South Africa



(Researcher's illustration of Concept)

From the outcomes space above, it becomes evident that when the referential and structural plains are unified, the collective understanding of participants holds democracy in South Africa as a democracy that appears very lucrative and idyllic on paper, but which is significantly flawed in reality.

5.2.3 TIER 1.3: DESCRIBING THE DEMOCRATIC ROLE OF THE POLICE

In general, police organisations operating within a democracy is concerned with preserving a tranquil society and the protection of fundamental human rights, as opposed to enforcing state authority and state control. In general, these departments exhibit key organisational features such as representation, responsiveness, accountability, legitimacy and a deep-seated appreciation of democratic values. Subsequently, police organisations operating in a democracy are expected to exhibit key democratic features such as transparency, integrity, solidarity, public participation and authorisation. In addition, all policing activities should be conducted in strict accordance with the principles of freedom, equality, justice, an absolute respect for human dignity and the rule of law.

Participants were requested to elaborate on the role that they believe a police organisation operating in a democracy should play. The majority of descriptions described the police role as 'protecting democracy'. This description of the democratic police role made a significant appearance in department B, with limited but equally distributed occurrences in departments A and C. Participants also used 'putting people first' to describe the role of the police in a democracy. As a description of the democratic police role, this description made a modest appearance in C, with limited occurrences in department A and an extremely limited occurrence in department A. Lastly, participants described the democratic police role as 'preventing crime'. This description made a modest appearance in department C, with limited occurrences in department B. It did not manifest in department A.

In this dispensation, the police need to understand their roles. And the police need to be informed of the democratic South Africa. They need to be trained in accordance with the democratic principles of this country. So, their role, they should be the symbols of that democracy. Their role is to ensure that people's rights are being respected, and there is no violation of their right or something like that. (P 4: ii[A]1.pdf - 4:3 (4:334-4:749))

I think that the fundamental role is that the police must adhere to the bill of rights, so the police must actually be the face of the state where they treat people equally. (P 11: ii[B]2.pdf - 11:4 (6:110-6:284))

Because, we are the ones who are interacting with members of the public on a daily basis. And you can understand, previously before we became a democratic country, police officers were also abusing the public [sic]. Because the public was not aware, they did not even know what the police must do to them and what the police must not do to them. So, we as police officers, we have a responsibility to make sure that we don't abuse those people in the name of democracy or in the name of the police. Because now, people has [sic] got their democratic right to privacy, but obviously, their rights are limited. They have their rights to whatever they have their rights to, and they have the right to be protected by members of the public... In fact, by members of the police. It is their right for us to protect them. (P 21: ii[C]2.pdf - 21:3 (6:185-6:1003))

A police organisation must firstly serve all people, equally. All people must have access to a police service. They must get a proper police service. (P 3: i[A]2.pdf - 3:3 (2:907-2:1117))

But to do what the will of the people is [sic]. They are supposed to be there to protect the people. So, they are not there serving any ruling party or anything, they [are] supposed to police the people, that is what they get paid for, that is why they got employed, because people don't want to do it themselves. (P 25: iv[C]2.pdf - 25:3 (5:202-5:507))

The police must be there for the people. Protection. (P 20: ii[C]1.pdf - 20:4 (4:110-4:161))

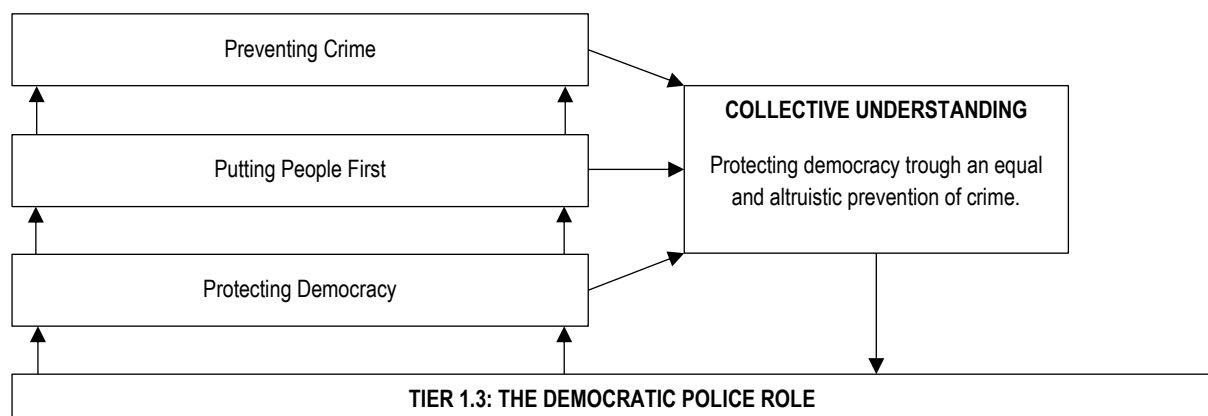
I think, the police... we need to be proactive, more proactive. You see we need to think ahead. As much as we are fighting crime, we have to say, what if this happens, what we are [sic] going to do? We must always be ready. For any action or anything that might happen. We must have more police in the vicinity, unlike we have now. (P 14: v[B]2.pdf - 14:3 (5:510-5:840))

Ja [sic]... I think the police, what they need to do is crime prevention. They must act proactively, not reactive. They must not do reactive policing. They must prevent crime before it starts. (P 23: iii[C]2.pdf - 23:4 (4:828-4:1015))

I think we should be focussing on combatting crime. (P 26: v[C]2.pdf - 26:4 (5:372-5:421))

From the participant responses, expressions such as ‘symbols of that democracy’ and ‘face of the state’ serve as a strong indication that participants view the police referentially as primary stakeholders in the promotion of democracy. It also serves as an inferred acknowledgement that police organisations should be characterised by strong acceptance and orientation towards democratic principles. Within this outcomes space, the democratic principles of equality and human rights are frequently mentioned, thus implying that a strong relationship with at least these two principles referentially exists. In addition, phrases such as ‘serve all people, equally’, ‘they treat people equally’ and ‘there for the people’ should serve as an indication that, although not explicitly mentioned, a strong orientation towards the Batho Pele principles are present within this collective understanding. Lastly and also occurring within the referential plain, this outcomes space makes a significant reference to a preventative focus towards crime. Subsequently, it can be contended that participants believe that the individualistic root causes of crime should be addressed.

Figure 5.5: An outcomes space representing the democratic police role



(Researcher's illustration of Concept)

By combining these annotations, it can be contended that the collective understanding of the democratic police role is centred on the notion of protecting democracy through

the equal and altruistic prevention of crime, as is demonstrated in the outcomes space above.

5.2.4 KEY OBSERVATIONS RELATING TO DEMOCRACY IN SOUTH AFRICA

From sections 5.2.1, 5.2.2 and 5.2.3 above, the following key observations relating to how participants perceive democracy in South Africa can be made:

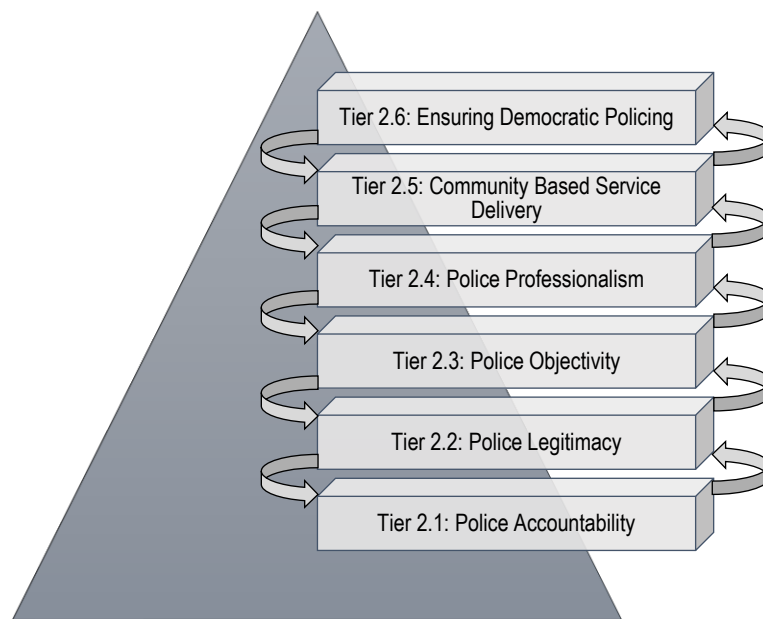
- The meaning of democracy, as participants perceive it, fundamentally appears to revolve around general democratic features and principles, such as public participation, equality, responsible freedom and solidarity.
- Participants fundamentally experienced South Africa's democracy as not being entirely free and fair and believed that only a few individuals and groups have benefitted from it.
- Participants perceive the democratic police role to mainly revolve around the protection of democracy, mainly through the prevention of crime.

It thus seems democracy in South Africa is principally understood as a responsible freedom, in which the police role is directed towards people based prevention of crime, but currently significantly flawed.

5.3 LEVEL 2: DEMOCRATIC POLICING

Within this level, the collective understanding of democratic policing was explored. A 6-tiered hierarchy, reflecting various interrelated hierarchal features relevant to democratic policing were constructed, as is demonstrated in figure 5.6 below. This figure presents a logical hierarchy of understanding that provides a full view of how participants collectively understand and experience democratic policing, and inter alia include police accountability, legitimacy, professionalism and community based service delivery.

Figure 5.6: Hierarchy of understanding relevant to comprehending democratic policing



(Researcher's illustration of Concept)

Participants were requested to comprehensively describe how they understand and perceive all the elements contained within this hierarchy. Various categories of description arose in relation to each of these phenomena.

5.3.1: TIER 2.1: DESCRIBING POLICE ACCOUNTABILITY

Police accountability in general refers to the extent to which policing activities are conducted in an effective, efficient, responsible and lawful manner. The notion of accountability applies likewise on an equal basis to both the individual police officer and the police organisation. This then implies that both individuals and the organisation must be able to firstly account for its activities, accept responsibility for their actions and lastly, be able to provide a transparent account of all its conduct and its performance. It can subsequently be concluded that the purpose of police accountability is to improve public trust and public cooperation in policing, by holding the individual officers and the policing organisation accountable for their actions and omissions.

Participants were requested to fully explain what police accountability mean to them. The description offered most by participants simply was 'accounting for one's actions'.

This description made a significant appearance in department C with a modest appearance in department B and limited occurrences in department A. Participants also described police accountability as 'being an example'. A modest number of participants associated with departments A and B described police accountability as such, while this description did not appear in department C. Worryingly, police accountability was also described as 'currently lacking' This description occurred modestly in department A, and less modestly in department B. It did not manifest in department C.

Accountability, you should know your actions and its implications. You should know that any action that you take will have a reaction, and you need to be in a position to be accountable for your actions. But Police officers haven't been informed about the rules and its consequences. (P 4: ii[A]1.pdf - 4:4 (5:109-5:395))

To account in anything that we [the police] are doing, when we are on duty. Even if we are at fault we must account and say this time, the police were at fault, so that in future that must not happen again. They need accounting, and it is our accountability. And we must not forget to say; we are accounting even for the people. We are here to service the community, we are not serving us own [sic], so we must account in every person that we see in the country. (P 14: v[B]2.pdf - 14:4 (5:1626-5:2073))

Okay, you see in order for the police to their jobs; it is easy for us to do our jobs because we enforce the law. We are law enforcement officers. So obviously we bend the line. We bend the line here and there to accommodate the job. But obviously, if we are off track, we must be held accountable. (P 17: viii[B]2.pdf - 17:3 (7:473-7:775))

The police must be accountable for certain actions that they are performing [sic]. Because it is not always a case that whatever the police are doing are [sic] right. (P 20: ii[C]1.pdf - 20:5 (4:623-4:1088))

Well, unfortunately at this point in time, we do not have much police accountability. With that I mean that they don't really account for their actions. That is why IPID was established. But unfortunately, I must also say that the senior members of IPID are also making public

statements that IPID, which is supposed to be the watchdog of the SAPS, are basically non-functional, according to that individual. (P 3: i[A]2.pdf - 3:4 (2:1542-2:1958))

Ja [sic]; it's difficult because we're not doing it in a right way, accountability. We seem like we are running away from accountability. (P 13: iv[B]2.pdf - 13:5 (6:712-6:1073))

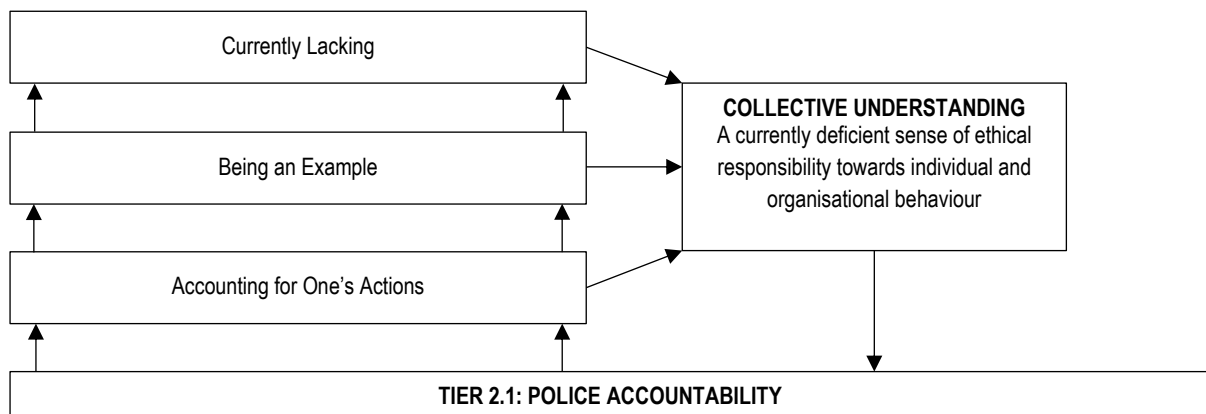
I am not happy with our police accountability or the public holding the police accountable. The oversight board has had some challenges, the IPID, looking at the police behaviour. (P 15: vi[B]2.pdf - 15:5 (4:1193-4:1689))

You are sworn in, so the moment you put on your uniform – that is where your responsibility starts. How your uniform looks, how you present yourself. You know, the minute you are neater, and pride in your uniform, then you know this uniform, I am not putting it on to be above anyone, but rather to be responsible. (P 6: iii[A]2.pdf - 6:4 (4:1067-4:1388))

So, accountability for me, for a police officer is that you become an example while you are on or off duty and you are [sic] account for your actions. Everything that you do, you need to know that you take responsibility for it [sic]. (P 11: ii[B]2.pdf - 11:9 (7:291-7:515))

From these participant responses, it becomes clear that participants view 'taking responsibility' as of particular importance within the context of police accountability. Phrases such as 'your actions and its implications', 'if we are at fault' and 'whatever the police are doing' should be an indication that both the organisation and the individual should be in a position to acknowledge unjust and unprincipled behaviour. It is of further significance that 'being an example' appeared within this context in relation to police accountability. Referentially, a strong relationship between exemplary behaviour and responsibility exists, as both are concerned with principled police behaviour. Within this framework, exemplary behaviour leads to suitable responsibility and subsequent accountability. Structurally, phrases such as 'running away from accountability', 'non-functional' and 'haven't been informed' serves as an indication that participants have had overall negative experiences with police accountability in South Africa

Figure 5.7: An outcomes space representing police accountability



(Researcher's illustration of Concept)

It can subsequently be contended that the overall understanding of police accountability, as is described above revolves around a sense of a currently deficient sense of ethical responsibility to individual and organisational behaviour

5.3.2 TIER 2.2: DESCRIBING POLICE LEGITIMACY

Legitimacy, specifically as it applies within the context of democratic policing, can be construed to have a bilateral implication. Firstly, it implies that all police action should be conducted within a morally justifiable normative framework, which is authorised by the relevant and appropriate legislation. Secondly, legitimacy exists descriptively as it is perceived by those who are subjected to police authority. This then directs that police legitimacy is centred on the legal and moral behaviour of the police and the manner in which this police behaviour is perceived and reflected on by the public effected by police conduct.

Participants were requested to elaborate on their understandings and experiences of police legitimacy. A notable majority of participants described police legitimacy rather simplistic as 'acting within the law. This description made a significant appearance in department C, while it made limited but equally distributed occurrences in departments A and B. Police legitimacy was also explained as 'public approval'. As a description, this understanding appeared significantly in department A, with a modest appearance in department C. Occurrences in department B were extremely limited. Lastly, a

notable number of participants expressed their understanding of police legitimacy as 'currently lacking'. This description occurred the most prominently in department A, with limited occurrences in department C and very limited occurrences in department B.

A police officer need [sic] to have good standing, legally. You can't be a police official and a criminal. (P 3: ii[A]1.pdf - 3:12 (5:2228-5:2329))

Legitimacy must be in terms of the Act, established in the terms of the Act. It must have rules. It must have policies and standards. It must have standing orders. It must be acceptable to the community. (P 9: ii[B]1.pdf - 9:16 (6:926-6:1132))

Okay, in the case of the police service, they cannot take decisions which they are not authorised to do so. They cannot decide something and then be above the law. All the decisions that they make, should still require them to take the law into consideration and they must perform the powers which the law authorises them to have [sic]. (P 18: i[C]2.pdf - 18:8 (4:1704-4:2038))

You [a police officer] are a criminal wearing our uniform, and in the eyes of the public it is that every police official is corrupt [sic]. Because, you are having somebody that is convicted, but you are not doing anything to him in the institution. (P 3: ii[A]1.pdf - 3:14 (5:2546-5:2775))

So, when the people are able to accept the police and make them legit, then we fall in a win/win situation. (P 9: ii[B]1.pdf - 9:18 (7:133-7:239))

Legitimacy of the police can be obtained, obviously by law, because you are appointed under the Police Act. But you will only be truly legitimate if the community, in which you work, accepts and respects you for being a police person. (P 24: iv[C]2.pdf - 24:12 (6:1697-6:1934))

We have lost legitimacy. We are just a tool. The police don't have autonomy anymore. They are being used, as and when the tide flows. If the political tide flows to the left, then we become criminals, if it flows to the right, then we all become Chief Superintendents. If it flows in the middle, then we become traffic officers. (P 1: i[A]1.pdf - 1:30 (6:2683-6:3017))

We do need police to have order in the society, but order in the society does not mean the political will of the ruling party. (P 24: iv[C]2.pdf - 24:5 (5:510-5:637))

You know if we the situation [sic] where we have metro police officers who are working at bylaws, and when they are removing stuff from transgressors, they take it home instead of taking it to the proper places designated for storage. (P 3: ii[A]1.pdf - 3:23 (7:1557-7:1791))

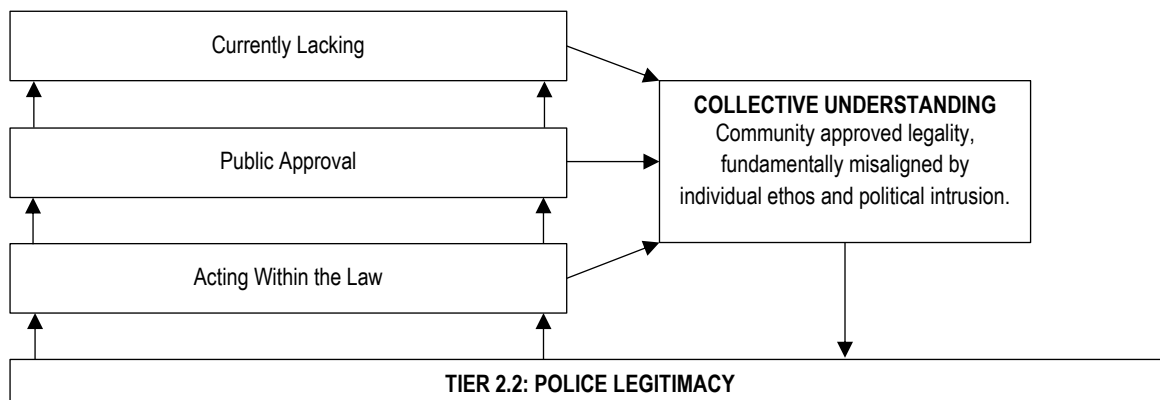
It is too much influenced by politicians. In our industry, the policing industry, we are no more following what the law says, we are oppressed to follow what the politicians want. Every time you make a decision, there is always interference. (P 25: v[C]2.pdf - 25:6 (4:1930-4:2174))

It is significant that the referential plain of this outcomes space is largely centred on the notion of legality and public approval. From the participant responses, it appears that a significant relationship between these concepts exists, as legal behaviour will almost inevitably lead to public approval. It can subsequently be contended that within this collective understanding, these two notions are inseparable elements of police legitimacy.

Structurally, however, as was the case with police accountability, participant responses describe mostly negative encounters with police legitimacy. It is worrying that political interference and police officers with illicit and questionable behaviours were so often mentioned within this outcomes space. This proposes that these detrimental phenomena are indeed a significant and regular occurrence within the experienced environment of participants.

It thus appears that a strong anecdotal relationship between private ethos and political meddling exists that significantly impacts on the legitimacy of the police, as is demonstrated in figure 5.8 below.

Figure 5.8: An outcomes space representing police legitimacy



(Researcher's illustration of Concept)

Amalgamating the referential and structural aspects of this outcomes space, it can be contended that the collective understanding held by participants view police legitimacy as community approved legality, fundamentally misaligned by individual ethos and political intrusion.

5.3.3 TIER 2.3: POLICE OBJECTIVITY

In general, the notion of objectivity is concerned with eliminating predispositions, unreasonableness, personal feelings and emotions from the decision-making process. Within the context of policing, it can thus be construed that police objectivity is specifically concerned with ensuring professional service delivery through the impartial and fair treatment of individuals and communities alike, by eradicating one-sided and discriminatory prejudices, irrationalities, favouritisms and personal opinions held by individual police officers and police organisations. This then implies that individual police officers and police organisations must be able to respond to situations in a fashion that is based on solid facts and evidence, rather than a subjective and impetuous interpretation of a particular situation.

Participants were requested to provide a detailed description as to what they believe police objectivity to be. A notable majority of participants described police objectivity as 'applying the law without fear or favour'. This description made a significant appearance in department C, with a modest appearance in department A and a limited

occurrence in department B. A notable number of participants also described police objectivity as 'fair treatment of the community'. This description occurred modestly in departments A and B and very limited in department C. As was the case with police accountability and police legitimacy, a notable portion of participants described police objectivity as 'currently lacking'. As a description, this impression of police objectivity made a significant appearance in department C, while it occurred limited and very limited in departments A and B respectively.

A person that will be deceive [sic] when he must take a difficult decision. A person that, he must arrest his neighbour, he should. He should not say let me go and think about it and speak to his neighbour, no. He should just be on top of it. (P 4: ii[A]2.pdf - 4:15 (7:897-7:1136))

We must remain focused in law enforcement. We must enforce the law without any fear or favour. (P 14: vi[B]2.pdf - 14:15 (6:1435-6:1532))

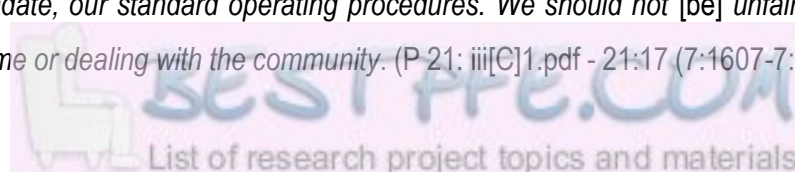
Police objectivity to me, it will mean, apply the law, as the law provides. Don't apply the law based on different peoples' characters. (P 23: iv[C]1.pdf - 23:19 (8:1296-8:1432))

I think that on [sic] is important, because the more we do that [treat the community with respect], you will earn more respect from the community. Because objectivity of you, always when you treat people with objectivity and so one [sic], people they will run to you for the solutions. (P 4: ii[A]2.pdf - 4:33 (10:1897-10:2140))

So, objectivity should meet the needs of the communities all the time. (P 10: ii[B]2.pdf - 10:28 (10:1195-10:1263))

Even the public can say whatever they say to you, don't take it personal, don't be angry with the community. (P 12: iv[B]2.pdf - 12:18 (8:229-8:338))

Objectivity it means we should be cautious and we should have fairness and also follow our prescribed mandate, our standard operating procedures. We should not [be] unfair when dealing with crime or dealing with the community. (P 21: iii[C]1.pdf - 21:17 (7:1607-7:1830))



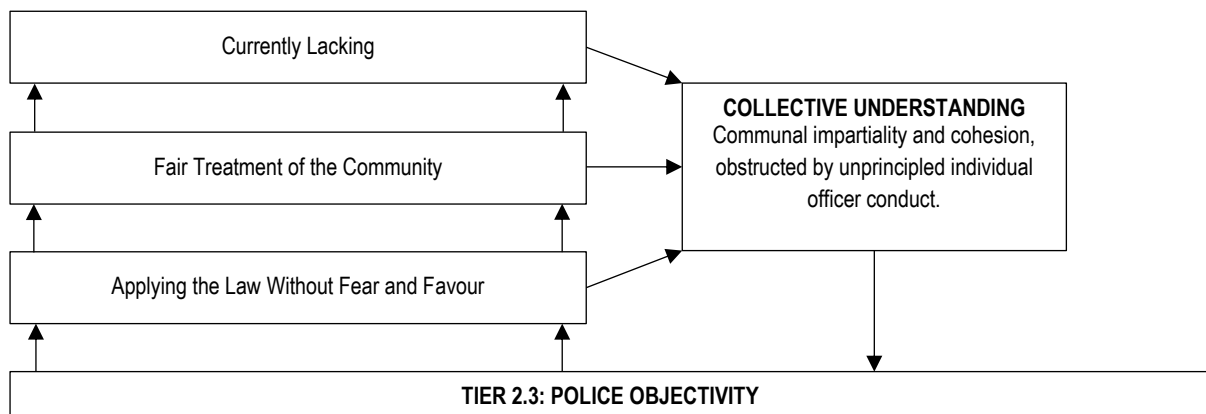
It is very clear that there is a racial distinction between the police and the community. And unfortunately, it goes further. It goes to cultural differences as well. (P 2: i[A]2.pdf - 2:17 (4:854-4:1021))

You will find that police officers are in cahoots with criminals. And you see it on various levels. (P 17: i[C]1.pdf - 17:16 (6:973-6:1072))

Police officers are biased. They are easily manipulated. If like, for instance they are supposed to go and attend to a complaint of a drug dealer who is very rich, he gives them money and they [no] longer execute their duties fairly and straight. They take bribes, and they do all that kind of things. (P 25: v[C]2.pdf - 25:23 (9:1353-9:1654))

From these participant responses, it appears that the referential plain of this outcomes space is dominated by two interlinked and outwardly attached concepts. Firstly, the ideal of impartiality is strongly represented within this outcomes space. The presence of impartiality within this framework suggests that participants view objectivity as being strongly rooted within the democratic ideals of equality and fairness. It is of significance that the notion of impartiality is frequently mentioned in relation to 'the community' and 'the people'. This implies that police objectivity is viewed as wider-ranging than merely the individual, but it should be applied within a much larger communal context. Subsequently, it appears that the notion of solidarity again comes to the forefront. It can be articulated that referentially, the collective understanding of police objectivity is centred on the democratic ideals of equality and solidarity. However, the structural experiences of participants reflect multiple subjective negative understandings of police objectivity, specifically within the South African context. This plain describes police objectivity as individual officers being biased and unprincipled. These impressions of police objectivity serve as an indication that police objectivity in South Africa is viewed as deeply flawed due to factors fundamentally linked to individuals. From coalescing the referential and structural plains of this outcomes space, it appears that the collective understanding of police objectivity is centred on communal impartiality and cohesion, obstructed by unprincipled individual officer conduct.

Figure 5.9.: An outcomes space representing police objectivity



(Researcher's illustration of Concept)

Considering the figure above, it becomes clear that from coalescing the referential and structural plains of this outcomes space, it appears that the collective understanding of police objectivity is centred on communal impartiality and cohesion, obstructed by unprincipled individual officer conduct.

5.3.4 TIER 2.4: POLICE PROFESSIONALISM

In general, the idea of professionalism is centred on proper and appropriate behaviour that characterise moral and satisfactory service delivery. Police professionalism, within this context, infers that members of the police organisation and the police organisation itself must provide both the victim, the offender and communities with unprejudiced, fair, proficient, skilled and effective services.

A notable number of participants described police professionalism simply as 'external appearance'. As a description, this impression of police professionalism occurred the most significantly in department C, with less significant but equal occurrences across departments A and B. Participants also described their understanding of police professionalism as 'proper police training and recruitment'. This description occurred modestly in department C, while it appeared limited, but again equally distributed in departments A and B. Notably, the overwhelming majority shared an overall negative impression of professionalism. Describing police professionalism as 'currently lacking',

was the most significantly occurring description, occurring the most significantly in department A, with lesser but still significant appearances in departments B and C.

You know, professionalism is more than having paper qualifications. It comes down to the way that you service the community, how you deal with the community, and you deal with problems in the community. (P 2: i[A]2.pdf - 2:15 (4:143-4:347))

Police professionalism is how we conduct ourselves in front of the members of the community, how we care to our duties in line with the trainings [sic], the producers [procedures] that are in place, that we don't deviate from the training that we can do, don't deviate from the rules that we have. (P 9: ii[B]1.pdf - 9:19 (7:454-7:736))

Okay, police professionalism is the way in which the police provide services to the community. That they also treat the people, for example, in a respectful way, and that they should treat the people in a respectful way, still having the authority, but always in a professional manner without victimising or abusing those powers. (P 18: i[C]2.pdf - 18:11 (5:1149-5:1483))

So how you, you appear, [that is] number one, it says a lot about the department. How you are dressed, the professional conduct, all those things. (P 6: iv[A]2.pdf - 6:15 (6:1720-6:1863))

Because the way you present yourself in the community should reflect the image of the organisation. (P 10: ii[B]2.pdf - 10:25 (9:1126-9:1226))

When you say professional, you look at their clothing, the way that they wear their uniform. It is about the way a person present [sic] himself. (P 19: ii[C]1.pdf - 19:20 (6:1192-6:1519))

Secondly, professionalism starts with trained people. You are a professional when you are suitably qualified for the position that you are in. And that is not the case anymore. (P 1: i[A]1.pdf - 1:33 (7:1559-7:1740))

So, I think when you are recruiting people, don't just recruit to fill up the space. Recruit people that have a passion, that have a need, that want to assist. And you will see a difference because if you are just filling up the space for employment, you are going to have a very poor police department. (P 16: viii[B]2.pdf - 16:19 (9:620-9:926)

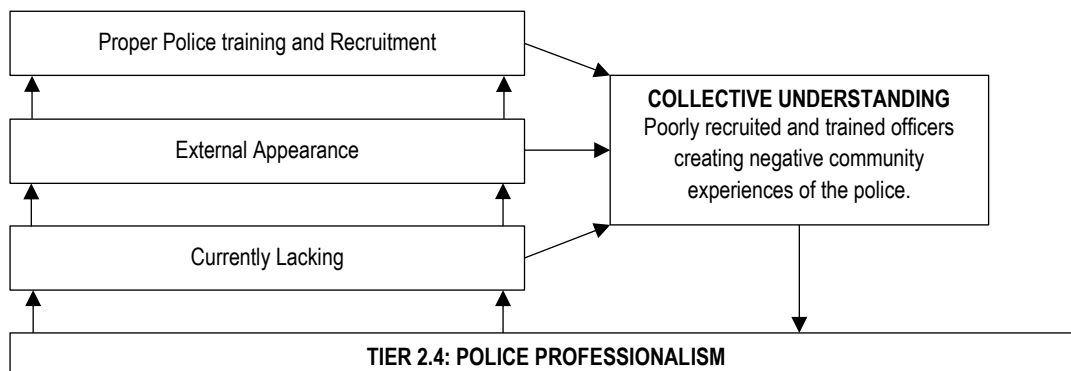
Police professionalism... Hmm... It is very lacking. It is very important, but in most of the police officers we don't... it does not exist. (P 20: ii[C]2.pdf - 20:19 (8:1982-8:2117))

Police professionalism... in the olden days, ja [sic] they were so good. The police officers were professional. But this, now-a-days, our police officers are no longer professional. Some of them... Their conduct is very, very unacceptable. (P 25: v[C]2.pdf - 25:19 (8:1159-8:1391))

Within the referential plain of this outcomes space, participant responses appear to be concerned with how communities perceive the police. Phrases such as 'service the community', 'members of the community', 'services to the community' and 'present yourself in the community' serves as an indication that participants view police professionalism as outward appearances. Police professionalism is also viewed as strongly related to recruitment and training, as the notion of properly trained and suitable officers is frequently referenced. It can subsequently be contended that a significant relationship between training, requirement and the manner in which the community perceive the police exists within this outcomes space, as proper training and recruitment will ultimately lead to the police being positively perceived by the community.

As was the case with police objectivity, the structural plain of this outcomes space reflects very negatively on police professionalism. It is worrying that, so many negative descriptions of police professionalism occurred within this outcomes space. Again, it appears that this negative perception of police professionalism can largely be attributed to the questionable behaviour of individual police officers.

Figure 5.10: An outcomes space representing police professionalism



(Researcher's illustration of Concept)

When the referential and the structural elements of this outcomes space is viewed together, it can be articulated that the collective understanding of police professionalism revolves around poorly recruited and trained officers creating negative community experiences of the police, as is demonstrated above.

5.3.5 TIER 2.5: COMMUNITY BASED SERVICE DELIVERY

Public service is generally perceived to be the collective services provided by government institutions or their appointed agents. Public service is thus concerned with the delivery of high quality services by the government, in accordance with the communal will of the populace. Community, on the other hand, refers to a specific section of individuals or groups found within the public. Thus, notion of 'community service delivery', specifically within the context of policing, is centred on the notion that the police should adopt a personalised approach, custom made to the unique needs of the community concerned.

Participants were requested to comprehensively explain what community based service delivery meant to them. A notable majority of participants described community based service delivery as 'a critical element of police work'. This description of community based service delivery occurred the most significantly in department B, with a lesser but still significant appearance in department C. It occurred on limited occasions in department B. describing community based service delivery as 'a good

community – police partnership’. This understanding of community based service delivery occurred significantly in department A, with a modest appearance in department B and a limited occurrence in department C. A significant number of participants also understood community based service delivery as ‘fulfilling community needs’. This description occurred most significantly in department C, with a slightly less significant appearance in department B. It occurred on limited occasions in department A.

I think the police forms the nucleus or the crux of safety for communities. So, you can't have a police that is secluded or isolated from the community. (P 3: ii[A]1.pdf - 3:10 (5:789-5:942))

I think it's the key and integral part of policing. Because my understanding is that we are serving the community needs. (P 10: ii[B]2.pdf - 10:17 (7:1286-7:1407))

I think this is where the police must actually go back to the community, and they must get involved in the community. (P 18: i[C]2.pdf - 18:6 (4:442-4:559))

What we do is, with a good relationship with the community, they will tell you things before they happen. It is how it work [sic], that partnership. (P 4: ii[A]2.pdf - 4:47 (14:1406-14:1549))

We believe that the buy-in of the community in terms of fighting the crime will lead to half positive minds of the community so that they are able to support us. (P 9: ii[B]1.pdf - 9:14 (5:1730-5:1890))

So, it is a joint venture, whereby the community must work hand in hand with the police. (P 20: ii[C]2.pdf - 20:16 (8:209-8:296))

Well, as the word says, community. It means to the involvement of the community in the activities of the SAPS, and the SAPS responding favourably to the needs and the demands of the community. So, it is a double-edged sword. The community needs to know what the police are doing, and the SAPS need to respond to the needs of the public. (P 2: i[A]2.pdf - 2:11 (3:360-3:707))

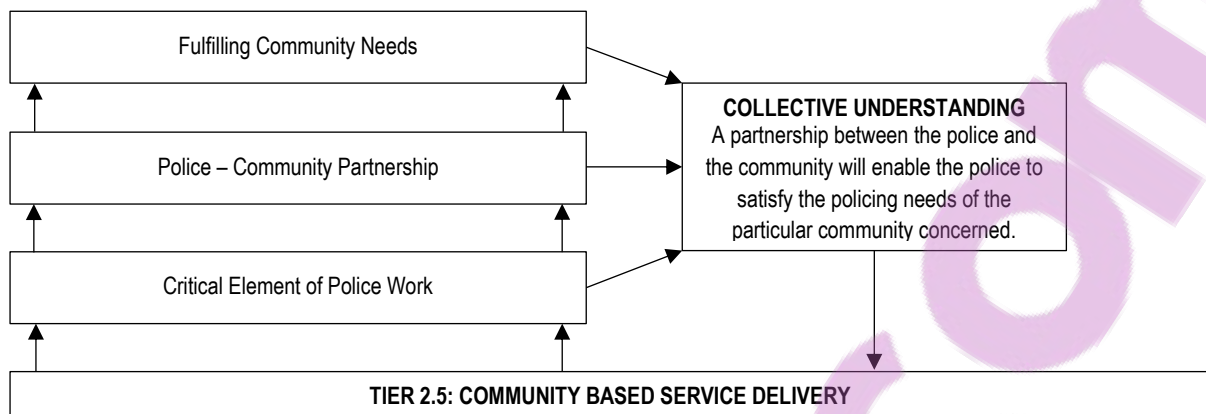
We need to cater for the various communities because we live in a country where we... our differences are not the same. Our cultures are not the same so as a policeman you have to adjust yourself. (P 12: iv[B]2.pdf - 12:14 (7:1014-7:1211))

Considering that there may be a difference, a difference in the sense that whatever services the police provides may not necessarily be relevant to the particular community. Now, for the relevancy and the compatibility of police services, it has to get the needs of the people to serve them, and not provide the people or the community with what they can serve or can provide. (P 23: iv[C]1.pdf - 23:12 (6:1873-6:2256))

Yes, we must cater for the needs of specific communities. And we must also remember that different communities have got different needs. And we as a police department will have to adapt to the specific needs of the communities. (P 24: iv[C]2.pdf - 24:11 (6:1290-6:1520))

From these responses, it becomes clear that participants view community based service delivery as an important element of police work. Referentially, the collective understanding seems to entail two significant elements. Firstly, it can be inferred that the establishment of police / community partnerships is of critical importance to participants, as numerous explicit and implied references to this notion was made during interviews. Secondly, it appears that participants are of the belief that the police should be able to address the specific policing needs of a particular community. Noticeably absent from these descriptions is any indications as to whether partnerships should be established or how community needs should be determined. This suggests that there is very little actual community engagement taking place. The structural notion of this outcomes space significantly supports this postulation, as participants did not indicate nor describe any actual experience with community engagement and community based service delivery. It seems like a logical explanation to believe that participants have very little experiences to describe in this regard. Subsequently, it can be articulated that the collective understanding of community based service delivery referentially seems to revolve around the notion that a partnership between the police and the community will enable the police to satisfy the policing needs of the particular community concerned.

Figure 5.11: An outcomes space representing community based service delivery



(Researcher's illustration of Concept)

Considering the categories of description as illustrated above, it can be articulated that the collective understanding of community based service delivery referentially seems to revolve around the notion that a partnership between the police and the community will enable the police to satisfy the policing needs of the particular community concerned.

5.3.6 TIER 2.6: ENSURING DEMOCRATIC POLICING

For police organisations to be valid and relevant in the context of a democracy, a police organisation should create and maintain an environment that is safe and free from fear, while promoting and protecting the irrefutable individual and communal human rights associated with democracy. Ideally, democratic policing should be ensured by the implementation of a comprehensive police control strategy, consisting of both internal and external measures of police control. Internal control measures typically include mechanisms like internal investigations, effective disciplinary procedures, counselling systems and training. External control measures will fundamentally include organisations and institutions such as the parliament, the judiciary, the public protector, human rights commissions, anti-corruption agencies, specialised police complaints organisations and various types of oversight committees. In addition, to comprehensive accountability, police organisations should *inter alia* ensure that they submit to the rule of law, are legitimate, objective, transparent and demonstrate the utmost respect for human life and dignity.

Participants were asked how they thought democratic policing can best be ensured. The majority of participants believed 'accounting to the community' will be the best way to ensure democratic policing. This description occurred significantly in department B, with limited occurrences in department C while it did not appear in department A. A notable number of participants believed that the best method of ensuring democratic policing was by 'internal measures'. This description occurred modestly in department C, with limited occurrences in department B, and a significantly small number of occurrences in department A. A small number of participants also referenced 'external institutions' as the best method of ensuring democratic policing. As a description, this belief occurred modestly in department A, with a less than modest occurrence in Department C. It occurred on limited occasions in department B.

Admit our mistakes [as] a police department, we are human beings. And Ja, I think accountability to the public would better position us. (P 14: vi[B]2.pdf - 14:10 (5:1996-5:2128))

Because, not being accountable to our community we are nothing. (P 21: iii[C]1.pdf - 21:32 (12:1301-12:1363))

I think that if the police have done wrong towards the community, they must come forth. They must come forward and then explain that to the community, that because of this reaction we have done this. They must come forward; they must [not] do things at the back doors. Like, maybe killing a person and not reporting that person and dumping him somewhere.

(P 22: iii[C]2.pdf - 22:6 (4:1454-4:1807))

I think the one element would be monitoring and evaluation, the second element is continuing supervision because human beings are human beings. (P 10: ii[B]2.pdf - 10:29 (11:971-11:1115))

More command and control be emphasised at all levels. (P 25: v[C]2.pdf - 25:25 (10:260-10:314))

Hmm... Processes are made, whether by sanctioning. I mean the disciplinary processes will also take place...The investigators will also be roped in. (P 20: ii[C]2.pdf - 20:14 (7:1061-7:1437))

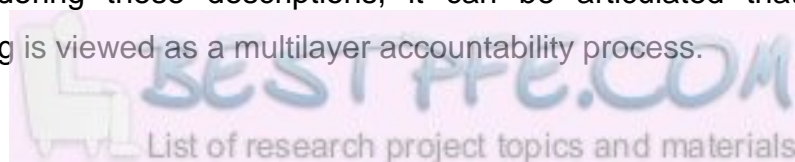
So, there must be a legality. There must be an institutional disciplinary action. (P 11: iii[B]2.pdf - 11:14 (9:2032-9:2170))

Because if you can check, they tried influence... let's take for example the IPID. It is still biting. They tried to influence the Office of the Public Protector, it is still biting. The Auditor General is on top of his game. (P 4: ii[A]2.pdf - 4:5 (4:1845-4:2074))

And that also, accountability, has also been taken care of [by] the government, by establishing a chapter nine organisation, which is called IPID. It is a watchdog to the South African Police Services and we also have the Public Protector, who people also can approach if they feel that their rights have been infringed by the police. (P 21: iii[C]1.pdf - 21:10 (5:1065-5:1400

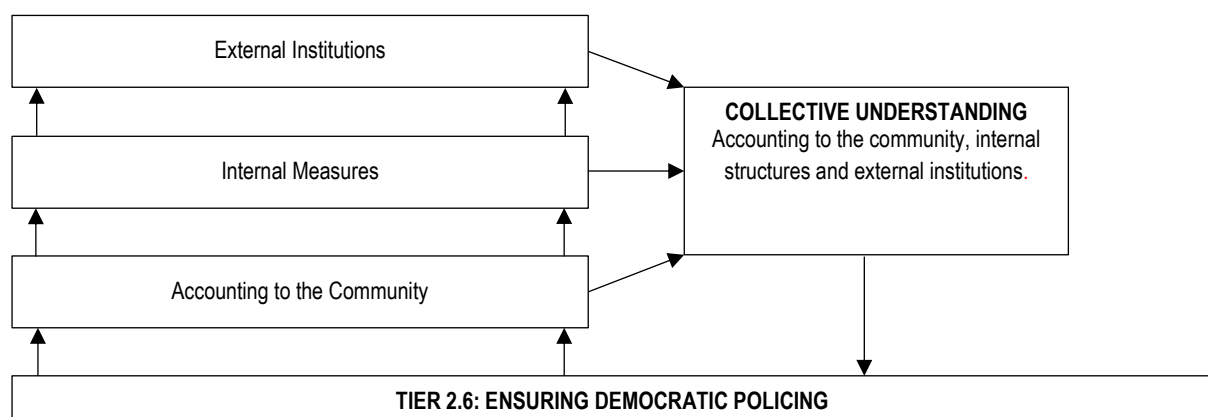
From participant responses, it is clear that this collective understanding referentially revolves around three fundamentality interlinked and related methodologies of police control. Firstly, and most significantly so, the notion of social control is referenced as 'accountability to the public', and 'explain that to the community'. As these descriptions occurred the most repeatedly, it can be contended that social accountability, although not explicitly mentioned, is of particular importance to participants. Secondly, a significant number of participants described their understanding of ensuring democratic policing as measures that are intrinsic to the police organisation.

Measures such as 'continuing supervision', 'disciplinary processes' and 'institutional disciplinary action' serves as an indication that ensuring democratic policing is considered to be largely the responsibility of the organisation. Lastly, external institutions being responsible for democratic policing were described on multiple occasions. Considering these descriptions, it can be articulated that ensuring democratic policing is viewed as a multilayer-accountability process.



This being said, it is notable that this outcomes space makes significant reference to police accountability, but not to police objectivity, professionalism, legitimacy or community based service delivery. All these elements constitute an important element in the democratic policing continuum. Their absence in relation to this outcomes space suggests that the collective understanding of ensuring democratic policing is very unilateral, and lacks the dimension one would expect from senior police managers. As the structural plain of this outcomes space again offers very little descriptions, it can again be argued that participants have very little real-world experience in ensuring democratic policing.

Figure 5.12: An outcomes space representing ensuring democratic policing



(Researcher's illustration of Concept)

This outcomes space raises the question if MPDs can truly be considered as democratic. However, considering the referential plain and the absence of the structural component of this outcomes space, it is contended that this collective understanding entails accounting to the community, internal structures and external institutions.

5.3.7 KEY OBSERVATIONS RELATING TO DEMOCRATIC POLICING

From sections 5.3.1 till 5.3.6 above, the following key observations can be made:

- Participants perceived accountability as being centred on the notion of ethics and responsible behaviour. Structurally, participants experienced police accountability to be significantly lacking at this stage.

- Community approval appeared to constitute the premise of police legitimacy. Additionally, unprincipled individual behaviour and undue political intrusion were seen as currently having an adverse impact on police legitimacy.
- Participants perceived impartiality and fair community treatment as essential elements of police objectivity. Unprincipled individual behaviour again was structurally perceived to negatively impact on police objectivity.
- Structurally, participants viewed police professionalism as currently being significantly poor. Participants referentially attributed this unprofessionalism mainly to poorly trained and recruited individuals.
- Participants viewed police-community partnerships as a critical element of policing. From the vantage point of participants, creating and maintaining such partnerships will enable the police to satisfy the unique policing related needs of the community concerned.
- From the perspective of participants, methods to ensure democratic policing revolved mainly around being accountable to the community, internal structures and external institutions.

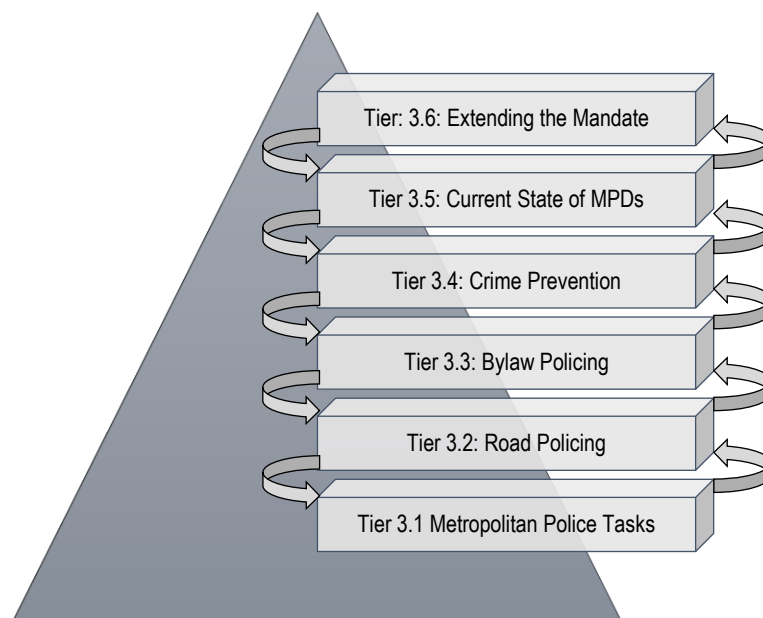
Considering these key observations, it appears that democratic policing, as it is collectively perceived by participants, involves a positive community experience of the police, brought on by responsible, legal, impartial and accountable police actions. The creation of such a positive experience is currently however being hindered by political interference and questionable officer conduct.

5.4 LEVEL 3: THE METROPOLITAN POLICE DEPARTMENT AND ITS MANDATE

Although metropolitan police departments have been operational as from 2000, there is still some debate as to what the fundamental business of the metropolitan police is. In terms of legislation, MPDs are mandated to perform three central functions; road traffic policing, bylaw policing and the prevention of crime. It remains however unclear how those who are responsible to execute these functions perceive and experience this mandate.

This section of the interview was subsequently directed towards discovering the various ways in which participants possibly could understand the role that the MPD has to play in South Africa. To explore these understandings, a 6-tiered hierarchy, reflecting various interrelated but distinctive hierarchal features relevant to the metropolitan police role was constructed. This figure presents a logical hierarchy of understanding that provides a full view of how participants collectively understand and experience the metropolitan police mandate within the context of a democratic South Africa.

Figure 5.13: *Hierarchy of understanding relevant to comprehending the metropolitan police department and its mandate*



(Researcher's illustration of Concept)

Participants were requested to comprehensively describe how they understand and perceive all the elements contained within this hierarchy. Various categories of description arose in relation to each of these phenomena.

5.4.1 TIER 3.1: THE CORE BUSINESS OF METROPOLITAN POLICE DEPARTMENTS

The core business of MPDs, as is described in section 3.2.6, holds that metropolitan police departments should create a strong framework for visible policing by effectively and efficiently enforcing and policing issues relating to road traffic and municipal

bylaws, within the area of jurisdiction of the municipality concerned. However, neither legislation nor policy provide a comprehensive and specific methodology on how MPDs should engage in this core business. Subsequently, it can be contended that various opinions exist as to how MPDs should engage in their core business. What remains notably unclear however, is how senior metropolitan managers perceive and understand their engagement in the core business of the metropolitan police department.

Participants were requested to describe the core business of the metropolitan police department, as they would describe it to an ordinary member of the community, who may not necessarily have knowledge of the MPD. The majority of participants expressed their understanding simply by referencing to the 'three core functions' of the metropolitan police department. This description appeared most significantly in department B, with a slightly less significant appearance in department C. Within department A, this description appeared on limited occasions. Describing the role of the MPD as 'similar but slightly different to the SAPS' also appeared as a description. This description occurred modestly, but equally distributed across all three departments. Lastly, the business of the MPD was also described as 'law enforcement'. As a description, this understanding of the MPD business occurred limited in departments B and C and on very limited occasions in department A.

The first order of business, is that we are traffic officers, in the main. That is our main and core business. 70% of our works [sic] should be about traffic law enforcement and everything that goes around with that. Traffic officer duties. Then, 20% should be bylaw enforcement. All the bylaws of council. And the last 10% should be crime prevention. (P 1: i[A]1.pdf - 1:38 (8:2074-8:2426))

As the metro police, we've got 3 functions in the city. We've got crime prevention; bylaw enforcement and we've got national road traffic enforcement. (P 14: vi[B]2.pdf - 14:18 (7:414-7:563))

It means traffic policing. That is our core function. Then bylaws. Enforcement of bylaws; selling or whatever on streets and in buildings that is illegal. And lastly, we are there for crime prevention. (P 19: ii[C]1.pdf - 19:27 (8:616-8:820))

The Metro Police in the community is dealing with crime prevention. We deal with traffic law enforcement and bylaw enforcement. (P 10: ii[B]2.pdf - 10:32 (12:989-12:1218))

A start off a [sic] statement telling them that we are appointed under the SAPS act. I also then elaborate on the difference between the SAPS and the metro police, so that the people clearly understand where we come from. I also differentiate between the national police service and the local metro police departments, in council. (P 2: i[A]2.pdf - 2:18 [(5:691-5:1022))

Also, he must understand our three core functions. It is those core functions we enforce: Crime prevention, the road traffic act and city bylaws. The difference between us and the national police is that they have powers to investigate and their powers is [sic] not limited to local municipalities. (P 16: viii[B]2.pdf - 16:21 (10:501-10:796))

A metro police officer has all the powers of a police officer, except for... what... I think it is five. In terms of bail, intelligence and 'binnelandse veiligheid' [Homeland Security] and all those type [sic] of things. (P 17: i[C]1.pdf - 17:12 (5:434-5:627))

For a member of the public to be on the right track we have to enforce that, and we must enforce it [the law] vigorously. (P 11: iii[B]2.pdf - 11:12 (9:553-9:663))

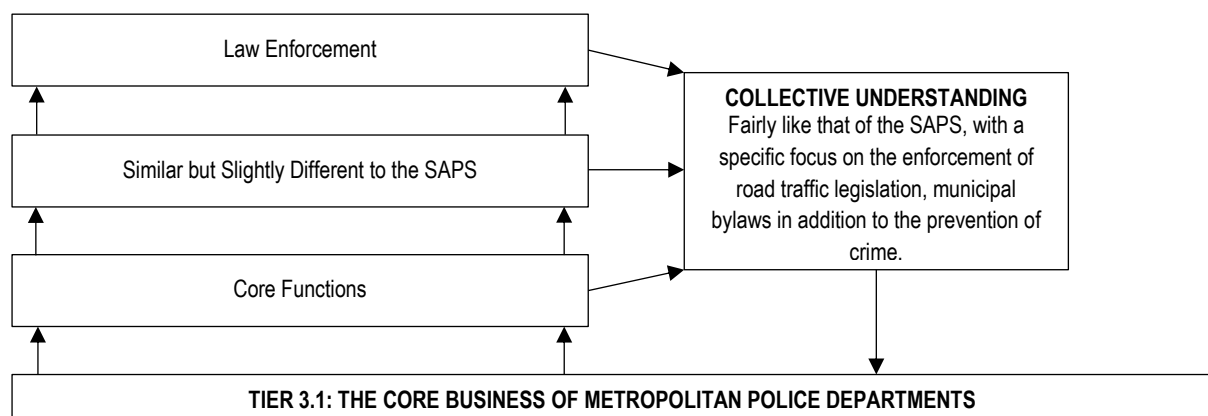
The core business of the metro police is firstly law enforcement. (P 19: ii[C]1.pdf - 19:26 (8:514-8:577))

Then I'd told them, as I said you, we at Metro Police we are doing the crime and law enforcement, that is our main job [sic]. (P 11: iii[B]2.pdf - 11:21 (14:609-14:728))

From these participant responses, it appears that the collective understanding of the core business of the MPD is highly centralised around the notion of law enforcement. Instead of using policing to describe the business of MPDs, participants repeatedly used the term 'law enforcement'. 'Law enforcement' was either used in relation to describe the core functions of the MPD, or it was used as a description on its own. This might suggest two possible situations. Firstly, it can be argued that law

enforcement is viewed as a central element of the metropolitan police business. Alternatively, this could be an indication that participants are not familiar with the entire spectrum that they are supposed to engage in, in this regard. In both these instances, an overemphasis on law enforcement will be detrimental to the legitimacy of the organisation and its officers, as situations of malicious or trivial prosecutions, unjustifiable use of force and inappropriate service delivery might occur. It can subsequently be contended that law enforcement currently constitutes a critical element of the metropolitan police culture as it exists within the borders of the Gauteng province. In addition, it is notable that the core business of the MPD was compared to that of the SAPS. This should be seen as a likely indication that participants see their business as overlapping with that of the SAPS. Potentially, this might be problematic, as such a belief can motivate MPDs to engage in activities that they shouldn't be involved in, such as intelligence gathering, public order policing and tactical response teams. Considering participant responses, it can be articulated that within this collective understanding, participants view the business of the MPD as fairly similar to that of the SAPS, with a specific focus on the enforcement of road traffic legislation, municipal bylaws and crime prevention.

Figure 5.14: An outcomes space representing the core business of the MPD



(Researcher's illustration of Concept)

From the outcomes space presented above, it can thus be articulated that within this collective understanding, participants view the business of the MPD as fairly similar to

that of the SAPS, with a specific focus on the enforcement of road traffic legislation, municipal bylaws in addition to the prevention of crime.

5.4.2 TIER 3.2: ROAD POLICING

It is significant that legislation does not describe the road policing function as 'law enforcement', but rather as 'policing'. This then infers that MPDs should engage in this function on a much wider basis than simply writing tickets and affecting arrests. MPDs are thus expected to engage in a widespread variety of activities relating to the policing of road traffic. These activities should include various aspects such as education, community support, advising other role players and traffic control, in addition to law enforcement.

Participants were requested to elaborate on how they thought MPDs should engage in road policing. Participants described the engagement of MPDs in this function as 'law enforcement'. As a description, this understanding of road traffic policing occurred the most significantly in department C, with limited but equally distributed occurrences in department A and in department B. Participants also described 'education' as the most appropriate manner in which MPDs should engage in road policing. This description appeared modestly in department B, with notably lesser occurrences in department C. It occurred on limited occasions in department A. 'Ensuring the free flow of traffic' as the most appropriate engagement for MPDs in road policing appeared as a category of description on multiple occasions. It occurred modestly in Department C, with limited occurrences in department B. This description occurred on very limited occasions in department A.

You know, I am past the stage where I think that education is going to work. We need to do strict enforcement; which unfortunate [sic] is not happening in this country. (P 2: i[A]2.pdf - 2:20 (5:1867-5:2030))

You see, you are looking at the high accident statistics, especially the fatalities and that's where you want to see our people out there on the road to ensure that they enforce traffic related enforcement [SIC]. (P 7: i[B]1.pdf - 7:19 (9:707-9:915))

Okay, firstly we should start off by doing law enforcement, where we look at people who violates some of the laws. (P 18: i[C]2.pdf - 18:16 (6:1898-6:2011))

Because, once they, the community, are educated, they will understand what they must do in road traffic. (P 5: iii[A]2.pdf - 5:23 (7:109-7:212))

So, we need to play a role in awareness campaigns to members of the public for traffic that your behaviour on the road is more important than anything else. (P 10: ii[B]2.pdf - 10:34 (13:941-13:1213))

I think also more effort on education and awareness on road policing must be done. And my take on it is that it should be a subject on school, because it is a problem. It is like a cancer disease in South Africa. Non-compliance. (P 21: iii[C]1.pdf - 21:26 (9:819-9:1048))

Remember, our function is to make sure that everything is running... The flow of traffic or the movement of everything if flows in a good manner [sic]. We are not there to punish people. (P 4: ii[A]2.pdf - 4:39 (12:2158-12:2337))

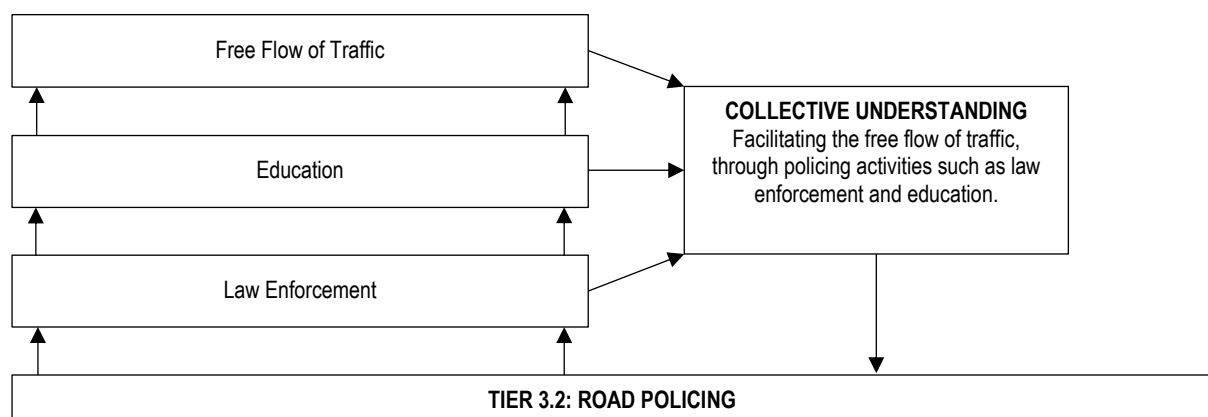
The core element is to ensure safe traffic flow, free flow, so all the time motorist should not have any problems on the road, in terms of obstructions... (P 10: ii[B]2.pdf - 10:33 (13:427-13:580))

I think they should focus mainly on that the traffic is free. Everybody wants to go to work and come back home, safely, free from accidents. (P 25: v[C]2.pdf - 25:29 (11:724-11:864))

From these participant responses, it appears that the collective understanding of road traffic policing holds two specific policing activities as important. Again, it seems that law enforcement constitutes a critical component of the metropolitan police culture, as law enforcement was regularly described as the most critical element of road traffic policing. Secondly, multiple descriptions advocated an educational approach towards road policing, instead of law enforcement. Education within this context signifies considerable opportunities to engage in more preventive modes of policing and will also create a platform for continuous community engagement. Participants also described road policing as ensuring the free flow of traffic. Again, road policing is

understood as a wider concept than law enforcement, as this description encompasses an array of activities such as traffic control, stationary vehicles and assisting road users at collision scenes, in addition to law enforcement. Combined, these descriptions should be seen as an indication that the collective understanding of road traffic policing, reflects a much wider understanding of policing. This understanding stands in stark contrast to the one-sided law enforcement based views expressed in the previous outcomes space reflecting the core business of MPDs. Referentially it can be articulated that the collective understanding of road policing entails the facilitation of free traffic flow, through policing activities such as law enforcement and education.

Figure 5.15: An outcomes space representing road policing



(Researcher's illustration of Concept)

Considering the above outcomes space, it can be articulated that referentially the collective understanding of road policing entails the facilitation of free traffic flow, through policing activities such as law enforcement and education.

5.4.3 TIER 3.3: BYLAW POLICING

As was the case with road policing, it is significant to note that this function is described by participants as 'policing' and not 'law enforcement'. It can thus be contended that the engagement of MPDs should involve more activities than simply law enforcement. The engagement of MPDs in the policing of municipal bylaws should thus include both reactive and proactive measures to ensure compliance with local legislation.

Participants were requested to describe their understanding of how MPDs should engage in the policing of municipal bylaws. A notable number of participants believed that the best manner in which MPDs could engage in bylaw policing, was through 'education'. This description occurred significantly in department B, while it made a modest appearance in department A, and a limited appearance in department C. Participants also described bylaw policing as 'law enforcement'. As a description, this understanding appeared modestly in department A, with limited but equally distributed occurrences in departments B and C. Interestingly, the 'broken window approach' was also described as the most appropriate method for MPDs to engage in bylaw policing. This description appeared modestly in department C and on limited occasions in department A, while it did not appear in department B.

Before we engage in that [bylaw enforcement], people don't know all those different bylaws. That is number one. (P 4: ii[A]2.pdf - 4:41 (13:111-13:203))

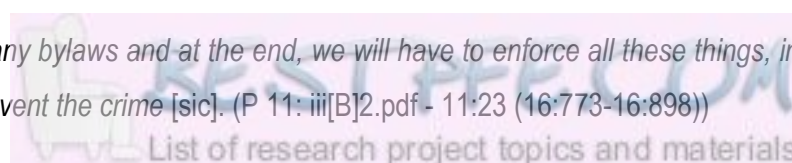
With bylaws, the most important part is education and awareness. Because remember that bylaws are the city's own designed laws to deal with specific issues; for example, take that the bylaw of washing the car on public road [sic]. (P 10: ii[B]2.pdf - 10:36 (14:381-14:610))

The most important is educating, that is one of them [sic]. Educating about the bylaws. And, before you enforce the bylaws people must understand the bylaws. Because, once you enforce without educating them, you can come across a problem. (P 12: iv[B]2.pdf - 12:26 (10:320-10:553))

They [the public] need to be taught, they need to be schooled and informed. And once you have done that, then you can start with the enforcement part of it. (P 19: ii[C]1.pdf - 19:31 (9:1139-9:1283))

So, it is very critical the enforcement of those bylaws by metro police officials be done in accordance with the laws that govern bylaws. (P 3: ii[A]1.pdf - 3:22 (7:1414-7:1554))

We have so many bylaws and at the end, we will have to enforce all these things, in order so that help prevent the crime [sic]. (P 11: iii[B]2.pdf - 11:23 (16:773-16:898))



I would sum it up like this. The broken windows syndrome [Broken Windows Theory] ... If you do not police your bylaws well, then all other crime will precipitate. Especially in that area which is not being policed for bylaws. (P 1: i[A]1.pdf - 1:43 (9:1727-9:1929))

...he said, to what is key is the broken window syndrome [Broken Windows Theory]. The bylaws. You start with petty crimes and then you will be able to address the bigger crimes. (P 21: iii[C]1.pdf - 21:27 (9:2230-9:2383))

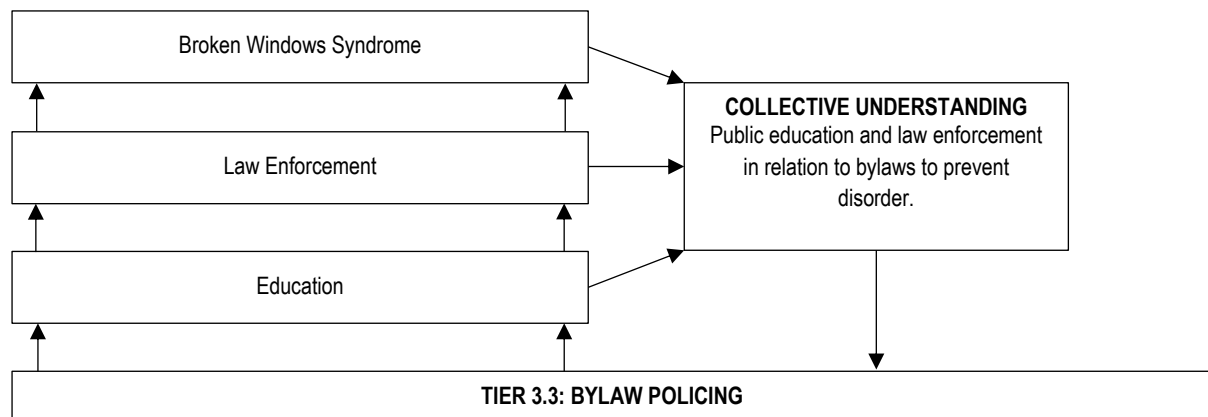
And we have the concept of the broken windows syndrome [Broken Windows Theory]. So, if we want to police crimes, we should start with the small crimes, then the big crimes will drop. (P 24: iv[C]2.pdf - 24:10 (6:665-6:1009))

Within this outcomes space, it appears that the collective understanding of bylaw policing is, as was the case with road traffic policing, referentially characterised by an approach wider than mere law enforcement. Although law enforcement did appear as a notable category of description, both 'education' and the 'broken windows' theory suggests that specifically within the context of bylaw policing, a much wider understanding of policing than law enforcement is present. The presence of 'education' in this outcomes space serves as a strong indication that community engagement in relation to bylaw policing is of particular importance to participants. This supposition is reinforced by various instances in which participants described education as a prerequisite for law enforcement. The lack of structural descriptions in this regard however renders it doubtful that such community engagement is indeed taking place.

The adoption of a 'broken window' approach serves as a further indication that a wider approach than law enforcement should be adopted. Although traditionalists might contend that the broken windows theory is predominantly based on law enforcement, rationality proposes that this approach involves a much wider range of activities directed towards addressing both physical and social disorder. It is of significance and attestable value that participants specifically used the term 'policing' in relation to the broken window approach, rather than law enforcement. This then is an indication that a wider perception of policing is indeed present within this outcomes space. Again,

there are no structural descriptions to indicate that that this police model is actually being applied.

Figure 5.16: An outcomes space representing bylaw policing



(Researcher's illustration of Concept)

Considering the participant responses, it can be articulated that the collective understanding of bylaw policing referentially entails public education and law enforcement in relation to bylaws to prevent disorder, as is reflected in the outcomes space above.

5.4.4 TIER 3.4: CRIME PREVENTION

As was highlighted in section 3.2.6, it is anticipated that MPDs will be able to significantly contribute towards crime prevention by maintaining a strong and observable police presence through the persistent and effective policing of road-traffic legislation and municipal bylaws. It is thus implied that crime prevention will be an implicit result of effective, efficient and appropriate proactive and reactive policing activities in relation to road traffic and municipal bylaws.

Participants were requested to provide a detailed account on how they believe MPDs should engage in crime prevention. A large portion of participants believed that the most appropriate method for MPDs to engage in crime prevention was by 'visible policing'. This description occurred significantly in department B, with significantly less occurrences in department C. Occurrences of this description appeared on limited

occasions in department A. A smaller, but still significant number of participants advocated 'community engagement' as the best crime prevention methodology for MPDs. As a description, this outlook on crime prevention appeared modestly in department B, with limited but equally distributed occurrences in departments A and C. A small number of participants also voiced a 'multidisciplinary approach' as the fundamental means by which MPDs should engage in crime prevention. This description manifested modestly in department B, with significantly limited occurrences in department C and some very limited occurrences in department A.

Because all these guys, [criminals] they all make use of the road. And that is where we should be more visible - on the road. (P 6: iv[A]2.pdf - 6:25 (9:1979-9:2089))

The most important one, it is all about visibility. Our visibility makes a difference to the community and even to the public [sic] out there. (P 12: iv[B]2.pdf - 12:28 (10:1173-10:1310))

I think visibility is the most important thing. If we can make sure that we are visible, because now, that is proactive, unlike being reactive. For being visible, you are making [it] difficult for people to indulge in crime. (P 20: ii[C]2.pdf - 20:32 (12:1569-12:1791))

So, one other important issue is to interact. Even if to the youngest kid – just interact. He will tell you what is happening within the community. That is how I normally get information from the community, through communication. (P 12: iv[B]2.pdf - 12:13 (7:551-7:771))

I think to be proactive in going out [to] the community and teaching them about the problems they can encounter, and how they can [be dealt] with, before it actually can become a problem. How to identify a problem situation before hand, and also to look at crime and put in measures in place to rather prevent it, than afterwards trying to correct it. (P 18: i[C]2.pdf - 18:21 (7:1162-7:1493))

The crime prevention, in order to be more effective, the following organs of the state they should come to the party. It should be us, the investigators [SAPS], and the NPA [National Prosecuting Authority]. They should come to the party. ((P 4: ii[A]2.pdf - 4:46 (13:1569-13:1770))

...by engaging with the SAPS and any other security agencies and to have joined operations to fight off those things and to prevent crime from happening in the city. (P 14: vi[B]2.pdf - 14:19 (7:566-7:872))

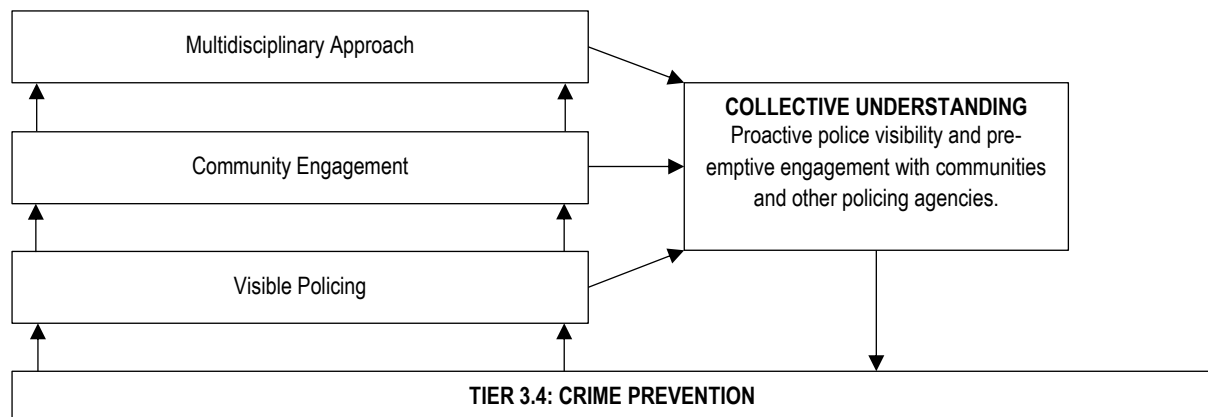
Hmm... I think they should also meet with the SAPS and other stakeholders. As to get a feeling of how crime is, and get the stats from the other departments. (P 22: iii[C]2.pdf - 22:18 (8:1834-8:1997))

They should also go out to the community and teach them about how to prevent crime rather to try and stop it after it has already happened [sic]. (P 18: i[C]2.pdf - 18:20 (7:889-7:1028))

From participant responses, it appears that this outcomes space is dominated by an overwhelming sense of 'being proactive', as visibility, community education and adopting a multidisciplinary approach were all described with proactive qualities. It appears that the notion of visibility is of particular importance for participants, as it was the most occurring category of description. From the quotations above, it appears that participants believe visibility, and more specifically visibility within the framework of the road traffic environment, will 'make a difference to the community'. It is also clear that community engagement and more specifically community education is seen by participants as an essential element of crime prevention. It is notable that community engagement was predominantly described as educating the community to prevent crimes. This suggests that there is a strong sense of community empowerment present within this collective understanding. Participants also acknowledged that crime prevention should be a shared venture, and that the MPDs alone cannot prevent crime, as significant references to 'engaging with the SAPS and any other security agencies' were made. It is however disconcerting that participants predominantly referenced to the SAPS as the primary stakeholder in this regard. As neither the SAPS nor the MPD can actually prevent crime, a wider range of stakeholders and role-players will be necessary in this regard. The absence of a wider range of stakeholders in this outcomes space suggests that participants might not grasp the entire scope of role players needed to effectively prevent crime. It can subsequently be contended that the collective understanding of crime prevention, specifically within the context of

the MPD involves proactive police visibility and pre-emptive engagement with the community and other policing agencies.

Figure 5.17: An outcomes space representing crime prevention



(Researcher's illustration of Concept)

Considering this outcomes space, it can be contended that the collective understanding of crime prevention, specifically within the context of the MPD involves proactive police visibility and pre-emptive engagement with the community and other policing agencies.

5.4.5 TIER 3.5: THE CURRENT DEMOCRATIC STATE OF METROPOLITAN POLICE DEPARTMENTS

In order for a police organisation to be considered as democratic, it should create and maintain an environment that is safe and free from fear, while promoting and protecting the irrefutable individual and communal human rights associated with democracy. It is contended that any police organisation operating within a democratic state, should display at least a minimum number of fundamental features to be considered as democratic. These features *inter alia* include an orientation to democratic principles, protection of life, a notable public service orientation, respect for human dignity and a non-discriminative character.

Participants were asked if they believed that the current manner in which MPDs engage in their mandate is constructive to South Africa's democracy. A large number

of participants were of the opinion that MPDs are currently contributing to democracy, as these departments are 'educating communities'. This description occurred significantly in departments B and C, and on limited occasions in department A. A notable number of participants described the current democratic contribution of MPDs as 'facilitating stability and harmony'. This category of description occurred modestly in department B with a limited occurrence in department C and a very limited occurrence in department A. Lastly, a significant number of participants believed MPDs are currently not democratic. This description occurred significantly in department C, while it did not appear in departments A or B.

If you have a metro police that upholds the law, because I also see the metro police as an educational tool to educate the members of the public. (P 3: ii[A]1.pdf - 3:26 (9:1169-9:1315))

I think it can, taking in account the involvement of the community, taking in account the education of the people so that people know and understand democracy clearly. (P 9: ii[B]1.pdf - 9:34 (12:1446-12:1614))

Yes well, if you look at these things and you can look at maybe the educating side and going out [to] the community, and teaching them about the different aspects, you will also be able to get a better view of their expressions. (P 18: i[C]2.pdf - 18: (8:215-8:440))

Road policing, Crime prevention and bylaws, they will create harmony, in democracy. (P 4: ii[A]2.pdf - 4:50 (14:1856-14:1940))

Ja you know as soon as people feel that there is a stability in your enforcement - they feel safe. (P 7: i[B]1.pdf - 7:25 (10:2626-10:2725))

We are working towards stabilising communities where we are staying, every police, every order, so our efforts enhance democracy in a way, they contribute very much. (P 9: ii[B]1.pdf - 9:36 (13:701-13:871))

There is no equality. There is no equality on all different levels. There is no equality in the workplace, [and] out of the workplace. (P 17: i[C]1.pdf - 17:32 (11:1026-11:1217))

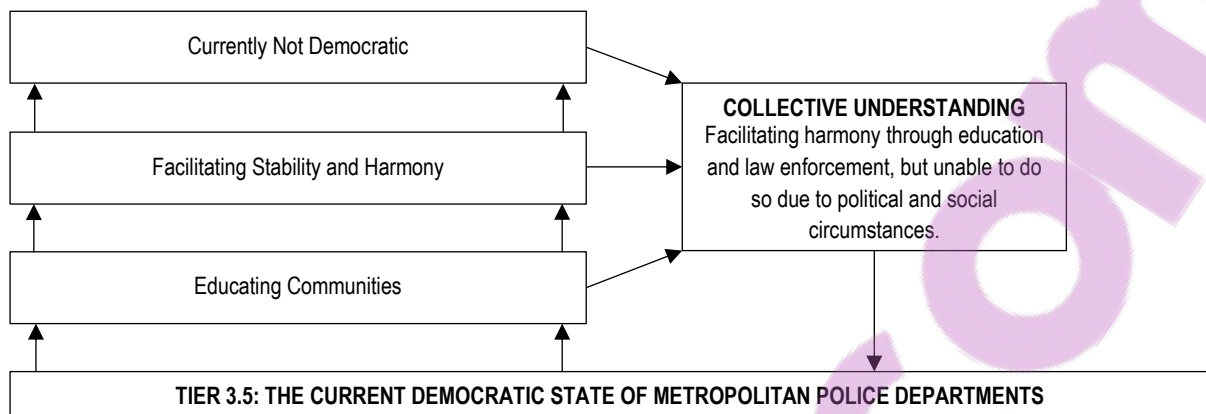
I think that presently the metro police are more looking at only enforcing the law than educating people about what is wrong. That is more their main aim than rather than [sic] getting the inputs or views from the community and also trying to teach them not [to] recommit the same offences and have better behaviour in the future. (P 18: i[C]2.pdf - 18:25 (8:840-8:1165))

Secondly, we are doing political policing... If one party rules they say clean up the hawkers... other parties say leave them. So, it is a little bit distorted... (P 24: iv[C]2.pdf - 24:24 (10:1885-10:2041))

This outcomes space appears to describe a collective understanding that holds that MPDs are currently contributing to democracy in South Africa, through community education, maintaining stability and creating harmony. Although the notion of community education is continuously mentioned within a referential situation, no structural descriptions indicating the type of education that is in fact being done is provided. In fact, the structural plain of this outcomes space infers that too little community education is currently taking place. Referentially, participants described the creation of harmony and stability by enforcing and engaging in their mandated functions.

Again, the structural plain of this outcomes space is in almost direct contrast to the referential plain. Within the structural plain, participants described the democratic state of MPDs as having 'no equality on all different levels' and 'doing political policing'. Should this be the case, the facilitation of harmony and stability will in fact be an impossibility. In addition, and in support of this supposition, participants offered no structural experience or notable acknowledgement that indicated that any form of success in facilitating harmony and stability has been attained.

Figure 5.18: An outcomes space representing the current democratic state of MPDs



(Researcher's illustration of Concept)

Considering both the referential and structural elements of the outcomes space presented above, it can be contended that the collective understanding of participants holds the current state of MPDs as facilitating harmony through education and law enforcement, but unable to do so due to political and social circumstances.

5.4.6 TIER 3.6: EXPANDING THE MPD MANDATE

Recent policy documents, as was mentioned in section 3.2.6, proposed that the metropolitan police mandate must be extended, as to include limited investigative competencies within the authority of the MPD. This investigative mandate would however be limited to traffic related matters, municipal bylaws, and crimes committed on and in relation to municipal assets and property. MPDs would however not be granted the authority to keep suspects in custody. The custody of suspects would remain the responsibility of the SAPS.

The extent of the proposed mandate extension was explained to participants, after which they were requested to elaborate on what their feelings about this extension were, specifically as it relates to South Africa's democracy. A noteworthy number of participants believed that such an extension of the mandate will contribute towards democracy, as it will lead to 'improved services'. This assessment of the proposed mandate extensions occurred significantly in department B and modestly in department C. It occurred on very limited

occasions in department A. A significant number of participants also held that the proposed extension will contribute towards democracy as it will lead to 'improved prosecutions'. As a description, it occurred modestly in department B and very limited in department A. It did not occur in department C. There were however a large number of participants who believed that such an extension of the MPD mandate will not contribute towards democracy, as it will be 'too much work'. This description occurred modestly in department C, limited in department B and very limited in department A.

Yes, it can promote democracy, it in a way [sic], because they are given extra functions that they do, and it is then extra service what you do. (P 5: iii[A]2.pdf - 5:37 (10:110-10:249))

Yes, services will improve, and then democracy also. (P 12: iv[B]2.pdf - 12:39 (12:2350-12:2400))

Yes, it will contribute in terms of speeding up processes, speeding up cases affording people the opportunity to come to court and present their case before the court. (P 14: vi[B]2.pdf - 14:33 (11:482-11:649))

Yes, it will, because then we can offer a one-stop service to the public. Electricity that has been stolen, we can do the docket and take it to court. We can have specialised witnesses; we can do all of that. (P 24: iv[C]2.pdf - 24:29 (12:649-12:860))

Yes, currently people are not getting much joy out of the cases that the police are doing and even the period that these cases take and the more they investigate, the quicker the cases will be finalised and justice done, so in a way we will be able to assist even the national prosecuting authority in splitting up of the cases. (P 9: ii[B]1.pdf - 9:40 (14:542-14:874))
It will because of... If I am handling a docket or a case, it will make easy [sic] for me to follow it up until the person is prosecuted. And I see the law is executed. So, if I am opening a case and I hand [it] to the SAPS, somebody else is going to investigate it. Somewhere, somehow down the line I don't get joy, or the case end up getting nowhere. (P 25: v[C]2.pdf - 25:40 (15:1281-15:1840))

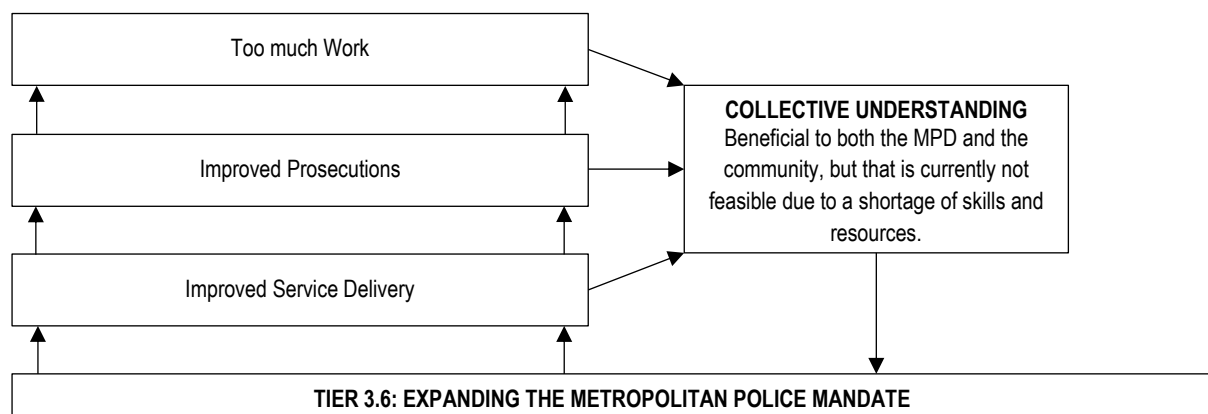
I don't think so. I don't think so because now, what we have is too much. Road policing and bylaws, and then you have to arrest... no no no ... That will be too much for metro police. (P 22: iii[C]2.pdf - 22:25 (11:604-11:787))

No. Not at all. The metro police currently do not perform the simple three core mandates. Why do you want to still give them investigative powers? Rather take the investigative powers. (P 17: i[C]1.pdf - 17:35 (12:1232-12:1418))

I would say that we have had no, what I would call impact on what we are supposed to do as a metro. And for me, to have extra powers without even not [sic] excelling in the bylaw policing and the road policing, I think it is premature for us to have that. (P 21: iii[C]1.pdf - 21:33 (12:2115-12:2369))

Largely based on structural descriptions provided by participants, it appears that based on negative experiences by the SAPS, participants referentially believe that an extended mandate will enable MPDs to provide a better and more comprehensive service to the public. In addition, it seems that participants view such an extension as a contribution towards the larger picture of the criminal justice sector, as the proposed mandate extension, will lead to improved prosecutions. However, structurally participants indicated that MPDs are currently not capacitated to take on additional responsibilities.

Figure 5.19: An outcomes space representing expanding the MPD mandate



(Researcher's illustration of Concept)



From this outcomes space, it can subsequently be articulated that the collective understanding of the possible and proposed extension of the metropolitan police mandate revolves around the sentiment that such an extension will be beneficial to both the MPD and the community, but that it is currently not feasible due to a shortage of skills and resources.

5.4.7 KEY OBSERVATIONS RELATING TO THE METROPOLITAN POLICE DEPARTMENT AND ITS MANDATE

Considering the discussion contained in sections 5.4.1 till 5.4.7 above, the following key observations can be made:

- Participants collectively perceived the core business of the MPD as being fairly similar to that of the SAPS, but more focused on the enforcement of road traffic legislation and municipal bylaws in addition to the prevention of crime.
- Creating a free flow of traffic was collectively perceived to be the fundamental objective of road traffic policing. From the vantage point of participants, law enforcement was viewed as the most critical element in relation to the policing of road traffic.
- In terms of bylaw policing, education was collectively viewed as being a prerequisite to law enforcement. However, the structural plain of this outcomes space suggested that very little education is in fact taking place.
- Participants collectively believed that visible policing was the most appropriate way in which a MPD should engage in the prevention of crime. Participants referentially also viewed education as a critical element of crime prevention, but structurally very little experiences in this regard emerged.
- From the vantage point of participants, MPDs currently contribute towards South Africa's democracy through community education and law enforcement created harmony. Structurally, participants collectively perceived poor political and social conditions as significant obstacles preventing the MPD from fully contributing towards democracy.
- Collectively, participants held that extending the mandate of the MPD will contribute towards South Africa's democracy, as such an extension will lead to improved service delivery and prosecutions. However, participants also indicated

that such an extension will place unnecessary strain on the already limited resources of the MPD.

Considering these observations, it can be articulated that the MPD and its mandate is collectively perceived as a role that is more limited than that of the SAPS, which is intended to ensure the free flow of traffic in addition to preventing disorder and crime through law enforcement, education and other proactive policing activities. These functions are currently perceived as being complicated by an array of intricate social and political circumstances.

5.5 SUMMARY

The purpose of this chapter was to interrogate and create meaning from participant responses collected during the data collection process. From the data analysis process, three central themes emerged. These themes were arranged into a three-level hierarchy, representing ascending and interrelated levels of understanding relevant to uncovering the collective understanding of the metropolitan police mandate, specifically as it is understood and experienced within the context of South Africa's democracy.

Level 1 of this hierarchy was directed towards investigating how democracy in South Africa is collectively understood and experienced by participants. This level consisted of three connected and ascending tiers, which included the meaning of democracy, the current state of South Africa's democracy and the democratic police role. From the collective understanding that emerged from each tier, it appears that democracy in South Africa is principally understood to be a responsible freedom, in which the police role is directed towards people based prevention of crime, but currently significantly flawed.

Level 2 of this hierarchy examined the collective understanding and experience of democratic policing. This level consisted of six levels, each level probing a different aspect normally associated with democratic policing. The various collective understandings that emerged from each tier suggested that democratic policing is generally perceived to revolve around ensuring positive community experiences of the police, brought on by responsible, legal, impartial and

accountable police actions. The creation of such a positive experience however is perceived as currently being hindered by undue political interference and questionable officer conduct.

Level 3 of this hierarchy, which represents the pinnacle of this hierarchy, was concerned with exploring the collective understanding and experiences of the metropolitan police role. As was the case with level 2, this level also consisted of six interrelated and ascending tiers. These tiers *inter alia* investigated how participants view the business of MPDs, the functions of the MPD and the current democratic state of these departments. The collective understanding of each tier indicated that the metropolitan police role is collectively understood to encompass a role that is more limited than that of the SAPS, intended to ensure the free flow of traffic while preventing disorder and crime through law enforcement, education and other proactive policing activities. However, participants held intricate social and political circumstances as serious challenges in relation to the execution of their mandated functions.

CHAPTER 6

INTERPRETATION OF THE RESEARCH FINDINGS

6.1 INTRODUCTION

In the previous chapter, the data obtained from various personal in-depth interviews were examined. From this data analysis process various collective understandings relating to the meaning of democracy, democratic policing and the MPD emerged. It now becomes necessary to test the relevance of the collective understandings against the conceptual framework of a democratic South Africa. This chapter thus aims to equate the collective understandings held by participants, with the relevant theoretical outline as was presented in chapters 2 and 3. Similarities, differences and significant relationships between these frameworks will be pointed out and investigated, as it relates to the research question presented in chapter 1.

As far as possible and appropriate, each section will provide a synopsis of the data analysis process as was presented in chapter 5, followed by a summative discussion of the results thereof. These results will then be synthesised with the relevant literature, after which significant similarities and differences will be explored within the context of a democratic South Africa.

6.2 DEMOCRACY IN SOUTH AFRICA

In this section of the enquiry, the collective understanding of participants relating to democracy in South Africa was probed. A 3-tiered hierarchy, as was described in section 5.2 was constructed. These tiers consisted of the meaning of democracy as a foundational tier, followed by the current state of democracy in South Africa and the democratic police role as ascending tiers.

6.2.1 THE MEANING OF DEMOCRACY

The outcomes space that emerged from the data analysis process contained various qualitatively different, but related categories of description, which were arranged into an ascending hierarchal order as was demonstrated in figure 5.3. These categories of description indicated that democracy is perceived to either mean public participation, equality, freedom or harmony. Jointly, these categories of description translated into

a collective understanding that held that the meaning of democracy is centred on the notion of comprehensive public participation resulting in an equal but responsible liberty, centred on inclusive solidarity and accountability

Upon closer inspection it is revealed that this collective understanding contains various principles and values fundamentally associated with the notion of democracy. These features *inter alia* include participation, freedom, equality, inclusivity and solidarity. Considering South Africa's history of social, economic and political exclusion, the prominence of these democratic principles within this outcomes space and the subsequent collective understanding is significant. As many of the participants have witnessed these atrocities or have heard first-hand accounts thereof, it can be inferred that, subtextually participants have a significant relationship with these values and principles.

It is notable that 'public participation' is metaphysically connected to the concept of 'comprehensive'. This serves as an indication that participants collectively hold that democracy can succeed only if the citizenry actively participate in the running and administration of the state and civil society. 'Equal' in this outcomes space, as can be deducted from participant responses as was presented in section 5.2.1, implies that all persons should fundamentally receive the same treatment from the state. It is notable that this collective understanding refers to freedom as a 'responsible liberty'. This should be seen as an acknowledgement that freedom and responsibility are fundamentally interrelated and inseparable concepts, which cumulatively translates into accountability. 'Inclusive' in this outcome space is conceptually linked to both 'solidarity' and 'accountability'. As solidarity is directed towards reducing political, economic and social divisions between individuals, 'inclusive' should be considered to have a bilateral implication. Firstly, it implies that everybody should participate in the creation of solidarity, and secondly that everybody should benefit from it. In relation to accountability, 'inclusive' serves as a collective acknowledgement that accountability should equally apply to all individuals and groups, thus subtextually referencing the rule of law as a democratic principle.

Beetham *et al* (2008) identified various headlining democratic principles and values that ought to be present in any state that is considered to be democratic (Petersen,

2008). Price (2008), Inglis and Aers (2008) and Sanders (2004) contended that the notion of freedom and liberty is central to any democratic ideology. However, the responses from participants made it clear that they collectively view equality as a more prominent feature than freedom. Based on the description of solidarity offered by Gombert, 2009 and Pensky, 2008, it can be articulated that freedom and equality are in fact intertwined and inseparable concepts. Subsequently a prominent relationship with equality will automatically infer a prominent relationship with freedom. It is notable that other democratic principles and values as was mentioned by Beetham *et al* (2008), such as transparency and authorisation are noticeably absent from this outcomes space. This serves as strong indication that participants may not necessarily be familiar with the true extensiveness of the democratic paradigm.

It thus becomes clear that participants collectively hold a general perception of democracy, based on rudimentary and general democratic principles and values, such as freedom, equality, and public participation. It can subsequently be argued that the democratic features of objective professionalism, a proactive focus and situational and individual responsiveness will be noticeably absent from these departments.

6.2.2 THE CURRENT STATE OF DEMOCRACY IN SOUTH AFRICA

Various interrelated but qualitatively different categories of description in relation to how democracy in South Africa is experienced and understood transpired from the data analysis process, as is demonstrated in figure 5.4. Structurally, participants described their experiences of South Africa's democracy as being predominantly negative in nature, while the referential plain described a democracy that is good and that is currently working well. Communally, these categories of description translated into a collective understanding that holds the current state of democracy in South Africa as a democracy that appears lucrative and idyllic on paper, but which is significantly flawed in reality.

Considering South Africa's history of social and political violence, economic exclusion, and repressive governance, one would expect that participants will have a generally positive experience and understanding of this democracy, especially those participants who witnessed the atrocities of the past. This is however not the case. It is significant that the structural and referential plains of this outcomes space stand in

such direct contrast to each other. While the referential plain describes a democracy that is good, working well and being revered by the world, the structural plain describes experiences of a democracy that is fundamentally flawed. It appears that the South African democracy is being perceived as having benefit to only a few individuals and not the general populace. This then serves as a strong indication that South Africa's democracy might not be as free and fair as is popularly publicised and profoundly believed. This inequality can most probably be ascribed to the South African Government's failure to effectively implement policies, structures and systems as is mandated by the Constitution (Keeton, 2014). Recent allegations of state capture, the Life Esidimeni tragedy, the Omar al-Bashir incident and the KPMG scandal all serve as living examples of this failure (Child, 2017; Hosken, 2017; Khoza, 2017). Considering that participants are not only significant role-players in this system, but are designated as protectors of this system, their negative experiences of democracy seems justified.

The South African Constitution (1996) provides a contemporary, progressive and full-bodied framework for democratic governance. This framework governs various democratic aspects which *inter alia* include co-operative governance, public administration, security, and is fundamentally centred on the values of human dignity, equality and freedom (Booyesen, 2013). Within this paradigm, freedom encompasses a wide range of legal, social, economic, cultural and political circumstances that allow individuals to pursue a self-directed existence (Nida-Ruemelin, 2012). Equality on the other hand is concerned with ensuring that all persons are equal in relation to legal, political, social and economic status (Dahm *et al*, 2012).

The collective understanding that emerged from the data analysis process metaphysically views the democratic state of South Africa as idyllically creating freedom and equality for all. This view of the democracy corresponds with the international perception of South Africa's democracy, which holds South African democracy and more particularly the South African Constitution (1996) as progressive, contemporary and unsurpassed. However, when the responses of participants are considered, it becomes evident that from their vantage point, only a small number of individuals or groups have benefited from democracy in South Africa. It can

subsequently be articulated that participants view the current state of democracy as not entirely free or equal.

It thus stands clear that participants perceive the current state of democracy in South Africa as not being objectively free and equal. It appears that the negative experiences of South Africa's democracy can be attributed to factors negatively impacting on democracy occurring external to these MPDs. These factors result in a ripple effect, causing the consequence of these factors to appear within these MPDs. It can furthermore be contended that these perceived deficiencies in South Africa's current state of democracy do have a significant impact on how the notion of democracy is applied by these senior metropolitan police managers in relation to the MPD's mandate. Based on the experiences shared by participants and the consequences thereof, it stands reasonable to contend that the democratic features of objective professionalism, a proactive focus and situational and individual responsiveness will be absent from these organisations.

6.2.3 THE DEMOCRATIC POLICE ROLE

When requested to describe the role that police organisations should play in a democracy, participants described a variety of democratic police roles, which included protecting democracy, putting people first and preventing crime. These descriptions constituted qualitatively different but related categories of description that were arranged in an ascending hierarchy, as was demonstrated in figure 5.5. These categories of description reciprocally translated into a collective understanding that views the democratic police role as protecting democracy through an equal and altruistic prevention of crime.

Within the majority of democratic ideologies, the police role is perceived as the creation and maintenance of an environment that is safe and free from fear, while promoting and protecting the irrefutable individual and communal rights normally associated with democracy. From participant responses and the subsequent collective understanding, it appears that they believe that this can be achieved if these rights and freedoms are protected through the equal and altruistic prevention of crime. 'Protecting democracy' within this context should be perceived to refer to any number of democratic values and principles. Participants frequently referred to the protection

of human rights and equality in their responses, thus indicating that these two principles should be viewed as the cornerstone of the democratic police role. The presence of 'altruistic' within this collective understanding creates an impression that participants view the democratic police role as being directed towards improving the well-being of others. It can subsequently be contended that concern for both victims and offenders should subconsciously be contained within this collective understanding. When 'prevention of crime' is mentioned, it can be construed that participants believe the police can contribute towards the creation of a safe environment by preventing tangible or perceived occurrences of crime before they occur.

Bayley (2009), Lemieux (2014) and Marx (1995) contended that a police organisation will be democratic only if they act legitimately, they vigorously protect human rights, are accountable to independent bodies and view community needs as their highest priority. It can be expected that these characteristics will manifest within any collective understanding relating to the democratic police role, as these characteristics are inseparable from the notion of democratic policing (Fichtelberg, 2013). Comparing these characteristics with the collective understanding held by participants, it appears that only 1 of these features is subtly present, namely that community needs should be the primary focus of the police. It can thus be contended that participants might not be completely familiar with the role a police organisation is expected to play within a democracy.

This collective understanding reflects a very rudimentary view of the democratic police role. Subsequently, very little of the key elements associated with the democratic police role specifically as it applies within the constitutional democratic context has been offered by participants. It can subsequently be argued that the democratic features of objective professionalism, a proactive focus and situational and individual responsiveness will be significantly absent from the MPDs concerned. Although the notion that democracy must be protected is present within this collective understanding, it can be contended that the mere 'protection of democracy' will not constitute a truly comprehensive police role. It thus seems only reasonable to contend that no comprehensive or common understanding of what the role of a police

organisation in a South Africa's democracy must be is present within the collective mind of participants.

6.2.4 KEY FINDINGS RELATING TO DEMOCRACY IN SOUTH AFRICA

When the discussion as is contained in sections 6.2.1 till 6.2.3 are viewed collectively in relation to key democratic values and principles as was highlighted in section 2.2, the following critical observations relating to the meaning of democracy can be pointed out.

Although the fundamental democratic values of equality, and solidarity are present, they occurred in relation to a very general and rudimentary understanding of democracy. Despite this significant relationship that exists between the participants and core democratic values such as equality and freedom, participants fundamentally experienced democracy as it currently exists in South Africa as not being entirely free and fair. Instead, participants perceived democracy as only having benefitted a few select individuals and groups. It appears that these experiences can largely be attributed to factors negatively impacting on democracy external to the organisation, rippling through to the internal environment. In addition, none of the key features that a police organisation is expected to exhibit within any democratic dispensation occurred either referentially or structurally within any of the relevant collective understandings. This creates the impression that participants fundamentally are not familiar with the democratic police role.

It thus appears that from the perspective of participants, democracy in South Africa is constructed around rudimentary and well publicised democratic principles. Correspondingly, the role that a police organisation is expected to play within a democracy also does not specifically relate to the conceptual framework of a South Africa's democracy. Worryingly, the democratic role of the police, as is perceived by participants appears to be fundamentally limited to a few essential democratic elements. In addition, South Africa's democracy is not experienced as being totally free and fair, as from the vantage point of participants only a few select individuals and groups have benefitted from democracy.



6.3 DEMOCRATIC POLICING

In this section of the enquiry, the collective understanding of participants relating to democratic policing was explored. A 6 - tiered hierarchy, as was demonstrated in figure 5.6 emerged from the data analysis process. These tiers represented various critical aspects generally ascribed to democratic policing. These tiers *inter alia* included accountability, legitimacy, objectivity, professionalism and community based service delivery, as it is understood and applied within the context of policing.

6.3.1 POLICE ACCOUNTABILITY

The outcomes space that emerged in relation to police accountability revealed various qualitatively different categories of descriptions, which referentially described police accountability as being understood to mean ‘accounting for one’s actions’ and ‘being an example’. Structurally, participants described predominantly negative experiences and understandings of police accountability in South Africa. Jointly, these categories of description translated into a collective understanding that viewed police accountability as a currently deficient sense of ethical responsibility towards individual and organisational behaviour.

The concept of accountability fundamentally revolves around the belief that individuals or groups must be able to explain their actions, take responsibility for them and to disclose the results of activities in a transparent manner. Within the context of policing, accountability is intended to improve public trust and cooperation by demanding that individuals and the police organisation itself should account for its actions and omissions. It is notable that, although not explicitly mentioned, this outcomes space acknowledges that accountability should apply to both the individual and the organisation. This acknowledgement is contained within the various participant responses as was presented in section 5.3.1. Words such as ‘we’ and ‘the police’ shall be construed to relate to the organisation, while ‘you’ and ‘police officers’ denotes individuals. It can thus be argued that within the collective understanding of participants, the individual and the organisation are intrinsically interlinked. It is of further significance that this particular collective understanding refers to “ethical responsibility’ as the cornerstone of police accountability.

From responses of the participants it becomes clear that 'responsibility' fundamentally comprises of two dimensions. Firstly, 'responsibility' was used to describe the notion of answerability. Answerability infers that a person or group must be in a position to explain or justify a particular outcome of a particular action or mission, and accept the consequences of such an outcome. When the 'ethical' is viewed in relation to 'responsibility', it can be inferred to mean that individuals within the organisation should be able to take appropriate decisions based on sound judgement. Individuals within the organisation thus has the responsibility to act ethically and morally. This notion is reinforced by the presence of 'being an example' as a category of description within the outcomes space as was presented in figure 5.7 in that the structural plain of this outcomes space described predominantly negative experiences of police accountability. Phrases such as 'non-functional', 'running away from accountability' and 'haven't been informed' creates the impression that no suitable metaphysical or real-world framework for the functional presence of accountability has been experienced by participants.

It will be fundamentally impossible for democracy to exist if accountability is not comprehensively implemented and maintained by the government and its agents (Petersen, 2008). Jelmin (2012), Smyth (2007) and Waldron (2014) contended that accountability, and by implication police accountability, consists of three fundamental elements. Firstly, organisations and individuals should be able to provide an accurate and complete account for their activities. Secondly, individuals and organisations must evaluate the outcomes of their actions and accept responsibility thereof. Lastly, organisations should publish the results of this evaluation. When such results are published, the principle of transparency becomes of significant importance. This principle holds that public institutions have the obligation to share information, and that this shared information must be understandable by the public (Ginsberg *et al*, 2012). It is significant that the collective understanding concerned, only acknowledged 'taking responsibility'. The absence of the other identified elements, including the notion of transparency creates the impression that the fundamental knowledge of police accountability is significantly limited. Camargo and Jacobs (2013) together with Goetz and Jenkins (2005) contended that accountability exists on various intrinsic and extrinsic levels of the organisation. These levels *inter alia* include upward accountability, downward accountability and social accountability, as was

demonstrated in table 2.1. No explicit acknowledgement of these levels is contained within this collective understanding, further deepening the impression of a limited knowledge of accountability.

Babakhel (2015) held that police accountability will be successful only if an array of state control, internal control and social control mechanism are employed. Legislation does not describe how MPDs should go about ensuring internal and social accountability, while rudimentary state control is provided by the Minister of Police, the judiciary, local city councils, the IPID, the Public Protector and the Human Rights Commission (HRC), as was described in sections 2.3.4 and 3.2.7.4. With the exception of IPID, none of the mechanisms were mentioned in the collective understanding, suggesting that participants have limited experiences with these mechanisms. Additionally, the Open Society Foundation (2016) viewed accountability as a very specific process. This process, as was demonstrated in figure 3.4, consists of standard setting, investigation, answerability and sanctioning. When this process is compared with the relevant collective understanding, it is significant to note that only one element of this process, namely answerability, was acknowledged. This once more reinforces the impression that participants fundamentally have a limited understanding and experience of police accountability.

From the above analysis, it can be construed that the collective understanding of police accountability essentially is limited. Although responsibility, and by implication answerability, are acknowledged as core components of police accountability, no explicit acknowledgement of the relevant levels of accountability, control mechanisms or transparency are contained in this collective understanding.

In addition, the quality of objective professionalism, individual and situational responsiveness and the proactive and preventive focus should form part of the evaluation criterion used to measure and analyse police accountability. The absence of these elements and the additional features indicate that police accountability is not fully understood or implemented by those senior officials who are responsible for ensuring accountability. This is problematic, as no form of democracy will be able to exist without transparent accountability. Within any democratic paradigm, police accountability must be ensured through an amalgamation of internal, government and

social control mechanisms. This notion of police accountability is clearly absent from the collective understanding. Although some governmental control is *inter alia* exercised in the form of the Minister of Police, the judiciary, local city councils and the IPID, very little references to these institutions were made. This suggests that in the understanding and experience of participants, these institutions have not had a major impact on police accountability. It thus seems reasonable to hold that police accountability, especially as it relates to MPDs, should be considered currently as being deficient, thus indeed posing a threat to South Africa's democracy.

6.3.2 POLICE LEGITIMACY

The collective understanding that emerged in relation to police legitimacy viewed it as community approved legality, fundamentally misaligned by individual ethos and political intrusion. This collective understanding emerged from an outcomes space that referentially described police legitimacy as 'acting within the law' and 'public approval' as interlinked and relational aspects. Structurally, participants described predominantly negative experiences and impressions of legitimacy. These negative experiences mainly manifested as questionable and unethical behaviour by individuals and constant political interference.

When 'community approved legality', as is presented in the collective understanding is examined, two significant elements of police legitimacy step to the forefront. Firstly, the presence of 'legality' within this collective should be construed to have a bilateral meaning. Firstly 'legality' should be understood to refer to the democratic principle of authorisation. This principle holds that an individual or group who acts on behalf of the populace should have societal and legislative authority to do so. Legislation subsequently should clearly define the extent and limitations of police authority and police conduct. Also present within the responses of participants are rudimentary references to the rule of law, which is generally believed to be an institutional requirement for democratic policing to exist. Within this context, this requirement is centred on the notion that no person, group or institution is above or beyond the law. Subsequently, within this collective understanding, participants subtly believe that the police and its individual members must be morally and legally justified in exercising their authority. Considering the notable presence of 'community approval' within this collective understanding, it can be taken to imply that participants view the community

as a key stakeholder in police legitimacy. Their approval is thus viewed as a prerequisite to acceptable police legitimacy to exist. It is significant that participants view 'individual ethos' and 'political intrusion' as current and significant threats to police legitimacy.

From participant responses, it is clear that the morality and integrity of certain individuals are viewed as dissolute and questionable. It appears that participants view these improper and questionable behaviour of individuals as being intrinsically linked to community approval and to the overall legitimacy of the organisation. Subsequently, poor individual conduct will unavoidably result in community condemnation instead of approval, resulting in an illegitimate police organisation. The mere mention of political intrusion within this framework should be viewed as an affirmation of the sentiment expressed in section 6.2.2 which held that democracy in South Africa currently benefits a few groups and individuals.

Legitimacy, as is observed by Binnall (2014) fundamentally viewed legitimacy as a bilateral concept, consisting of both normative and descriptive legitimacy. Schmelzle (2011) together with Scharpf (2007) described the normative domain of legitimacy as being concerned with the tangible moral framework of an organisation, subsequently addressing issues such as organisational arrangements, public participation and legislation. Bradford *et al* (2013) and Peter (2014) on the other hand, describe descriptive legitimacy as revolving around societal views and perceptions relating to the obligations and authority of the organisation concerned. Both the descriptive and normative levels of legitimacy are subtextually acknowledged in this collective understanding. Within this framework, 'legality', as was disseminated above, bears strong resemblances to the notion of authorisation as was described by Dobson (2013) and the rule of law, as is defined by Kadian-Baumeyer (2016). Collectively, these principles have a bilateral implication which holds that firstly, government institutions and by extension the police, should have societal permission and legislative authority to impede on the fundamental democratic rights of the populace. Secondly, 'legality' implies that no individual, group or institution is above or beyond the law. Participants also made subtle references to the notion that police power and authority should be limited by law, as was promoted by Tai (2012) and the World Justice Project (2015). 'Community approval' acknowledges the descriptive domain of legitimacy, and views

public approval of police conduct as a cornerstone of legitimacy, as was held by Bradford *et al* (2013). Although not explicitly mentioned, this collective understanding bears significant similarities to the notion of procedural justice, as was explained by Maiese (2013). Fundamentally, procedural justice argues that operational procedures, organisational policies, moral framework and character of the police foster a shared feeling of fair treatment; the police will be perceived as legitimate, subsequently improving public cooperation with, and public trust in the police (Fischer, 2014). The essence of this procedural justice is notably, but faintly detectable within this collective understanding. It is also clear that the negative impressions and experiences shared by participants can be attributed to questionable conduct of individual police members and improper political interference within the police organisation.

From participant responses it becomes clear that participants perceive criminal conduct by metropolitan police members as a significant impediment towards police legitimacy, as the public will never approve of such conduct. Although participant responses did not describe the extent of political interference they experienced, their frustration seems justified, particularly if the current political state of affairs is considered. The current political climate in South Africa creates the impression that political organisations are focused on their survival, rather than on the will and concerns of the people. Political killings in KwaZulu-Natal, persistent gang violence in the Western Cape, widespread corruption and the seemingly selective manner in which police deals with these issues should be considered as examples of such political interference (Hlati, 2017; Merten, 2017; Mtshali, 2017). Legislation, however, does not provide MPDs with any framework or guidelines on how normative and descriptive legitimacy should be created and maintained, as was demonstrated in section 3.2.7.2. It can thus be articulated that both the normative and descriptive legitimacy subsequently might vary significantly, causing public opinion of these departments to fluctuate significantly.

Within any democratic paradigm, it is essential that the police organisation display both normative and descriptive legitimacy as it specifically relates to features of objective professionalism and individual and situational responsiveness. Considering that the references in the collective understanding were subtextual, it seems doubtful that they are familiar with the width and breadth of police legitimacy. Additionally, it

appears that generating both descriptive and normative legitimacy in accordance with the rudimentary understanding held by participants, is rendered a functional impossibility because of immoral and questionable police conduct as well as rife political influence. It furthermore appears that no clear legislative or philosophical framework for the creation of satisfactory police legitimacy exists. Subsequently, it seems improbable that MPDs can be considered as currently being legitimate.

6.3.3 POLICE OBJECTIVITY

The outcomes space that emerged from the data analysis process consisted of various interrelated but qualitatively different categories of description. These categories of description referentially viewed police objectivity as ‘applying the law without fear and favour’ and ‘fair treatment of the community’. Structurally, this outcomes space held police objectivity as ‘currently lacking’. Collectively, these categories of description translated into a collective understanding that viewed police objectivity as communal impartiality and cohesion, obstructed by unprincipled individual officer conduct.

Communal impartiality and cohesion as is present within this collective understanding, fundamentality appears to be based on the democratic principles of equality, fairness and solidarity. As was highlighted in section 2.2.1, the notion of equality holds that every person must be equal in relation to status, rights and opportunities. Fair, on the other hand, brings about a sense that someone or something is free from self-interest, prejudice and deceit. Collectively, these two democratic principles translate into a subtextual acknowledgement of non-discrimination and respect for human dignity, as principles of democratic policing. ‘Communal’ within this context reveals that participants perceive objectivity not only to exist only within the mind of the individual, but also in the collective awareness of the community. When these constructs are amalgamated, it emerges that participants collectively hold that police objectivity can be achieved if individuals and communities are treated equally without self-interest, prejudice or deceit. Such equal and fair treatment of the community will inadvertently contribute towards the creation of solidarity in the community. ‘Obstructed by unprincipled officer conduct’ structurally serves as an indication that participants have observed, and subsequently views individual conduct not only as integral to police objectivity, but also as detrimental. From participant responses, it can be deduced that ‘unprincipled’ within this collective understanding should be understood to bear

reference to unethical, criminal and unprofessional behaviour. It is notable that unprincipled is predominantly mentioned in relation to individuals, and not in relation to the organisation. This creates the perception that these departments do not pay any substantial attention to creating and maintaining objectivity as an organisational feature. If proper and sufficient organisational attention was given to objectivity, one would expect that participant experiences and descriptions would reflect in the collective understanding.

Magni (2017) contended that objectivity is mainly concerned with the elimination of predispositions, emotions and personal viewpoints from the manner in which individual's or an organisation make decisions. Considering this notion of objectivity, the significant relationship between objectivity, non-discrimination, respect for human dignity and solidarity becomes apparent. As was demonstrated in section 2.2.8, non-discrimination revolves around the notion that individuals and organisations may not discriminate against any individual or group, based on economic, political or cultural status that such an individual or group may hold. Valdés (2009) and UNESCO (2011) described human dignity as inherent and non-negotiable rights which cannot be disregarded. In addition, it was contended by Xiaoqing (2010) that non-discrimination and equality are fundamentally interlinked. By extension, this will apply to human dignity as well. In terms of solidarity, Johns Hyde and Barton (2010) and Toolin (2006) contend that solidarity is directed towards improving the common good, by eradicating as many physical and intellectual inequities as possible, thus reaffirming the significant relationship between solidarity, freedom and equality. From participant responses, it appears that these democratic sentiments are strongly represented within this collective understanding. It is however significant that the portrayal of legitimacy offered by Magni (2017) describes the elements that should be eliminated from the decision-making process, while the collective understanding held by participants describes the eventual outcome of such a process. The absence of these elements within the collective understanding, suggest that participants might not be acquainted with the complete spectrum of facets generally associated with objectivity. This then serves as a strong indication that forms the vantage point of participants, objectivity is not a significant organisational priority within any of the participating departments. It is of significance that individuals and not the organisation are seen as detrimental to police objectivity. Objectivity, as was described by Magni (2017), specifically holds that

both the individual and organisations are relevant to the creation and conservation of objectivity. As was the case with police legitimacy, legislation does not provide a framework or any form of direction as to how MPDs should go about to ensure and maintain police objectivity. Subsequently, departments are free to handle this matter as the executive management sees fit.

Through the collective understanding presented above, it becomes clear that the democratic values of freedom, solidarity and equality are subtextually notably present within this collective understanding. In addition, the collective understanding indicates that participants perceive objectivity predominantly in relation to the individual, and not as it relates to the organisation. It can thus be contended that participants are not truly familiar with the notion of objectivity. Considering the mentioned lack of a legislative or policy framework for the creation of objectivity, it can be contended that the democratic features of particularly objective professionalism and situational and individual responsiveness are significantly absent from these departments.

6.3.4 POLICE PROFESSIONALISM

The outcomes space that emerged from the data analysis process presented three different but related categories of description that referentially described police professionalism as the external appearance of the police, essentially interconnected to the notion of proper police training and recruitment. Structurally, this outcomes space reflected impressions and experiences that views police professionalism as fundamentally unprincipled and deficient. Collectively, these categories of description translated into a collective understanding that viewed police professionalism as poorly recruited and trained officers creating negative community experiences of the police.

From this collective understanding it becomes clear that from the vantage point of participants, police professionalism fundamentally revolves around three elements. Participants perceive training, recruitment and the manner in which the community experience the police as the cornerstones of police professionalism. 'Recruitment' within this framework should serve as an indication that participants believe that an individual with specific features should be recruited to serve in the police. From participant responses, as was presented in section 5.3.4, it can be construed that subtextually, participants view a passion for serving the community and a professional

aptitude as central features that should be considered during the recruitment process. Professional aptitude should be understood to include a variety of aspects, such as personal ethics, respect, impartiality and interpersonal skills. Within South Africa's democratic paradigm, respect and impartiality fundamentally should be based on the democratic policing principles of equality, respect for human dignity and non-discrimination, as was described in sections 2.2.7 and 2.2.6 respectively. 'Training' here should be seen to imply that participants believe that members of a police department should possess a very specific set of skills to perform the police task effectively. Although participants did not provide much details relating to the skills that they perceive as being essential, phrases such as 'deal with problems', 'present yourself' and 'more than having paper qualifications' serves as an indication that they perceive this skillset to include multiple but related skills and abilities.

It is significant that 'community experience' is so central within this collective understanding. Considering this importance of 'community experience' within this context, it can be argued that participants subconsciously perceive that a notable relationship between professionalism and objectivity as was demonstrated in section 6.3.2 exists. In relation to both professionalism and objectivity, non-discrimination together with respect for human dignity and a strong presence of community perceptions appear to be of significance, thus supporting the existence of such a relationship. Structurally, it can be inferred that participants experience both training and recruitment as currently being highly ineffectual. It can subsequently be argued within the collective perception of participants that the community holds a predominantly negative experience of the police, as a result of the recruitment of substandard members and unethical behaviour of individuals.

Baczor and Zheltoukhova (2017) described professionalism as being fundamentally concerned with the proper and appropriate behaviour that facilitate moral and satisfactory service delivery. From the discussion above, it is clear that all the elements as was described by Baczor and Zheltoukhova (2017) are at least subtextually present within this outcomes space. This postulation is based on the perceived relationships that exist between equality, respect for human dignity, non-discrimination and professionalism within this collective understanding. Pearsall (2010) believed a police organisation's efficiency and reliability and by implication, professionalism is vastly

dependent on the organisation's ability to attract, maintain and build competent and principled individuals. In addition, it was contended by Allen (2003), Gordon (2004) and Donovan (2015) that proper recruitment practices is the most effective means to eliminate individuals who might be potential sources of concern, as these persons subsequently never enter the organisation. Furthermore, Orrick (2008), Connolly (2008) and Stanislas (2014) highlighted the importance not only of comprehensive and contemporary relevant basic training, but also pointed out that continued in-service training is critical to ensure that police officers are abreast of changing communities, technologies, ideologies and trends. The importance of training and recruitment are referentially strongly represented within this outcomes space. Structurally, the experience of training and recruitment however indicates that participants perceive these important factors as the cause of poor professionalism within the MPD. It appears however that the relation between professionalism, training, recruitment and objectivity as is held by participants is validated, as Kersten (2013) ascribed the exceptional professionalism of police organisations in Germany directly to high standards of police training and community police relations.

It is significant that elements such as training and recruitment, which are fundamental to the creation of professionalism are precisely those elements that are perceived to be the cause of poor professionalism. It is of further significance that this perception is collectively held by those police managers who deal with the consequences of these recruitment and training practices. This then provides this collective experience with substantial validity, as these individuals are forced to deal with the consequences of poor professionalism on a daily basis. Considering the significant perceived relationship between objectivity and professionalism together with the poor structural experiences of police professionalism, the democratic features of objective professionalism and situational and individual responsiveness ought to be absent from these departments. Additionally, the feature of a preventive and proactive focus will also suffer as a result of poor professionalism, as poor professionalism can inadvertently lead to the misapplication of resources, as resources will have to be redirected to deal with the consequences of poor professionalism.

6.3.5 COMMUNITY BASED SERVICE DELIVERY

Various related but qualitatively different but related categories of description emerged from the data analysis process. The categories of description described community based service delivery either as a critical element of police work, as a police-community partnership or as the fulfilment of community needs. Collectively, these categories of description rendered a collective understanding that referentially revolves around the notion that a partnership between the police and the community will enable the police to satisfy the policing needs of the particular community concerned.

This collective understanding reveals three key features that participants perceive as critical to facilitating community based service delivery. Firstly, the notion of a community-police partnership steps to the forefront. From participant responses, as was presented in section 5.3.5, it becomes evident that such a partnership is viewed by participants as a cornerstone of policing and subsequently of community based service delivery. Participants did not provide much detail as to what these partnerships should entail or how it should function. From their responses, it can however be construed that the purpose of these partnerships is perceived as facilitating communication and stimulating cooperation between the community and the police. Secondly, 'policing needs' within this collective understanding serves as an acknowledgment by participants that the police are not in a position to satisfy each and every need of the community. Attention should thus be given to the needs that police actually can satisfy.

Lastly, 'particular community' within this context implies that participants believe that they should, as far as possible, provide for the unique needs on an individual basis in relation to the various communities they serve. When this collective understanding is compared to the concept of community policing as was briefly alluded to in section 2.3.6, striking similarities between these sentiments emerge. Both the collective understanding of participants and the community policing philosophy are directed towards *inter alia* the establishment of community-police partnerships to enable improved communication, cooperation and stimulate needs-based service delivery. It can thus be construed that the community policing philosophy is perceived by participants as the most appropriate tool to facilitate community based service

delivery. It is significant that the outcomes space presented in figure 6.11 and the subsequent collective understanding do not reflect any notable structural experiences of community based service delivery. From this absence, it can be articulated that very little community engagement is in fact taking place. As this collective understanding incorporates analogous contributions from all 3 participating departments, it can be hypothetically assumed that this is the situation of all MPDs in Gauteng.

The SAPS Act (Act 68 of 1995) and the Whitepaper on Policing (2016) prescribe community policing as South Africa's overarching policing approach. It subsequently seems reasonable that this philosophy will demonstrate a strong relationship with the participants' understanding of community based service delivery. Wilder-Bonner (2009) contended that the community policing philosophy is intended to create and maintain a long-term bond between the community and the police, resulting in improved communication and community-police interaction. It can be taken that the sentiment shared by Wilder-Bonner (2009) is unquestionably present within the collective understanding held by the participants. In section 3.3.6, the conceptual difference between the notion of 'community', as was provided by Eliassen and Sitter (2008) and McKinney (2016) *vis-a-vis* 'public', as was held by Flynn (1998) and the National Health Institute (2011), were highlighted. Based on these descriptions, the researcher contended that 'public service orientation' implies equal access and standard of services to all citizens, while 'community service orientation' infers a much more personalised approach, tailored to the unique needs of the community concerned. Considering this supposition, it can be construed that the collective understanding held by participants reflects the notion of community service orientation, rather than that of a public service orientation. It is of significance that no substantial evidence of actual community engagement taking place emerged from participant responses or the subsequent outcomes space. It thus seems like a rational assumption that the absence of these experiences is as a result of very limited real-world engagement and exposure to community engagement. Should this indeed be the case, the democratic relevance of MPDs becomes highly questionable, as it was argued by Bayley (2009), Lemieux (2014) and Marx (1995) that a police organisation will only be democratic if they see community needs as their highest priority.

It appears that axiological and referential elements for the creation of the democratic feature of a preventative and proactive approach through comprehensive community based service delivery are in fact present within this collective understanding. The realisation of this feature will inadvertently facilitate the creation of both the democratic features of objective professionalism and individual and situational responsiveness. However, the lack of structural experiences relating to both community policing and community based service delivery suggests that MPDs currently do not regularly or substantially engage with the community. Thus, it can be construed that the mentioned 3 democratic features are significantly absent from these departments.

6.3.6 ENSURING DEMOCRATIC POLICING

Various related but qualitatively different categories of description emerged from the data analysis process. These categories of description referentially described ensuring democratic policing either as through accounting to the community, internal measures, or by external institutions. The subsequent outcomes space, as was presented in figure 5.12, revealed no substantial structural experiences of ensuring democratic policing. This outcomes space translated into a collective understanding that viewed ensuring democratic policing as accounting to the community, internal structures and external institutions.

It is significant that this collective understanding fundamentally viewed ensuring democratic policing as an accountability process. In the outcomes space presented in figure 5.12, various types of mechanisms such as social, internal and state control mechanisms to ensure police accountability were mentioned. Within any feasible application of police accountability, an amalgamation encompassing all these control mechanism types will be necessary. The presence of 'community', 'internal structures' and 'external institutions' accordingly should be seen as an acknowledgement by participants that multiple control mechanisms will be necessary to ensure police accountability. It is however striking that neither the outcomes space nor the subsequent collective understanding reflected any significant descriptions as to how legitimacy, transparency, subservience to a civil authority and the rule of law can be ensured by the police organisation. This should serve as a protruding indication that participants might not be familiar with the entire spectrum of phenomena essential to create and maintain democratic policing. This supposition is supported from the lack

of structural experiences present in the relevant outcomes space. The absence of these experiences supports the notion that participants might not comprehend the width and breadth of democratic policing. In addition, these absent experiences raise some serious questions as to whether participating departments in fact have any feasible strategy or other methodology to ensure democratic policing. Bearing this absence of structural experiences in mind, it seems rational to assume that these departments do not.

From the literature, a comprehensive framework of democratic policing emerged. Pino and Wiatrowski (2012a) amongst others, listed various institutional requirements for democratic policing, which *inter alia* included the rule of law, legitimacy, transparency, accountability, submission to civilian control, and community based service delivery. In terms of accountability, which is a critical element of democratic policing, it was contended by Babakhel (2015) that proper police control will only be possible if a multilateral approach, encompassing internal, state and social control mechanisms are adopted. The rule of law, as was viewed by Kadian-Baumeyer (2016) implies firstly that no group or individual is above the law and secondly that no law can be enforced if it is arbitrary to the greater good of society. Additionally, legitimacy implies that a government will only be legitimate if such a government exists and operates in accordance with the law (Lacewing, 2008). Transparency, as was described by Ginsberg *et al* (2012) is predominantly concerned with government's obligation to share information with the public, and the public's ability to understand and use this information. In terms of subservience to civil authority, the UN (2011) stated that democracy would be promoted and protected if the police report to a civilian authority, rather than a police or military authority. The notion of community based service delivery was comprehensively analysed in section 6.3.5. In addition to these sentiments, South African legislation provides for rudimentary accountability in the form of *inter alia* the Public Protector, IPID, the Human Rights Commission, the Judiciary, the Parliament, the Minister of Police and the National Commissioner as was depicted in sections 2.3.4.2 and 3.2.7.4. Legislation does however not provide any framework as to how legitimacy, objectivity, professionalism and the rule of law can be ensured. Rudimentary civilian oversight over MPDs is provided by oversight committees established in terms of Section 64J of the SAPS Act (Act 68 of 1995). As was pointed out in section 3.2.6, the Whitepaper on Policing (2016) views community

policing as a critical tool in facilitating democratic policing. It is of significance that the collective understanding held by participants refers to the various control measures as was pointed out by Babakhel (2015) and the rudimentary police accountability provided for by legislation. Although the notion of community policing was referenced in the collective relevant to community based service delivery, it did not appear here. Collectively, the absence of references to legitimacy, the rule of law, submission to civilian control, transparency and community based service delivery within this context, is of disquieting significance. As was pointed out earlier in this section, this absence should be construed to imply that MPDs do not copiously practise democratic policing.

It is striking that the collective understanding of democratic policing held by participants fundamentally, is limited to a rudimentary construal of accountability. The referential and structural absence of rule of law, legitimacy, transparency, submission to civilian control and community based service delivery serves as an unmistakeable indication that democratic policing is neither fully understood nor comprehensively applied within these departments. It thus seems only reasonable to question if these departments can truly be considered as being democratic. The existence of the democratic features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus in relation to the MPD and its mandate subsequently becomes highly unlikely.

6.3.7 KEY FINDINGS RELATING TO DEMOCRATIC POLICING

If the consideration of democratic policing presented in section 2.5 is equated with the discussions contained in section 6.3.1 till 6.3.6 above, various critical observations can be made. Firstly, it appears that despite a strong subconscious appreciation of rudimentary democratic principles, participants fundamentally demonstrated no significant relationship between democratic policing and a democratic South Africa. Critical democratic elements, such as submitting to the rule of law, respect for human dignity and human life are only subtextually contained within the collective understanding of participants. The collective understanding of democratic policing held by participants was centred around a rudimentary understanding of accountability, while key elements such as submitting to civilian control, transparency, various levels of accountability and the range of control mechanisms needed for comprehensive accountability were notably absent. In addition, the understanding of

police legitimacy is also fundamentally limited in nature, and is characterised by immoral and questionable police conduct and unjustifiable political influence. It thus seems unlikely that MPDs can be considered as currently being illegitimate. Participants collectively acknowledged the importance of community based service delivery, but a lack of structural descriptions in this regard suggests that very little actual community engagement and subsequent service delivery is taking place. This effectively eliminates the democratic feature of community based service delivery from the organisational context. Police professionalism and objectivity as participants collectively perceive it, are not sufficient to create and maintain the democratic feature of objective professionalism. If the poor structural experiences, of both objectivity and professionalism are considered, it becomes evident that the democratic features of objective professionalism and an individual and situational responsiveness are both metaphysically and anatomically absent from these departments.

It thus appears that the general understanding of democracy held by participants, as demonstrated in section 6.2.4 above, resulted in a general and rudimentary understanding of democratic policing. Although limited fundamental elements of democratic policing are present within this understanding, there is a significant absence of multiple democratic policing principles and requirements. This subsequently creates the impression that the application of this understanding will not lead to the creation and maintenance of a democratic police organisation.

6.4 THE METROPOLITAN POLICE DEPARTMENT AND ITS MANDATE

In this section of the enquiry, the collective understanding of participants relating to the MPDs and its mandate were explored. A 6-tiered hierarchy, as was demonstrated in figure 5.13 emerged from the data analysis process. These tiers represented various aspects relevant to propping how the MPD and its mandate are perceived by participants. These tiers *inter alia* included the core business of the MPD, road policing, bylaw policing, crime prevention and extending the MPD mandate.

6.4.1 THE CORE BUSINESS OF MPDS

From the data analysis process, various related but qualitatively different categories of description emerged. These categories of description described the core business of MPDs as the core functions of the MPD, similar but slightly different to that of the

SAPS and as law enforcement. Collectively, these categories of description translated into a collective understanding that viewed the core business of the MPD as fairly similar to that of the SAPS, with a specific focus on the enforcement of road traffic legislation, municipal bylaws in addition to the prevention of crime.

It is significant that this collective understanding views the business of the MPD fundamentally as the same as that of the SAPS. This can be construed to imply that from the vantage point of participants, no clear distinction between the roles of the SAPS and that of the MPD exists. Should this be the case, it might lead to either the duplication of police functions, or the engagement by MPDs in activities that are not mentioned in their mandate, such as intelligence gathering and public order policing. 'Specific focus on the enforcement' within this collective understanding should be taken to imply that law enforcement from the vantage point of participants is considered to form the cornerstone of the MPDs functions. This supposition is supported by the overwhelming presence of law enforcement in the responses from participants as was presented in section 5.4.1 and the subsequent outcomes space as was illustrated in figure 5.14. As law enforcement was mentioned in relation to both road traffic legislation and municipal bylaws, it can within this specific collective understanding, be viewed as the most suitable avenue to engage in these functions.

Section 3.3 provided a detailed account of the metropolitan police functions. Fundamental to the metropolitan police mandate is the conceptual difference between law enforcement and policing. Based on arguments by Burger (2007) and the Police Executive Research Forum (2014), van Biljon (2014) pointed out that law enforcement refers to the actual act of 'giving consequence to legislation' while policing denotes a much wider spectrum of activities, encompassing both proactive and reactive policing tactics. It is significant that Section 64E of the SAPS Act (Act 68 of 1995) describes both the road traffic and municipal functions of the MPD as policing, and not as enforcement. This then implies that the legislator expects more of MPDs in relation to road traffic and municipal bylaws than law enforcement. The overwhelming presence of law enforcement *in lieu* of policing within this collective understanding thus is of notable significance. This serves as a strong indication that participants might not be truly familiar with the complete spectrum of activities embedded within the notion of policing. Alternatively, this might imply that law enforcement is organisationally

perceived as a higher priority than other policing activities. When the mandate of the MPD, as is described in Section 64E of the SAPS Act (Act 68 of 1995), is compared to Section 205(3) of the South African Constitution (1996) which describes the objectives of the SAPS, it appears that the SAPS and the MPD have significantly different roles to play. While the mandate of the MPD is described as road traffic policing, bylaw policing and the prevention of crime, the SAPS mandate revolves around multiple functions, which *inter alia* includes crime prevention, combating and investigation crime, maintaining public order and safeguarding the populace and their property. It thus seems more than reasonable to contend that these police organisations cannot possibly have the same role. It is thus worrying that the collective understanding reveals that participants perceive their role as fairly similar to that of the SAPS. As was pointed out above, such distortion of roles might result in unnecessary duplication and illegitimate policing activities. Crime prevention within this collective understanding should be taken to have a very general implication, as participants have mentioned it, but did not provide detail as to how they perceive it to relate to the MPD mandate.

From the above, it appears that participants fundamentally are not familiar with the intended role of the MPDs. Although the 3 core functions of the MPDs are mentioned, these functions are predominantly perceived as law enforcement functions and not as policing functions. In addition, the metaphysical division between the role of the MPD and that of the SAPS appears to be significantly blurred. It thus seems only reasonable to contend that participating MPDs are not engaging in their mandate as they are supposed to. Considering this supposition, the democratic features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus will be notably absent from these departments. It can furthermore be argued that if MPDs don't correctly engage in their mandate, these features in addition to a democratic suitable application of democratic policing will be impossible to create.

6.4.2 ROAD POLICING

Various interrelated but qualitatively different categories of description emerged from the data analysis process and were hierarchal arranged into an outcomes space as was presented in figure 5.15. These categories of description described the core component of road policing either as law enforcement, education or the free flow of

traffic. Collectively, these categories of description translated into a collective understanding that described road policing as facilitating the free flow of traffic, through policing activities such as law enforcement and education.

Essentially, this collective understanding represents a very simplistic description of an extremely complicated phenomenon. Within this collective understanding 'free flow of traffic' should be construed to mean what participants perceive as the result of proper road traffic policing. From participant responses as was presented 5.4.2, it seems evident that from the perspective of participants, the 'free flow of traffic' means that traffic on a public road should be free from obstruction, uncongested and copious. The presence of 'law enforcement' and 'education' in this collective understanding is of notable significance, as it can be construed as a subtextual acknowledgement that the notion of road traffic policing should encompass both reactive and proactive measures. Within the outcomes space presented in figure 5.15, 'law enforcement' was the most frequently occurring category of description. It can thus be construed that law enforcement is of particular importance to participants, and subsequently is viewed as the cornerstone of road traffic policing. 'Education', although perceived as less significant than 'law enforcement' by participants, still constitutes a critical element of road traffic policing. From participant responses however, it appears that the importance of education is perceived more metaphysically than organisationally, as very little structural evidence in this regard has been provided. Participant responses tended to describe what the MPD should be doing and what they are doing, hence the significant absence of structural experiences relating to education within the collective understanding. This raises the question if any substantial educational activities relating to road traffic policing or legislation are being undertaken by these individuals or departments.

When the definition of road policing as contended by the CoT (2010) and as was provided in section 3.3 is considered, it becomes evident that road traffic policing is a much more complicated phenomenon than is portrayed by this outcomes space. Within this definition, 'all activities which reduce, deter or prevent the occurrence of all accidents' can be construed to imply that both proactive and reactive measures should be employed in relation to the road traffic environment. This notion, subtextually present within the collective understanding as 'law enforcement', can be construed as

a reference to reactive measures, while 'education' can be taken to reference proactive measures. Secondly, this definition places a significant emphasis on law enforcement. In this regard it is contended by Cameron (2014) that traffic policing differs significantly from non-traffic crime policing, as traffic policing is mainly concerned with detecting and deterring unsafe behaviour through law enforcement and visibility, as opposed to contemporary proactive police strategies. The importance placed on law enforcement by Cameron (2014) and this particular definition is evidently reflected in the collective understanding held by participants. 'Monitoring of relevant infrastructure' as well as 'strategic interventions' signifies the complicated nature of road traffic policing. 'Monitoring of relevant infrastructure' implies that MPDs should be in a position to identify and advise on a variety of matters, which *inter alia* might include matters relating to traffic system layouts, the application of traffic control mechanisms and environmental conditions and designs relating to the road traffic environment. 'Strategic interventions' potentially encompasses a wide spectrum of activities all directed toward bringing about significant and continuing improvement within the operational, socio-economic and administrative realms of road traffic policing. These activities might include activities such as education, awareness campaigns, social development initiatives and collision reduction strategies. It is notable that the only reference in relation to both 'strategic interventions' and 'monitoring of relevant infrastructure' contained in the collective understanding is that of 'education'. This then raises the question as to what extent MPDs engage in these types of activities. Should MPDs regularly have engaged in these activities, it could be expected that it would reflect in this collective understanding. Yet, it does not. It can subsequently be articulated that these activities do not form a critical element in the current engagement of MPDs in road traffic policing. 'Supportive traffic control services' within this definition refers to duties specifically relating to the control of vehicular traffic. Traditionally, these duties relate to traffic control at special events, schools, major incidents and other traffic obstructions. The notion of 'supportive traffic control services' significantly correlates with the 'free flow of traffic' as is present within the collective understanding, subsequently constituting a critical element of road traffic policing, as is viewed from the vantage point of participants.

Although the collective understanding subtextually infers that both reactive and proactive police methodologies should be employed in relation to road traffic policing,

it fundamentally reflects an individual and bureaucratic emphasis on law enforcement as cornerstone of road traffic policing. Law enforcement is predominantly reactive in nature, thus eliminating the democratic feature of a preventive and proactive focus from the collective understanding. It can thus be contended that this feature will be noticeably absent from the organisational context. It can additionally be contended that law enforcement, even if combined with rudimentary education, will not be sufficient to comprehensively create the additional features of objective professionalism and situational and individual responsiveness as it applies within the democratic paradigm. Considering the absence of these features it seems unlikely that democratic policing, as is appropriate to the South Africa's democratic ideology will exist in relation to the policing of road traffic.

6.4.3 BYLAW POLICING

The outcomes space presented in figure 5.16 contained various related, but qualitatively different categories of description. As categories of description described the notion of bylaw policing either as 'law enforcement', 'education' or the 'broken windows syndrome'. Collectively, these categories of description translated into a collective understanding that viewed bylaw policing as 'education' and law enforcement in relation to bylaws to prevent disorder.'

As was the case with road traffic policing, this collective understanding reflects a simplistic view of a very complicated concept. From this collective understanding, both 'education' and law enforcement' seems to be of particular importance to participants. When participant responses, as was presented in section 5.4.3 are considered, it becomes evident that 'education' is perceived to be more significant than 'law enforcement' in relation to the policing of bylaws. 'Education' was regularly described as a prerequisite to 'law enforcement', as participants seemed to believe that members of the public are not truly familiar with the notion of municipal bylaws. This belief should be seen as a subtextual reference to the rule of law, as was alluded to in section 2.3.1. 'Education' should also be construed to imply that community engagement, specifically as it pertains to municipal bylaws is of particular importance to participants. The lack of structural descriptions relating to 'education' should be seen as a strong indication that very little actual education and community engagement takes place. 'Law enforcement', although less significant than education, still constitutes a central idea

within this collective understanding. It is clear that law enforcement is considered as an essential element to bylaw policing. 'To prevent disorder' within this collective understanding should be construed to imply that the participants perceive bylaws to be intrinsically linked to the notion of crime prevention. This then serves as a strong indication that participants believe that the functions of the MPD are interrelated and symbiotic in nature.

Very little contemporary empirical research that describes how MPDs engage in this function is currently available. In section 3.3, a convincing definition of bylaw policing was provided. This definition fundamentally viewed bylaw policing as being dependent on reactive and proactive policing tactics (van Biljon, 2014a). The aim of employing both these types of police tactics is to improve the life of the populace by ensuring compliance with local legislation. It is clear that this notion of bylaw policing is strikingly similar to the collective understanding held by participants. However, Manda (2015) contended that bylaw policing is currently significantly challenging, due to limited cooperation between the MPDs and the SAPS, skewed by public perceptions and a limited overall knowledge of municipal bylaws. Considering the lack of structural experiences provided in this collective understanding, it appears that the challenges identified by Manda (2015) indeed plays a significant role in the manner in which MPDs currently engage in the policing of municipal bylaws.

Despite the presence of education and community engagement within this collective understanding, it appears that law enforcement however constitutes the foundation of bylaw policing. The lack of structural experiences relating to both reactive and proactive tactics however suggests that very little actual employment of both these tactic types actually takes place. It is notable that this collective understanding contains only limited subtextual references to the notion of democracy. This creates the impression that participants do not perceive bylaw policing as it relates specifically to the conceptual framework of democracy. It thus seems only logical to contend that the democratic features of a preventive and proactive focus, objective professionalism and individual and situational responsiveness will be significantly absent as it relates to the policing of municipal bylaws.

6.4.4 CRIME PREVENTION

Various related but qualitatively different categories of description transpired from the data analysis process. These categories of description described the role of MPDs either as 'visible policing', 'community engagement' or a 'multidisciplinary approach'. Collectively, these categories of description translated into a collective understanding that described the engagement of MPDs in crime prevention as 'proactive police visibility and pre-emptive engagement with the community and other policing agencies.'

Within this collective understanding reflect three significantly different but related methods in which participants perceive MPDs to engage in the prevention of crime. 'Visible policing' within this collective understanding reflects a very traditional and general view of crime prevention. It signifies the basic belief that the mere presence of observable police officials will be enough to prevent a potential offender from offending. When responses of participants, as was presented in section 5.4.4 are considered, it becomes clear that participants collectively believe that this visibility should be predominantly exercised in relation to the road traffic environment, as offenders make use of the road to travel to and from the place of crime. 'Community engagement' within this collective understanding seems to mainly revolve firstly around educating the community and secondly to generate crime related information from the community. Education within this context creates the impression that at least on a metaphysical level, the notion of community empowerment is present within this outcomes space. 'Multidisciplinary' within this collective understanding serves as a communal acknowledgement that the prevention of crime is not the responsibility of the MPD alone, but instead is a venture that is shared amongst multiple organisations, such as the SAPS, the National Prosecuting Authority (NPA) and 'other stakeholders' as was described by participants. The 3 crime prevention methodologies presented in this collective understanding are related in the sense that they are proactive in nature and are designed to prevent a crime from actually occurring. When the outcomes space as was presented in 6.19 and the subsequent collective understanding are considered, a significant lack of structural experiences relating specifically to 'community engagement' and 'multidisciplinary approach' becomes noticeable. This serves as an un-ignorable suggestion that very little actual community engagement and interagency collaboration is taking place.

In section 3.3 and figure 3.1, I pointed out that within the context of MPDs, crime prevention will be an implicit result of effective and efficient road traffic and bylaw policing (van Biljon, 2014a). Van Biljon (2014b) also pointed out that the 3 core functions of the MPD essentially is interrelated and symbiotic in nature. These sentiments were reverberated by the Whitepaper on Policing (2016) which held that by ensuring compliance with road traffic legislation and municipal bylaws, a substantial framework for visible policing will be created. As visibility is of significant importance within this collective understanding, it can be argued that the sentiments expressed by van Biljon (2014a; 2014b) and the Whitepaper on Policing (2016) are at least partially represented within this collective understanding. Although visibility was mentioned within the context of the road traffic environment, as the place where the MPD should be visible, it was not mentioned as it pertains to road traffic and bylaw policing. It can thus be contended that participants did not perceive visibility resulting from road traffic and bylaw policing, but rather as a situation that they must set out to create. Section 3.3, presented a crime prevention definition relating specifically to the environment of the MPD (van Biljon, 2014b). This definition maintained that MPDs should prevent crime and the fear of it, by creating substantial visibility through the observable policing of road traffic and municipal bylaws. When this definition is compared to the collective understanding held by participants, it becomes evident that the notion of 'policing', as representative of both reactive and proactive activities is absent from the collective understanding.

This notion is supported by the absence of structural experiences relating to 'community engagement' and 'multidisciplinary approach' within this collective understanding. This suggests that these elements only exist on a metaphysical level, instead of within a wider, organisational context. As was the case with education relating to road traffic policing, participants appear to describe what they should be doing, and not what they actually are doing. Reiner (2012) furthermore contended that that crime is triggered by various community factors outside the control of the police, that concern for both victims and offenders should be demonstrated, and the limits of the police and criminal justice sector. The position held by Reiner (2012) at least partially and subtextually exists in this collective understanding, as is indicated by the

presence of 'pre-emptive engagement with the community and other policing agencies'

It is clear that the collective understanding does not view crime prevention as an implicit result of road traffic and bylaw policing. Instead, this collective understanding offers a very traditional view of crime prevention, based on the notion that visibility is a situation that must be specifically created. It thus seems reasonable to contend that the participants are unfamiliar with the crime prevention role of the MPD. Additionally, it can be contended that this collective understanding reflects a rudimentary and metaphysical presence of the democratic feature of a preventive and proactive focus. The proactive nature of crime prevention demands that situational and individual responsiveness and, to a lesser extent, objective professionalism should be present within this context. Yet, there is no evidence to suggest that it is. This is supported by the lack of structural experiences, which creates a significant doubt whether these departments actively pursue South Africa's democratic ideal.

6.4.5 THE CURRENT STATE OF METROPOLITAN POLICE DEPARTMENTS

Participants were asked if they believed that the manner in which MPDs currently engage in their mandate is constructive to South Africa's democracy. From the responses of participants, various categories of description that were qualitatively different but intrinsically related emerged. These categories of description described the current state of MPDs as contributing to South Africa's democracy by 'educating communities' or by 'facilitating stability and harmony'. Referentially, the outcomes space presented in figure 6.18 described the current state of MPDs as 'currently not democratic'. Collectively, these categories of description translated into a collective understanding that viewed the current state of MPDs as facilitating harmony through education and law enforcement, but unable to do so due to political and social circumstances.

From this collective understanding it can be construed that participants believe that MPDs currently contribute to South Africa's democracy by employing education and law enforcement as avenues to facilitate stability and harmony. Both 'education' and 'law enforcement' were perceived as central features in relation to road policing, bylaw policing and crime prevention, their presence within this collective understanding

comes as no surprise. Although 'education' and 'law enforcement' serves as an acknowledgement that policing encompasses more than enforcing the law, their overbearing presence in multiple collective understandings now becomes of significance. The overbearing and recurring appearance of these aspects creates the impression that participants' perception of policing is fundamentally two-dimensional in nature, viewing law enforcement and education as the cornerstone of contemporary policing. It is further significant that 'political and social circumstances' are perceived by participants as obstacles preventing the MPD from comprehensively contributing to South Africa's democracy. From participant responses provided in section 5.4.5, it becomes clear that 'political and social circumstances' specifically relates to equality, poor education and undue political intrusion. It is significant that 'political intrusion' is again present in a collective understanding. As was demonstrated in section 6.3.2, 'political intrusion' made a significant appearance in relation to police legitimacy. As political intrusion again steps to the forefront, it can be articulated that from the vantage point of participants, political intrusion into the police organisation is extremely detrimental to democracy. It is significant that this collective understanding referentially describes detrimental experiences of democracy, and not of the training they provide or of the stability and harmony they facilitated. This description reverberates the collective understanding of the current state of democracy in SA, as was presented in section 6.2.2, which held that democracy in South Africa is not entirely free and fair.

Bayley (2009), Lemieux (2014) and Marx (1995) all contended that a police organisation will only be democratic, if it acts legitimately, vigorously protects human rights, is accountable and sees community needs as its highest priority. In addition, Prasad (2006) contended that the democratic police role encompasses the creation of an environment that is safe and free from fear, while protecting the fundamental rights of individuals and groups. Considering these arguments alongside the collective understanding of participants, the absence of legitimacy, the protection of human rights, community needs as highest priority and accountability as was pointed out by Bayley (2009), Lemieux (2014) and Marx (1995) nor the features mentioned by Prasad (2006) within the collective understanding becomes strikingly noticeable. As was pointed out in sections 3.2.7.1, 3.2.7.2, 3.2.7.3, 3.2.7.4, 3.2.7.5 and 3.2.7.6, legislation does not provide any substantial description or framework for the creation and maintenance of the rule of law, legitimacy, transparency, accountability, subservience

to a civil authority or community orientated service delivery. Subsequently, the absence of these features seems justifiable. Although it can be argued that education to some extent will contribute towards democracy, it will not be enough to contribute to all the features mentioned above. Considering the absence of these features, and the limited possible application of education, the question now arises whether MPDs can be considered as truly democratic. When the social and political circumstances, as was contained within the structural plain are considered, the answer becomes painstakingly obvious.

Although participants believe that they contribute towards democracy through education and facilitating stability, the collective understanding fundamentally reflects that MPDs fundamentally are undemocratic. The structural absence of critical democratic policing features such as rule of law, legitimacy, transparency accountability, subservience to a civil authority and the protection of human rights, strongly suggest that these departments do not actively pursue these features. It thus seems extremely doubtful that the relevant democratic features will be present in these departments. In addition to the internal absence of these features, participants perceived external features such as the current political environment, unwarranted political interference and substantial inequality as rendering it impossible for the MPD to be democratic.

6.4.6 EXPANDING THE MPD MANDATE

Participants were elaborate on how they perceive the possible extension of the MPD mandate. An analysis of their responses revealed various interrelated but distinctively different categories of description. These categories of description revealed that participants perceived such a possible extension as leading to 'improved service delivery' and 'improved prosecutions', or 'too much work'. Collectively, these categories of description translated into a collective understanding that perceived this possible extension as 'beneficial to both the MPD and the community, but that is currently not feasible due to a shortage of skills and resources.'

This collective understanding reflects that participants perceive the possible extension of the MPD mandate, as was alluded to in section 3.2.6, as predominantly positive in nature. Considering the participant responses as presented in section 5.4.6, it

becomes clear that this belief largely stems from structural experiences, in which they experienced deficiencies in the investigative capabilities of particularly the SAPS. Subsequently, participants collectively believe that if they were in a position to control the investigative process and participate in subsequent adjudication processes, improved service delivery and prosecutions will be an implicit result of such control. Hence the presence of 'beneficial to both the MPD and the community' in this collective understanding. It can be construed that participants believe that the community will benefit in the form of improved service delivery, while the MPD will gain benefit from increased organisational capacity. 'Too much work' appears to be based on structural experiences as to how the MPD currently engage in its functions. Based on this experience, participants perceived that they currently do not have sufficient resources to engage in their current functions. Subsequently, from the perspective of participants, additional functions will place a significant strain on the already limited resources of the MPD.

The Whitepaper on Policing (South Africa, 2016) proposed that MPDs were viewed as a threat to South Africa's democracy, as they were not subjected to the same extent of control mechanisms as their national counterpart, the SAPS. The Whitepaper subsequently proposed the creation of national structures to facilitate closer cooperation, coordination and consistent standard setting throughout South Africa. As a part of these structural changes, the Whitepaper proposed that the mandate of the MPD should be extended to include investigative powers, limited to traffic related matters, municipal bylaws, and crimes committed on, and related to municipal assets and property. When this notion is viewed in relation to the collective understanding, it is noticeable that the notion of accountability, as is presented in the Whitepaper on Policing, is not reflected in the collective understanding. Instead, the collective understanding is focused on the potential organisational and community gain that can be obtained from such an extension. This then implies that participants may not be familiar with the intended spirit and objectives of the Whitepaper. Additionally, it was argued by Akaateba and Amoh-Gyimah (2013); Corbett (2013); Leggett (1997) and Walsh (2012) that traffic crimes were generally perceived as trivial, victimless crimes with insignificant consequence. If MPDs are granted the authority to investigate and prosecute, this perception might significantly change – a notion that is clearly contained in this collective understanding.

Improved service delivery and prosecutions will naturally require that more comprehensive structures, systems and frameworks will have to be created in relation to particularly the rule of law, legitimacy, transparency and accountability. Considering the current state of these aspects, as was perceived by participants, it seems fair to contend that this increased demand for 'democracy' will be fairly impossible to satisfy without the implementation of substantially improved organisational policies, structures and mechanisms. It thus appears that such an extension will potentially damage the democratic state of MPDs instead of refining them. When this extension is viewed in relation to South Africa's democratic paradigm, it can be argued that the feature of individual and situational responsiveness will greatly benefit from it. However, the feature of a preventive and proactive focus will not be promoted, as both improved service delivery and prosecutions as a result of this extension within this context should be construed to be predominantly reactive in nature. Objective professionalism will also not be promoted, as no clear structure or framework to ensure both objectivity and professionalism is currently in place.

6.4.7 KEY OBSERVATIONS RELATING TO THE MPD AND ITS MANDATE

In section 3.3, various key features that one would expect to see from a MPD operating within a democracy was highlighted. When these features are viewed in relation to the discussion contained in sections 6.4.1 till 6.4.6 above, various key observations can be made. The collective understanding of both road traffic and bylaw policing viewed law enforcement as the chief policing methodology in this regard, with very little references to other types of policing activities. Subsequently, the overall tactics employed by these departments appear to be reactive in nature, thus metaphysically eliminating the presence of the democratic feature of a preventative and proactive focus from the operational frameworks of these departments. Although community based service delivery was referentially of significant importance to participants, there was little structural evidence to suggest that any tangible community engagement is taking place. It thus appears that participating MPDs do not respond to the unique needs of the various communities within their respective areas of authority. The rule of law was only subtextually referenced in relation to the policing of municipal bylaws, while no evidence that suggest that the protection and enhancement of human life and human dignity are indeed the highest priorities of these departments emerged.

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Although a strong relationship between participants and fundamental democratic principles such as equality and freedom were notable, additional key democratic features such as representation, transparency and responsiveness were significantly absent from this context.

From the above it becomes clear that participants predominantly do not understand or perceive the metropolitan department or its mandate as is appropriate within the framework of South Africa's democracy. It appears that law enforcement constitutes the cornerstone of how MPDs engage in their mandated functions, with little evidence to suggest that any substantial proactive engagement is in fact taking place. It is striking that rudimentary democratic principles occurred only subtextually within a limited number of collective understandings. It thus seems reasonable to hold that the democratic features of a preventative and proactive focus, objective professionalism and individual and situational responsiveness are exceptionally absent from these departments.

6.5 SUMMARY

This chapter was directed towards testing the relevance of various collective understandings relating to the meaning of democracy, democratic policing and the metropolitan departments against the conceptual framework of the South Africa's democracy. Significant similarities between the various collective understandings held by the participants and the appropriate theoretical framework were pointed out and investigated as it relates to the research question.

Participants appeared to foster a very general understanding of democracy, based on generally known democratic principles. Based on this rudimentary understanding, descriptions of the democratic police role offered by participants were substantially limited, and also did not specifically relate to the democratic paradigm. Additionally, participants perceived democracy in South Africa as not being free and fair, as only a few select individuals and groups have benefitted from it.

It seems that this rudimentary understanding of democracy consequently resulted in a fundamentally limited understanding of democratic policing. Democratic policing, as it was perceived by participants, appeared to fundamentally revolve around a limited

understanding of police accountability, as key elements of democratic policing principles such as transparency, subservience to a civil authority and legitimacy were significantly absent from this understanding. Additionally, a lack of structural experiences relating specifically to community based service delivery indicated that very little thereof was indeed taking place.

Participants perceived the core business of the MPD to mainly revolve around the notion of law enforcement, as law enforcement constituted a key component of road traffic and municipal bylaw policing. Although visible policing was considered as the cornerstone of crime prevention, visibility was perceived as a result of comprehensive road traffic and bylaw policing. Instead, it appeared that visibility is a situation that must be specifically created. Participants believed that MPDs contribute towards South Africa's democracy through law enforcement and education, but a lack of significant structural experiences in this regard created an impression that this indeed is not the case. Additionally, participants mostly believed that extending the mandate of the MPD will enable the MPD to contribute towards South Africa's democracy through improved service delivery and improved prosecutions. Subsequently, it can be construed that the democratic characteristics of objective professionalism, a preventative and proactive focus and situational and individual responsiveness are significantly absent from the metaphysical and operational frameworks of participating departments.

CHAPTER 7

SUMMARY, RECOMMENDATIONS AND CONCLUSION

7.1 INTRODUCTION

This research was directed towards determining if the metropolitan police mandate, as it is collectively perceived by senior and mid-level managers of the various MPDs in Gauteng, is constructive and aligned with a democratic South Africa. Fundamentally, this research intended to investigate various aspects of the metropolitan police mandate and the democratic paradigm, from a second order perspective which describe phenomena not as it exists, but as it appears to individuals.

Viewing the metropolitan police mandate from a second order perspective, provided MPDs with valuable information that can be used to enhance and ensure sustainable accountability, service delivery and legitimacy, subsequently improving public credibility and approval. It is furthermore anticipated that this research will assist local governments with additional information, which can be used to develop strategies, policies and programs that contribute towards comprehensive public safety, thus improving national stability.

This chapter will firstly provide a concise overview of the preceding chapters, by shortly summarising the contents thereof. This will be followed by key conclusions derived from the data collection, data analysis and data interpretation processes, together with feasible and practical recommendations to address emergent issues. Based on these recommendations, a model for the democratisation of MPDs will then be presented. This will be followed by recommendations for future research, after which the chapter will conclude by answering the research question.

7.2 BRIEF CHAPTER OVERVIEW

Chapter one was intended to briefly introduce and contextualise the research. This chapter commenced by providing a short background to the study, after which the research problem was reviewed. This was followed by a description of the research aim and its associated objectives. The primary aim of this research was to uncover the extent to which the collective understanding of the metropolitan police mandate, as it

is collectively understood and experienced by senior metropolitan police officials in Gauteng, relates to a democratic South Africa. Objectives associated with this aim *inter alia* included exploring how these senior officials collectively perceive South Africa's democracy, democratic policing and the metropolitan police mandate. This chapter then proceeded to pose the central research question, together with its associated sub questions. The significance of the research was then highlighted, followed by a concise overview of the referencing system that was used throughout this thesis. A synopsis of the limitations relevant to this study, as well as significant problems that complicated the research process was then provided. This chapter then proceeded to clarify key concepts relevant to this study, such as democracy, democratic policing and South Africa's constitutional democracy. The chapter then concluded with a brief overview of this thesis.

Chapter 2 served a bilateral purpose, as it firstly examined democratic policing and contextualised it within the paradigm of a South Africa's democracy. In addition, this chapter also explored selected international experiences of democratic policing. This chapter commenced by firstly examining various principles of democratic policing, such as a strong orientation to democratic principles, a public service orientation, non-discrimination and a focus on crimes against people and property. This was followed by a discussion of critical institutional requirements of democratic policing, such as the rule of law, legitimacy, transparency, accountability and subservience to a civil authority. This chapter then provided an overview of how democratic states such as Germany, Japan, England and Wales and Mozambique, Canada and France engage in democratic policing. This chapter then concluded by presenting a democratically relevant consideration of democratic policing.

Chapter 3 contextualised the metropolitan police mandate within the South Africa's democratic ideal. This chapter commenced with an overview of the regulatory framework relevant to MPDs. From reviewing key legislation such as the Constitution of the Republic of South Africa (1996) and the SAPS Act (Act 68 of 1995), together with relevant policy documents such as Whitepaper on Policing, various inadequacies and limitations relevant to democratic policing emerged. These inadequacies *inter alia* included insufficient accountability, legitimacy and questionable civilian oversight. Road traffic policing, bylaw policing and crime prevention as the mandated functions

of MPDs were explored, after which they were contextualised within the framework of South Africa's democracy. Lastly, this chapter highlighted key features that a MPD should display to be democratic, relevant within South Africa's democracy, and pointed out various deficits in relation thereto.

Chapter 4 provided an overview of the processes followed to conduct this research. Firstly, this chapter distinguished between the qualitative and quantitative research paradigms, and explained the rationale for selecting a qualitative approach towards this research. This was followed by a concise overview of phenomenography as a research method. By reviewing the relevant ontological, epistemological, axiological and methodological positions, it emerged that phenomenography aims to map the qualitatively different ways in which people experience, conceptualise, perceive and understand various aspects of phenomena in the world around them. This was followed by a comprehensive description of the population relevant to this research, after which an overview of how the sampling strategy unfolded during the research was provided. This chapter then proceeded to provide detailed accounts of how the data collection and data analysis processes unfolded during the research process. The multilateral strategy to ensure the overall trustworthiness of this research was then reviewed. This strategy *inter alia* included member checking, reflective journaling, bracketing and providing an audit trail. Lastly, this chapter provided an overview of the ethical framework that guided this research and how it was applied throughout the research process.

Chapter 5 presented the data that was collected from the various semi-structured interviews conducted throughout all participating departments. This chapter therefore aimed to explore the metropolitan police mandate as it is understood by participants, and not how it exists. From the data analysis process, three central themes which included democracy in South Africa, democratic policing and the metropolitan police mandate emerged. These themes were arranged into a three-level hierarchy, representing ascending and interrelated levels of understanding relevant to uncovering the collective understanding of the metropolitan police mandate, specifically as it is understood and experienced within the context of South Africa's democracy. Various subthemes pertinent to each level emerged, which was then hierarchically arranged in relation to each level. Emerging categories of description

were then sequentially hierarchically arranged in relation to each subtheme. An outcomes space of each subtheme was generated, after which the collective understanding of each subtheme emerged.

Chapter 6 was directed towards interpreting and synthesising the data in relation to the relevant legislative, theoretical and philosophical underpinnings. Perceptions and understandings held by participants were equated with the relevant literature presented in chapters 2 and 3 and significant discrepancies and similarities were pointed out. From this process it emerged that the collective understandings of democratic policing and the metropolitan police mandate held by participants are fundamentally limited. This chapter concluded by contending that the democratic characteristics of objective professionalism, a preventative and proactive focus and situational and individual responsiveness are significantly absent from the metaphysical and operational frameworks of MPDs in the Gauteng Province.

7.3 FINDINGS AND RECOMMENDATIONS

This section is intended to review conclusions derived from the data analysis and interpretation processes and present feasible recommendations for establishing a best-practice-model for MPDs in Gauteng to implement and maintain democratic based policing.

7.3.1 THE MEANING OF DEMOCRACY

The understanding held by participants was rudimentary and reflected very basic democratic principles and values. It can subsequently be contended that no basis for the creation or maintenance of model of democratic policing is currently in existence.

As police organisations, MPDs are tasked with protecting, promoting and building democracy in South Africa. This will be an impossible task if no comprehensive and wide-ranging understanding of precisely what is meant by a democratic South Africa exists. Additionally, it should be noted that the normative and real-life application of the democratic ideal varies significantly over time and space. It is subsequently recommended that a communal interpretation of democracy is constructed. This implies that MPDs, together with other role players such as the judiciary, academics and other police organisations, should come together and collectively formulate a

universal interpretation of democracy that reflects on South Africa's democratic ideal. Once such an interpretation has been constructed, formal education and training programs will have to be developed and rolled out. The rollout of such programs should however not be limited to MPDs, but should include the entire Justice, Crime Prevention and Security Cluster (JCPS).

7.3.2 THE CURRENT STATE OF DEMOCRACY IN SOUTH AFRICA

Collectively, participants perceived democracy in South Africa as not being entirely free and fair. From their perspective, only a few individuals and groups have benefited from democracy. This perception can largely be attributed to factors outside these departments which negatively impacts on democracy. These factors cause a ripple effect that sees the consequences thereof appearing in the various MPDs.

There is very little that MPDs can do to control factors that occur outside of the organisation. However, measures to curb the ripple effect caused by these factors can be implemented. From a universal interpretation of democracy, various key values and principles will emerge. MPDs, either collectively or individually should develop specific democratic objectives and outcomes in relation to these key values and principles. MPDs should then develop and implement strategies, policies and internal procedures that establish, protect and maintain these democratic values and principles. In addition, these democratic values and features should be defined as strategic objectives and key performance indicators of these departments.

7.3.3 THE DEMOCRATIC POLICE ROLE

The collective understanding held by participants in relation to the democratic police role was rudimentary and limited in nature. Fundamentally, the view held by participants was derived from any comprehensive or common understanding of the police role.

Considering the limited and rudimentary understanding of democracy alluded to in section 7.3.1, this limited understanding of the democratic police role was to be expected. Understanding the democratic police role will only be possible if the width, depth and breadth of democracy is understood and appreciated. Subsequently, defining a democratic police role which is aligned with the notion of a democratic South

Africa should be tied into the development and education process recommended in section 7.3.1.

7.3.4 DEMOCRACY IN SOUTH AFRICA

Participants appears to hold a very general and rudimentary understanding of democracy, and subsequently also of democratic policing. It is thus more than reasonable to assume that the democratic features of an objective professionalism, a proactive focus and situational and individual responsiveness are metaphysically and anatomically absent from these departments. In addition, South Africa's democracy is perceived not to be entirely free and fair.

Fundamentally, the shortcomings pointed out above are a result of senior police managers, who are tasked with protecting democracy, not fully understanding what democracy means within the context of a democratic South Africa. Without grasping the width, depth and breadth of South Africa's democracy, it will be impossible to create and maintain a policing model that is democratically relevant in a contemporary South Africa. Considering that the normative understanding and material application of democracy significantly varies in relation to the context it is applied in, it is critical that a common understanding of democracy, as was alluded to in section 7.3.1 be created. In addition to disseminating this common understanding through training, education and policy developments, as was alluded to in sections 7.2.1 and 7.2.2, MPDs should introduce procedures and instruments to continuously measure the relevance and impact brought about by such a common understanding.

7.3.5 POLICE ACCOUNTABILITY

The data analysis process revealed that the collective understanding of police accountability held by participants is limited and rudimentary in nature. Although responsibility and answerability are acknowledged as core components of police accountability, no explicit acknowledgement of the relevant levels of accountability, amalgamated control mechanisms or transparency is contained in this collective understanding. In addition, mechanisms to ensure police accountability prescribed by legislation are minimalistic, and are subsequently not sufficient to ensure comprehensive police accountability.

In section 3.2.6, it was indicated that the Whitepaper on Policing proposes the creation of various structures to facilitate closer cooperation, coordination and consistent standard setting across the various MPDs throughout South Africa. These structures will however not be sufficient to ensure comprehensive police accountability. In this regard, it is suggested that municipal bylaws, that comprehensively describe structures, systems and mechanisms to ensure proper police accountability of MPDs are created. Municipal bylaws, for example, can prescribe additional civilian oversight structures, internal disciplinary mechanisms, and recruitment processes to ensure accountability. Making use of municipal bylaws to create these structures will provide these structures with a sense of legitimacy, while it can be customised to the needs of the MPD concerned. In addition, continued training in relation to matters associated with accountability, such as corruption, arrest procedures, the use of force, and police ethics should be conducted.

7.3.6 POLICE LEGITIMACY

The collective understanding that participants held in relation to police legitimacy also appeared to be significantly limited. Although normative and descriptive legitimacy were subtextually acknowledged, it seems doubtful that participants are familiar with the width and breadth of police legitimacy, as no clear legislative or philosophical framework for the creation of legislation exists. In addition, participants generally believed that inappropriate political interference and immoral officer conduct seriously threaten police legitimacy.

In this regard it is recommended that MPDs create proper and realistic standing operating procedures (SOPs) in relation to issues that directly affect legitimacy. These issues will *inter alia* include the use of force, the prevention of corruption, professionalism, arrest procedures and public relations. A focal point of these SOPs should be the promotion of the democratic features of objective professionalism and individual and situational responsiveness. Although the various departments can independently develop these SOPs, it is recommended that it is developed as a collective, as this will ensure consistent legitimacy throughout Gauteng. In terms of unethical officer conduct, it is recommended that regular lifestyle audits, background checks and integrity testing should form part of the metropolitan police department's human resource management strategy. Undue political interference indeed is a

difficult beast to tame. However, the development and enforcement of an appropriate standards of conduct for political office bearers in addition to existing practices should be considered as an option to prevent undue interference by politicians.

7.3.7 POLICE OBJECTIVITY

Although the core democratic values of equality, freedom and solidarity are subtextually present within the collective understanding held by participants, no explicit relationship between the collective understanding and South Africa's democracy is detectable. Furthermore, participants perceived objectivity predominantly in relation to the individual and not as it applies to the organisation. Additionally, legislation does not provide a sufficient framework for MPDs to create and maintain comprehensive police objectivity. The impression that objectivity is not a significant organisational priority also emerged from the data analysis process.

It is recommended that the vision, mission and value system of MPDs should be reconceptualised to such an extent that it reflects key underpinnings of the South Africa's democratic ideal. This should be followed by the development and implementation of an appropriate and democratic relevant code of conduct. This code of conduct should be reinforced by appropriate disciplinary and corrective measures if a breach of this code of conduct has occurred. Additionally, regular training interventions in relation to racial and community sensitivity, police ethics, and impartiality in addition to regular integrity testing should form part of the organisational culture. MPDs should furthermore create structures and procedures that regularly measure public opinion and public approval of MPDs. Such structures and procedures will furthermore provide these departments with an additional platform to measure organisational performance.

7.3.8 POLICE PROFESSIONALISM

The collective understanding held by participants in this regard viewed police professionalism as being significantly poor, predominantly as a result of poor training and prejudicial recruitment practices. Subsequently, the democratic features of objective professionalism and situational and individual responsiveness ought to be absent from these departments. Furthermore, poor professionalism inadvertently

leads to the misapplication of resources, as resources will have to be redirected to deal with the consequences of poor professionalism.

It is subsequently recommended that police training is modernised, and that particular focus is placed on training modules related to democracy, ethics, service orientation, anti-corruption, problem solving, community relations and cultural sensitivity. Modernisation of the police training should not be limited to basic training, but should be ongoing and regular. Furthermore, a minimum standard reflecting *inter alia* the personality traits, skills, knowledge and attitude of a metropolitan police member should be developed. Scientific means to measure these elements should then be sought, developed, and incorporated into the recruitment process. In addition, a strict policy describing standards and procedures relevant to the recruitment process should be implemented. Again, it is recommended that MPDs in Gauteng join forces to develop these standards, as such collaboration will ensure consistent professionalism across the province.

7.3.9 COMMUNITY BASED SERVICE DELIVERY

A police organisation will only be legitimate if it views community needs as its highest priority. Although national legislation prescribed community policing as the overarching policing philosophy and a referential acknowledgement by participants that community service delivery is the cornerstone of policing, it transpired that very little actual community engagement is taking place. Again, no significant relationship between participants and community based service delivery was noticeable. Subsequently, the axiological framework for the creation of the democratic feature of a preventative and proactive focus through comprehensive community based service delivery is in fact present in this collective understanding, but the actual implementation thereof is lacking.

Community based service delivery is based on the notion that the police must satisfy the unique needs of respective communities. It is therefore critical that MPDs get to know the communities that they serve. It is subsequently recommended that MPDs, either individually or as a collective, formulate a comprehensive and wide-ranging community policing strategy. Such a strategy should be focused on identifying and satisfying the needs of the various communities that reside within the MPDs area of

authority. It is also recommended that MPDs employ the services of dedicated, specialist community workers to ensure that MPDs remain proactively abreast of community needs, changes in community structures and community problems. In addition, such specialist community workers will contribute towards building a lasting relationship of trust, respect and understanding between communities and MPDs.

7.3.10 ENSURING DEMOCRATIC POLICING

The collective understanding of how democratic policing should be ensured held by participants was limited to a rudimentary construal of accountability. Elements critical to democratic policing such as the rule of law, legitimacy, transparency and submission to a civil authority worryingly suggest that democratic policing is neither fully understood nor implemented by MPDs in Gauteng. Yet again, participants appeared to foster no significant relationship with South Africa's democracy, as it applies to structures and mechanisms needed to ensure democratic policing. Subsequently, the existence of the democratic features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus in relation to the MPD and its mandate become highly unlikely.

The limited nature of this collective understanding reflects the limited understanding of democracy and the democratic police role as was highlighted in sections 7.3.1 and 7.3.2. It is therefore critical that a universal understanding of democracy and of the democratic police role be formulated by MPDs in Gauteng. Based on this universal understanding of democracy, the relevant methodologies to ensure democratic policing can be identified, developed and implemented.

7.3.11 DEMOCRATIC POLICING

The overall collective understanding of democratic policing held by participants fundamentally demonstrated a significant absence of multiple policing principles and requirements. These elements *inter alia* include legitimacy, the rule of law and subservience to a civil authority. Subsequently, it seems logical to contend that the application of this collective understanding will not lead to the creation of a democratic police organisation. Subsequently, democratic policing, as participants perceive it, is neither understood nor experienced within the framework of a South Africa's democratic ideal.

Fundamentally, understanding democratic policing is dependent on understanding democracy. Once a universal understanding of democracy is created as was alluded to in section 7.3.1, MPDs will be able to formulate a relevant and workable construal of democratic policing. From such a workable construal of democratic policing, the needed structures, systems, strategies, policies and practices can be identified, implemented and maintained. The democratic characteristics of objective professionalism, individual and situational responsiveness and a preventive and proactive focus should be a focal point of these developments. It is highly recommended that MPDs join forces when developing a workable construal of democratic policing. This will ensure that a specific standard of democratic policing across the province is maintained. It is further recommended that the municipalities concerned proclaim municipal bylaws specifically for the purpose of ensuring democratic policing by the relevant MPD. Proclaiming municipal bylaws in this regard will provide any structures or systems created to ensure democratic policing with legitimacy and legal enforceability. This will in addition address the deficiencies of current legislation, as was pointed out in section 3.2.7.

7.3.12 THE CORE BUSINESS OF THE METROPOLITAN POLICE DEPARTMENT

From the collective understanding held by participants in this regard, it transpired that participants are not familiar with the intended role of MPDs. Predominantly, the business of MPDs is perceived as being law enforcement and not as being policing. It furthermore emerged that the division between the role of MPDs and the SAPS is significantly distorted. Once more, participants did not display any relationship between the business of the MPD, and the notion of a democratic South Africa.

It is recommended that MPDs redefine and clarify their role, firstly as it relates to the notion of a democratic South Africa, secondly as it relates to policing *in lieu* of law enforcement, and thirdly as it relates to other policing agencies in Gauteng. Again, it is recommended that MPDs come together for this process, as it will lead to a consistent application of the metropolitan police authority throughout the Province. In addition, it is recommended that the democratic features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus should be the pivotal centre of this process.

7.3.13 ROAD POLICING

The collective understanding of road policing held by participants subtextually inferred that both reactive and proactive police tactics must be employed in relation to road traffic policing. However, law enforcement constitutes the bureaucratic and metaphysical cornerstone of road traffic policing. Subsequently, the democratic feature of a preventive and proactive focus is inadvertently absent from these organisations. In addition, participants did not display any significant relationship between road policing and a democratic South Africa or between democratic policing and the policing of road traffic legislation.

It is recommended that a policing model that encompasses both proactive and reactive policing methodologies should be developed and implemented. Again, it is suggested that MPDs should formulate such a model in cooperation with each other, as this will ensure consistency across the province. Proactive policing activities in this regard should contain elements of evidence-based policing, community policing, intelligence-led policing and problem oriented policing, to mention but a few. Reactive policing should include activities such as law enforcement, improving response times, reactive patrols and hotspot policing. The democratic features of objective professionalism, individual and situational responsiveness and a preventive and proactive focus, as it relates to both reactive and proactive tactics, should be a focal point of such a road traffic policing model. This process should be embedded in the process recommended in section 7.3.12.

7.3.14 BYLAW POLICING

Although the employment of both reactive and proactive policing activities is subtextually referenced in this collective understanding, the notion of law enforcement constitutes the foundation of bylaw policing. In addition, it transpired that very little of both these reactive and proactive activities are undertaken. Once again, no significant relationship between the policing of bylaws and the notions of a democratic South Africa and democratic policing emerged.

It is recommended that a similar process as was suggested in section 7.3.13 is followed. It will however be more feasible if the processes of creating a road policing

model and a bylaw policing model are amalgamated as one process, especially if the symbiotic and interrelated nature, as was demonstrated in figure 4.1 is considered.

7.3.15 CRIME PREVENTION

Participants hold a very traditional understanding of crime prevention, predominantly based on the principle of visible policing. Crime prevention is not seen as an implicit result of bylaw and road policing, but rather as a separate function. Participants thus seem unaware of the uniqueness of the MPDs role in the prevention of crime. The proactive nature of crime prevention demands that situational and individual responsiveness, and to a lesser extent objective professionalism, should be present within this context. Yet, there is no evidence to suggest that they are.

As was the case with both road traffic and bylaw policing, it is necessary that a suitable and appropriate policing model in this regard is developed. It is thus recommended that the process alluded to in section 7.3.12 is followed, and that the development of a crime prevention model, relating to both road traffic and bylaw policing is embedded in this process.

7.3.16 THE CURRENT STATE OF METROPOLITAN POLICE DEPARTMENTS

Participants held that MPDs in Gauteng currently contribute towards South Africa's democracy by providing education and by facilitating stability. Key democratic contributors such as the rule of law, legitimacy, the protection of human rights, objective treatment of communities and the eradication of discrimination did not explicitly appear in this collective understanding. Participants additionally believed that undue political interference, vast inequality and South Africa's current political environment renders it impossible for MPDs to contribute towards democracy.

Improving the current democratic state of MPDs will only be possible if a wide array of processes, as was suggested in sections 7.3.1, .3.2, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, and 7.3.12 above are followed. It is thus recommended that these processes are followed, as is demonstrated in section 7.4 below.

7.3.17 EXPANDING THE MPD MANDATE

The collective understanding held by participants on a possible extension of metropolitan police mandate, indicated that participants believe that such an extension will lead to increased service delivery and improved prosecutions. However, this will naturally require that more comprehensive structures, systems and frameworks will have to be developed to ensure that democratic principles are maintained. Considering the current state of democracy in these departments, such an extension will damage the MPDs democratic state instead of promoting it..

It is recommended that the proposed extension of the MPD mandate be delayed, to provide MPDs with time to develop the needed systems, structures and mechanism to ensure democracy, as these elements are currently notably absent from MPDs in the province. Strategies, policies and mechanism to fulfil the greater call for democracy associated with such an extension should proactively be developed, and be ready for implementation when the mandate is in fact extended.

7.3.18 THE METROPOLITAN POLICE ROLE

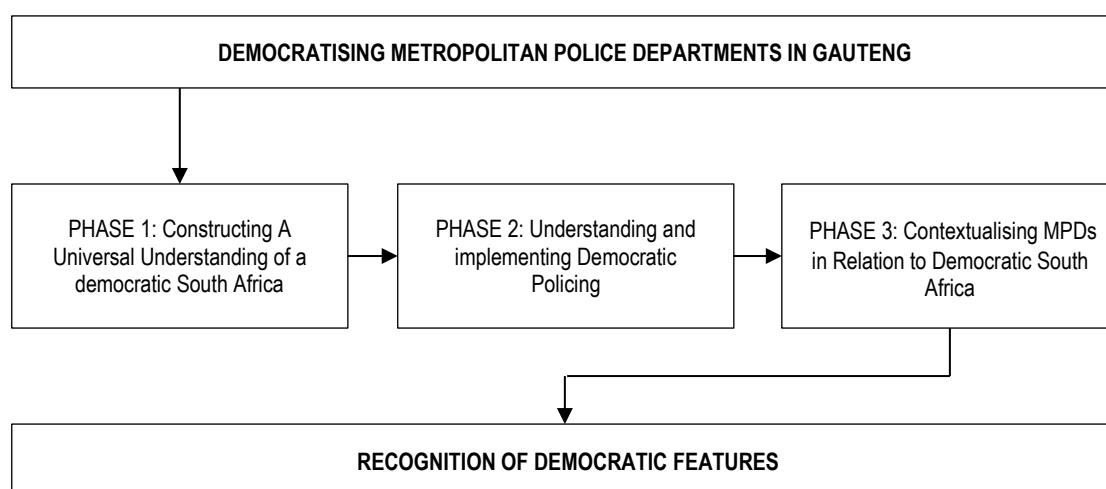
From the discussions contained in sections 7.3.12 till 7.3.17 above, it is clear that participants do not perceive the MPD role as it relates with the notion of a democratic South Africa. Law enforcement constitutes the cornerstone of the MPDs activities, while very little proactive methodologies are applied. Subsequently, the democratic features of a preventive and proactive focus, objective professionalism and individual and situational responsiveness are exceptionally absent from these departments.

Only after MPDs have created a universal understanding of a democratic South Africa, and a workable construal of democratic policing has emerged, will MPDs be able to comprehend their role as it relates to the notion of a democratic South Africa, to policing *in lieu* of law enforcement and as it relates to other policing agencies. It is thus recommended that the process of constructing a policing model that embraces the democratic features of objective professionalism, individual and situational responsiveness and a proactive focus, is constructed from these universal understandings.

7.4 A PROPOSED MODEL FOR THE DEMOCRATISING OF GAUTENG'S METROPOLITAN POLICE DEPARTMENTS.

In sections 7.3.1 till 7.3.17 above, various recommendations, intended to democratise MPDs were presented. If these recommendations are amalgamated, a model that provides MPDs in Gauteng with an appropriate avenue to align with the notion of a democratic South Africa emerges. This model entails three related processes, which should be followed in a very specific sequence, as is demonstrated in figure 7.1 below.

Figure 7.1: *Democratising Metropolitan Police Departments in Gauteng*



(Researcher's illustration of concept)

From this model, it becomes evident that creating an appropriate and wide-ranging collective understanding relevant to a democratic South Africa is fundamental to democratising Gauteng's MPDs. If no such an understanding exists, it will be impossible for MPDs to create a policing model that is both democratic and addresses the needs of a democratic South Africa. Subsequently, this model recommends a set of related processes, which logically should follow each other. The outcomes of each process fundamentally build on the outcomes of the previous. It should be noted that each process contained in the model presented in figure 7.1 consists of various specific outcomes, role-players, and methodologies. A more comprehensive version of this model, highlighting these specific outcomes, role-players and methodologies is presented in annexure H.

7.5 RECOMMENDATIONS FOR FUTURE RESEARCH

Based on the outcomes of this research, it is recommended that additional research which investigates the relation between other policing agencies and a democratic South Africa is conducted. It can be anticipated that such studies will contribute towards democratising policing in South Africa and creating a national standard of democratic policing within the Republic. In addition, it is recommended that research evaluating the manner in which MPDs currently engage in the policing of road traffic and municipal bylaws is conducted. It can be anticipated that such research will contribute to identifying and implementing both proactive and reactive policing tactics that MPDs can use to improve current policing practices. Lastly, research that monitors significant changes, trends and emerging paradigms of democracy should be conducted on an ongoing basis. Such research will ensure that police organisations, including Gauteng's MPDs stay democratically relevant within a contemporary South Africa.

7.6 CONCLUSION

The aim of this research was to determine if the metropolitan police mandate, as it is collectively understood and experienced by senior metropolitan police officials in the Gauteng province, is appropriate and constructive to a democratic South Africa. Based on the findings of this research, it can be concluded that senior metropolitan police officials in Gauteng, as a collective, fundamentally does not comprehend the width, depth or breadth of a democratic South Africa. Instead, these officials hold a narrow understanding of democracy, limited to rudimentary democratic principles and values. As a result of this limited understanding of democracy, senior metropolitan police officials hold a significantly limited collective understanding of democratic policing. The collective understanding held by senior metropolitan police officials was largely constructed around a very basic notion of accountability, fundamentally voided from key elements such as transparency, non-discrimination and subservience to a civil authority. In addition, no significant relationship between democratic policing and South Africa's democracy emerged from this collective understanding. Lastly, from the perspective of senior metropolitan police officials, law enforcement constitutes the cornerstone of how MPDs engage in their mandated functions, with little evidence to suggest that any substantial proactive engagement exists. It thus can be concluded that the democratic features of a preventative and proactive focus, objective

professionalism and individual and situational responsiveness are exceptionally absent from these departments. Subsequently, the metropolitan police mandate, as it is collectively perceived by senior metropolitan police officials in the Gauteng Province, is neither appropriate nor constructive to a democratic South Africa.

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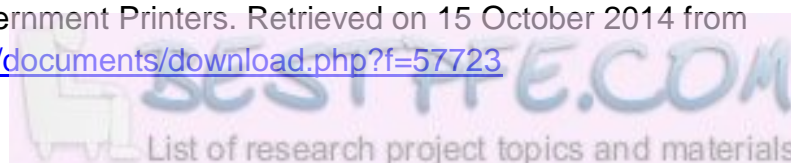
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ANNEXURE A

LETTERS TO GATEKEEPERS

Annexure A1: Letter to the TMPD requesting permission to conduct a qualitative study within the TMPD

Annexure A2: Letter to the JMPD requesting permission to conduct a qualitative study within the JMPD

Annexure A3: Letter to the EMPD requesting permission to conduct a qualitative study within the EMPD

ANNEXURE A1. Letter to the TMPD requesting permission to conduct a qualitative study within the TMPD

24 May 2016

The Chief of Police
Tshwane Metropolitan Police Department
Chief KS Ngobeni

APPLICATION TO CONDUCT A RESEARCH PROJECT WITHIN THE TSHWANE METROPOLITAN POLICE DEPARTMENT

Chief;

This letter serves as an application to conduct a qualitative research project within the Tshwane Metropolitan Police Department. Participation by your department in this research, will form part of a larger study, as all three metropolitan police departments in Gauteng will be focused on during this study.

I currently am a registered student for the degree *Doctor of Literature and Philosophy* in the field of Police Science at the University of South Africa (UNISA). A prerequisite for this qualification is the completion of a comprehensive research project within the field of policing. In addition, I am furthermore a member of a metropolitan police department, where I hold the rank of Superintendent.

The title of the proposed research study is '*A critical assessment of the metropolitan police mandate in Gauteng*'. The premise of this research is to investigate the qualitative variation in how senior and mid-level managers of the various metropolitan police departments in the Gauteng province identify with the mandated functions of the metropolitan police department, specifically within the context of South Africa's democracy. A research proposal, which outlines the details of the proposed study, is attached to this letter for your convenience and review.

Based on the content of this proposal, the Department of Police Practice of UNISA has granted permission that the intended research may proceed. The University has appointed a study supervisor to oversee and monitor the intended study. The contact details of the applicant's supervisor will be as follows:

Professor Rika Snyman
Tel:
E-mail:

It is of critical importance that cognisance is taken of the potential benefits this research might yield for metropolitan police departments operating within the South African democratic framework. It is foreseen that an analysis of the various ways in which the metropolitan police department's mandate currently is perceived in, will enable metropolitan police departments to clarify their complex and multifaceted mandate, consequently enhancing service delivery. As this research is conducted in the backdrop of South Africa's fragile democracy, this research will provide metropolitan police departments with valuable knowledge on how they can enhance and ensure their accountability, service delivery and legitimacy, subsequently improving public credibility and approval. South Africa's democracy is constantly threatened by corruption, profound inequalities, state deficiencies and personal insecurity. It is expected that this research will provide metropolitan police departments with an appropriate model to address these issues, consequently contributing towards greater national stability and enhanced

democracy. Furthermore, it is anticipated that this research will assist local governments with developing strategies, policies and programmes to ensure enhanced public safety.

The researcher requests your approval to conduct 10 one-on-one interviews within your department. Each interview will take approximately 15 - 20 minutes to conduct and will consist of various open-ended questions relating to the metropolitan police mandate and democracy. The researcher intends to interview 5 senior police managers, and 5 mid-level managers within your department. These interviews shall be conducted in strict accordance with the ethical principles of autonomy, informed consent, non-maleficence, beneficence, justice and confidentiality.

This research will have no financial impact on the department as I have obtained a bursary from UNISA to cover all the research costs. Furthermore, it is anticipated that this research will have a minimal impact on the organisational productivity and operational effectiveness of the department.

Research is a public trust that must be ethically conducted, trustworthy, and socially responsible if the results are to be valuable. Subsequently I give you my assurance that all ethical requirements, as is prescribed by the Ethics Committee of UNISA, will be applied throughout the entire study. The research results will be made available to you and, should you require, I will make myself available to personally make a presentation to you on these results.

Thank you in advance for your kind assistance in this regard.

ERNST HENDRIK VAN BILJON
Student Number: 32648820

ANNEXURE A2. Letter to the JMPD requesting permission to conduct a qualitative study within the JMPD

24 May 2016

The Chief of Police
Johannesburg Metropolitan Police Department
Chief Z.V. Nyanda

APPLICATION TO CONDUCT A RESEARCH PROJECT WITHIN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

Chief;

This letter serves as an application to conduct a qualitative research project within the Johannesburg Metropolitan Police Department. Participation by your department in this research, will form part of a larger study, as all three metropolitan police departments in Gauteng will be focused on during this study.

I currently am a registered student for the degree *Doctor of Literature and Philosophy* in the field of Police Science at the University of South Africa (UNISA). A prerequisite for this qualification is the completion of a comprehensive research project within the field of policing. In addition, I am furthermore a member of a metropolitan police department, were I hold the rank of Superintendent.

The title of the proposed research study is '*A critical assessment of the metropolitan police mandate in Gauteng*'. The premise of this research to investigate the qualitative variation in how senior and mid-level managers of the various metropolitan police departments in the Gauteng province identify with the mandated functions of the metropolitan police department, specifically within the context of South Africa's democracy. A research proposal, which outlines the details of the proposed study, is attached to this letter for your convenience and review.

Based on the content of this proposal, the Department of Police Practise of UNISA has granted permission that the intended research may proceed. The University has appointed a study supervisor to oversee and monitor the intended study. The contact details of the applicant's supervisor will be as follows:

Professor Rika Snyman
Tel:
E-mail:

It is of critical importance that cognisance is taken of the potential benefits this research might yield for metropolitan police departments operating within the South African democratic framework. It is foreseen that an analysis of the various ways in which the metropolitan police department's mandate currently is perceived in, will enable metropolitan police departments to clarify their complex and multifaceted mandate, consequently enhancing service delivery. As this research is conducted in the backdrop of South Africa's fragile democracy, this research will provide metropolitan police departments with valuable knowledge on how they can enhance and ensure their accountability, service delivery and legitimacy, subsequently improving public credibility and approval. South Africa's democracy is constantly threatened by corruption, profound inequalities, state deficiencies and personal insecurity. It is expected that this research will provide metropolitan police departments with an appropriate model

List of research project topics and materials

to address these issues, consequently contributing towards greater national stability and enhanced democracy. Furthermore, it is anticipated that this research will assist local governments with developing strategies, policies and programmes to ensure enhanced public safety.

The researcher requests your approval to conduct 10 one-on-one interviews within your department. Each interview will take approximately 15 - 20 minutes to conduct and will consist of various open-ended questions relating to the metropolitan police mandate and democracy. The researcher intends to interview 5 senior police managers, and 5 mid-level managers within your department. These interviews shall be conducted in strict accordance with the ethical principles of autonomy, informed consent, non-maleficence, beneficence, justice and confidentiality.

This research will have no financial impact on the department as I have obtained a bursary from UNISA to cover all the research costs. Furthermore, it is anticipated that this research will have a minimal impact on the organisational productivity and operational effectiveness of the department.

Research is a public trust that must be ethically conducted, trustworthy, and socially responsible if the results are to be valuable. Subsequently I give you my assurance that all ethical requirements, as is prescribed by the Ethics Committee of UNISA, will be applied throughout the entire study. The research results will be made available to you and, should you require, I will make myself available to personally make a presentation to you on these results.

Thank you in advance for your kind assistance in this regard.

ERNST HENDRIK VAN BILJON
Student Number: 32648820

ANNEXURE A3. Letter to the EMPD requesting permission to conduct a qualitative study within the EMPD

24 May 2016

The Chief of Police
Ekurhuleni Metropolitan Police Department
Chief B.A Mahlabé

APPLICATION TO CONDUCT A RESEARCH PROJECT WITHIN THE JOHANNESBURG METROPOLITAN POLICE DEPARTMENT

Chief;

This letter serves as an application to conduct a qualitative research project within the Ekurhuleni Metropolitan Police Department. Participation by your department in this research, will form part of a larger study, as all three metropolitan police departments in Gauteng will be focused on during this study.

I currently am a registered student for the degree *Doctor of Literature and Philosophy* in the field of Police Science at the University of South Africa (UNISA). A prerequisite for this qualification is the completion of a comprehensive research project within the field of policing. In addition, I am furthermore a member of a metropolitan police department, were I hold the rank of Superintendent.

The title of the proposed research study is '*A critical assessment of the metropolitan police mandate in Gauteng*'. The premise of this research to investigate the qualitative variation in how senior and mid-level managers of the various metropolitan police departments in the Gauteng province identify with the mandated functions of the metropolitan police department, specifically within the context of South Africa's democracy. A research proposal, which outlines the details of the proposed study, is attached to this letter for your convenience and review.

Based on the content of this proposal, the Department of Police Practise of UNISA has granted permission that the intended research may proceed. The University has appointed a study supervisor to oversee and monitor the intended study. The contact details of the applicant's supervisor will be as follows:

Professor Rika Snyman
Tel:
E-mail:

It is of critical importance that cognisance is taken of the potential benefits this research might yield for metropolitan police departments operating within the South African democratic framework. It is foreseen that an analysis of the various ways in which the metropolitan police department's mandate currently is perceived in, will enable metropolitan police departments to clarify their complex and multifaceted mandate, consequently enhancing service delivery. As this research is conducted in the backdrop of South Africa's fragile democracy, this research will provide metropolitan police departments with valuable knowledge on how they can enhance and ensure their accountability, service delivery and legitimacy, subsequently improving public credibility and approval. South Africa's democracy is constantly threatened by corruption, profound inequalities, state deficiencies and personal insecurity. It is expected that this research will provide metropolitan police departments with an appropriate model

to address these issues, consequently contributing towards greater national stability and enhanced democracy. Furthermore, it is anticipated that this research will assist local governments with developing strategies, policies and programmes to ensure enhanced public safety.

The researcher requests your approval to conduct 10 one-on-one interviews within your department. Each interview will take approximately 15 - 20 minutes to conduct and will consist of various open-ended questions relating to the metropolitan police mandate and democracy. The researcher intends to interview 5 senior police managers, and 5 mid-level managers within your department. These interviews shall be conducted in strict accordance with the ethical principles of autonomy, informed consent, non-maleficence, beneficence, justice and confidentiality.

This research will have no financial impact on the department as I have obtained a bursary from UNISA to cover all the research costs. Furthermore, it is anticipated that this research will have a minimal impact on the organisational productivity and operational effectiveness of the department.

Research is a public trust that must be ethically conducted, trustworthy, and socially responsible if the results are to be valuable. Subsequently I give you my assurance that all ethical requirements, as is prescribed by the Ethics Committee of UNISA, will be applied throughout the entire study. The research results will be made available to you and, should you require, I will make myself available to personally make a presentation to you on these results.

Thank you in advance for your kind assistance in this regard.

ERNST HENDRIK VAN BILJON
Student Number: 32648820

ANNEXURE B

PERMISSION LETTERS FROM PARTICIPATING DEPARTMENTS

Annexure B1: Permission to conduct research within the TMPD

Annexure B2: Permission to conduct research within the JMPD

Annexure B3: Permission to conduct research within the EMPD

ANNEXURE B1. Permission to conduct research within the TMPD



Tshwane Metropolitan Police Department

Room B10 | 1st Floor | Tshwane Metropolitan Police Department | Head Office
Cnr WF Nkomo Street and E'skia Mphahlele Drive | Pretoria | 0002
PO Box 440 | Pretoria | 0001
Tel: 012 358 5912/012 358 0156 | Fax: 086 214 4705 | 012 358 0193
Email: SteveNo@tshwane.gov.za | www.tshwane.gov.za | www.facebook.com/CityOfTshwane



My ref:
Your ref:
Contact person: KS Ngobeni
Section/Unit: Chief of Police

Tel:
Fax:
Email:

012 358 5912/0156
012 358 0193
SteveNo@tshwane.gov.za

30 May 2016

Mr E.H. Van Biljon

PERMISSION TO DO AN ACADEMIC STUDY AT THE TSHWANE METRO POLICE DEPARTMENT

In principle, approval is granted subject to the following conditions:

- The National Statement on Ethical Conduct in Human Research must be complied with for the duration of the study at the Tshwane Metro Police Department (inclusive of the necessary confidentiality and privacy of information, research merit and integrity whilst balancing benefits and risks).
- Approval from the Office of the Chief of Police must be obtained prior to the formal release and/or publication of research material.

We trust you will find this in order.

Regards


KS Ngobeni

CHIEF OF POLICE: TSHWANE METROPOLITAN POLICE DEPARTMENT

Date

9/6/16

**C4O
CITIES**
CLIMATE LEADERSHIP GROUP

Kgoro ya Ditirelo tsa Sephodisa sa Mmasepala • Metropolisediens • Lefapha la Ditirelo tsa Sepodisi sa Toropokgolo
Ndzawulo ya Vukorhokeri bya Maphorisa ya Masipala • Imisebenzi Yezamaphoyisa Omkhandudolobha
Metro Police Services

On request, this document can be provided in another official language.

ANNEXURE B2. Permission to conduct research within the JMPD



a world class African city

City of Johannesburg
Metropolitan Police Department
Office of the Chief of Police

Public Safety Headquarters
195 Main Road
Maitland
Public Safety Headquarters
2000

P.O. Box 4068
Johannesburg
South Africa
2000

Tel +27(0) 11 758 9101
Fax +27(0) 11 758 9200
www.joburg.org.za



**TO: MR ERNST H. VAN BIJON
SUPERINTENDENT
TSHWANE METROPOLITAN POLICE DEPARTMENT**

DATE 7 November 2016

SUBJECT: DOCTORAL RESEARCH INTERVIEWS WITH JMPD PERSONNEL

The Johannesburg Metropolitan Police Department Office of the Chief has granted permission to Mr MR ERNST H. VAN BIJON Superintendent, Tshwane Metropolitan Police Department to conduct interview with employees of the JMPD on the 7th and 8th of November 2016 from 09h00 to 14h00.

Hope you will find all in order

**MR Z.V. NYANDA
CHIEF OF POLICE
JOHANNESBURG METROPOLITAN POLICE DEPARTMENT**

To ensure a universal sense of safety and security

ANNEXURE B3. Permission to conduct research within the EMPD



To : Mr EH van Biljon

From : J Friedlander
Deputy Chief of Police

Date : 17 August 2017

Metropolitan Police Department
City House
Cnr Margaret Avenue and Long Street
Kempton Park
South Africa

Private Bag X23
Kempton Park
1620

Tel : (011) 999-3762
Fax : (086) 615 9955
Website : www.ekurhuleni.gov.za
E-Mail : Revo.Spies@ekurhuleni.gov.za

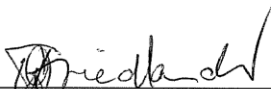
Authorisation to conduct a research project within the EMPD

Please be advised that this department has no objection to the proposed research project you wish to undertake in EMPD.

However, it is requested that a copy of the final document be made available to this department upon completion.

Thank you in advance.

Yours faithfully.



W.J. Friedlander
Deputy Chief of Police
EMPD

ANNEXURE C

QUALITATIVE INTERVIEW SCHEDULE

PARTICIPANT DETAILS:

GENDER: _____ Male / Female

RACE: _____ African / Coloured / White / Asian / Other (Specify: _____)

YEARS' EXPERIENCE IN POLICING: _____

SECTION: _____

RANK & GROUP:

GROUP 1

Chief of Police
Deputy Chief of Police
Director

| |
|--|
| |
| |
| |

Commander (Deputy Director)
Senior Superintendent
Superintendent

GROUP 2

| |
|--|
| |
| |
| |

1. OPENING

OBJECTIVE: To formally open the interview, and familiarise the participant with the purpose, potential consequences, and obligations that may arise from the interview.

- The researcher to open the interview by introducing himself to the participant.
- Explain the purpose of the research to the participant.
- Explain to the participant the role that he / she is expected to play in this research.
- Explain to the participant the rights that he / she have in relation to this research.
- Present the informed consent form (researcher / participant agreement) to the participant for his / her signature.
- Participant to receive a copy of the signed consent form.

2. OPEN ENDED QUESTIONS

OBJECTIVE 1 & 2: To probe the participants understanding of democracy and its impact on policing in South Africa.

1. What do you think is meant by the term 'democracy'?
2. How would you describe democracy in South Africa?
3. What do you think is the fundamental role of police organisations operating in South Africa's democracy?
4. Considering South Africa's democracy, what would you say are the most critical democratic features police organisations operating in South Africa should display?
5. What is your understanding of police accountability? (How should police organisations ensure accountability)
6. What is your understanding of community based service delivery? (How should police organisations ensure community based service delivery?)
7. What is your understanding of police legitimacy? (How should police organisations legitimacy?)
8. What is your understanding of police professionalism? (How should police organisations ensure professionalism?)

9. What is your understanding of police objectivity? (How should police organisations ensure community objectivity?)

OBJECTIVE 3: *To probe the participant's understanding of the metropolitan police mandate.*

1. If you are approached by members of the community, and they ask you to explain the mandate of the metropolitan police department to him, how would you go about in explaining the business of the metropolitan police department to them?
2. How in your opinion, should the metropolitan police department engage in road traffic policing?
3. How in your opinion, should the metropolitan police department engage in bylaw policing?
4. How in your opinion, should the metropolitan police department engage in crime prevention?
5. Would you say that these functions are interrelated to and dependant on each other? (If so, how and to what extent?)
6. To what extent do you think these functions can be used to promote democracy in South Africa?
7. Would you consider the manner in which metropolitan police departments currently engage in their functions as constructive to South Africa's democracy? (Why do you say that?)
8. How do you think metropolitan police departments should go about to ensure that stay democratically relevant within the South African context?
9. Do you think the mandate of metropolitan police departments should be extended, to include for example limited investigative powers and the powers to detain individuals? (Why do you say that?)
10. Do you think such an extension will contribute towards democracy in South Africa?

Closing: *Formally close the interview.*

- Thank the participant for taking the time to participate in this study.
- Provide the participant with details on how and when the participant can obtain feedback in relation to this study.
- Ensure the participant again that all necessary precautions are taken to ensure anonymity and confidentiality.
- Formally close the session.

END OF INTERVIEW

ANNEXURE D

INFORMED CONSENT FORM

*INFORMED CONSENT FORM
(Participant / Researcher Agreement)*

DEPARTMENT: *TMPD / JMPD / EMPD*

REF. NUMBER: _____ / _____ / _____

DATE: _____ / _____ / _____

I hereby declare that the researcher has explained the following to me:

- The aims, objectives and purpose of the research.
- That I am under no obligation to participate in this study.
- That I may terminate my participation in this research at any given time.
- That the extent of my participation in this research will consist of this interview, and possibly a follow-up interview.
- That this interview will be recorded and transcribed.
- That all reasonable steps will be taken to ensure my anonymity, as is described in the attached information sheet.
- That I am under no obligation to provide the researcher with any of my personal details.
- The possible consequences of my participation of this research.
- That I will be provided with a copy of the transcribed interview, should I request it.
- That no negative impact on the overall functioning of the department concerned is anticipated.

Consider the above information, I agree to the following:

1. That I am taking part in this research of my own free will.
2. To grant the researcher this interview, and possibly a follow-up interview.
3. That the interview may be recorded, and transcribed.
4. That the data generated by this interview, may be used by the researcher for the purpose of this study.
5. That I will receive a signed original copy of this agreement before the interview commence.

By co-signing this document, the researcher undertakes to apply the principles of autonomy, non-maleficence, beneficence, justice and confidentiality in his handling of the data generated by this interview.

Date: _____ \ _____ \ _____

Date: _____ \ _____ \ _____



INFORMATION REGARDING ANONYMITY AND CONFIDENTIALITY PROCEDURES:

In any research it is the responsibility of the researcher to ensure that the information provided by research participants is presented in such a way that the participant concerned cannot be identified as an individual, or as the source of the information. For the purpose of this study, the researcher intends to take the following measures to ensure the anonymity of participants participating in this study:

1. All correspondence between the researcher and participants will be treated as strictly confidential. Subsequently the researcher will be the only person with access to such correspondence.
2. As no personal details of participants will be recorded on any interview schedule or other document, the identity of the participant will only be known to the researcher.
3. Only the researcher will have access to recorded interviews. All interviews will be transcribed by the researcher himself. This measure will reinforce the anonymity of the participant concerned.
4. The department in which the participant is employed, his rank and position within the organisation will not be mentioned in the research text. Instead, each participant will be assigned with a unique reference number. Departments will also not be mentioned. The exact meaning of this reference number will only be known to the researcher.
5. The above reference number will take the following format (examples only):

i / A / 1
iv / B / 2
viii / C / 1
6. The reference number, as is demonstrated above, will be the only manner in which participants and departments will be referenced when delineating the results of the research.
7. The researcher is confident that such a reference numbering system will ensure the confidentiality and anonymity of the participants concerned.

Initial (Researcher)

Initial (Participant)

ANNEXURE E

ETHICAL CLEARANCE FROM THE UNIVERSITY OF SOUTH AFRICA



COLLEGE OF LAW RESEARCH ETHICS REVIEW COMMITTEE

Date: 09-10-2015

Reference: ST 96

Applicant: E H van Biljon

Dear E H van Biljon

DECISION: ETHICS APPROVAL

| | |
|---------------|---|
| Name | E H van Biljon |
| Proposal | A critical assessment of the Metropolitan Police Mandate in Gauteng |
| Qualification | D Lit et Phil |

Thank you for the application for research ethics clearance by the College of Law Research Ethics Review Committee for the above mentioned research. **Final approval is granted.**

The application was reviewed in compliance with the Unisa Policy on Research Ethics.

The proposed research may now commence with the proviso that:

1. *The researcher will ensure that the research project adheres to the values and principles expressed in the Unisa Policy on Research Ethics which can be found at the following website:*

http://www.unisa.ac.za/cmsys/staff/contents/departments/res_policies/docs/Policy_Research%20Ethics_rev%20app%20Council_22.06.2012.pdf

2. *Any adverse circumstances arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the College of Law Ethical Review Committee.*

An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants

3. *The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.*

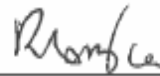
Note:

The reference number (top right corner of this communique) should be clearly indicated on all forms of communication (e.g. Webmail, E-mail messages, letters) with the intended research participants. as well as with the URERC.

Kind regards



DR B HAEFELE
CHAIR PERSON: RESEARCH ETHICS
REVIEW COMMITTEE
COLLEGE OF LAW



PROF R SONGCA
EXECUTIVE DEAN:
COLLEGE OF LAW

ANNEXURE F

IMAGES AND VIDEO LINKS OF MPDs ENGAGING IN UNPROFESSIONAL BEHAVIOUR

LINKS TO ONLINE VIDEOS OF POOR PROFESSIONALISM BY MPDs

| VIDEO TITLE | LINK |
|--|---|
| Metro cop and taxi driver | https://www.youtube.com/watch?v=orvPa4zdivQ |
| Metro Taking Bribe | https://www.youtube.com/watch?v=runypD2Q490 |
| EMPD Officer in a mood | https://www.youtube.com/watch?v=wDaCCDZ2HQ |
| Tshwane Metro police disgusting behaviour | https://www.youtube.com/watch?v=g9qNdpbCQ4Q |
| Johannesburg Metro Police Assault Motorist | https://www.youtube.com/watch?v=9CWSbN6z6mA |
| JMPD metro police abuse in jozi, cop assaulting a woman | https://www.youtube.com/watch?v=2v-IVEI8DI |
| South Africa's metro police in action | https://www.youtube.com/watch?v=2VFtr54Kml |
| Tshwane metro police officer behind bars | https://www.youtube.com/watch?v=mhNE8MuX1HI |
| Hawkers are considering laying criminal charges against the Tshwane Metro Police: | https://www.youtube.com/watch?v=MzKX3ODCGNs |
| eNuus Reporting Team Threatened by Metro Police | https://www.youtube.com/watch?v=CHU-MPtnwV4 |
| Abuse from Metro Police JHB | https://www.youtube.com/watch?v=NJUTaUbrYCE |
| Metro Police official in Edenvale Johannesburg has run in with cheeky member of the public | https://www.youtube.com/watch?v=M31m7iC5rSo |
| Ekurhuleni Metro police officer arrested for fraud: | https://www.youtube.com/watch?v=d3qMLc_VAD4 |
| Brandon Topham - Metro police Pta North | https://www.youtube.com/watch?v=lyez6lZyKE0 |
| South Africa Metro Police Brutality on an Innocent Nigerian Woman | https://www.youtube.com/watch?v=o2psh_omodA |
| 67sec Of Racist Act By Metro Police Official In South Africa | https://www.youtube.com/watch?v=QhX5IsYJHRE |
| JHB Metro Cop caught on Camera asking for a R 200 bribe | https://www.youtube.com/watch?v=9do6NC5mBjM |
| JHB metro police taking bribes | https://www.youtube.com/watch?v=cQhoHLgCfjY |
| Johannesburg Metro police assault | https://www.youtube.com/watch?v=XJ5UIHtZxo4 |
| JMPD unaware of bribe claims | https://www.youtube.com/watch?v=hhkPN9A_IGo |
| Another Day Another Bribe In Joburg: | https://www.youtube.com/watch?v=AuGHlybcg-w |
| Metro Cop pulls gun at Ray | https://www.youtube.com/watch?v=ZMk7rQLjV7I |

LINKS TO ONLINE NEWS ARTICLES OF POOR PROFESSIONALISM BY MPDs

| ARTICLE TITLE | LINK |
|---|---|
| EMPD officer nabbed with illegal gun in Birch Acres | https://kemp-tonexpress.co.za/162345/empd-officer-nabbed-with-illegal-gun-2/ |
| Beggars accuse Durban metro cops of assault | https://www.iol.co.za/news/south-africa/kwazulu-natal/beggars-accuse-durban-metro-cops-of-assault-11969743 |
| Orange cops are bad, blue cops are good' | https://mg.co.za/article/2017-07-14-00-orange-cops-are-bad-blue-cops-are-good |
| Metro police promise to do better | https://joburg-eastexpress.co.za/77194/metro-police-promise-to-do-better/ |
| This is police brutality | https://www.iol.co.za/news/crime-courts/this-is-police-brutality-1728270 |
| Traffic cops taking bribes in SA: Readers share their stories | http://www.wheels24.co.za/News/Guides_and_Lists/traffic-cops-taking-bribes-in-sa-readers-share-their-stories-20161206 |
| Metro Police called out on 'thug' behaviour | https://citizen.co.za/news/south-africa/229117/metro-police-called-thug-behaviour/ |
| Case opened against Gauteng metro cops | https://www.news24.com/SouthAfrica/News/Case-opened-against-Gauteng-metro-cops-20140901 |
| 2 Tshwane metro cops arrested in Centurion | https://rekordcenturion.co.za/128053/2-tshwane-metro-cops-arrested-in-centurion/ |
| Tshwane metro police officers accused of theft | https://www.enca.com/south-africa/tshwane-metro-police-officers-accused-of-theft |
| 'Recall metro cops' | https://www.iol.co.za/news/crime-courts/recall-metro-cops-7404349 |
| 'TMPD only visible when issuing fines, taking bribes' | https://www.iol.co.za/news/crime-courts/tmpd-only-visible-when-issuing-fines-taking-bribes-2027230 |
| EMPD 'aware' of video showing traffic cop slapping motorist | http://ewn.co.za/2017/09/15/empd-aware-of-video-showing-traffic-cop-slapping-motorist |
| Two metro police assault incidents in 4 days reported in Edenvale | https://bedfordviewedenvalenews.co.za/308420/two-metro-police-assault-incidents-4-days-reported-edenvale/ |
| EMPD fails women during march on Women's Day | https://tembisan.co.za/63942/empd-fails-women-on-womens-day/ |
| EMPD dismisses 'white bitches' allegations | https://citizen.co.za/news/south-africa/442407/empd-dismisses-white-bitches-allegations/ |

ANNEXURE G

TURNITIN AUTHENTICITY REPORT

ANNEXURE H

DEMOCRATISING METROPOLITAN POLICE DEPARTMENTS IN GAUTENG

| DEMOCRATISING METROPOLITAN POLICE DEPARTMENTS IN GAUTENG | | | |
|--|--|---|--|
| PHASE 1: CONSTRUCTING A COMMUNAL UNDERSTANDING OF DEMOCRACY | | | |
| PRIMARY OBJECTIVE | SPECIFIC OUTCOMES | ROLE PLAYERS | RECOMMENDED METHODOLOGY |
| Creating a universal understanding of a democratic south Africa Amongst MPDs in Gauteng | <ul style="list-style-type: none"> Formulating democratic principles and values as strategic objectives Implementation of strategies, policies and internal processes that protect and maintain democratic values and principles Implementation of quality and relevant democracy related training. Constant measuring of performance to monitor progress | <ul style="list-style-type: none"> MPDs Academics The Judiciary The SAPS and all other policing organisations operating in Gauteng Civilian Secretariat for the Police | <ul style="list-style-type: none"> MPDs to collaborate with each other and other agencies to formulate a universal understanding of democracy Collective / individual strategy and policy formulation |
| PHASE 2: UNDERSTANDING AND IMPLEMENTING DEMOCRATIC POLICING | | | |
| PRIMARY OBJECTIVE | SPECIFIC OUTCOMES | ROLE PLAYERS | RECOMMENDED METHODOLOGY |
| Creating a universal and democratic relevant understanding of democratic policing as it applies to MPDs | <ul style="list-style-type: none"> An improved understanding and application of accountability within Gauteng's MPDs Improved Legitimacy of MPDs Improved Objectivity of MPDs Improved Professionalism of MPDs Improved Community Based Service delivery | <ul style="list-style-type: none"> Metropolitan Municipal Councils concerned MPDs The Community The SAPS IPID | <ul style="list-style-type: none"> The establishment of municipal bylaws to ensure proper and wide-ranging accountability Creation of SOPs addressing issues affecting legitimacy, together with regular lifestyle audits, background checks and integrity testing Development of a democratically relevant code of conduct, supported by appropriate disciplinary and corrective measures Modernising police training, standard setting, and strict policies relating to recruitment. Adopting community policing as overarching police philosophy, formulating strategies in relation thereto and support by specialists |
| PHASE 3: CONTEXTUALISING MPDS IN RELATION TO A DEMOCRATIC SOUTH AFRICA | | | |
| PRIMARY OBJECTIVE | SPECIFIC OUTCOMES | ROLE PLAYERS | RECOMMENDED METHODOLOGY |
| Creating a universal and democratic relevant understanding of democratic policing as it applies to MPDs | <ul style="list-style-type: none"> A clear, definitive and democratic relevant understanding and application of the MPD Authority Creating a democratic based police model, that incorporate both reactive and proactive police tactics, with crime prevention as an implicit result thereof Improving the current democratic state of MPDs Proactively building capacity in anticipation of a possible extension of the MPD mandate | <ul style="list-style-type: none"> MPDs SAPS Community Civilian Secretariat for the Police | <ul style="list-style-type: none"> MPDs collectively redefine their role as it relates to the notion of democracy, as it relates to policing in lieu of law enforcement, and as it relates to other policing agencies in Gauteng. A strategy to implement the identified role should be collectively developed and implemented in accordance with a proper implementation plan. This strategy should be multilateral in nature, and must address issues such as transformation, change management, accountability, ethics and community relations. Criteria to measure the impact of the strategy should be developed and the impact of thereof should continuously be monitored. |
| OVERALL OUTCOME: RECOGNITION OF DEMOCRATIC FEATURES | | | |
| OBJECTIVE PROFESSIONALISM: Realised through the improvement of professionalism, objectivity, accountability and the adoption of a community policing approach | | | |
| A PROACTIVE AND PREVENTIVE FOCUS: Realised by implementing proactive police tactics in relation to road traffic and bylaw policing, community policing and a clear understanding of the MPD role | | | |
| SITUATIONAL AND INDIVIDUAL RESPONSIVENESS: Realised by improved professionalism, objectivity, community based service delivery and an appropriate policing model. | | | |

