

# Implications of procedural justice on police legitimacy in South Africa

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OIDA International Journal of Sustainable Development, Ontario International Development Agency, Canada.

ISSN 1923-6654 (print) ISSN 1923-6662 (online) [www.oidaijsd.com](http://www.oidaijsd.com)

Also available at <https://www.ssm.com/index.cfm/en/oida-intl-journal-sustainable-dev/>

**Abstract:** It is argued that procedural justice is intrinsic to every police action, a dynamic coefficient that shapes legitimacy and trust, and an elementary determinant of community satisfaction with the police. Legitimacy and trust can be built if this ethos drives the everyday interactions of officers and citizens. If these traits are not present, they can easily and quickly erode. The aim of this study was partially to describe to what extent individuals have (dis)trust in institutions of law enforcement, such as the police, a key institution of a democracy, that form part of the criminal justice system (CJS). Procedurally, just policing is essential to the development of goodwill between police and communities and is intricately linked to improving community perceptions of police legitimacy, the belief that authorities have the right to dictate proper behaviour. This study utilised a qualitative research method with a descriptive qualitative approach, which aims to reveal events or facts, circumstances, phenomena, variables, and circumstances that occur when research takes place by presenting what happens. The data collection techniques used in this research were observation, in-depth interviews, and focus group discussions (FGDs) with 37 participants, following purposive sampling and documentation. Six themes emerged from the findings, namely 1) the level of safety in the cluster areas; 2) the role of the police and communities as partners in fighting crime in the areas; 3) the level of trust between the police and the community; 4) the current strategies in place and their effectiveness in building a relationship of trust between the police and the community; 5) the effects of mistrust on the relationship between the police and the community and 6) the strong working relationship of trust between the police and the community.

**Keywords:** *Community, procedural, justice, police, legitimacy*

## Introduction

Globally, the validity of legal organisations, especially the police, is acknowledged as playing a critical role in ensuring and maintaining the state's ability to function acceptably and effectively (Bradford, Huq, Jackson & Roberts, 2014). There is a common phrase or slogan that is widely used to describe the perception of police officers. This common phrase is often abbreviated in graffiti and on placards as ACAB, which implies 'all cops are bastards', and which has been widely adopted as a response to the way law enforcement agencies operate (Constantinou, 2021). Regardless of the sentiment behind it, the phrase underlines an essential viewpoint of the policing model used across the world, especially where the perception of police legitimacy is concerned (The Conversation, 2020). Noppe, Verhage, and Van Damme (2017) posit that the issue of police legitimacy is not a newfound phenomenon and that in the last decades it has been extensively researched and remains the focus of most experimental research. The Conversation (2020) points out that state legitimacy is dependent on the willingness of citizens to cooperate with and respect police authority. However, dependence on order maintenance policies, which integrate the common use of intense investigation that comprises 'stop and search' and the display of unwarranted use of force, has been widely observed through different platforms, including the media, and has weakened the level of partnership.

For this paper, police legitimacy, public trust, and confidence in the police are interchangeable terms. Furthermore, it is crucial to distinguish between policing and police since they refer to different phenomena. Various sources, as cited in Ordóñez (2020), posit that policing is the set of activities aimed at preserving the security of a particular social order, and the police are agents that is also required to fulfil policing functions. Additionally, it is important to acknowledge the importance that adopting a procedural justice approach can have in strengthening the relations

between the police and its citizens. Procedural justice refers to people's judgements about the fairness, trust and procedures followed when the police exercise their powers (van der Heyde, Faull & Sycholt, 2023). These authors further emphasise that procedural justice theory relates to how most citizens are interested in understanding the processes and procedures involved that inform the decisions that police take when confronted with certain situations and to verify whether such decisions are fair and just and if the correct processes and procedures were followed. Mazerolle, Bennet, Davis, Sargeant and Manning (2013) suggest that the power of validating the legitimacy of police is dependent on the perceptions of citizens on the police performance. These authors outline the four key components of procedural justice-based core ingredients of legitimate policing as follows:

- i. Involvement of members of the community;
- ii. Perceived perception that processes or procedures followed are unbiased; and
- iii. Citizens being treated with respect and dignity.
- iv. Trustworthiness intentions.

Neyroud (2022) indicates that we cannot examine legitimacy without making a distinction between low policing and high policing. Low policing can be referred to as the standard day-to-day duties that police officials must perform, while the latter is identified in terms of transnational policing, where the main duties of the police are to protect the government, national security, the nation's political institutions, and the constitutional framework. Given that the questions addressed in this article are mainly concerned with involuntary contact with the police, which refers to street-level policing, this paper will focus on low policing. Lastly, in this paper, proactive police contact with citizens, police-initiated contact and involuntary contact with the police are used interchangeably.

### **Research Problem**

In South Africa, there are significant challenges to procedural justice, a cornerstone of police legitimacy, stemming from factors like high crime rates, mistrust, and a need for more community engagement. The focus should be on strengthening the police's legitimacy through the application of procedural justice principles, which are more cost-effective and have a positive impact on public trust and social cohesion.

### **Research objective**

The objective of this study was to understand how fair police procedures impact public trust and cooperation.

### **Literature Review**

#### **Notion of police legitimacy**

Farrow (2022), Jackson and Bradford (2010) and Kochel (2022) concur that the primary purpose for the law enforcement agencies is the prevention and detection of crime, governed by the 'Peelian principle' (named after the founding father of modern policing, Sir Robert Peel) that 'the police are the public and the public are the police'. In other words, that the police would preserve their power by the covenant of the people they serve, better known today as the concept of policing by consent. The experience of procedurally just and fair treatment at the hands of authorities such as the police is connected not only to satisfaction with the decisions reached and with the decision-maker, but also with amplified inclinations to offer support in the future and, in the case of legal authorities, greater submission with both the law abstractly demarcated and with concrete instructions stemming from those in authoritarian positions. These effects are held to occur because the experience of procedural fairness nurtures in people feelings of motive-based trust in and shared group membership with the authority concerned, that both it and they are 'on the same side' and because, by and through these mechanisms, procedural fairness improves the authority's legitimacy. Hence, Tankebe (2014) claims that legitimacy is now a constant topic in police studies. The weight of the evidence from numerous experiential studies is that public perceptions of police legitimacy are measured mainly in terms of people's feelings of obligation to conform to the police authority or the law and are based on the fairness of the procedures employed by police officials in their interactions with citizens. Legitimacy has been discovered to shape legal conformity and people's commitment in supporting the police in the fight against crime (Debbaut & De Kimpe, 2023; Mazerolle, et al., 2013; Tankebe, 2014).

#### **Citizen trust in the police**

The fact that citizen's trust in the police is fundamental for the legitimacy of states cannot be overemphasised. Today, citizens afford the state with the opportunity and mission of safeguarding their safety in response to their social directive. As a result, the state automatically awards special powers to police forces to implement, promote and uphold rules, maintain safety and encourage coexistence (Kääriäinen, 2007). These special powers carry with them enormous accountability; without trust in the police, the state's legitimacy automatically weakens.

### Factors affecting confidence in the police

Trust and confidence in the police and CJS are a topic that continues to receive significant attention in the criminological and policy literatures. Linked both to legitimacy and, consequently, public cooperation and compliance, The Conversation (2020) highlights below factors that factors affecting confidence in the police.

- i. Experience of crime: Those who had recently been victims of crime demonstrated considerably reduced levels of trust in the police.
- ii. Fear of crime: Higher levels of fear are linked with decreased level of trust in the police. This relates to classic measures such as fear of walking alone in the neighbourhoods, especially at night, as well as fear of falling victim (i.e., house robberies or being mugged). These associations have been found across multiple rounds of surveying.
- iii. Experiences of policing: Undesirable encounters with police affect how citizens evaluate the police. Those reporting unsatisfactory personal contact with police officers stated lower trust levels than those reporting suitable contact.
- iv. Well-publicised instances of police abuse or failure: These can also have a negative bearing and reduce the public confidence in police. Apart from the 2012 Marikana massacre, another prominent example is the perceived ineffectiveness of the police in responding to the July 2021 social unrest.
- v. Perceptions of police corruption: These have a strong, negative effect on trust in police.
- vi. Perceived fairness and effectiveness: Past rigorous research has exhibited that the South African public strongly emphasises both fairness and efficiency as central elements in their largely assessments of confidence in police. The more the police are viewed to be acting unfairly based on race, class or other attributes, the more people are likely to view them as untrustworthy (The Conversation, 2020).

Similarly, perceptions that the police treat people disrespectfully lack impartiality in their decision making, or transparency in their actions, can also undermine public confidence. If the police are seen as ineffective in preventing, reducing and responding to crime, this will also diminish confidence. Another factor affecting how the public view the police is the stronger assessment of the government's democratic performance and trustworthiness. Significantly, public confidence in democratic institutions has shown a strong downward trend over the past 15 years. This has had a bearing on confidence in the police (The Conversation, 2020). Numerous sources referred to by Abril, Perez-Vincent, Tobon and Vanegas-Arias (2022) posit that public trust in the police influences crime perception and economic and social development. Citizen trust is critical for police performance. Trust increases collaboration between citizens and police, prompting crime exposure and agreement. Cooperation assists crime prevention and control and improves the perception of safety. Crime reduction impacts, in turn, investment decisions, employment, capital accumulation and, ultimately, welfare and economic performance.

### Theoretical and Conceptual Background

Legitimacy is a "psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just" (Tyler, 2006:375). Sattin-Bajaj and Jennings (2020) maintain that legitimacy is essentially comprised of a combination of attributes that separates it from the "concept of power". In addition, the legitimacy of an organisation or agency is determined by how the public respects its decisions and guidelines. Because of legitimacy, citizens are inherently willing to voluntarily follow such rules or decisions as opposed to doing so under duress or with the anticipation of being rewarded. Legitimacy is key to ensuring that institutions succeed in discharging their mandate and obligations, because it is not easy to convince people to respect authority solely based on holding an authoritarian position and being authorised to use such power (Gibson, 2023).

Possessing adequate power to gain voluntary compliance in most cases and from most people due to their sense of commitment strengthens effectiveness during certain circumstances, such as emergency and conflict (Tallberg, Zürn & Zürn, 2019; Tyler, 2006). Bell (2017) established the model of legal estrangement, which aims to capture and develop the state of legal cynicism. This concept incorporates both the subjective cultural orientation through which the law and its agents are perceived as illegitimate, unresponsive, and ill-equipped, and the 10 objective structural conditions that breed this cultural frame. Essentially, Bell's concept implies public detachment and alienation from the law. It mirrors the general perception that law enforcement agents disregard disadvantaged groups but include poor communities of colour in society. At both an interactional and structural level, legal institutions function to effectively eliminate whole communities from the body politic (Bell, 2017).

Sattin-Bajaj and Jennings (2020) claim that, in comparison, "the lens of legitimacy appears less frequently in studies that examine street-level bureaucrats". Bitektine (2011:160) proposes that legitimacy indicates an awareness that an institution follows standards that are normally taken for granted, while reputation is at stake because it creates a

perception that an organisation becomes completely distinct within its peer group (King & Whetten, 2008). Consequently, organisational reputation is regarded as playing a significant part in acquiring competitive benefits that make circumstances conducive to generating revenue (Yüncü & Koparal, 2019). In most cases, researchers agree on the fundamental forms of legitimacy theory. The majority appreciate that legitimacy is “a normative concept”, and that it is dependent on actions that differentiate the right to match a decision, be it a moral or legal obligation (Gibson, 2023). In other words, organisational legitimacy implies an obligation to conform with institutional decisions and that such decisions can be legitimately challenged (Gibson, 2023).

This exercise allows the testing of organisational reputation and establishes whether they are good or bad (Yüncü, & Paşaoğlu, & Fidan, 2017). Concepts such as legitimacy, cynicism, and trust are sometimes loosely employed by studies on public attitudes towards legal authority, so the extent to which these constructions are distinct and/or overlap is often not clear. We finish with some thoughts on the conceptual clarification and theoretical framing outlined so far in this paper on police legitimacy, drawing primarily on procedural justice theory, especially the importance of relational norms, but also relying on insights from the legal socialisation and legal cynicism approaches.

Oliveira and Jackson (2021) posit that it is imperative to highlight the difference between legitimacy and legitimation and in particular the distinction between the law and legal institutions’ *authority to govern* (consent), perceptions of *power appropriateness* (assent) among members of the public (both of which constitute beliefs about the legitimacy of legal authority), the level to which legal institutions are *trustworthy* to perform as normatively expected and the *antecedents* and circumstances that yield people’s normative expectations about the exercise of power. These four aspects are depicted in Figure 1.

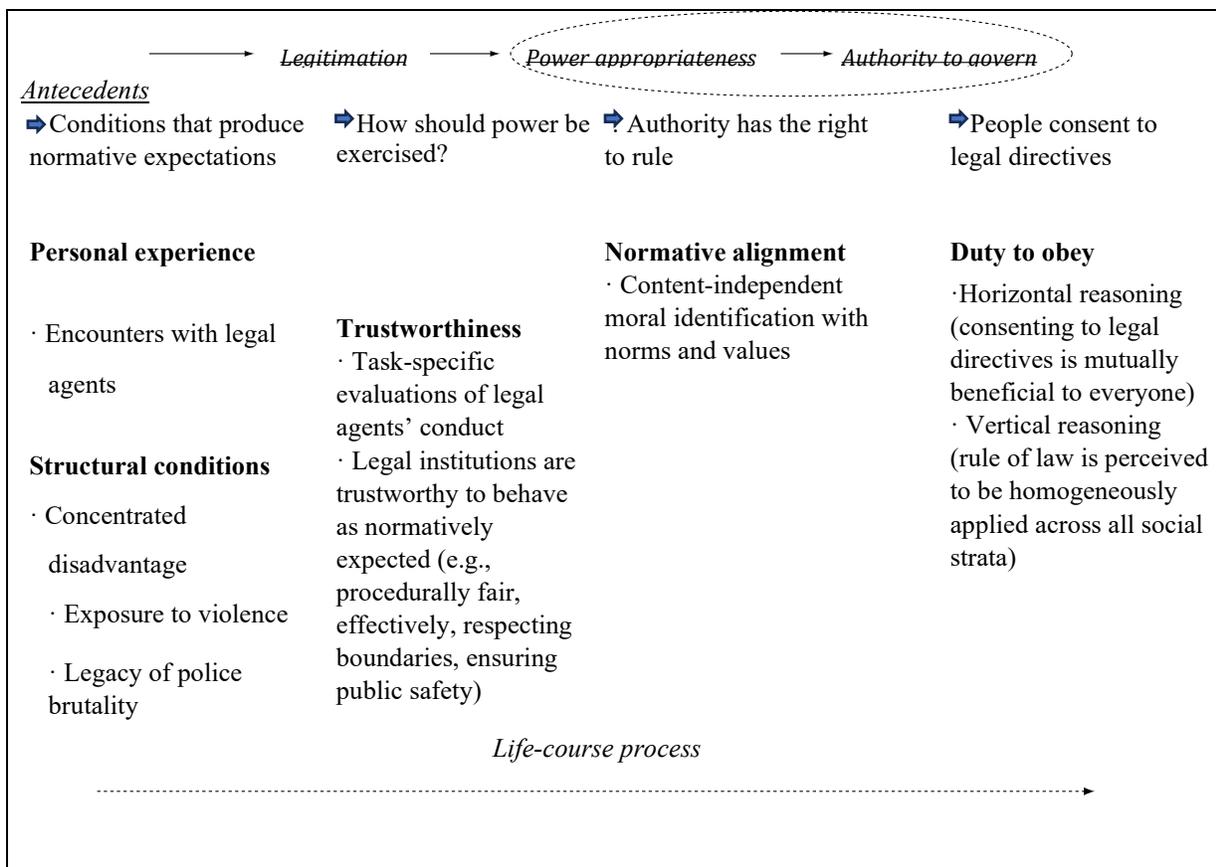


Figure 1 – A conceptual diagram of legitimacy and legitimation (Oliveira & Jackson 2021)

A legitimate assertion of power effectively implies that the law and the legal institutions have the authority to govern. Citizens identify the right of legal authority to dictate and impose suitable behaviour and adopt a sense of duty to behave appropriately. Authority to govern indicates that people consent to the command of the law and its agents. The identification of the ruling power of the law is horizontally and vertically influenced, in other words, people deem it

fit to obey the law because it mutually benefits everyone in society if everyone does so (social contract) and because they comprehend the rule of law as consistently applied throughout the social strata (Oliveira & Jackson, 2021). Understanding this crisis of estrangement described by Bell (2017) is critical. The importance that she stresses on shared practices and structural conditions that construct a state of public disconnection from the law and the legal institutions is central in comprehending the link between members of the public and legal authority. It is reasonable to assume that policing strategies that function efficiently, disregarding groups of people from society, produce a state wherein a multitude acquire some type of isolation from the law. We argue below that judgements about the legitimacy of legal authority and legal cynicism can be studied together under a unified framework of legal attitudes, but this framework only makes sense considering the legal estrangement approach and structural conditions that give birth to a collective sense of distrust of the law.

### Materials and Methods

This research uses qualitative research methods with a descriptive qualitative approach, which aims to reveal events or facts, circumstances, phenomena, variables, and circumstances that occur when research takes place by presenting what happens. This type of descriptive qualitative research is used to research natural object conditions, where the researcher is the key instrument (Sugiyono, 2002). The technique of determining informants carried out by researchers in this research is the purposive sampling technique. According to Sugiyono (2002), “the research informant technique is a sampling technique as a data source with certain considerations”. A research informant is someone who has information about the object of the research. Informants in this study are referred to as sources. Informants are selected with certain considerations and objectives who master the object or problem to be studied. The data collection techniques used in this research were observation, in-depth interviews, focus group discussions (FGDs), and documentation.

- Observation

Observation is one of the most basic data collection methods. It involves seeing things and recording and analysing what is seen. Observation is sometimes used as a method on its own but is more often used in parallel with other data collection and analysis methods. There are many different types of observation methods. These include structured observation, expert observation and participant observation.

- In-depth interviews

With this technique researchers try to extract information from each FGD and KII on community policing and police legitimacy. The instrument used in in-depth interviews is an interview guide that is made based on the research focus. In conducting interviews, researchers do not determine a special place but take place according to the context or agreement with the informant. In the interview process, researchers are not fixed on one model, but the process depends on the conditions. During the interviews, the researcher was flexible enough to use recording devices such as a recorder and a notebook. However, the researcher often combined the two directly recording the interview and taking notes at the same time. Participants were recruited via the Mdantsane Policing Cluster from the three selected police stations of the cluster, namely Cambridge, NU 1, and Vulindlela.

Participants comprised 30 participants for FGDs and an additional 7 key informants' interviews (KIIs). A total of 37 face-to-face interviews for both FGDs and KIIs were conducted. Community members who were knowledgeable about policing activities and were over 18 at the time of the fieldwork of interviews were sent letters and emails by the first author, on behalf of the researchers. For privacy reasons, no contact details of participants were directly sent to the researchers. The letter contained information about the purpose of the study, the voluntariness of participation in the study, the anonymous processing of the data, the estimated duration of the interview (maximum of 45 minutes), and contact details of the authors.

This information was accompanied by a letter of support from the police organisation. Victims who agreed to participate had to contact the first author themselves to make an appointment for the interview by contacting the researcher either by phone or by e-mail. All interviews were conducted face-to-face by the first author and lasted from 40 minutes to one and a half hours. Based on the participants' choice, interviews were held in public spaces or at the participants' offices. At the start of the interview, permission was requested to audio-record the interview. All interviewees gave their permission. The authors considered Liamputtong's (2007) concerns on interviewing vulnerable people and signed a confidentiality statement to protect victims' privacy. Participants over the age of 18 are adults and thus, the authors approached only those deemed to be knowledgeable and who had interacted with the police as crime victims. Data collection took place over a period from August 2022 until November 2022. Open follow-up questions on these issues discussed regarding the criteria of legitimacy, procedural justice, community

policing and police performance (Elliott, Aitken & Chaboyer, 2012; De Mesmaecker, 2014) were used to stimulate an extensive and in-depth response from participants.

- Focus group discussions (FGDs)

In collecting data through the focus group discussions (FGDs) technique, the authors acted as discussion facilitators equipped with open-ended discussion guidelines related to the research topic. At this stage, the authors aimed to explore the tendency of differences or similarities in information from various parties and confront the information obtained from previous in-depth interviews.

- Documents

Documents are records of past and present events; therefore, this research used various documents that are related and relevant to the topic and research objectives. The research procedures that researchers use were based on the view that there are three main stages in qualitative research, including:

- Description stage and orientation stage: At this stage, the authors described what was seen, heard and felt. The authors only recorded a cursory overview of the information obtained.
- Reduction stage: At this stage, the researchers reduced all the information obtained in the first stage to focus on a particular problem.
- Selection stage: At this stage, researchers described the focus that has been determined in more detail and then conducted an in-depth analysis of the focus of the problem. The results of the discussion and examination of data validity are an integral element of the qualitative research knowledge perspective. Techniques in this research include probability testing, triangulation, data content analysis using reference materials and member checks through information transformability.

### **Data analysis**

Data were transcribed and analysed using ATLAS.ti, version 7.5.6. This is one of the most comprehensive computer-assisted qualitative data analysis software programs. The data were analysed using a combination of a hybrid approach (Fereday & Muir-Cochrane, 2006) and an approach of constant comparison (Glaser & Strauss, 1967). Using the hybrid approach, we used both the theory-driven deductive approach in which the data were analysed for theoretical themes (Crabtree & Miller, 1999) and the data-driven inductive approach in which relevant themes emerged from the data (Boyatzis, 1998). In addition to these methods, the approach of constant comparison was used in which the data were coded in three phases: open, axial and selective coding (Corbin & Strauss, 1990). After additional data collection, this process of coding continued based on the insights of the analysis of the data analysed and thereby informed the analyses of the additional data. Codes were assigned to all text parts that seemed relevant for identifying the underlying mechanisms behind the current study's framework. These coded texts were then grouped if they had a similar meaning. Thematic analysis of these categories, including looking at co-occurring or overlapping codes, depth, frequency and relationships between codes, was used to examine what value participants placed on their interactions with police officers and how this related to their willingness to cooperate with the police. The interviews were held in English and isiXhosa, quotes used below have been translated into English by qualified transcribers. Translations were cross-checked using back translation from English to isiXhosa by the first author, assisted by his doctoral students pursuing their studies under his supervision. If he doubted the correct translations, he consulted a colleague, and an agreed-upon decision was made. Each participant was assigned a unique reference code, which appeared each time the participant was cited.

## **Findings and Discussion**

### **Theme 1: The level of safety in the cluster areas**

According to the responses of the research participants, the level of safety varies between areas and between specific sub-areas within areas.

#### **Sub-theme 1: The level of safety in Cambridge area**

The main Cambridge area is in the East London metropolitan area. It is one of the oldest residential areas in the city that used to be a whites-only area during the apartheid period, now it is a mixed-race area. The main Cambridge area is rated by participants as having safety levels that are good, with common crimes such as housebreaking and theft from cars. The second area of Cambridge is an overcrowded area with skyscraper blocks of flats. The area is reported to be troubled by crimes related to drug and alcohol abuse, with theft, domestic violence and assaults being the most common ones. The SOCO and Emerald blocks of flats at Amalinda, which also form part of the Cambridge Police Station jurisdiction, house people whose income is between R1,500 and R15,000 for housing. The last section of

Cambridge, which is safely rated the poorest in the area, is the informal settlement located on the outskirts of Eastern Cambridge, namely Endlovini. This informal settlement is dominated by unemployed black people and many African foreign nationals who rely on small, short-term jobs and self-employment activities, such as small 'spazas', building and other skill jobs for a living.

### **Sub-theme 2: The level of safety in NU 1 and NU 12, Vulindlela in Mdantsane Township**

NU 1 police station also has a police cluster office. The area is one of the first and oldest units of the Mdantsane Township where most residential sites are formal rooms mostly occupied by the black lower-middle class. The property rating system would likely apply to the formal rooms occupied by the lower-middle class, but the informal settlements and RDP houses would be exempt or have a lower rate due to government subsidies. The specific details of the rating system would depend on the local municipality's regulations. NU 1 also has areas that are a combination of RDP houses and informal settlements. The level of safety of NU 1 area is rated as 'fair' by both the police and the community. However, the participants are cautious of the prevalent robberies, especially during late hours. The area in question experiences a high prevalence of robberies, particularly during late hours, which creates caution among participants. Within the police group, there was a notable discrepancy in safety ratings, with some officers deeming it poor, while two senior officials considered it fair. This difference in perception highlights a potential gap in understanding the level of risk within the area. Some participants from the police rated the level of safety as poor, whereas two senior officials rated it as fair. The community members rated the level of safety in the area as poor. The Mdantsane Community Policing Forum (CPF) group is a community-driven platform focused on addressing crime and drugs in the Mdantsane area. Some of the CPF members explained the seriousness of the situation as follows:

*'... a senior police official who is working here was once slapped by a man from the community here, in the police premises, in front of complainants, daylight!... seemingly they argued just near the front entrance, people did not know what it was about, but they were shocked that the man clapped a police officer on duty and left like that...and nothing was done...'* (FGDs 2).

The participants explained that although they sensed that it was a personal matter between the two men, the fact that a community member had a quarrel and clapped the police commander on duty in the police station premises, without consequences, was seen as disrespectful for the police and indicated helplessness of the entire service to those who have put their trust in the authority of the police. Another police officer said:

*'Sometimes you feel you are not safe here in police station, there is no secured fencing people are using the police station premises to cross over ... you just see a man passing next to the window he is going his ways...there is a problem of water in the area... people from the township just pop in to fetch water from the tap here in the police station premises... we do not even know who is coming for the service to fetch water or just crossing over...'* (Participant 1).

It is plausible that variations in the level of safety in an area like NU 1, and different areas are indeed linked to social norms and standards. Safety culture and behaviour are influenced by factors like group dynamics, shared values, and perceptions of organisational policies. These social influences can impact how individuals perceive and respond to safety risks. The variations in levels of safety seem to be linked to the social standard of living of the population. The informal settlements have the highest crime reports, with most crimes being of a violent nature. However, they are also the most inaccessible areas for the police to offer their service due to poor or no infrastructure at all. Such facilities include the roads, lack of space between shacks, unavailability of lights and the danger of the illegal electrical cables that are a serious cause of life loss. As a result, the police report that these areas are commonly used by criminals as hiding places and are the most difficult to mobilise for police- community relations as a means of support.

The entire set-up of the informal settlements has a cause and effect on poor levels of security in these settlements. The challenge of South Africa's racialised poverty patterns is a legacy of the history of the colonial and apartheid governments that ruled the country for more than 80 years. Mdantsane Township is one among many that were conceived and designed by the system for the social exclusion of black people. In a country characterised by a huge gap of inequality, equal access to safety across social class and race is a major challenge that divides the South African population. According to Lab (2020), there are several approaches in which the built environment is thought to improve, enable or deter social safety and security. Designs for safety and security include factors such as access control, target hardening, surveillance, easy access to various modes of transport and community cohesion, which can maximise feelings of comfort and safety (Lab, 2020). The different responses of the participants better demonstrate the factors that contribute to the safety of individuals in the areas:

*'As a person who works and resides in Cambridge, I can say my rate and my level of safety as good even though I have shared my experiences with crime. I had a few housebreaks and attempts; I lost valuable*

*jewelry I inherited from grandparents, however compared to other areas around East London I still believe I walk freely without fear of harm or being mugged. Yes, I also recognise my easy access to the colleague support makes me safer than other residents outside the police system' (FGDs 4).*

*'As a person staying in Mdantsane, especially NU 1, we are not safe at all. There are areas that you cannot walk alone be it at night or during the day'... (FGDs 5).*

Participants' responses regarding the causes of crime in their area include the high unemployment rate, especially among youth. Some of these unemployed youths are associated with a group of people who are involved in various criminal activities, and they are referred to as *amaparapara*' whose target is to rob people of anything they can sell, for example, they have access to illegal firearms. The illegal goods sold on the black market feed their drug and alcohol dependency. Common crimes from the cluster areas are reported to be housebreakings, robberies, domestic violence (domestic violence is reported as 'unpolicable' and 'unpreventable' by the police participants), mugging of cell phones and money from school children, stealing from cars, assaults and rape. The issue of loadshedding contributes to these crimes as members of the community are mostly attacked at night. Lab (2020) found that involvement in criminal activities contributes to the use of drugs.

### **Theme 2: The role of the police and communities as partners in fighting crime in the areas**

The police reported the following to be their role in combating crime:

*Attending to the complaints from community members, rushing to scenes of crimes to protect complainants, if a crime has already occurred or is unpreventable, police open a case and call necessary units to investigate and link available evidence. Police must psychologically calm the crime victims, attend shacks on fire and call fire brigades, patrol in high crime areas, hot spots and neighbourhoods to reduce the fear of crime areas, police mass events, perform operations such as roadblocks and stop and search, sign and stamp and sometimes assist illiterate community members to fill in affidavit and forms of oaths' (FGDs 1).*

The police acknowledge that they have a role to play in building community capacity in line with their role in crime prevention, however most of the time this role is superseded by the overload of attending to crime complaints. They further explain that their duties include initiating, sensitising and advising residents to establish and participate in crime prevention programmes. In addition, they are tasked to initiate meetings which local authorities and communities to help tackle problems and crime related issues that are of concern. At these meetings, the role of the police is to attend, mediate, give support and provide feedback (where necessary) on concerns raised and maintain community contacts by interacting with relevant stakeholders. They conduct ongoing public awareness campaigns on community policing activities to better control and prevent crime by educating and creating awareness on crime related issues. The police responses on the role played by community members in fighting crime were to participate in establishment of structures such as the CPF and to recruit and mobilise community members for active forums or groups. Bringing community ideas and proposals to programmes that can be effective to combat crime is one of their roles. On the other hand, community members are encouraged to report and provide information about crime perpetrators and give evidence as a witness in a court of law. The CPF are reported to be responsible for attending CPF related meetings where they discuss the crime patterns of their area and engage the police with concerns raised pertaining to crime and policing. During these CPF meetings, police plan strategies and intervention mechanisms with CPF members.

According to the CPF, their role is to listen to the community members' concerns and complaints about crime, and to observe and be the eyes of both the community and the police regarding anything that involves a threat to the safety of the residents. One of the participants explained that:

*'Most of the time as the CPF members we attend homes troubled by domestic violence and try to negotiate solutions with the people involved. We go there as listeners, community leaders and above all as neighbours who care, also troubled by the possibility of danger that might occur next to you at your watch. Sometimes when the people co-operate, we find that this is caused by a minor problem, especially with co-habitation partners, they fight over family responsibilities. Sometimes you find that the woman is demanding money from the man, the man wants to send some of the money home etc. Women abuse men verbally sometimes and men beat them. However, if it is unresolved or involves serious threats or injury, we call the police' (KII 3).*

### **Theme 3: The level of trust between the police and the community**

Both the police and the community in these areas recognise that if strong relations of trust existed in their partnership their communities would be safe and free from criminal elements. There are variations in the level of trust as expressed

by participants between and within the focus groups. Hatzakis (2009) claims that establishing trust in real contexts is difficult because of its taboo and tacit nature. First, trust concerns carry considerable social consequences and at times cause a certain threat to those studied or to the groups they represent. For instance, disclosures about one's conceptions about others' untrustworthiness and declarations of unwillingness to be vulnerable to others' actions can fuel conflict, threatening group cohesion and partnership (Hatzakis, 2009). Secondly, assumptions about trust can be masked, due to their link to attachment needs and ontological insecurity. Also, issues surrounding attachment underpins distrust and can reveal a sense of weakness, naivety, or one's attitude might reflect their own or personal trusting attitudes concerning others and can, in some cases, be one-sided or misaligned with reality (Kirton, 2020).

The police participants of Vulindlela rated their relationship of trust with the community as poor. The community members identified one of the main causes being poor or non-existent trust due to the poor service offered at the police station, including the high suspicion of possible collaboration between the police and the criminals, negligence, and incompetence of the police. The Vulindlela community participants reported that, in their area, there were no initiatives or concerted efforts to promote good relations between the police and the community, such as awareness campaigns and meetings around matters of safety and community policing. The police motivated their rating using the previous year's information on the station's performance. According to the police, the station's performance is rated according to how successful the target plans for crime reduction are and if they were achieved. Although Vulindlela area is reported to have underperformed on certain targets, there were notable improvements. According to the community of NU 1 in Mdantsane Township the relationship of trust between the police and the community in Cambridge is fair. The service of the station is also rated as fair. The participants reported that there are CPF programmes and section area meetings where communities engage with the police regarding the issues of safety and policing in the areas. The police group also rated the trust relationship as fair between them and the community. However, they rated the service of the station as good, whereas the community rated it as fair. Comparable to Cambridge NU 1, police participants motivated their good service by stating that the Inyibiba and Vulindlela people leave their local station to lodge their crime complaints in NU 1. One participant boasted that:

*'We accept everyone, we agreed as management and staff never to turn people out of excuses such as they are not in our jurisdiction, there is still passion in the environment for the job, even the community involvement is fair, CPF members are sometimes active'* (KII 4).

The community of Cambridge rated the relationship of trust between the police and the community as fair, just as the service of the station. Some of the responses were as follows:

*'The police of Cambridge are trying... oh they are trying to listen to the community. And when approached they do attend to complaints and make a follow up on members who are reported to give bad service to complainants. Whenever we report to... he always tries to make a follow up and a feedback on matters. However, sometimes you feel for him as well... to always report and report negligence of junior officials. Sometimes it is during the night you just feel he is a person also he is not at duty... how do you wake at night to report a police officer who does not want to do a his/ her responsibility while on duty...'* (FGDs 4).

One participant said:

*"I once gave a tip to a drug dealer who had a boisterous wife. I reported the matter to Cambridge police when I saw the reluctance. I told the police that I would report the matter and his negligence to the coordinator of the crime prevention. The police co-operated, and the tip worked very well. The drugs were raided and found successfully. There are some honest police that you can trust but very few of them, one must be careful who to report sensitive matters to..."* (KII 5).

According to the Cambridge police officials, they rate their station service as good, as much as they acknowledge that there are certain complaints by community members, such as negligence, in relation to some of the junior members in the charge office. When asked to motivate their ratings, they argue that the station management members are good role models for juniors. The participants boasted:

*Cambridge police are always sober at work, the professional management has zero tolerance for members' misbehaviour, they respect the community and always appeal to members to do whatever they can to assist the community members who ask for help. Even in the charge office, the service is fair. Only a few disciplinary cases crop up at times, and they are handled by management. As a result, we are the busiest station not only because of our large area but also because even areas that do not belong to our jurisdiction like Fleet street prefer to lay cases with us because they trust our care ... by the way 90 % of the cases opened in the station the complainants are happy with how they were handled by the station ... we are very proud of that'* (FGDs 2).

There is no universally accepted definition of trust. Available definitions are complex and vary by academic discipline and context. Trust defines trust as the belief that someone or something is reliable, good, honest and effective, perhaps that explains the reasons for the relations that are evident in participants' ratings of the safety levels, quality of the service and the level of trust (Faulkner, 2015; Holton, 1994; Pettit, 1995).

### **Sub-theme 1: The challenges affecting the relationship of trust between the police and the community.**

Challenges to building strong community relations are brought by the lack of transparency, miscommunication, insufficient training, historical grievances, and more can divide citizens and police. Every community presents different and dynamic challenges, requiring law enforcement agencies to adapt, listen, and engage, instead of taking a one-size-fits-all approach. One police officer explained that towards the end of the financial year, the stations run out of cartridges, making them unable to print the basics for creating dockets. The police service is understaffed, and vehicles are scarce resources. When a lack of resources compels the police to share crucial facilities and prioritize certain situations, it can significantly undermine public trust due to longer response times and a perceived inability to effectively address all crimes, leading to a decrease in confidence in their ability to protect the community. Although, Cambridge area has malls and settlements built, the resource allocation system is still using the old system; it was never upgraded to match the significant growth of the area and the existing jurisdiction scope. The statement correctly identifies that long queues, especially during the day, at the Central Service Centre (CSC) can negatively impact public perception of the SAPS. The long waiting times, often associated with the oath-taking and certification process, lead to frustration and a diminished view of the service. Most of the time, even the satellites that are established near the communities for easy access are not effective. There are no budgets for the resources of these satellites. They take the human resources and other facilities from the main station budget, causing the main station to have budget shortages. The police deployed in these satellites are faced with controlling crime in large crowds, and they are exposed to being attacked in the line of duty and being disarmed by gangs.

*'How do you take the only vehicle available to attend a complaint of a noisy party neighbours and leave the call of a woman who is brutally raped somewhere or an assault. While all these are duties of the police indeed, the limited resources force us to (FGDs 1).*

One participant said:

*'I often feel not safe during our elections. We are taken to keep order as pairs, you are only two police left with many people, political groups that have tensions, sometimes it is difficult to control...arises people in an area you don't not even know without any radio system to rely on (KII 7).*

Police officers in South Africa often face a challenging environment marked by high crime rates, insufficient resources, and inadequate infrastructure, leading to unsafe and potentially detrimental working conditions. These challenges include shortages of personnel and aging resources, substandard buildings and office infrastructure, and long, unproductive meetings. Additionally, the risk of encountering violent crime, including homicide and sexual assault, is a significant concern. The police station at Vulindlela is reported to have stopped the certification of documents after five o'clock in the afternoon after the incident of Engcobo where police were attacked and killed on duty by a local gang. In 2023, the satellite in Mdantsane Mall is reported to have stopped the certification service, because police were robbed of firearms by some members of the community who claimed that they were seeking assistance with certification. But the community is concerned that punishing the community by closing an essential service that was put at a strategic point for accessibility is a cycle of under developing the areas and not a solution to the problem of safety in police stations. Some said:

*'Why are they succumbing to criminals instead of correcting what was wrong in dealing with the problems? What message are they sending to these criminals? ... a defeated police service against crime...means a defeated society. There are many factors that caused the Mdantsane Mall Satellite to be a target of the criminals. Firstly, there was only one police official who was left alone most of the time in that satellite; he was overpowered easily by a gang of six men who demanded his firearm... Secondly, sometimes you saw police officials hanging around chatting with foreigners in their nearby containers. Those containers are known that be selling drugs, so who knows if these are not the very people whom the police brought closer to them, now are robbing them fire firearms? (FGDs 6).*

Conflicts of interest and resource shortages can lead to problems distributing resources within a community, potentially creating social issues and impacting social cohesion. These issues can arise when different community groups have conflicting priorities or when resources are insufficient to meet all needs. The following responses are from CPF members of Cambridge and Vulindlela (NU12 Mdantsane):

*I have observed that the focus of crime prevention and other police activities in the area is mostly concentrated on the Cambridge and Amalinda areas simply because there are a lot of businesses in those areas. One may simply think that another reason could be that those two areas are residents dominated by white people' (FGDs 3).*

*'Sometimes, you receive a complaint from a community resident that the police did not respond to a registered complaint. When you visit the station as a follow-up, the police tell you they do not have a vehicle, and the vehicle is taken to Cambridge under the instruction of the cluster commander. I struggle to understand that we are the most sufferers when it comes to crime, how does even a thought of taking a vehicle here to Cambridge service delivery protests the police official, they claim to share resources and prioritise situations at hand, there is no single day I ever heard of a Cambridge vehicle borrowed by Vulindlela. The authorities do not care about poor people sometimes' (FGDs 4).*

The poor infrastructure also is reported as one of the greatest challenges that hinder the police service, causing people to declare it useless. All participant groups agree on the problem of the areas that have no lights during nights and the challenge of dangerous *izinyoka* [direct translation: snakes]. It is a term used to refer to electricity cable thieves, where illegal electric connections kill a lot of people in the informal areas.

*'In November 2021, in Newlands village there was an informal settlement that is here...the police van was burnt with two offenders inside by a mob of angry residents. The police who came for the arrest were two officials they had to flee for their lives' (FGDs 5).*

A significant issue in many law enforcement agencies, particularly in South Africa, is a shortage of qualified and trained personnel. This can lead to increased workloads for existing officers, reduced investigative capacity, and a decline in public trust. Police forces worldwide are facing challenges in retaining experienced professionals due to various factors, including occupational risks, low morale, and mental health concerns, leading to increased turnover and a shortage of skilled personnel. These issues, if not addressed, can significantly impact public safety and the ability of law enforcement to uphold justice. The SAPS is not an exception.

*Sometimes, to me, it seems that even we as officials lack clear knowledge of the processes and procedures to be followed. At one point, there was a person who was involved in an accident that involved the death of a child. This parent visited this station and was sent from post to pillar sometimes referred to go to NU 1 at the cluster station, or back to Mthatha where there was something related to the accident I don't know what that was, and ultimately she was found to have been supposed to be helped here at Vulindlela, after a long painful frustration, and the parent was devastated by the service, rightful so, I felt sorry me too' (FGDs 1).*

*'The majority of residents who come and lodge complaints are reliant on the police official to write the docket. The docket that is written by the police (translating what the complainants is saying) sometimes misrepresents what the original complaint said such that in court people deny ever having said certain statement and the court use the fact that they have signed the statement as a reason to ...sometimes such cases are rectified if they are at the hands of a committed investigator. When they find out there is a contradiction between what the person says and what the statement says such dockets must be withdrawn that erodes trust towards the system' (FGDs 2).*

*'Foreigners are now in huge numbers in the township, as residents they are affected or involved in crime when foreigners are involved in crime sometimes as offenders sometimes as accused they struggle to communicate with the officials as many who reside in township cannot express themselves in English, we do not understand their home languages, language becomes a barrier for them to access a fair the service' (FGDs 3).*

Continuous updates to in-service and external police training are crucial for officer proficiency, effective handling of diverse situations, and maintaining public trust, leading to a reduction in civil claims. This comprehensive approach should encompass legal requirements, ethical standards, de-escalation techniques, and community policing strategies. The police taking a longer time to act in complex cases, potentially allowing evidence to be cleared and suspects to flee, is a valid concern. This delay can be attributed to the need for a thorough investigation and consultation with higher authorities to ensure proper handling of unfamiliar or complicated cases.

*'There is fluidity in police work; the out of duty clause now has got uncertainties concerning the parameters, what is it that you are supposed to do and when you encounter crime out of duty, sometimes you are caught between fear of crossing the boundaries and the guiltiness of failing to respond as the law enforcement member... and be seen as a useless cop' (FGDs 4).*

The quality of statements is reported to be another cause for concern. The participants reported many times that what is contained in the docket under- or misrepresents what the complainant said. That makes it difficult for the courts to convict the culprits if the statement is not substantive. According to the police interns (youth) in police stations, one greatest challenge is that the station (Vulindlela) is far behind in terms of technological resources; the station has no basic equipment such as personal computers.

*'There is no effective and efficient storage of the records in the station. Most of the time when people come to make a follow up on their cases, they lose confidence when they find that the police official cannot even track what the complainant is inquiring about, even the system of manual docket storage makes some of the police to be reluctant to search for dockets or whatever documents wanted at the time. The police end sending complainants from post to pillar, e.g., referred to NU 1 when the person goes to NU1 she /he is sent back to Vulindlela. That frustrates residents a lot'* (FGDs 5).

The police raised a serious concern that affects their legitimacy, because they are the face of the SAPS at the entrance level of the criminal justice system and must work with members of the community, they are always perceived as contributory and responsible for failure of criminal cases being thrown out of the court or some known perpetrators not being apprehended because these communities are not fully aware of the challenges and processes that lead to the successful charging and sentencing of an accused.

*"In our area we once had an incident of a son who used drugs and killed his father with a spade, to our surprise the boy was released just after two days arrest. We had to write and escalate our complaint to level of the NPA regarding that matter, because once the community decides to protect itself from dangerous criminals that are carelessly released to us by the system, you start to see how effective our police can be, they arrest and charge community members"* (FGDs 6).

*'The public do not know that we don't have powers to prosecute the justice system does. Most of the time police do go to court to oppose a bail stating all the reasons but the court grants it. The community will blame the police for releasing the suspect accusing us of negligence and accepting bribes of all sorts of things that are not so'* (FGDs 2).

The police reported that there seems to be a lack of knowledge among community members regarding their own role in making cases a failure or a success. The people are reported to be refusing to testify even though they witnessed the crime. The participants explained:

*'Most of the cases are administrative cases, with no evidence or testimonies which make them struck out of the roll by court. The failure of the police, which I acknowledge is that most of the time we don't report back to the complainant when such happens as a result the complainant assumes that the case was neglected or squashed by the police themselves'* (FGDs 1).

*'Sometimes most crime perpetrators are protected by relatives, they hide evidence or even give them ways to escape'* (FGDs 6).

*'When arriving at these scenes, you usually almost catch the people in action, but with the arrival of the marked vehicles they disappear into the structures. Witnesses don't want to identify anyone. It's like its being committed by ghosts. So, no one wants to step forward to say I can identify [the perpetrators]. There are just no witnesses, no one saw anything'* (FGDs 5).

*'In justice they are rated according to the number of cases resolved, therefore they strike off the roll easily the cases that they see as unlikely to continue this opposes the performance criteria of the police that is the number of arrests'* (Participant 9).

The breakdown of trust between the politicians, public administrators and the public also affects the police relations with the public. As law enforcers, the police are always caught at the crossfire when people protest illegally, violate other people's rights and damage property when demonstrating their anger and dissatisfaction over service delivery.

*'Political interference has become one of the popular cause of mistrust and that affects the relationship between the two parties. For example, politicians will come to people and make empty promises (election manifesto) and when the people protest and demand what they had been promised, police are caught in the middle as their duty to enforce the law during illegal protests and damaging of property'* (FGDs 3).

Pillay (2017) argues that political trust is founded on good governance that is grounded on the existence of ethical codes and accountability mechanisms in all domains of human life. Such a consideration denotes that citizens have a probability of good and ethical governance at all levels of society. The way policies are structured, planned and

realised nurture or destroy trust, as they are the basis of the core principles and actions that relate to service delivery. Politicians, as elected representatives, have a duty to serve the public interest and are accountable to the people. This includes fulfilling promises made during pre-elections and acting in the best interests of the citizens, not just specific communities. Citizens have a right to expect politicians to deliver on promises and to hold them accountable through elections and other means of engagement. When citizens realise that political parties' manifestos, policies, and promises are not fulfilled, it creates further rifts and mistrust. Another official explained that the justice system performance rating is contradictory to that of the police.

Vuma (2016) claims that, although no one can argue that the measurement of police performance through documented figures on arrests is indispensable, and that there is no single police scientist or expert who can contend that statistics on recorded arrests are made. While arrests are a common metric for measuring police performance, relying solely on them can be misleading. They primarily measure reactive policing, where officers respond to reported crimes, rather than proactive measures, which focus on preventing crime before it occurs. However, arrests are also important for accountability and deterring future crime, making them a necessary component of police performance measurement. Vuma (2016) emphasises that there is a need to advance a thorough method of measuring the performance of the police to ensure that both the proactive and reactive activities are accurately measured. This could make the police see the value of performing well in crime-prevention activities and inculcate the holistic crime prevention culture, which will ensure that there is a correlation between police effectiveness, efficiency, crime, and the public fear of crime. The current reliance on crime and arrest statistics does not deal with preventive activities before the commission of crime and thus falls short of guaranteeing the safety and security needs of individuals.

*'There are a lot of young people doing nothing in this township, here in NU 1! When I started working here as a police official, I was shocked by this, even children who are the age of schooling are roaming the streets during school hours' (KII 6).*

Common to all areas are the community groups concerned that the problem of the illegal drug business that is contributing to crime has connections within the police services. One participant, who is also a CPF member in Cambridge, narrated the story in her area:

*'There is this one guy who is constantly raided by the police for selling drugs in our area. At one point they found drugs in his house, and he was arrested. He accepted guiltiness even in court and told the magistrate that he is jobless; he was introduced to the drug selling business while still in his teen years as a field seller for a drug owner. Because of the abuse he suffered he ran away and due to joblessness, he started selling his own drugs in small quantities as he does not afford even them. He was sentenced, and he served the sentence and came back after finishing it. Seemingly he went back to the business, and he was raided time again until found with them after several raids. Well, we will never promote what he is doing, but we are not pleased by the fact that in our area there are more established and well-to-do people who are known to be drug sellers, why are they not raided? Why is he the only person who is raided by the police? This is very suspicious to us, we even told the police. They said they raid according to information given to them, but we know that is not the whole truth, they are working with the untouchables to stop this small fish who is threatening their territory'? (FGDs 4).*

Regarding the same issue of recognised drug dealers assumed to be in collaboration with the police, the community participant of Vulindlela narrated the following story:

*'Just at the end of last year (2017), the police station manager was retiring on pension. In his farewell, all the local tavern owners, who we know are drug dealers masquerading as taverns, each bought a sheep for the farewell function of the station manager. During the farewell function, the owner of the butchery and tavern made a farewell speech on behalf of the local businesspeople. He said [ever since you came and took over as a station manager in this area, we never experienced any problem, you informed us if there was any problem that is why we thank you for working so well with us, Please share your experience and methods with whoever is going to replace you]' (FGDs 5).*

Police transparency and impartiality in South Africa face challenges, including public distrust, corruption, and a lack of accountability. While the SAPS has a code of ethics and strives for ethical policing, widespread perceptions of corruption and misconduct undermine public trust and the effectiveness of police work. Police patrols are reported to be very scarce.

*'When we conduct patrols with police, we always feel that we, as the community, are not welcomed. One of the reasons they (police) do not have a chance to accept kickbacks/ bribes is because of our presence (FGDs 2).*

However, sometimes reports include the police just not being keen and willing to do their job. One participant narrated a story where a mother had a child who stole a gun from a safe at home; the mother told the police where the child was with the gun. The police asked the mother to bring the child to the police station. Vulindlela community participants claim that on several occasions, after 2 or 3 am the police station closes and is locked. If people come during that time, they find police officers sleeping in cars, such that at one point, the CPF reported the matter to the provincial office. Some participants said:

*'How is a mother of a child who is a problem enough to steal the gun in the safe able to force the child to go to the police station with the gun... that's no longer a child but a potential offender? There are very few police who are responsible, and I guess their hard work is dominated by the majority of those who do not care' (FGD 5).*

The police's duty is to serve and protect the community, but a clash of interest within their ranks can undermine this objective. While community policing aims to build trust and cooperation, internal conflicts can erode public confidence and lead to a sense of injustice. The community participants described that they find there is a likelihood of compromising a service if a police official owns a tavern or taxis. Mdantsane residents reported that one of their taverns, Nokuthula, is owned by a man whose wife is a police official in the Cambridge police station. Lab (2020) highlights the value of problem-solving strategy that the SAPS must adopt as it is viewed as a central element of community policing. Lab (2020) further claims that community policing is complex and should not only concentrate on dealing with crime through investigation and detention but exploring and identifying root causes and contributory risk factors is important in establishing solutions (Lab, 2020).

Sometimes the public judge the police out of decontextualised audio and video clips that are spread on social media. This makes the police disinclined to perform any force of law, sometimes when facing resistant suspects, because their action is usually reported on social media, distorted and biased, framing the police and giving the police service bad publicity. However, when they use methods showing care and concern, there is the potential for them to get harmed or even be framed as weak and useless by the public.

*'police are law enforcers... sometimes the public knows this when they are the ones who have been victims of crime, they expect the police to act and do whatever it takes to arrest the perpetrators, however the very same public members easily become prophets of police brutality when they are watching the police in actions of enforcing the law only because they are now distant to what happens at that current situation...these distorted social media clips intimidate police work sometimes' (FGDs 4).*

Police often encounter intimidation while carrying out their duties. Reports indicate instances where individuals, including certain professionals like lawyers, openly flout traffic laws and verbally threaten officers, asserting that they will challenge them in court. This behaviour undermines police authority and creates a sense of vulnerability among law enforcement personnel. Additionally, issues such as nepotism and a lack of transparency in promotion procedures contribute to a decline in morale within the police force. There are concerns about the erosion of discipline, particularly among newer recruits, suggesting deficiencies in police training programs regarding conduct and accountability. There are also reports of a lack of discipline within the SAPS (as colleagues), especially with the latest recruits. There seems to be a collapsing element in police training regarding police conduct and discipline. The cluster has many foreign national residents. There is a problem of communication between them and the police when they are implicated or affected by crime. Many of them cannot speak English, which is usually used as a medium when speakers do not understand the original languages of one.

#### **Theme 4: The current strategies in place and their effectiveness in building a relationship of trust between the police and the community**

The main strategy is the establishment of CPFs in the policing areas. CPFs are reported to be established by communities under the guidance and conservation of the area police responsible for the unit. These CPFs meet monthly in police stations and are engagement platforms between the police and the communities of the area regarding the combating of crime. The Cambridge main area reported through utilisation of the structure; the community constantly engages with the police through public meetings and community-initiated programmes such as The Spirit against Crime and Neighbourhood Watch. The CPF of Cambridge urban area also collaborates with the private security companies of the residents, an element that contributes to its effectiveness. All participants of the Mdantsane groups mentioned the CPF structure and its meetings as an existing strategy that is meant to build a relationship of trust between the community and the police in these areas. There were various challenges regarding the ineffectiveness of the CPFs in the townships and informal settlements. Some of these are ambiguity or unclarified grey areas regarding the boundaries between the roles of the two partners. A well-managed structure permits CPFs to observe approaches

and ‘tactics’ that are applied by police officers when tackling crime-related issues. The formation of CPFs in communities is observed as having contributed to the advancement of approaches that the SAPS members embark on when undertaking their roles (Ngoveni, Maluleke & Mabasa, 2022). Lack of capacitation and scarcity of resources (stipend) for calling the police and visiting stations and attending certain programmes related to the role of the CPF was also mentioned. CPFs are reported to be re-established according to the public’s call and the national office is responsible for their training (reported to take place during the new establishments period). The participants responses concerning this theme include the following:

*‘I do not see any strategy being implemented by the police that is aimed at building trust between us and them. What I can observe is that they will come and tell us what we need to do as the community. All what I would like to see happening is when both police and community get together and plan around the ways of bringing the two together. This should be a joint venture not a one-sided effort. We want to be the part and parcel of strategies. The strategy in place is not working for us (KII 1).*

*‘When the community policing was introduced, we were under the impression that police will explain to us what that is expected of us. I have a friend of mine who is an active member of CPF in another area and when he tells me how they operate in his area, it’s totally different from what is taking place in Mdantsane cluster. Community there is involved in all aspects of crime prevention and there is a consultation and transparency’ (FGDs 4).*

There is a gap between the CPFs of the urban area and those of the townships and informal settlements. Their effectiveness varies; the urban CPF is more effective than the township CPF and function is almost zero in informal settlements.

#### **Theme 5: Effects of mistrust on the relationship between the police and the community**

The variation in levels of trust also leads to a variety of effects and diversity of responses. The communities that have enough resources use the private security system as a watchdog and a partner to support the service of the police. However, those who cannot afford private security respond by mobilising the community to form groups that serve as crime activists. On an individual level, people resort to being silent victims and not report crime, some withdraw cases due to intimidation, fear and lack confidentiality and protection and daunting court processes. There is reluctance of community to be involved to testify though acknowledging to have witnessed a crime. The lack of trust undermines the legitimacy of law enforcement and creates an unequal society in which some feel safe and cooperate in investigations if they trust law enforcement while others are alienated and suffer in silence. Township and informal settlement residents report that the best way to get the attention of the police is to use vigilantism. Some of the responses were as follows:

*‘If you want them to have arrest you must mobilise and kill the crime perpetrator, all those stories of vehicle shortage and what and what will never be there...they will be here to arrest the people who defend themselves when they fail to’ (FGDs 1).*

Detectives struggle to get cooperation from the communities, and that makes it difficult for them to improve on certain aspects of investigation, such as detention rate, cases to court and trial-ready cases. The community is being terrorised by the criminals in their areas, and they find it difficult to share the information with police because some of the officers are colluding with the criminals. High levels of trust promote healthy interactions, whereas low levels of trust undermine constructive relationships. Trust in law enforcement is essential for the belief in the legitimacy of law enforcement or a feeling of obligation to obey the law and defer to the decisions made by legal authorities.

#### **Theme 6: Strong working relationship of trust between the police and the community**

According to the community, there is a strong need to strengthen the relations and improve poor communication between the police and the community. There is also a serious need for intervention to improve the communication between case detectives and the complainants. The public recommended that awareness campaigns be compulsory in monitoring the performance of police stations. The SAPS members should be required to provide evidence of community engagements, school visits, patrols, and operations conducted at a certain time, even if it is quarterly. The community recommends that the police must be given strong capacity in terms of training, transparency on resources and increase of manpower. One participant reported that sometimes policies and resources are available, but the community and even the police do not know about them:

*‘There was an initiative that was widely appreciated by the youth in our area... the community of the Cluster organised a sport tournament which was cancelled in last minutes due to no funding, however there was confirmation later that there exists a cluster fund for such functions which should have been applied for but the community and even the*

*police did not know about that...we believe there are resources that are not utilised sometimes while communities are in dire need of them' (FGDs 1).*

*'We would love to see a situation where Imbizos are held on regular basis mobilising the communities to join police to fight crime in their areas (FGDs 3)*

*'Street committees must be established in our areas and neighbourhood watch to be implemented effectively' (FGDs 6).*

There was a recommendation for the need for meaningful bridging of the gap between justice and the police service. These arms of the law need to engage as to what can be done to avoid the common strike out of roll of cases that causes many crime victims in the area not to get justice, a situation that contributes to the high crime due to perpetrators not being held responsible for their actions. Both the community and the police agree that there is a need for an increase in manpower of the police and resources such as vehicles to enable effective policing.

The participants also identified the need for security upgrading in the police work environment, starting from police station premises installing systems that allow for people who visit the stations to be traced through cameras; entrance security as it is done in correctional services centres. Participants agree that the security at police stations used to be strong during the apartheid system, but it collapsed when the new system took over, instead of being strengthened due to openness adopted. Police also need to be trained and capacitated continuously with in-service training, not only on shooting practices, but also on skills such as writing of dockets, computerising data, stress and depression management and handling angry and devastated complainants. The police reported that the memoranda and circulars released and made available are not enough to update the police with legal amendments related to their line of duty. Rather, planned sessions of engaging with such amendments and their implications are needed to always keep the police alert.

The community also believes that just like other departments that have community volunteers, SAPS must think of giving CPF members a sort of stipend to assist them to always be in communication with the police. Vulindlela participants believe that from what they observed there is a need for a station to have workforce that is represented by all South African race categories. They also recommend that the police must rotate workstations and not settle for many years in one area. Some of the participants said:

*'As people of South Africa, we know where we come from; we do not want to go back. During the apartheid period we longed to be policed by our own people who will be able to relate to our challenges. But we have seen that people benefit better in a service of mixed races otherwise the police service becomes a service of 'mzalas' (meaning the service serve the relatives/ cousins/ relations favours) (Participant 1).*

*'I was impressed the other day when I saw police in action in Amalinda informal settlement. There was police visibility in that area, the police came using all kinds of resources like flying choppers, foot patrols and some police on horsebacks. It is a very rare and yet a seriously needed sight in our places. If we could see such operations very often, we will never have these kinds of problems in our areas... criminals will never enjoy the kind of comfort they enjoy now' (KII 3).*

There is a strong need to find ways to close the chances of political interference in police work. A recent case is that of Deliwe de Lange, a Gauteng Police Commissioner who is reported to be intolerant of corruption, especially by senior police officials. When presenting the 2016/2017 crime statistics of the province she reported that most of the repeat crime offenders in the province are illegal immigrants; this must be viewed as what statistics analyses show without being xenophobic; people wondered why they were not deported home the very first time they were convicted and that there is evidence of corruption by senior police officials at some stations. Lieutenant-General de Lange is reported to be vacating the post, which is viewed to have been pushed to voluntary early retirement after only two years as the provincial commissioner. According to the SAPS, she was given options for redeployment, and she chose to retire.

*'I am very proud of the work I did to stamp out corruption. I wish I could be here and finish my term. I would ensure that I root out all these corrupt officers in our province who are damaging the image of the SAPS, ... I still wanted to do a lot, but the national office approached me and asked me to leave... Yes, I was given a golden handshake'- Deliwe de Lange (TimesLive, 2018)*

The South African Police Union (SAPU), President Spokesperson's response was:

*'This is one of the most expensive ways of getting rid of people. Why give her a golden handshake if she has performed well without any disciplinary steps taken against her and while the provincial government still has confidence in her? The country is losing millions in these golden handshakes... (Times live, 2018).*

There must be a strong effort to improve the safety of police officials when on duty. For instance, the shortage of hand radios poses a risk to police who attend crime scenes. Most of the time the police are isolated without any support at hand whenever a crisis arises. There must be a fingerprint system that matches the demand. A fingerprint feature extraction programme is important in assisting with the location, measuring and encoding ridge endings and “bifurcations in the fingerprints” (Ali, Mahale, Yannawar & Gaikwad, 2016). The exciting one is central for the whole cluster; it is overloaded by the large area it covers and is also suffering because of insufficient personnel. The system is behind the times, and it also delays to such an extent that by the time it arrives at crime scenes some crucial evidence is already lost. There must be upgrading of the AVL system to control police vehicle location, upgrading of security in police working environments, in-service training and updates on legal and policy amendments regarding the duty must not only be on memorandums, but they also need proper workshops for police members to engage and fully understand what their implications are regarding the police duty.

The Call Centre (10111) control room must have a tracking system for calls to track when the call was received and what response was given, to hold the public and call centre service accountable. Radio control should be carried out by personnel who have proper training in the background of police work. Sometimes, when the public calls 10111 for serious incidents that need the attention of the police, the staff who receive and dispatch those complaints do not take them with the seriousness they deserve. The police and the public need education on writing or stating (at least) statements that carry substance. There are reports of them hanging up phone calls from callers. The bad service people get from the radio control is misdirected by the police by the public. When the police arrive late at crime scenes, they encounter the angry public that accuses them of negligence, and the negative attitudes they receive from the 10111 service. The wellness programme of the police service was identified as very ineffective; police are psychologically and emotionally traumatised, and the effect of this on them at a personal and occupational level is not taken seriously enough.

There must be programmes that empower the community to know the basics of judiciary, such as what to expect when they are witnesses in court. There is also a need to clarify the anonymity issue and the witness protection policies. The area is shady because sometimes when the police demand that witnesses disclose their names they retreat and refuse to participate out of fear of not being protected after giving testimonies. The public claim to have seen people dying or injured after being left alone in communities with the dangerous offenders they testified against in courts. One of the responses was:

*‘I once testified as a witness in court ...the way I was grilled by lawyers was intimidating however I did because I knew in my area, we are a close knitter in fighting crime that support one another as CPF could betray their trust’ (FGDs 2).*

The police require a comprehensive system that facilitates seamless action upon arrival at a crime scene. Upon gathering sufficient evidence, there should be provisions for initiating the opening of a docket and registering a case on-site, eliminating the necessity for victims to be transported to the station or visit it themselves. The approach streamlines the process, enhances efficiency, and ensures that crucial steps in the investigative process are promptly undertaken, thereby optimising law enforcement efforts and improving service delivery to the community.

## **Conclusion**

Despite all the limitations and its lack of representativeness, this is the first article that provides empirical evidence of an association between procedural justice and police legitimacy in the area of study. According to its findings, respect for rights during involuntary contacts with the police had a positive correlation with better assessments of police service during public-initiated contacts and better public evaluations of police effectiveness in controlling crime. There is reluctance of the community to be involved or to testify though acknowledging to have witnessed a crime. The lack of trust undermines the legitimacy of law enforcement and creates an unequal society in which some feel safe and cooperate in investigations if they trust law enforcement, while others are alienated and suffer in silence. According to the community, there is a strong need for strengthening the relations and improving poor communication between the police and the community. There is also a serious need for intervention to improve the communication between case detectives and the complainants. The public recommended that awareness campaigns be compulsory in monitoring the performance of police stations. These results suggest, however, that procedural justice must be considered by the police as it could enhance the perception that citizens have of them and, eventually, produce more law-abiding and cooperative citizens, as the findings have shown. The findings further indicated that the impact of police legitimacy can be linked with the perceived police effectiveness and perceived safety of the neighbourhood. Nevertheless, this cannot be interpreted as a lack of association between the strength of social order and police legitimacy, given that strength of social order is a broad concept that comprises many variables, which should be tested in further research.

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