

Compelling Factors for the Use of Force by the Police in the 21st Century

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Abstract: This discussion paper argues that socio-economic conditions, not only limited to high levels of poverty, inequality in the distribution of wealth, and the alarming rate of crime, in South Africa and elsewhere, have unsurmountable implications for policing. These unbearable conditions in society further contribute to the persistence of extensive tension between law enforcement and the community. This animosity in society creates environments where the use of force may be perceived as necessary, while others argue against it as excessive and as giving rise to a cycle of violence that becomes a pandemic and thwarts development. This paper seeks to answer three research questions: (1) Which factors are significant for understanding the use of force by police officers when apprehending a suspect?; (2) What are the consequences of the use of force by the police?; and (3) How do community members make the police feel compelled to use force when executing their constitutional mandates for maintaining law and order in society? Qualitative data were collected by means of a literature study. The results reveal that it is imperative to consider the social and legal context in which law enforcement operates. The country is currently on a quest to reform the criminal justice system, which will lead to changes in the legal framework on the use of force by law enforcement. Understanding these contextual factors is essential for a comprehensive analysis of the use of force in effecting arrests, as they shape the dynamics and challenges that law enforcement personnel face. Overall, the background and context of South Africa provide a rich and complex environment in which to examine the use of force by law enforcement and its implications for public safety and human rights. Once a lawful arrest has been made, a wide range of legal issues arise concerning the force that may be used in effecting arrests. In South Africa, a common law *prima facie* duty arises with the effect that a police official may, in general terms, use reasonable force to effect an arrest. The use of excessive force may give rise to delictual claims. As South African law reformers deliberate on the laws that govern the use of force to make an arrest, it is important to study how foreign legal systems address this issue. Although South African police have the constitutional right to employ force to detain persons in certain situations, the need remains for oversight mechanisms to safeguard against the improper use of force.

Keywords: arrest, community, excessive force, human rights, policing

Introduction

The functioning of the South African Police Service (SAPS) is a topic of contentious debate. Govender and Pillay (2021) postulate that there are questions about the appropriateness of the police's response to violent crime. Debates mainly encompass issues such as (1) the protection of human rights, (2) the principle of legality, (3) the principle of proportionality, and (4) the people's interests. This paper aims to establish the foundational knowledge necessary for a comparative analysis of the use of force to effect an arrest by the SAPS. The paper delves into the historical, social, and political factors that have contributed to the use of force during the arrest process in South Africa to provide a comprehensive overview of the inherent complexities of this issue. Walsh and Hemmens (2008) point out that social factors, which include poverty, economic inequality/deprivation, social disorganisation, and segregation, are highlighted in the literature. By examining prevailing conditions and historical developments, this paper sets the stage for a detailed comparative exploration of the use of force in the context of arrest procedures.

to ensure a robust understanding of the subject matter. Providing background and context seeks to contextualise the subsequent analysis and situate it within the broader framework of law enforcement practices (Stuurman, 2020).

South Africa has a complex history of racial segregation and oppression, which has significantly influenced the country's approach to policing and the use of force. The legacy of apartheid and its impact on communities have created unique challenges for law enforcement in maintaining public safety and order (Cameron, 2020). Additionally, the post-apartheid era has seen efforts to reform the criminal justice system and address past injustices, which led to changes in the legal framework on the use of force by law enforcement (Ivkovich et al., 2020).

Moreover, the socio-economic conditions in South Africa, including high levels of poverty, inequality, and crime, have implications for policing and the use of force. These conditions can contribute to tensions between law enforcement and the community, as well as create environments where the use of force may be perceived as necessary or excessive (Garrett & Slobogin, 2020). Understanding these contextual factors is essential for a comprehensive analysis of the use of force in effecting arrests in South Africa, as they shape the dynamics and challenges faced by law enforcement personnel (Beresford & Wand, 2020). Overall, the background and context of South Africa provide a rich and complex environment to examine the use of force by law enforcement and its implications for public safety and human rights (Boxer et al., 2021).

Rationale for the Study

The country continues to suffer significant economic losses on an annual basis due to the ineffective actions taken to control criminal behaviour. South Africa currently faces problems of illegal mining / *zama-zamas*, poorly regulated spaza shops, rape, murder, organised criminal gangs, extortion, fraud, cash-in-transit heists, ATM bombings, etc. There are many extortion cases across the country, especially in the Western Cape, KwaZulu-Natal, Eastern Cape, and Gauteng. To remedy the situation, Section 205(1) of the 1996 Constitution provides the SAPS with the following mandate: (1) to prevent, combat, and investigate crime, (2) to maintain public order, (3) to protect and secure inhabitants of the Republic and their property, and (4) to uphold and enforce the law (Roelofse & Gumbi, 2018). The use of force by law enforcement agencies, especially in the context of arrest, has become increasingly problematic (see Table 1).

Table 1

Complaints Received by the Independent Police Investigative Directorate (IPID) for the Year 2022/2023

Type of case	Incidences
Section 28(1)(a) deaths in police custody	221
Section 28(1)(b) deaths as a result of police action	393
Section 28(1)(c) complaints of discharge of an official firearm(s)	710
Section 28(1)(d) rape by police officer	122
Section 28(1)(e) rape in police custody	4
Section 28(1)(f) torture	228
Section 28(1)(f) assault	3 354
Section 28(1)(g) corruption	71
Section 28(1)(h) other criminal matter and misconduct	144
Section 28(2) systemic corruption	1
Non-compliance with Section 29 of the IPID Act	26
Total	5 274

Source: Adapted from IPID (2023)

Table 1 reveals that 5 274 complaints were made against the police to the IPID in the 2022/2023 financial year, which include 3 354 cases of assault, 710 complaints about the discharge of an official firearm(s), and 393 deaths as a result of police action.

Cases of police misconduct in South Africa have come under renewed scrutiny (Fourchard, 2021). To establish a baseline for understanding, it is necessary to consider police powers of arrest. An arrest is a serious interference with a person's right to freedom as enshrined in the Constitution of the Republic of South Africa. The law must therefore not only provide in very specific terms the occasions when an agent of the state may arrest a person but must also provide that the exercise of this power shall be subject to strict legal requirements. An unlawful arrest renders an individual's detention unlawful. South African laws reflect this understanding (Norman, 2021).

Police efficiency is subjected to various benchmarks and, in the public eye, the police are deemed efficient only where there is an absence of crime and disorder in the community (Smit et al., 2022). Once a lawful arrest has been made, a wide range of legal issues arise concerning the force that may be used in effecting an arrest. In South Africa, a common law *prima facie* duty arises with the effect that a police official may, in general terms, use reasonable force to effect an arrest. The use of excessive force may give rise to delictual claims for damages (Lamb, 2021). Smit et al. (2022) opine that it is also important to note that the degree of public cooperation reduces or eliminates the use of physical force. Bennell et al. (2021) postulate that the South African phenomenon is not unique. In selected jurisdictions, the United Kingdom (UK) has the most regulated use of force to effect an arrest. South Africa's regulation of this use of force in terms of a specific Act is arguably comparable law. In Sri Lanka, the statutory regulation of force in arrest is very limited, whereas, in the Philippines, the law does not regulate the police force at all. In five countries, the law corresponding with Section 49 of the South African Criminal Procedure Act (CPA) is very similar to South African law. In contrast, Sri Lankan law is wider in its provisions for using force. In South Africa, an arresting officer's use of deadly force is strictly regulated by legislation and case law. The same applies to the UK's jurisprudence. The regulations in the Philippines allow the use of deadly force, while it is prohibited in South Africa.

Research Questions

This research project sought to answer the following research questions:

1. Which factors are significant for understanding the use of force by police officers when apprehending a suspect?
2. What are the consequences of the use of force by the police?
3. How do community members make the police feel compelled to use force when executing their constitutional mandate of maintaining law and order in society?

Methodology

A qualitative research approach was used for this study. This process provides a researcher with the views and conclusions of other researchers (Henning et al., 2004). Data were collected by means of a literature study of crime statistics, print media, journals, and government documents (including SAPS strategies). This approach, as opined by Giancola (2021), is deemed advantageous as the information contained in documents might be more reliable than that provided by people. Individuals might forget dates and specific information that can be found in documents. Furthermore, documents can save a research project time and money because they provide information that might otherwise have to be collected in more time-consuming ways.

Criminal Justice System

The SAPS and police in general form part of the global criminal justice system (Roelofse & Gumbi, 2018; Smit et al., 2022; Davies et al., 2010; Bezuidenhout, 2020). The functions of each component of the criminal justice system are shown in Table 2.

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Table 2*Functions of the Criminal Justice System*

<i>Police</i>	
✓	<i>Opening a case docket</i>
✓	<i>Investigating crime</i>
✓	<i>Arresting and detaining suspects</i>
✓	<i>Preventing crime</i>
✓	<i>Maintaining law and order</i>
<i>Prosecution</i>	
✓	<i>Opening a charge sheet</i>
✓	<i>Filtering weak cases</i>
✓	<i>Instituting legal proceedings</i>
<i>Court</i>	
✓	<i>Handling and processing cases</i>
✓	<i>Protecting the rights of defendants</i>
✓	<i>Deciding on guilt</i>
✓	<i>Imposing a sentence</i>
✓	<i>Hearing appeals against convictions and sentence</i>
<i>Correctional services</i>	
✓	<i>Holding persons remanded in custody</i>
✓	<i>Holding sentenced offenders</i>
✓	<i>Rehabilitating offenders</i>
✓	<i>Preparing inmates for release back into society</i>
✓	<i>Supervising inmates serving community corrections</i>

Table 2 reveals that there is a relationship between the components of the criminal justice system.

According to Roelofse and Gumbi (2018), the police provide input that the court processes into an output in the form of a verdict. The processed output becomes an input to the correctional services and police. For correctional services this determines the population of inmates kept in custody, while to the police this output is used to measure their effectiveness in collecting evidence for building a court-ready case that will assist in prosecution and ultimately help to prove the case beyond reasonable doubt. “Beyond reasonable doubt”, as opined by Davies et al. (2010), is a high standard of proof that does not limit itself only to the protection of the innocent against wrongful conviction. The failure of any component has a negative impact on the effective functioning of the system. For example, a high conviction rate leads to overcrowding in correctional centres and thwarts the prospects of rehabilitation, which consequently results in recidivism.

Transitions in Policing

Since 1994 there has been a new political order in South Africa that brought about some changes and different feelings among the citizens (see Table 3).

Table 3*Transition in Policing*

Date	Outcome
1995	SAPS
2000	National Crime Combating Strategy (NCCS)
2003	Sector policing

Table 3 indicates that the SAPS came into being in 1995 (De Vries, 2008). According to Govender and Pillay (2021), the NCCS of 2000 was among the first strategies to be implemented. The NCCS had two elements: the first element largely focused on identifying geographic areas with a high crime rate and addressing the situation, and the second element entailed engaging the services of task teams of experienced detectives in the curtailment of organised crime and involved the investigation of syndicates. The improvement of public confidence was among the ultimate goals of the SAPS. Leggett (2004) opines that changes in policing yielded positive results as people felt safer. Sector policing

was introduced in 2003. Sector policing entails dividing police station areas into manageable sectors, appointing sector managers and sector teams, and convening community-police sector crime forums in each sector.

Legal Frameworks Regulating Arrest in South Africa

The Bill of Rights in the 1996 Constitution of South Africa is the paramount legal framework that guarantees fundamental human and environmental rights for everyone in the country. Under Chapter 2, these rights include the right to life, freedom from torture, and cruel, inhuman, or degrading treatment and punishment. Additionally, Section 12(1)(b) provides that “[e]veryone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either public or private sources”, while Subsection (e) maintains that everyone has the right not to be arrested without a warrant; among others. Specifically, in the case of police arrests, Section 22 provides that “[e]very police officer shall, in the execution of his/her duties have regard to the necessity of averting a conflict of interest between himself/herself and the suspect; prevent the death or injury of a suspect; consider the necessity and appropriateness of protecting bystanders; and take into account the characteristics of the arresting officer and the suspect”. However, despite these extensive frameworks intended to uphold civilised and just procedure when arrests are executed, Anglo-American jurisprudence has recognised and confirmed a common legal right to use reasonable and appropriate force to affect an arrest, which has been carried through to the modern day (Roelofse & Gumbi, 2018).

Before discussing the civil impact of the legal frameworks, the relevant statutory and common law approaches to the use of force to effect an arrest must be addressed. Within the South African context, a distinction must be made between the right of private citizens and private individuals to use force to effect arrests. In particular, Section 50 of the CPA, specifically Subsections (1) and (2), provides that “[a] police official may, regardless of the fact that the person is not in his or her presence, arrest such person without a warrant if – (a) such person is about to commit an offense; or (b) such person is committing an offense; or (c) such person has committed an offense – which is of a serious nature”. Additionally, Section 12(1)(c) states that “[n]o one shall be deprived of his liberty save as may be authorized by law”.

Selected Comparative Jurisdictions

As South African law reformers deliberate on the legal rules governing the use of force to effect arrest, it is important to study how foreign legal systems address this issue. Although the SAPS has the constitutional right to employ force to detain persons in certain situations, the need for oversight mechanisms to safeguard against the improper use of force remains. This paper focuses on two potential benchmarks: Australia and the UK. The aim is to compare how these jurisdictions regulate the use of force in arrest within the bounds of the common law, particularly in the context of outdated South African common law, and to discuss underlying methodological issues (Chambers & Vastardis, 2020). A dedication to civil liberties characterises common law systems, although the origins and paths of this commitment vary. South African common law, like the English-inspired statutory law of the Indian subcontinent, is ancient. The South African police force was created in the mid-19th century, and the first law reports date back to the 1800s (Bloom & Labovich, 2020). The emergence of the National Police Complaints Authority, the Police and Criminal Evidence Act of 1984, and an investigative branch of the Crown Prosecution Service to oversee extra-judicial killings reflect this commitment.

Despite having similar civil liberties guarantees written into statutory law, the picture looks drastically different in Australia. Uncertain about the pitfalls of colonisation and the federal arrangement, colonial civil liberties guarantees were vague (Wright & Houston, 2021). Nonetheless, Australia modified the common law role of arrest to relax the rigid requirements and developed elaborate statutory regulations surrounding using force in arrest. A new and modern English law was laid down in 1990 via the Fourth Land Rights & Police Act, wherein UK parliamentarians’ development of substantive law took on a completely novel tone and substance. It appears that there are currently no special regulatory provisions for the use of force in arrest in Australia, as is the case presently in South Africa (Archbold, 2021).

Types of Force Used in Arrests

The legal standards in various jurisdictions generally distinguish between the types of force police officers may use to effect an arrest. This distinction is generally based on whether the suspect willingly submits to the arrest or resists arrest. At an early stage, a distinction was also drawn between the different types of force based on the extent of the means used to effect the arrest (White et al., 2021). Legal standards rely mostly on the perception of these different types of force as force used by the police only to the extent that they were required to use force to overcome suspect resistance. Although South African statistics regarding the use of force to overcome the resistance of the individual

who is being arrested are unreliable, published research studies indicate that not all confrontational arrests result in the police using physical force to enforce compliance (Rau et al., 2020). Differing legal standards relating to the level of force used in an arrest suggest that it is important to establish whether the police are trained in South Africa to recognise suspects who willingly submit to an arrest or who resist arrest and that different types of force are only used to the extent required to compel the suspect to submit to the arrest. Research was therefore undertaken to ascertain under what circumstances the police visualise the use of force, to ascertain in which cases the police use the minimal amount of force required, and if the minimal amount of force required is indeed the legal standard, as well as to explore current police officer training and whether this training standard should be maintained or replaced by a new standard if it does not meet the present legal standard (O'Regan et al., 2022).

The principal aim was therefore to ascertain whether, under differing circumstances, the police in South Africa visualise the use of force, use the minimal amount of force required, and are trained to recognise the type of resistance they are confronted with during an arrest and to use the minimal amount of force required to overcome that resistance. The apparent legal standards pertaining to the use of force in arrests in South Africa may not be appropriate and, as such, will need to be reconsidered to align them with the Constitution (Moran & Hodge, 2020).

Physical Force

Physical force refers to bodily strength or unarmed techniques used to restrain, detain, or subdue a suspect without employing weapons. Police or civilians effecting a lawful arrest may use physical force as a first level of intervention when verbal commands fail or when a suspect resists arrest. Section 49 of the CPA permits reasonable force to effect an arrest but prohibits unnecessary or excessive force. Force must be proportional to the resistance offered and the seriousness of the offense. If physical force leads to injury, the use must be justified.

Less-Lethal Force

Less-lethal force involves non-lethal methods or tools designed to incapacitate a suspect temporarily without causing death. It includes batons, rubber bullets, tear gas or pepper spray, and stun devices (e.g., Tasers). Less-lethal force is typically employed when physical force is insufficient and there is a need to neutralise threats or control aggressive suspects. It is often used during crowd control situations or arrests involving armed suspects where lethal force is not yet justified. Section 49 of the CPA also governs the use of less-lethal force and emphasises proportionality. The use thereof must aim to minimise harm and respect constitutional protection against inhumane treatment. Law enforcement officers are trained to avoid targeting vulnerable areas such as the head or spine to avoid permanent injury.

Lethal Force

Lethal force is the use of force that has the potential to cause death, including the use of firearms or other deadly weapons. According to Section 49(2) of the CPA, lethal force may only be used in arrest situations where it is necessary to protect life (the officer's or others') or to prevent the suspect from committing a crime involving serious physical harm. It is justified if the suspect poses an imminent threat of grievous bodily harm or death. The use of lethal force must always be the last resort, and law enforcement officers are required to exhaust other means before escalating to deadly measures. Arbitrary or reckless use of firearms is prohibited under the Constitution's right to life and dignity (Sections 10 and 11). Judicial oversight is mandated in cases where lethal force results in death to ensure accountability for police actions.

South African law generally requires a police officer to use force only in proportion to the threat that the arrestee poses. Excessive force used in an arrest could render a conviction against the arrestee invalid. In this regard, South African law does not differ materially from American law, and the courts often refer to American courts' decisions in this regard (Fairley, 2022). Legislation on the use of force is, however, more detailed in the United States of America (USA) than in South Africa, and training is significantly different. There are three legal standards against which the reasonableness of a law enforcement officer's use of force in the USA is measured, namely the "objectively reasonable" standard, the "malicious and sadistic" standard, and the "deliberate indifference" standard (Fatile & Adejuwon, 2023).

Accountability Mechanisms

In the context of the use of force to effect an arrest in South Africa, the implementation of accountability mechanisms is crucial in ensuring that law enforcement agencies operate within the boundaries of the law and with respect for human rights. Oversight bodies and mechanisms play a significant role in holding law enforcement officers accountable for their actions (Chambers & Vastardis, 2020). These bodies are responsible for monitoring officer

conduct, investigating complaints of misconduct or abuse of power, and imposing appropriate disciplinary measures when necessary (Bloom & Labovich, 2020).

Oversight bodies are typically independent entities established to provide civilian oversight of law enforcement agencies. They often have the authority to review the use of force incidents, conduct investigations, and make recommendations for improvements in policies and practices. South African oversight bodies and mechanisms are designed to promote transparency and accountability within the law enforcement sector. They serve as an essential component in upholding the rule of law and ensuring that the use of force is applied lawfully and proportionally in the process of effecting an arrest (Archbold, 2021).

Overall, accountability mechanisms, such as oversight bodies and mechanisms, are essential in safeguarding against the misuse of force by law enforcement officers. These mechanisms contribute to building public trust and confidence in the criminal justice system and are integral to ensuring that the use of force to effect an arrest aligns with constitutional and human rights standards (Wright & Houston, 2021).

Oversight Bodies and Mechanisms

South African oversight bodies and mechanisms are crucial in holding law enforcement accountable for using force during arrests. One such mechanism is the IPID, which is responsible for investigating complaints of police misconduct, including the use of force (Boyd et al., 2020). The IPID has the authority to recommend disciplinary action or criminal prosecution against police officers who used excessive force during an arrest (White et al., 2021).

Additionally, the Civilian Secretariat for Police Service (CSPS) is an oversight body responsible for monitoring the SAPS and ensuring compliance with relevant legislation and policies. The CSPS plays a key role in promoting transparency and accountability in the SAPS, including overseeing the use of force during arrests (Agbor, 2021).

Furthermore, the Judicial Inspectorate for Correctional Services monitors the conditions and treatment of detainees in correctional facilities, including incidents of excessive force used during arrests or while in custody (Lagat, 2022).

These oversight bodies and mechanisms collaborate to provide comprehensive accountability for the use of force by law enforcement in South Africa, which reflects the country's commitment to ensuring that arrests are conducted in a manner that upholds human rights and the rule of law (Gandhi et al., 2021).

Discussion

South African law enforcement agencies can use force to achieve a legitimate policing aim. Force is to be used if all other means have failed or are inappropriate (Wood et al., 2020). Once force is used, it must be proportionate to the perceived threat, and the minimum force necessary should be used. Force is regrettably often used by law enforcement officials and is a matter of grave concern. In a country that has grappled with the legacy of an entrenched and systematic culture of using excessive force by those in law enforcement, not using unnecessary force is crucial (Laniyonu & Goff, 2021).

The SAPS in turn must achieve a balance between the need to increase the levels of safety and security of all who live in South Africa and the minimisation of the use of force by police officers while carrying out their duties (Stanojevic et al., 2022). The relevant legislation falls short of international best practice, in that the legislation fails to specifically prohibit excessive use of force. The SAPS's training manual is not entirely restrictive and contains similar important qualifications similar to the legislation (Laufs & Waseem, 2020). Both the legislation and the training manual fail to include the concept of a "risk of death or serious injury should force not be used". The underlying attitude of South African legislation and the SAPS's training manual is to err on the side of caution with regard to law enforcement objectives (Schwartz et al., 2022). The guiding principle of planning and measuring police responses is therefore to not use unnecessary force. Police responses should be tailored to specific situations and incidents that confront the police (Maves et al., 2020).

Selected Comparative Jurisdictions

In the USA, officers' use of force to effect an arrest is regulated by a range of principles. The Fourth Amendment law in this regard, until recently, appears to have been relatively well developed and certain kinds of force are prohibited and regulated. The UK developed the concept of "reasonable force". The German Code of Criminal Procedure regulates that while effecting an arrest, the physical integrity, honour, and esteem of the arrested person must be respected. The code prevents the use of force for the arrest of a person in his/her own residence between 19:00 and 21:00 unless commencing the arrest would result in a high risk of danger or the escape of the suspect. The Code of Conduct does not allow officers to shoot to kill unless their lives are in danger. Derogation from the Code of Conduct

is only accepted if the aim is to arrest an armed person suspected of having committed a violent or extremely dangerous act.

In Australia, the use of force while effecting an arrest by police officials is regulated under the Law Enforcement (Powers and Responsibilities) Act of 2012. The legislation and codes in the different jurisdictions are generally comparative and similar to the English model. Western Australia can be regarded as an example because the Act sets out when force should be used. Section 40 provides examples of the application of reasonable force, such as removing a person from a place, lawfully restraining the person, exercising such force that is reasonable and necessary for a particular reason, and using handcuffs. Additionally, it appears that the police are tasked to use the minimum amount of force to achieve reasonable and necessary outcomes, carry out their responsibilities, and protect themselves from danger.

Policy Implications

The policy implications of the comparative analysis on the use of force to effect an arrest in South Africa are crucial for informing and guiding future decision making and law enforcement practices. The findings of this study highlight the need for clear and standardised policies regarding the use of force by law enforcement officers (Engel et al., 2020). There is a pressing need for comprehensive training programmes that focus on de-escalation techniques and the appropriate use of force in different arrest scenarios. Additionally, the development and implementation of oversight mechanisms to ensure adherence to these policies are paramount in preventing excessive use of force and human rights violations (Stoughton et al., 2020).

Furthermore, promoting transparency and accountability within law enforcement agencies, as well as fostering constructive relationships with the communities they serve, are crucial. These policy implications are instrumental in shaping a more responsible and effective approach to the use of force in effecting arrests, in order to ultimately enhance public safety and trust in the criminal justice system (Gazzini, 2022).

Conclusion and Recommendations

The analysis of the use of force to effect an arrest in South Africa revealed several key findings. This paper, among others, demonstrated the disparities in the application of force by law enforcement agencies, as well as the need for standardised guidelines and training. Additionally, the study underscored the importance of accountability and oversight mechanisms to ensure that the use of force is proportionate and justified. It also brought to light the impact of socio-economic and cultural factors on the dynamics of using force during arrests, which call for holistic approaches to address the root causes of conflict.

Based on the key findings, several policy implications can be drawn. Firstly, there is a need for comprehensive reforms in the training curriculum and protocols for law enforcement officers, emphasising de-escalation techniques and human rights principles. Secondly, the development of clear and transparent policies regarding the use of force, along with robust monitoring and reporting mechanisms, is imperative. Thirdly, proactive community engagement and partnerships should be prioritised to foster trust and collaboration between law enforcement and the public. Lastly, addressing systemic inequalities and social injustices is crucial in effectively reducing the need for force during arrests. Overall, the findings call for a multi-faceted and integrated approach to reforming the use of force during arrests in South Africa.

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