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TRANSFORMING POLICE ORGANIZATIONS FROM WITHIN

Police Dissident Groupings in South Africa

MONIQUE MARKS*

This paper explores the slow pace of change within police organizations. It examines some possible reasons for this slowness, and suggests that new policies and legislation do not automatically bring about desired transformation within the police. The paper argues that effective police transformation may require a more radical challenge of established police culture. Such a challenge, it is argued, may be generated by 'dissident' police groupings which defy existing police practice and frameworks. The paper explores two such groupings that emerged within the South African Police Service in the eighties and nineties. One of these organizations takes the form of a trade union, and organizes rank and file members. The other takes the form of a black management network, and is concerned with organizing black police in a management function. The paper explores the reasons for their genesis, the challenges they have posed, and makes some comments on the impact they have had on the police management and dominant police culture. The paper concludes by comparing these two South African dissident police groupings with similar groupings in the United States and Britain.

This paper examines an under researched area of policing—that of internal police resistance and of 'dissident' police groupings. In South Africa in the past ten years, one could identify two dissident groupings, consisting of black police officers who have protested the internal racist practices of the South African Police Service (SAPS),¹ as well as (though to a lesser extent), the racist and discriminatory policing of black communities. These groups have also challenged the slow pace of transformation in the police service.

While these groupings were met with much resistance from police management in their formative stages, they have come to be seen as significant for a number of reasons. First, the initial grouping, the Police and Prisons Civil Rights Union (POPCRU) is at present one of the largest police unions in South Africa, and is central to any transformation process initiated in the SAPS. Secondly, these groupings have been able to harness the support of local black communities. Thirdly, the groupings have been able to mobilize both rank and file and management echelons within the SAPS. They have also made apparent concerns that face black police officers internationally, particularly in countries where they are in a minority.

This paper explores the slowness of change in police organizations generally, but particularly in the South African case where police transformation has been high on the political agenda. It then examines the two unique groupings that actively challenged this transformation process. It explores their emergence during state transition; their

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¹ During the apartheid years, the state police in South Africa were called the South African Police. When the new democratic government was elected in 1994, the name changed to the South African Police Service as an attempt to move away from the image of a force, to an image of a service.

potential to impact on police organizational change; and the reasons for their sustainability or demise. It argues that internal resistance or challenge is one of the most effective and direct mechanisms for bringing about change in policing agencies, but that for this challenge to be successful, a commitment, on the part of the police agency itself, to a change in the formal rules of policing² must be evident.

The Difficulties of Police Transformation

The need for change in policing bodies in societies that are in the process of transforming from authoritarian to democratic governance (such as South Africa) is essential. Internal security systems, the police in particular, are necessary elements in any democratization process. As a central institution of the state, and an indicator of the quality of democratic institutions, the behaviour of internal security forces is an important part of a government's operational commitment to democratization (Gill 1994; Huggins 1998).

In many ways, the police not only reflect the nature of the state, but are also responsible for the prevention or promotion of state change. Marenin (1996) argues that the police are 'major actors' in changing societies. They are involved in crucial activities such as the combating of crime, the protection of citizens and change agents, and the curtailing of threats to the functioning of society. Indeed, it could be argued that neither formal nor substantive democratization has been accomplished unless and until internal security bodies themselves have been democratized, brought under civilian control, and have a concern for citizens' human rights. In large part, this is contingent upon the removal of discriminatory practices within police organizations themselves. However, transforming police organizations has proven extremely difficult given their conservative nature and general resilience to change (Reiner 1992; Weitzer 1993).

Even in countries that have undergone dramatic changes in governance, and have stated commitments to democracy, human rights and equitable service delivery, police forces have retained their historical abusive and discriminatory character. The numerous cases of ongoing police violence in such democratizing states as El Salvador, Guatemala, Mozambique, as well as Brazil and South Africa, demonstrates that democratic constitutions and elections do not translate automatically into democratic policing (Huggins 1998; Shearing 1995; Seleti 1998). Indeed, despite general societal and state attempts at democratization, police systems tend to remain structurally and procedurally authoritarian and racist in their treatment of citizens of colour, and this includes their own police of colour (Du Toit 1995).

Let us turn to the Mozambican³ case as an example of such police resistance to the process of transformation. Seleti (1998) writes that independence in Mozambique has not given rise to 'respectable' policing. This, he argues, is because 'a combination of the colonial legacy of authoritarianism, African traditions and Marxist democratic centralism made Frelimo rule burdensome' (1998: 9). The resulting consequence of these factors rendered the police extremely authoritarian, using corporal punishment for minor offences that included flogging and the purging and imprisonment of Frelimo

² This paper draws from the central argument of Chan (1996) with regard to the transformation of police culture.

³ The Mozambique case was chosen as an example of an African state on the South African border.

opponents. This remained unchallenged by the public sphere given Frelimo's virtual monopoly of information dissemination. The crisis in governance in Mozambique led to 'the incoherence of police providing opportunities to use coercive methods of policing . . . The use of violence by the police became part of the repertoire of police strategies to maintain authority, to control suspects, and to obtain information' (Seleti 1998: 13).

Seleti argues that the 1992 General Peace Accord in Mozambique opened up new opportunities for the transformation of the police, and a National Police Affairs Commission was established to ensure that the police do not violate the democratic rights of citizens. In addition, the United Nations, as part of its peace building initiatives in Mozambique, was also involved in monitoring the police. Mozambique has also recently witnessed the opening up of the public sphere through increased press freedoms and a 'growth of political movements and other organs of civil society' (Seleti 1998: 19). However, while police transformation is underway, there are continuing reports of police corruption and brutality. Seleti argues that in understanding this, one needs to acknowledge that 'police identities in Mozambique are rooted within a powerful social structure that reproduces hegemonic relations of inequality. The images of the police as corrupt are embedded in routines of social and political life' (1998: 22).

There are a number of ways in which one can understand the conservatism of police organizations and their resilience to change. A Weberian approach would argue that once bureaucracies are established, they are extremely difficult to deconstruct. Even when state change occurs (as a result of revolution or incremental change) institutions maintain their rules for functioning, as well as their 'expert' functionaries. Secondly, as Seleti (1998) has argued, police institutions maintain legacies of historical behaviour and ideology, and are rooted in past and present cultures and traditions that may be authoritarian in nature. Thirdly, it is widely argued in the literature on policing that 'cop culture' has universal features that are difficult to transform (Reiner 1992). These features include machismo, conservatism, pessimism and vocationalism, which to some degree give police organizations and their members a sense of identity (Reiner 1992).

Changes in legislation and policy on their own are not guarantees for police transformation. Reiner (1992) believes that rank and file subculture, as well as mechanisms of lower level accountability, need to be factored in. But, as Shearing (1995) argues, changing police subculture is not a simple task that can be achieved simply via new training and policy. What is needed, Shearing argues, is the creation of 'new stories' for and by the police. These 'stories' need to celebrate forms of policing that have been silenced by existing police culture. Such stories, Shearing claims, could come either from a whole new management echelon, or alternatively, from state police taking guidance from 'popular' (non state) policing practices.

However, it is unlikely that many police forces will easily accept Shearing's proposals for reform. An entire change in leadership is highly improbable (and Shearing acknowledges this). It is also argued that Shearing has gone 'too far' in his disregard for the potentialities of law and rules in bringing about police transformation (Dixon 1995). Regardless, a change in policing culture (and thus behaviour) requires at the very least a change in environment (social and political), as well as a change in the actual field of policing (Chan 1996).

Whichever explanation one adheres to, what is clear is that state change and changes in legislation, policy and constitutions alone, do not give rise automatically to police transformation. This paper argues that such transformation is dependent on police

agents themselves. This involves a challenge from within police organizations, and such challenges are particularly effective when collectively organized.

While the need might appear obvious to examine police unions as agents of change in the police, the existing literature on police unionism is scant. Much of the literature that does exist is located in the period of the 1970s and 1980s when police unions began to emerge in western democratic societies (Reiner 1978; Juris and Feuille 1973; Larson 1978; Bent 1974; Fogelson 1978; Gammage and Sachs 1972; Goldman 1979). Police unions in these countries generally serve a number of purposes—to improve wages and working conditions; to provide benefit services to members; to participate in the policy-making processes of the police; and to protect the constitutional rights of police workers.

While police unions have concerned themselves with attempts to improve police/community relations, and to improve the public image of the police, they are generally conservative organizations (Cox 1996; Reiner 1978). They have tended to oppose police withdrawal of labour (strikes), resisted affiliation to broad-based trade union federations, and have protested against oversight bodies in the police (Gammage and Sachs 1972; Juris and Feuille 1973).⁴ In South Africa, on the contrary, police unionism has provided a real (progressive) challenge to the state police to speed up transformation (with great costs to its membership in its early years), as this paper will show. Before examining this challenge, let us turn first to the current state of policing and police reform processes in South Africa.

Things Change but They Stay the Same: The Case of the SAPS

The brutal, partisan and corrupt nature of the South African Police throughout apartheid governance (and also previously) has been well documented (Cawthra 1993; Marks 1997; Lee and Klipin 1997; Shaw 1994; van der Spuy 1989). Perhaps Brogden and Shearing best sum up the legacy of this history:

South African policing has not simply promoted an order that has devastated the lives of black South Africans, but has been an essential part of that order . . . The oppressive policing that has sustained apartheid, much of it carried out by black officers, has been accomplished partly through the ample legal and physical ability to kill, to maim, to torture and to terrorize. Accountability of the SAP to the law, to the courts, and to the society it has served, has been characterized by rules that permit—indeed, encourage—rather than constrain, police violence (1993: 16).

While in the above quotation Brogden and Shearing are mostly concerned with the undemocratic external behaviour of the South African Police, this police service has also been characterized by a complete lack of internal organizational democracy. In particular, black police officers have historically been retained in low-ranking positions; have been subject to highly discriminatory promotion policies and practice; have received inferior benefits with regard to housing, transport, medical aid; and were

⁴ For example, in June 1999, one of the major police unions in South Africa, the South African Police Union, declared a complete rejection of the civilian body that investigates police brutality and abuse of power, the Internal Complaints Directorate (ICD). SAPU has argued that the ICD hampers their attempts at combating crime by criminalizing the police who resort to the use of force in what they claim to be a highly dangerous criminal environment (*The Independent on Saturday*, 05/06/99).

unable to join police associations. According to Brogden and Shearing (1993), by the late 1980s, four fifths of black police members were of constable rank only, and a career framework was only available to white police. Furthermore, black members of the police were continually utilized in the most difficult and problematic policing activities, such as the policing of the volatile black townships at the height of apartheid's legitimacy crisis. Black police until the late 1980s were also not allowed to arrest whites.

Another major indicator of the historic lack of internal democracy within the South African Police was the complete lack of any mechanism for collective bargaining and for the expression of grievances. Historically, labour relations were unilaterally controlled by police and public sector management. This was both a result of the autocratic and militaristic nature of the police, as well as the fact that the public service in general had very poor mechanisms of collective bargaining prior to 1993. Before this time, any grievances whether collective or personal in nature, was dealt with on an individual basis by a higher-ranking officer. Grievances could relate to anything from distinctly personal issues such as transfers, to potentially collective problems such as discrimination. Dealing with all grievances through the existing authoritarian ranking system served to make all problems individual, and to consequently break down any 'politicization' of these issues (Marks 1998).

As South Africa entered into a phase of negotiated transition in the early nineties, it became clear to all parties involved in the process that the transformation of the South African Police was central to any change process. Shaw, writing of the transition process, stated that:

Few issues are more central to the future of this country's attempt at democratic compromise than the maintenance of public order . . . Restoring civil order and personal security for all South Africans is thus very important for a successful transition, and a credible, competent, and accountable police force, enjoying broad public legitimacy is a prerequisite for a durable democracy. (1994: 1)

While it was clear that there was a need for the police to break with their racist, violent and unaccountable past, fundamental transformation of this institution was unlikely to occur; at best what was to be anticipated was reformation of the existing force. As Penuel Maduna, ANC representative at a conference on prospects for democratizing policing in May 1992 stated:

The political and economic reality confronting us is that there is no question of the apartheid oriented, non representative South African police force, which is rooted in the gross denial of human rights to the oppressed black masses, being dismantled and replaced with a new force. At the same time, we cannot take the SAP over as it is, with its wrong orientation, tendencies, and value systems . . . Trapped as we are between Scylla and Charybdis, as it were, we are constrained to talk about the need to transform the existing forces and instruments of the law . . . and infuse them with new, humane and democratic values and personnel . . . The alternative of us throwing them out lock, stock and barrel is just not feasible. (cited in Cawthra 1993: 167)

So began a process of transformation of the police in South Africa. The aims of this process are outlined in the South African Police Service Act 1995. This Act 'provides for the establishment, organization, regulation, and control of the South African Police Service'. The Act stipulates that the new police services should protect all South Africans; should safeguard fundamental human rights; should engage in co-operative

relationships with communities; should reflect concern for the victims of crime; and should have effective civilian oversight.

At a more practical level, since the 1994 democratic elections in South Africa, the Minister of Safety and Security, together with the National Commissioner, set in motion a series of internal changes in the police service. These include increased civilianization, transparency, accountability and internal representivity. Policies of affirmative action have also been developed together with the appointment and promotion of black officers, relaxed legislation with regard to police unionism, the demilitarization of rank and insignia, attempts to root out corruption, and the creation of a single united police service, now the South African Police Service.

There can be little doubt that the process of transformation in the SAPS has brought about some significant changes. There have been huge advances in the sphere of labour relations, where, for the first time in this organization's history, there are mechanisms and legislation that allow for institutionalized collective bargaining, as well as freedom of association and organization. This can be linked to the programme of demilitarization to some extent, since the ranking system no longer represents an inflexible hierarchy to quell individual and collective grievances. Such shifts indicate a commitment to internal democracy.

Externally, the police have, in principle, adopted a new style and philosophy of policing—community policing—and have created civilian oversight bodies and new systems of accountability. While such advances are far from complete, they must be viewed as indicative of some commitment toward change within the SAPS. This is not to deny that there is a multiplicity of problems that continue to plague this organization. These include widespread incompetence, high levels of corruption, abuse of power, and misconduct.

Police misconduct and abuse of power by the SAPS have received much public attention in recent months. The key civilian oversight body, the Internal Complaints Directorate (ICD), recently published some alarming statistics in this regard. Neville Melville, head of the ICD, disclosed that since its inception in April 1997 until August 1998, it had received 2,979 complaints.

Of these, 1,025 were notifications of deaths in police custody and those arising as a result of police action . . . the vast majority of victims were black males and the police officials involved were mostly white males . . . Of concern to the ICD is that, according to statistics released by Minister Mufamadi in 1997, 9,035 police officers were charged with criminal offences, while another 17,526 other complaints were received . . . The ICD has no insight as to how the other 92.5% are being dealt with by the police. (Melville 1998: 7)

Such instances and reports of misconduct and abuse of power by the police, together with serious questions as to the police's commitment to community policing (Mbhele 1998), indicate that the SAPS is far from its goal of become a human rights, community-oriented police service. To the contrary, the problem of police misconduct in the SAPS has reached massive proportions in South Africa. Recent research by the SAPS has shown that members of the police are three times more likely to be involved in crime than the general public (*Mail and Guardian*, 22/05/89). All this gives rise to a serious lack of confidence of the public in the police. This is best indicated by the alarming high levels of murder of police officers in South Africa. In 1997 alone, 237 police officers were killed,

and between 1994 and 1997, 1,015 policemen were killed while off duty (*Daily News*, 18/11/98).

But it is the ongoing racism in the SAPS that has received much attention from black police officers, and is an ongoing point of mobilization for the police unions. Black members of the SAPS have complained of ongoing racist treatment toward them with regard to promotion, deployment and abuse by high-ranking officers. Mary de Haas, longstanding police violence monitor, reports that innumerable numbers of black police officers have turned to her for assistance with 'problems they are experiencing such as discrimination and racism in the workplace, tardiness in receiving monies due to them, and a lack of success in applications for promotion' (1998: 4). Racism, or perhaps a lack of affirmative action, can best be exemplified if one is to look at the racial breakdown of police management where the numbers of black high-ranking officers are in short supply.

While of a total number of roughly 130,000 SAPS members, 69.17 per cent are black (African, Indian or Coloured), it is in high ranking and leadership roles that black members are severely under-represented. Of a total of 12,182 commissioned officers, only 4,064 are black (Marks 1998). This means those in positions that enable them to instruct, guide and make important policy and strategic decisions are, for the most part, still white. There are, however, some interesting anomalies. While the National Commissioner is white, he has three black deputy commissioners and one white deputy commissioner. But the numbers become disproportionate once more as one examines those in high ranking supervisory positions in the SAPS.

At the superintendent level, of 2,530 members, 1,928 are white (Marks 1998). These statistics, reflecting the nature of the SAPS at present, raise serious questions regarding the process of promotion and appointment. Concerns about racism, continual misuse of power and corruption in the SAPS, have led the National Head of Equity in the SAPS to conclude that transformation has not occurred in the service.

What hope is there then of further change within the SAPS? This paper maintains that while societal and institutional transformation can in part be brought about through the vision and actions of individuals, or through contradictory forces in society, these have generally been accompanied by some form of collective action aimed at partial or fundamental change. The questions that then need to be asked are the following: which police within the SAPS have dissented from this 'dominant culture' and practice in the police? How effective have their collective challenges been? What is the likelihood of their future impact? It is to these questions that the paper now turns.

Firing Shots from Within: Defying Dominant Police Culture and Custom in South Africa

The mobilization of black rank and file policemen and women

Groups of police officers concerned about the lack of internal and external democracy of the police force began to emerge in South Africa when the political environment opened up to challenge and liberalization. In 1989, a group of black police officers began to organize themselves in defiance of the organizational structure, policies and practices of the apartheid South African Police (SAP). The fact that police had no proper means of grievance procedure outside of the ranking system, combined with the appalling

conditions under which they worked, as well as the much contested political role played by the service, led to an almost inevitable coming together of aggrieved members.⁵ This occurred in South Africa during a period of mass defiance, and an opening up of the political arena for oppositional groupings.⁶

On 5 September 1989, the Police and Prisons Civil Rights Union (POPCRU) was launched, and thousands of police (and prison wardens) took to the street indicating their support for this organization.⁷ According to Lundo Sam, elected president of POPCRU in 1995, POPCRU was formed for two reasons. First, it was intended as a mechanism for police to protest their use by the government to uphold apartheid laws and policies. Secondly, it aimed to provide a voice for black police officers who worked under extremely poor conditions, and had no collective voice as workers. POPCRU therefore had a dual function. It identified itself primarily as a civil rights-based organization, and in the second instance as an industrial-based union.

In its 1995 Secretariat Report, it is stated that POPCRU was established with the sole purpose of promoting stability, unity, impartiality, and furthermore, to recognize the civil and basic human rights of all South Africans . . .

Indeed, POPCRU's significance is that it took the first step as a mass organization to challenge the very institution that was the backbone of an oppressive and racist system—the SAP. At the same time, it provided a vehicle for black policemen and women to challenge racism within the police organization, and allowed for the representation of a more distinct and progressive cop culture.⁸

However, POPCRU also identified itself as a trade union, and was in fact the first real trade union in South Africa.⁹ POPCRU was met with much resistance from police management, and subsequent to its formation, in March 1990, about 90 of its members were dismissed from their jobs, and about 400 suspended: 'State reaction to the fledgling union [was] severe. POPCRU meetings were tear-gassed, and members attacked with batons and dogs by white SAP members' (Brogden and Shearing 1993: 79).

In part, both the successful organizing of POPCRU, as well as the state's repressive response to its formation, can be attributed to its close association with South Africa's largest liberation movement organization, the African National Congress (Brogden and Shearing 1993; Cawthra 1993; Marks 1998). The image of POPCRU as a black, militant union was reinforced time and again before South Africa's first national elections in 1994. For example, POPCRU members were reported to have marched on SAP headquarters chanting a phrase often used in ANC aligned protests—'Kill the boer [Afrikaaner], kill the farmer' (*Sowetan*, 09/08/93).

POPCRU's formation was significant at a number of levels. First, it demonstrated to the public that there were police concerned with the fundamental abuse of human

⁵ According to Cawthra, POPCRU emerged as the result of ' . . . public calls on black police to heed the voices of their struggling brothers and sisters, and attempts by revolutionary organizations to win them over—and the racism of their white colleagues—have brought many around to the democratic cause' (1993: 80).

⁶ In June 1989, the Mass Democratic Movement in South Africa decided to launch a mass defiance. This coincided with the appointment of a new prime minister, F. W. de Klerk, who began to utter statements about his intent to unban political organizations such as the African National Congress.

⁷ For a more detailed and fascinating account of POPCRU's inception, see Cawthra (1993).

⁸ Steytler (1990) makes the point that police agencies may have divergent police cultures across and within ranks, and that police culture itself may change over time.

⁹ Trade unions in the police were only formally recognized in 1993. By this time, another largely white trade union, the South African Police Union, had also formed. Many perceived its formation as aimed at countering the existence of POPCRU.

rights, which the criminal justice system perpetuated. Secondly, it placed the need for both external and internal police democratization firmly on the SAP agenda, making explicit that police management would not be adhered to without question.

It may seem surprising that such an organization was not entirely criminalized by the state. There are two possible explanations. POPCRU was part of a far greater social movement industry aimed at state and societal transformation, and the apartheid states had already begun informal negotiations with the then banned ANC, and were aware of the need to create a legitimate police service (Shaw 1994). POPCRU's legitimacy and popularity can also be attributed to the fact that it identified itself as a trade union at a time when the regulation of trade unionism in South Africa was already underway.¹⁰ It could be argued that its continued strong support base and membership can be ascribed in part to its institutionalized status as a partner in the new collective bargaining arrangements of the South African Police Service (Marks 1998).¹¹

POPCRU's membership (not unlike police unions internationally) grew dramatically in its first few years, with most members being low ranking black police officials. By 1996, POPCRU claimed a membership of 47,000.¹² But, while POPCRU was able to mobilize with ease, its effectiveness and efficiency have been limited by internal organizational weakness. While its organizational form follows that of industrial-based unions, it did not effectively develop local structures for organizing and communication. POPCRU's assistant general secretary stated in an interview in 1997 that he was not convinced that meetings and report backs were taking place at local level, and communication between national, provincial and local leadership and members was deemed poor (Marks 1998). In terms of its capacity as a trade union, it was weakened by the lack of training and expertise of leadership in negotiation and mediation. Finally, there has been a high level of leadership turnover, and the formation of breakaway groups. Perhaps this was because too much attention was given to its more social movement character.

The image of POPCRU as a militant dissident group was transformed following the national elections in April 1994 when the ANC-led government was elected. In 1996, POPCRU decided to affiliate to the Congress of South African Trade Unions (COSATU) which has a strategic alliance with the ANC, the governing party. As a result of this alliance, POPCRU decided to develop a less antagonistic relationship with the new ANC-led government. This, they believed, was necessary so as to give the new government an opportunity to implement change. However, as contesting interests emerged between government and labour representatives, the alliance has become increasingly strained, and the COSATU (and consequently POPCRU) struggled to develop means of maintaining its independent interests as labour. POPCRU maintained that the transformation of the SAPS to a representative and effective organization would remain its primary concern (Marks 1998).

POPCRU's approach appears to have shifted once more in recent years. The lack of transformation, particularly the continued racism toward black police members, has

¹⁰ Ibid.

¹¹ In 1993, along with the recognition of police unions, a police National Negotiations Forum was established. In 1995, the first South African Police Labor Regulations were promulgated institutionalizing collective bargaining in the police service. In 1996, the SAPS for the first time were included in the Labor Relations Act governing industrial relations in both the public and private sector. The struggles of POPCRU played a significant role in these recent changes in police labour relations.

¹² It should be remembered that POPCRU represents both police and prison workers. This figure is a combined one, though by far the majority of members would be police.

angered and frustrated POPCRU, and has led to a re-evaluation of their more 'amicable' tactics. Despite severe consequences for its members, POPCRU in some regions has decided to engage in militant collective action, particularly with regard to what they deem to be racist processes of promotions in the SAPS, and the continual appointment of white, racist police officers into management positions. In the last nine months of 1998, POPCRU in KwaZulu Natal embarked on a number of actions against local and provincial police management. This included an illegal sit-in at police headquarters.

The purpose of the sit-in was to demand the resignation of the provincial commissioner given what they claimed to be his lack of commitment and willingness to transform the service (*Mercury*, 11/05/98).¹³ Members blocked the entrance to the building and would not allow anyone to enter or leave the building. This resulted in the forceful deployment of the Public Order police unit to remove their fellow police officers. In another incident, POPCRU members engaged in a work-to-rule action at Durban's main police station, leading to the disruption of services. About 100 members left their office posts and congregated in front of the main gate of the police station, disrupting services and making access to the police station extremely difficult. They were protesting against the promotion of white police officers and the poor representation of blacks in management positions in the police (*Daily News*, 05/05/98). Following this incident, 29 members participating in the collective action were dismissed from the SAPS,¹⁴ but at the same time, police management in the province began a series of discussions with the unions about fast tracking the affirmative action process.

POPCRU has also publicly stated that it intends to make racism and affirmative action its prime focus in the coming few years. The union recently launched its new programme, and one of its main campaigns, according to spokesman Siyavuya Jafta, will be 'a decided sweep at the old guard of a police force notorious for its racism' (*Mercury*, 31/10/98). In particular, Jafta has identified National Commissioner Fivas and 'his associates' as in urgent need of a 'shake up', given what he believes to be their lack of commitment to transformation and affirmative action.

POPCRU in the late 1990s has reverted back to a militant black organization with a combined concern for traditional industrial-based issues, and intra-organizational issues of racism and affirmative action. This has come about due to a political environment in which the union movement is questioning its relationship to the governing party, and the inadequacy of organizational transformation; it continues to straddle the path between being a trade union and political movement. However, while it claims to be concerned broadly with the transformation of the SAPS, it has maintained an internal focus with little activity around transforming the police in relation to the public it serves. It has tended to neglect issues such as moves toward community-oriented policing, and the need to eradicate corruption from the service. This lack of an outward focus and conservatism on the part of police trade unions is not atypical, but is limited (Juris and Feuille 1973; Larson 1978).

So what has POPCRU achieved? To begin, it has had a significant impact on both the police organization itself, and on the view the public has of the police in South Africa. In

¹³ It should be noted that this action was taken without due consultation with the national body of POPCRU. In fact, the NEC of POPCRU dissociated itself from this action. Interview with Director Sakkie Steyn, head of labour relations in SAPS, January 1999.

¹⁴ According to the Labor Relations Act (1996), members of the SAPS are not permitted to strike. Strikes are broadly defined in the Act to include any withdrawal of labour.

its capacity as a trade union, it brought to the fore the prospect of police unionism in South Africa (Cawthra 1993) for the first time. As a result, it has played a key role in establishing collective bargaining and grievance procedures and structures in the South African Police Service, which at present benefit all police members. In 1995, in large part due to the demands of POPCRU, the Police Service Labour Regulations were promulgated. These regulations were an important break with past mechanisms of dealing with labour-related issues within the police in South Africa. First, they recognize the right of employees to join organized representative formations. The regulations also contain new grievance procedures aimed at resolving grievances in the shortest possible time.

The regulations also make provision for the establishment of a National Negotiations Forum (NNF) in the police service at a national level. The NNF is constituted by the employer, and recognized employee organizations. It deals with 'issues of mutual concern'. Over the years, the NNF has become a forum for dealing with (i) issues pertaining to conditions of service; (ii) broader transformation issues such as health and safety, affirmative action, equal opportunity; and (iii) police policy, such as national crime prevention strategy and police plans.

The second major achievement of POPCRU has been its consistent challenge of the conservatism and racist practice of both the SAP and the SAPS.¹⁵ POPCRU has provided black members with a 'home' to voice their experiences and their concerns. Thirdly, POPCRU played a crucial role in its early years in indicating to the (mainly black) public that there were police concerned with the brutal nature of apartheid policing. Finally, POPCRU, by virtue of its size and its mobilizing capacity, has resulted in a hesitancy on the part of police management to engage openly in activities that have the potential to catalyse the union into action. At the back of most police managements' heads when decisions are to be made, is the constant reminder 'what will POPCRU do if I decide on a particular course of action?'

High-ranking black officers organize

Both POPCRU's internal weakness in dealing with more industrial-based issue, as well as their perhaps unstrategic activity, which has led to the arrests and dismissals of their membership, has led to a questioning of POPCRU's effectiveness.¹⁶ Perhaps in part owing to the organizational weaknesses within POPCRU, a new grouping of what could also be termed a 'dissident police', with similar principles and concerns to POPCRU, has been formed within the SAPS. In June 1998, the Black Officers Forum (BOF) was launched by three high-ranking black officers. This forum is primarily concerned with the lack of transformation in the SAPS. The BOF has also been self-critical and has also been concerned with black police in management positions and senior ranks in the

¹⁵ In 1995 it was decided, as part of the transformation process of the police, to change the name from the South African Police to the South African Police Service. The aim was to indicate the move away from a 'force' to a 'service'.

¹⁶ According to Sakkie Steyn, head of labour relations in SAPS, while POPCRU's membership has not declined in recent years, the recent agency shop agreement reached in the Public Sector Bargaining Chamber has shown a tendency for police members (black and white) to join the historically more conservative, yet more organized police union, SAPU. SAPU in fact now has almost double the membership of POPCRU.

service whom they believe 'are not challenging the existing culture and power relations within the organization' (Marks 1998b).

Following a membership drive of about two weeks, the BOF claimed a membership of 500 black police officers.¹⁷ According to a founder member of the BOF, the organization aims to bring about proper transformation in the SAPS that 'moves beyond the mere placement of black faces in previously white positions' (Marks 1998b). This, according to the founder member, Mpho Mutle, means a move away from 'token affirmative action' (*Daily News*, 29/09/98), where black members are placed in management positions while lacking proper training or expertise. The forum believes that only if black members feel confident of their own worth, competence and ability to command respect, will they be tenacious in confronting and challenging an organization where black members are subject to racism and paternalism.

While at first glance it may appear that the BOF and POPCRU have similar concerns, they seem to have differing social bases and strategies. The BOF represents only those members in management functions (regardless of rank) who should be instrumental in bringing about change from the 'top down'. According to Mutle, the BOF differentiates itself from the unions such as POPCRU in that it has no desire to deal with 'working condition-type issues'. The BOF aims to create networks within black management of police officers concerned with transforming the management echelon as a primary mechanism for change.¹⁸ This is important since it allows those in the police who already have structural power and access to resources to impact on important daily and long-term practices and decision making. For unions like POPCRU, such an impact is generally the result of negotiated and protracted processes. The BOF approach coincides with the views of Shearing (1995) regarding the need to change management in order to bring about organizational transformation within the police.

The BOF resonates somewhat in its tactics and strategies with the black consciousness movement of the seventies. Imran Hayden, a member of the BOF in KwaZulu Natal made this connection explicit in stating that 'the need for the BOF to be black was more in line with how the black consciousness movement would identify separate organizations of black people in the past'.¹⁹

The BOF has been greeted with ambivalence and caution by POPCRU, and with much antagonism from SAPS management. Initially National Commissioner Fivas refused to entertain or meet with the BOF. Fivas seems to have held the view that such a structure would lead to divisiveness within the organization that he believed was not in the interest of the broader organization, or police management. This is hardly surprising given the secretive nature of police organizations, their suspicion of 'external' intervention, and their authoritarian character, all of which do not bode well for internal opposition of any form.

According to press reports, Commissioner Fivas was concerned that press releases prepared by the BOF portrayed SAPS management in a negative light, and this was believed to be damaging to the organization. The forum made bold statements such as 'senior white officers have had cushy jobs and comfortable positions in the past—now it is

¹⁷ Interview with Mpho Mutle, founder member of the BOF, October 1998. Mutle holds the rank of director and is the project leader for the restructuring of SAPS.

¹⁸ Interview with Mutle, October 1998.

¹⁹ Interview with Hayden, October 1998. Hayden is also the head of labour relations in KwaZulu Natal.

time for them to wake up', and that police management 'may think that they are being pressurized now, but eventually they will come back and thank us . . .' (*Mercury*, 19/10/98). The National Minister of Safety and Security was forced to intervene and facilitate a meeting between the forum and the Commissioner. Ultimately, the Commissioner had no real option but to interface with the BOF. Not to do so would undermine his organization's stated commitment to its members' democratic constitutional rights of freedom of expression, organization and protest.

It is unlikely that the forum will become a 'mass' organization—at best, it will serve as a cohesive pressure group. But the mere fact that its constituents are in positions of power and influence will make them a difficult group to ignore. Secondly, if the BOF is able to achieve its goal of providing proper training and support for black senior officers in the SAPS, this will transform the current perception by many (particularly white) members of the police that black managers are ineffective and incapable. Furthermore, such an achievement will have a major impact on the culture of the police from one that is dominated by white managers concerns and custom.

The extent of impact of the BOF, however, will depend on its ability to (i) constructively engage both with their constituency and with more intractable elements in management; (ii) to maintain a critical perspective, and; (iii) to develop feasible, alternative strategies that impact on structure, training, policy, as well as organizational culture.

While POPCRU and the BOF have differing social bases, strategies, tactics and resources, as well as the fact that they emerged in divergent socio-political contexts, they have similar goals and objectives. While POPCRU could definitely be conceived of as a social movement organization linked to a broader social movement industry, the BOF has less of a social movement character. However, if considered jointly, they could constitute two organizations in a new social movement industry of internal challengers to racism and poor service delivery within the SAPS.

Being black organizations who represent the aspirations of a broader grouping of black civil servants and also the communities that they serve, they potentially have a far larger group of supporters and beneficiaries than their actual membership represents. Indeed, their membership is still limited by the fact that members of these organizations continue to be victimized by white management. At present, they are also limited by their organizational immaturity, and the organizational weaknesses identified above (particularly within POPCRU). However, the organizational, social, and political context provide them with the opportunity to mobilize, organize, and to impact on the transformation process currently underway within the SAPS, and in South Africa more broadly.

Conclusion

In many ways what is happening in South Africa presently is not entirely unique; similar processes took place in liberal democratic states in the 1970s when police trade unionism became recognized and institutionalized. When police unions were first recognized in the United States in the seventies, for example, separate black associations were formed in a number of states to represent the specific issues confronted by black police members. For example, when police associations were formed in Memphis in 1973, black policemen formed their own Afro-American Police Association (Bent 1974).

American academics Juris and Feuille (1973) who conducted research on the impact of police unions for the US Department of Justice, found that black police organizations existed in almost every city that they visited. These organizations, they claim, centred their energies on two types of grievances: 'grievances arising out of the relationships between black and white officers and the role of the black officer in the department; and grievances arising out of the relationship between the police agency and the black community' (Juris and Feuille 1973: 13).

The concerns these associations raised were similar to those raised by the black organizations in South Africa, and include the lack of promotional opportunities, horizontal segregation, prejudicial treatment of black officers by white officers. These 'militant' organizations, Juris and Feuille argue, operated in an environment of poor relations between black and white police officers. Unlike South Africa, however, these associations do not form part of the trade union movement.

In the late 1970s, a national body, the National Organization of Black Law Enforcement Executives (NOBLE) was formed, and continues to represent top ranking law enforcement personnel in the local, state and federal government. A glance at the activities of NOBLE over the past few years indicates that this organization is concerned with both racial dynamics within police agencies, as well as the external relationship between police and black communities. They are engaged in training police and communities in skills needed for effective community policing, cultural diversity, new police responses to domestic violence, and youth development.²⁰ In fact, NOBLE, unlike the BOF and POPCRU, appears to place primary emphasis on external democratization, rather than on internal police organizational democracy.

In the United Kingdom too, black police officers have come together in an organization called the Black Police Association (BPA²¹). The BPA was formed in 1994. The aim of this organization is to 'stamp out what it called a "canteen culture" of racial stereotypes and banter . . . and to tackle institutional racism and act as a support network for members' (*BBC Online Network*, 19/04/99). The need for a support network is in part a result of the low proportion of black representation in police agencies in the United Kingdom.

This racial imbalance also seemingly leads to a tendency to conform. As one of the members of the BPA publicly stated, '. . . once a black person becomes a member of [the police] organization, it becomes apparent that they must conform to the norm . . . If you do not do so, you will be very uncomfortable' (*BBC Online Network*, 19/04/99). Like the Black Officer Forum in South Africa, the BPA say that much of the blame for continued racism in the police organization must be levelled at police management, who, they believe, do not provide evidence of support for anti-racist policies. They propose that such police managers should be 'named and shamed'.²² Given the lack of academic published work on these black associations in the United Kingdom and the United States, it is difficult to assess their impact and their potential for bringing about a transformed police culture and practice. What is clear, however, is that these groupings of black policemen and women pose a challenge to institutionalized racist practice both

²⁰ <http://www.noblenatl.org/members.htm>

²¹ Unfortunately, given the lack of academic documentation, I am not in a position to comment on the size, programmes or effectiveness of these black police organizations in the United States and United Kingdom.

²² <http://2.thdo.bbc.co.uk/hi/english/uk/newsid%5F180000/180144.stm>

within police agencies, and with regard their treatment of minority groupings in the course of their work. They also offer an alternative (and possibly supplementary) home for black police officers from the more established networks that exist in police agencies.

What is interesting to note is that black associations in Western democratic societies seem to have similar goals to those in South Africa. They also show a tendency for separate organizations to represent the rank and file, and those in more senior ranks within the police. Studies need to pay attention to both types of organization. It is important to make studies both of rank and file police, and police in senior positions in order to understand the policing organization. This is not done frequently in terms of understanding police culture. As Steytler has noted of the majority of studies on police culture: 'Only the relatively powerless officers have thus far been studied, while senior officers remain unexamined' (1990: 107). He argues that it is also necessary to explore what he calls 'high policing' which he says 'may be the product of a different set of norms that have other origins. For cop culture to be an adequate and useful analytic tool, it must account for the norms created by, mediated through, and protected by . . . senior officers' (1990: 107).

In the South African case, it is clear that 'dissident' black police organizations (both at the level of rank and file, and at management level) have posed a challenge to the culture, decision-making processes, and practices of the SAP(S). The emergence of both POPCRU and the BOF indicate that contradictory opinions and responses do exist in the SAP(S). POPCRU, in particular, due to its character as an industrial union as well as a human rights-based organization, has also been instrumental in bringing about internal democratization due to the central role it played in the formation of collective bargaining structures in the SAP(S). POPCRU's trade union identity has also provided it with a vantage point in terms of mobilization, as well its capacity to become institutionalized within the SAPS. The BOF, on the other hand, has the potential to capitalize on the influence of its members due to their management function within the SAPS.

The very existence of these organizations, and the challenges they pose, directly confront the traditional hierarchical nature of policing organizations, as well as the unspoken expectation of police members' quiescent conduct. Both the BOF and POPCRU have provided a watchful eye over police management should they depart from the goals of the organization's transformation process, in particular the goals of representivity, affirmative action and a human rights orientation. Without this 'watchful eye', police transformation in South Africa would most likely take the slow lane option.

The formal rules governing policing (or what Chan refers to as the 'field') have changed in South Africa as the police are now guided by new Acts, policies, codes of conduct, and an unprecedented Constitution. In large part this is the result of organizations like POPCRU operating as a change force from within. For these formal changes to have a significant and lasting impact, the actual practices of the police (what Chan refers to as the 'habitus') also needs to be transformed. Black 'dissident' police organizations in South Africa have provided an agency from within which demonstrate new ways of acting and thinking. And, no doubt, their actions will give rise to further innovative policies in the SAPS.

Their influence, however, is dependent on their capacity not only to mobilize, their competence in presenting themselves as reputable and representative groupings, as well as the development of a consistent and progressive ideology. Regardless of this, what both POPCRU and the BOF demonstrate is that dissident groupings within the police are powerful agents in changing police culture and practice.

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