Chapter 18
Policing in the Multi-Cultural and Multi-Ethnic Environment of South Africa

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Introduction

The first Europeans to discover "the Cape" in South Africa and to write about it were the Portuguese. The Southern tip of Africa or Cape Town as it is known today has no written history before it was first mentioned by Portuguese explorer Bartholomeu Dias in 1488. Bartholomeu Dias arrived in 1488 after journeying south along the west coast of Africa. The next recorded European sighting of the Cape was by Vasco da Gama in 1497 while he was searching for a route that would lead directly from Europe to Asia. The Dutch was next to write about Cape Town and to settle or inhabit the Southern tip of Africa in 1652. Before 1652, when the Dutch Commander Jan van Riebeeck and his 90-man crew settled in South Africa, the earliest representatives of South Africa's diversity, at least the earliest that is identifiable, were the San and Khoekhoe people (otherwise known as the Bushmen and Hottentots or Khoikhoi). They were residents of the Southern tip of the continent for thousands of years before its written history began with the arrival of European seafarers. Other long-term inhabitants of the Southern tip of Africa were the Bantu-speaking or Black people who had gradually moved into the Southern tip of the continent from the far north (Congo) many years before the arrival of the Europeans. Several different ethnic groups developed over time and settled in different geographical rural areas in South Africa. Over time they developed their own unique languages and informal indigenous legal as well as cultural practices. In 1652 Jan van Riebeeck was send by the Dutch East India Company to build a fort and develop a vegetable garden in South Africa (Cape of Good Hope / Cape Town) for the benefit of ships on the Eastern trade route. He brought with him European legal practices. By the end of the eighteenth century, the Dutch interest in the Cape

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of Good Hope faded, and the British used this opportunity to seize the Cape in 1795. The British also implemented some of their legal practices. This imply that South Africa have a mixture of indigenous, Dutch-Roman, English, Apartheid as well as democratic legal initiatives merged into the current legal and policing system (Bezuidenhout 2015, p. 196; Bezuidenhout 2017, p. 143; Bezuidenhout and Little 2012, p. 369; Dippenaar 1988, pp. 322–323, 421, 480–481, 486–487, 497, 539, 557, 634, 637; Official South Africa Yearbook 1993, pp. 9–20; South Africa Yearbook 1995, pp. 27–35).

British sovereignty of the area was recognized at the Congress of Vienna in 1815. The British introduced British law into the Cape after the seizure of the Cape Colony from the Dutch. The Union of South Africa is the historic predecessor to the present-day republic of South Africa. It came into effect on 31 May 1910 with the unification of four previously separate British colonies. A centralised police was needed because it was believed that the, police was too local and decentralized in each of the separate British colonies and the territories formerly recognised as part of the Boer (White European citizens opposed to the British rule) republics. The different police forces had diverse missions and functions which were problematic (Brewer 1994, p. 29–30). In this vein during 1911 it was decided to reorganize the police forces of the newly formed Union of South Africa similar to the structures that were used in the former Cape Colony. This implied that from 1 April 1913, two police forces were formed within the Union of South Africa, namely the:

- South African Police (SAP) who was deemed the regular police force of the Union. The policemen could also be called up in time of war.
- South African Mounted Rifles (SAMR) who was deemed the first permanent force of military constabulary. These police men could, in a time of peace undertake policing duties in areas traditionally occupied by the majority Black population of South Africa (South African Police Services (SAPS) 2012).

These two forces therefore worked together with the SAP basically having policing jurisdiction in urban areas mostly frequented by the White minority and the SAMR having jurisdiction over rural areas mainly populated by Black people (Brewer 1994, p. 38). While the SAP was promulgated under the Police Act and was developed to maintain law and order and manage crime, the SAMR was promulgated under the Defence Act and had a para-militaristic style of law enforcement. Race relations, political unrest, strikes in the mining industry and the looming World War II (WWII) at the time also had an influence on the policing style of SAP and the SAMR (Brewer 1994, p. 38). In 1926, the SAMR was absorbed into the SAP and the SAP and the SAMR became one force (Brewer 1994, p. 74). However with the outbreak of the WWII the SAMR members were called to war duty and the SAP assumed their policing responsibilities in the rural areas. In addition some SAP members were also called for military duty in the war.

The SAP was therefore eventually officially created after the Union of South Africa was established in 1913. The SAP was the successor to the police forces of the Cape Colony, the Natal Colony, the Orange River Colony, and the Transvaal Colony. The entire force had to be restructured, and for a short period, the South

African Defence Force's (SADF) military police assisted the SAP when necessary. The SAP and the military maintained their close relationship even after the SAP assumed permanent responsibility for domestic law and order in 1926. Police officials often called on the army for support in emergencies. In WWII, one SAP brigade served with the 2nd Infantry Division of the South African Army in North Africa (Potgieter 1974, p. 632). The police of the time saw their duty of providing security to the country as a type of rivalry and the citizens of the country were viewed as enemies [us and them] (Hornberger 2013, p.598). By 1948 there was growing irritation from the White population with wartime restrictions that were still in place as set by the British rule of the time, and in addition living costs had increased sharply. These factors as well as continued pressure, domestic wars and resistance paved the way for a parliamentary election in South Africa on 26 May 1948.

When the Reunited National Party (later changed to the National Party [NP]) edged out its more liberal opponents in nationwide elections in 1948, the new government enacted legislation strengthening the relationship between the police and the military. Although racial segregation in South Africa began in colonial times under Dutch and British rule, apartheid as an official policy was introduced following the general election of 1948. New legislation classified inhabitants into four racial groups ("Native," [Black] "White," "Coloured," and "Asian"), and residential areas were segregated, sometimes by means of forced removals. This system of racial segregation and the enforcement thereof through legislation by the NP government (the ruling party from 1948 to 1994) caused many frustrations and grievances. In line with the segregation between White and Black the SAP maintained its military character. The police were given more power during this time period with the scope of their duties being extended, police brutality being allowed and specified legislation allowing the police to search people and their premises without a warrant (Brewer 1994, p. 207). After the 1948 election The National Party also removed remaining symbols of the historic British control. The elected government greatly strengthened minority White control of the country.

Under this system, the rights of the majority Black inhabitants of South Africa were curtailed, and White supremacy and Afrikaner minority rule was maintained. The police also focused their intentions predominantly on the protection of the White minority. Apartheid was therefore cultivated after WWII by the White Afrikaner-dominated NP and "Broederbond" (brotherhood) organizations. The minority White police force were heavily armed after that, especially when facing unruly or hostile majority Black crowds. During the apartheid regime, the police were used mainly for the protection of the White minority and the furtherance of the unequal political climate. This was a paradox in policing at that time as the majority usually dictates the political and policing structures and dogma in a country. The police were tasked with the function of guaranteeing the success of segregation in South Africa, which resulted in general crime prevention mainly being allocated to the White minority (apparently a 70%:30% distribution). At that stage, political unrest was rife, and the majority Black population regularly staged different uprisings. The government used announcements to declare a state of emergency when-

ever uprisings threatened the stability of the country. They used this tactic to crack down against their Black political opponents at times of heightened resistance. Police could detain anyone for reasons of public safety. Also, meetings and gatherings could be banned by the police. The first state of emergency was declared in 1960 after the Sharpeville Massacre when the African National Congress (ANC) and Pan Africanist Congress (PAC) also were declared illegal political parties (Bezuidenhout 2015, p. 196; Bezuidenhout 2017, p. 143; Bezuidenhout and Little 2012, p. 369; Brewer 1994, p.76).

During the National Parties reign (1948–1994), several political liberation struggles by different "illegal" political parties forced the White minority government to use the police as their pawns. This led to the SAP being used as a tool of repression by the minority White population against the Black majority population. No special strategies were known to accommodate different Black ethnic groups, the Coloured or Indian groups. All were treated as the enemy of the state. The police were the gatekeepers of the apartheid government. The police was used to protect the White minority against the actions of the Black majority to attain sovereign political power. The pinnacle was the 1976 uprising by school-going children who protested against the Afrikaans Medium Decree of 1974, which forced all Black schools to use Afrikaans and English in a 50:50 mix as languages of instruction ("Afrikaans" was the first language of most of the White Afrikaner group, the Coloured group and some other minority groupings in South Africa [e.g. Riemlanders] – the language was developed from Dutch, French, German and other languages). This Decree introduced a wave of uprisings and strikes against the White minority government as many Blacks have their own unique indigenous language and refused to be educated in a second language. Also, by the 1990's the police had received a reputation of being brutal and ill-equipped to deal with ordinary crime and specific groups who needed special policing strategies and interventions. Special crime strategies to work with minority groups or sensitive groups in society did not exist. The police were highly militarized and hierarchical. Change was needed if a democratic policy was to be pursued. After extended international pressure, sanctions and increasing pressure from the majority Black populace in South Africa did the minority White group decided to hand over their political control to a Black majority coalition in 1994. It was the work since 1990 of the then leader of the National Party President F.W. de Klerk who began negotiations to end Apartheid. His decision to negotiate for the end of the segregation period led to the Democratic elections that were held in 1994. The African National Congress (ANC) won the elections by a large majority and Nelson Mandela was elected as the first Black president of South Africa. The immediate focus was on the abolition of the death penalty, the improvement of rehabilitation services, the reduction of oppressive control mechanisms, and the recognition of the rights of every SA citizen including suspects and prisoners. The objective was to criminalize less, to minimize the use of custody, to humanize prisons, and to reintegrate prisoners into the community. A restorative justice approach was adopted at the same time that crime rates increased dramatically after democratization.

Already In 1991 the South African Police began a series of internal restructurings which included elements such as the de-politicization of the police, greater levels of accountability, more visible policing, changes in service delivery objectives and the restructuring of the police force (Rauch 2001, p. 1–12). The role of most of the specialised units was also integrated into general policing functions. The challenge to policing now became even more demanding as the Black majority coalition consisted of several different Black ethnic groups. Each ethnic group came with their own identity, language, policing needs and requirements. Some of the Black ethnic groups were now minorities (e.g. The Venda group) and some Black ethnic groups were more dominant than others (e.g. The Zulu and the Xhosa ethnic groups). They (Zulu and Xhosa) represented a majority representation compared to many other Black ethnic groupings in South Africa. The previously dominant White political grouping became a small minority grouping in South Africa. The diversity in race, ethnicity and language posed many challenges in the ideal of implementing a fair democratic police. Thus policing practices faced very complex challenges in South Africa as many members come from different ethnic backgrounds and the different groupings needed to be policed fairly. South Africa adopted eleven official languages in its Constitution. Mr. Mandela wanted everyone in South Africa to be equal before the law. He envisaged the police in South Africa to change their character from operating in a militarised manner to a demilitarised style. In 1995, the introduction of the South African Police Service Act (Act 68 of 1995), implemented the changes envisaged into a legal framework. The restructuring of the police was now in full progress and the "force" had to make way for a "service" and a more accountable and civilian based police service was envisaged. The emphasis on creating better relations between the police and the community and adopting a new mind set within policing was inevitable. With the appointment of the national commissioner of the SAPS in January 1995, the process of changing from a police force to a police service formally started. The idea of the early 1990s of a police service accountable to the community through its democratically elected institutions had to be given practical manifestation (De Vries 2008, p. 129). The plethora of legislative and policy changes which South Africa has undergone since 1994 has had a significant impact on the approaches and philosophy informing the transformation of policing services. Aimed at improving the effectiveness and efficiency of policing services, these changes have emphasised two important elements, namely community involvement and a human-rights based approach to policing. The vision of the South African Police Service (SAPS) envisaged endeavours to create a safe and secure environment for all the different groupings in South Africa. Its mission is to create this by participating in activities to deal with the root causes of crime in all communities, as well as working to prevent any action which may threaten the safety and security of any community or person and finally, to investigate incidents of crime in order to bring the perpetrators of such action to justice (Govender 2010, p. 69). Many service delivery changes and initiatives were introduced and the police were renamed to the SAPS. Demilitarization occurred and different police strategies and philosophies were introduced such as community policing (CP) and sector policing (SP). Mass recruitment drives were initiated to change the police profile

from a dominant White organization to a dominant Black organization to ensure that the police represented the race profile of the country. The last two decades has seen many challenges for policing in South Africa, caused by aspects influencing the internal and external environment of the police service. It was believed that community and sector policing were adequately solving the country's widely documented crime problem. However the changes after 1994 did not produce the envisaged results. In fact, many practitioners and academics question the impact and value of the new types of police philosophies in South Africa and highlight that SAPS have unofficially reverted back to a shoot first and ask later approach (militarisation). Violent crimes are soaring and the police service in South Africa is buckling under the pressure to police according to a client friendly human rights ethos in an extraordinary violent country. Every citizen in South Africa as well as special needs and minority groups are all dealt with in a similar way. No special permissions or grants exist for minority groups in South Africa.

Overview: Changes from Militaristic to a Service-Oriented Policing and Back Again

The South African Police Service (SAPS) has undergone a paradigm shift since the abolishment of the apartheid regime in 1994. Before 1994, the South African Police (SAP) employed a militaristic approach to policing, which was based on limited community involvement in policing matters. Since then, the 'force' has changed into a 'service' with the emphasis on community policing, a philosophy of policing that emphasises a co-operative approach between the police and citizens focusing on solving community problems and improving the quality of life in the community in general (Wilson et al. 2001: 30). Specific policing strategies for minorities were not introduced as everyone in South Africa was promised equal treatment by the new Constitution. In Chap. 2: Bill of Rights (South African Constitution) the following is pledged:

Equality means the following in Section 9:

1. Everyone is equal before the law and has the right to equal protection and benefit of the law.
2. Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
3. The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
4. No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.

5. Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

In addition the South African Police Service Act, 1995 (Act No. 68 of 1995) was promulgated after the Constitution was finalized. Lesese (2018) state that in the preamble of this act it requires for the establishment, organisation, regulation and control of the South African Police Service to provide a police service throughout the national territory to inter alia:

– ensure the safety and security of all persons and property in the national territory;
– uphold and safeguard the fundamental rights of every person as guaranteed by the Constitution;
– ensure co-operation between the Service and the communities it serves in the combating of crime;
– reflect respect for victims of crime and an understanding of their needs; and
– ensure effective civilian supervision over the Service.

Lasese (2018) indicates that SAPS makes no distinction between persons on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. Although no specifically trained minority policing squad exist SAPS are sensitive to the needs of the community and victims of crime. There are broad legislative frameworks that can be hazily interpreted that the police are considerate to some minority groups such as the victims of crime. This "sensitivity" is illustrated in some official police documents such as:

– National Instruction 2 of 2012: Victim Empowerment;
– National Instruction 3 of 2013: Sector Policing;
– Sections 18 to 23 of the South African Police Service Act, 1995 (Act No. 68 of 1995) dealing with Community Police Forums and Boards;
– The Rural Safety Strategy;
– Crime Prevention Partnership Guidelines;
– The Manual for Community Based Crime Prevention;
– National Instruction 5 of 2014: Reporting the detention, death or complaint of a foreign national and Standard Operating Procedure 1 of 2016 Detention, death and victim of crime of a Foreign National.

Some new policing initiatives were therefore introduced to provide momentum with this "equality" before the law approach. With regard to the aforementioned a few initiatives will now be unpacked to determine their value to policing in general and more specifically on minority policing. When South Africa became a democracy in 1994 CP was introduced but, has until now, not adequately solved the country's widely documented crime problem. Against the background of a struggling community policing philosophy in South-Africa many police managers and politicians became desperate to nullify criticisms. After much deliberation and non-consensus since 1998 between senior managers in the police was SP officially

accepted as an additional tool to community policing to ensure "equality" before the law. A national instruction about SP was promulgated in this regard on 13 July 2009. After 2009, a fresh emphasis was placed on the sector policing initiative, which was aimed at preserving the social order by encouraging police involvement in smaller, more manageable geographical sectors contained in a particular police precinct (Bezuidenhout 2011, p. 11; Van Niekerk 2016, p.3).

Although SP was officially implemented much later (2009) than CP (1994), it can essentially be described as a tool or strategy to implement community policing more effectively. As a strategy or method, sector policing implies a co-operative and symbiotic relationship between law enforcement and the community. In 2003, before proper endorsement and implementation of sector policing in 2009, sector policing was not only regarded as a practical manifestation of community policing, but also as "… a step towards the development of a modern, democratic policing style for the present century and thus to address the safety and security need of every inhabitant of South Africa" (SAPS Training Division 2004, p. 4).

After the official instruction that sector policing was an additional official instrument of policing in South Africa, clear guidelines for the implementation of sector policing were given in a national instruction in 2009. This five-page document gave instructions to all station commanders on how to implement the strategy and how the community should get involved in sector policing. However, shortly after the 'official' implementation of sector policing in 2009, the SAPS national commissioner instructed the divisional commissioner, Visible Policing, in 2010 to review the status and implementation of sector policing as a policing approach. Not all police stations, especially police stations situated in rural areas, were able to implement sector policing to its full extent and in accordance with the standards set out in the former national instruction on sector policing, National Instruction 3/2009. In addition, it was further determined that a common understanding in respect of sector policing as a policing approach did not exist internally in the SAPS, as well as externally in the broader community. The review by the divisional commissioner, Visible Policing, regarding sector policing as a newly implemented policing approach dealt with the following:

> *identification of all implementation challenges;*
> *proposals on how to solve the identified challenges;*
> *identification of good practices and lessons learnt; and*
> *the roll-out to all police stations which have not yet implemented sector policing (Van Niekerk 2016, p. 23).*

Following the review process of the divisional commissioner, Visible Policing, the SAPS top management realised that Sector Policing National Instruction 3/2009 had to be amended. The amendment was made accordingly and was approved to enhance the operationalisation of sector policing in the SAPS. The amended version of the 2009 national instruction was absorbed in Sector Policing National Instruction 3/2013. This new instruction was approved on 8 July 2013. The aim was to enable all police stations to implement sector policing as a policing approach. An implementation plan was drafted in consultation with the provincial commissioners to guide the implementation and roll-out of the minimum criteria for sector policing implementa-

tion standards at police station level. On 13 January 2014, National Instruction 3/2013 on Sector Policing was rolled out to 1138 police stations for implementation. Minimum implementation criteria were determined in an effort to assist all police stations to implement sector policing successfully.

With these two approaches in mind [CP & SP] the concept of policing can be deemed as a social function in the community. The major aims are to "maintain law and order in society" (Berning and Masiloane 2011, p. 60). In accordance with the Constitution the police need to respect the rights of all people in the community in which they serve. The paramilitary style of policing is not compatible with a democratic South Africa as it is authoritative and repressive (Berning and Masiloane 2011, p. 60).

The community and sector policing initiatives were imported from the United Kingdom to South Africa after 1994. This was justified as part of the on-going modernisation and internationalisation of the SAPS and the re-entry of the problem oriented community based policing into the international market of police ideas. Initial documents by the SAPS abound with references to the UK-based "problem-oriented policing" (Dixon and Rauch 2004, p. 57).

As early as 1994, the then Minister of Safety and Security's draft policy document on change in the police mentioned community police officers with an intimate knowledge of a particular area and its problems as the main operational units of a lean and efficient police organisation. 2 years later, in 1996, the term sector policing made an appearance in the National Crime Prevention Strategy (NCPS) as an operational strategy aimed at maximising police deployment in areas affected by "intergroup conflicts". During the finalization stages of the Constitution, the National Crime Prevention Strategy (NCPS) was launched in May 1996. It was hailed as a holistic national strategy for reducing crime in South Africa and keeping South Africa safe. A team of multidisciplinary experts from government and civil society were tasked to develop a long-term strategy to assist government on addressing the root causes of crime in South Africa. The crime prevention strategy is a multidimensional approach that accommodated different important role-players and aimed to reduce crime (Bezuidenhout and Little 2012; Newham 2005). The NCPS subsequently defined sector policing as the rendering of police services as close as possible to the community. It entailed the division of geographical areas into smaller, more manageable sectors and the assignment of police members to these sectors on a full-time basis (Mahuntse 2007, p. 20; Maroga 2004, p. 1). It did not refer to minority groups and special policing strategies for minority groups. The community is the populace of South Africa in general. The new service-oriented approach adopted by the SAPS aligned itself rather with a vision-driven and not a rule-driven approach (Rauch and van der Spuy 2006, p. 55). Community cooperation (community policing and sector policing) was seen as a vital part of policing the country and all the different cultural and ethnic groups in South Africa (Roelofse 2007). It is the belief that by being more readily involved in the community, the problems faced by any community grouping could be recognized instantly and could be prioritized by the police. It is believed that closer ties with the community increase the level of accountability of the police because they are not only accountable to the individuals

who are in command, but they are accountable to the community in which they work (Berning and Masiolane, 2011, p. 66). Greater interaction with the community as well as higher levels of accountability in the police was envisaged as an expected outcome of this democratisation process. Minority groups within smaller community groupings did not feature in the service approach agenda.

In addition to all the changes, the police, although being demilitarized after 1994, have recently been remilitarized in some ways. Specific reference to the reintroduction of the military ranking system is applicable. The former military ranking system was reintroduced in an effort to garner respect and discipline. Many feel that this reversion to the old ranks simply instils fear and not respect (National Planning Commission 2011, p. 355; Burger 2012). It is understood that the police have been reverting to a paramilitary type of force since the year 2000, but the official changing of ranks back to a militarised style only occurred in 2010. However, there is still the belief that the SAPS has continued to view itself more as a "force" than as a "service" (Police revert to military ranks in April 2010). The changing of the ranks was done in order to create more respect for the police and within the policing ranks. This argument has, however, been questioned as police brutality rates have increased since the military ranks have been reintroduced. A general understanding is that effective and efficient policing will harness more public respect than military ranks (National Planning Commission 2011, p. 355).

A general consensus has been gained in that, although the remilitarization was supposed to decrease crime rates, it has, in effect, increased police violence toward the public. The sentiment is shared by the National Planning Commission as well as Berning and Masiolane (2011). A report conducted by the Independent Complaints Directorate in 2011 found an increase of 800% in the torture rate committed by police against civilians since the remilitarization (National Planning Commission 2011, p. 356). Berning and Masiolane (2011) indicate that the rise in police shootings, police brutality, use of excess force, and a culture of questioning senior superior orders shows how South Africa once again now faces a militarized police. The brutality and "absence" of the police in the community has tarnished relationships with the community even more. Also many police officials are guilty of corrupt actions. Different factors contribute to this breakdown in the relationship between the community and the police and the intolerance communities show toward police officials. Factors that compound the poor relationships and probably contribute to the high number of police killings in SA include poor management, poor training, and incorrect application of police procedure during police patrols. But as South Africa has learned, race, ethnicity or status is hardly the only obstacles to good relations between the police and the people. Corruption, poverty and the continued use of deadly force, especially in the townships and informal settlements are fuelling distrust and division as well (Onishiaug 2016).

In addition the culture of intolerance and violence in SA has a significant effect on current community–police relationships. Soon the hope of a new way of engaging with crime and the community dissipated which resulted in governments' primary focus and resources being directed to the different bodies of the criminal

Table 18.1 Mid-year population estimates for South Africa by population group and sex (2017)

Population group	Male		Female		Total	
	Number	% Distribution of males	Number	% Distribution of females	Number	% distribution of total
African	22,311,400	80.8	2,334,500	80.8	45,656,400	80.8
Coloured	2,403,400	8.7	2,559,500	8.9	4,962,900	8.8
Indian/ Asian	719,300	2.6	689,800	2.4	1,409,100	2.5
White	2,186,500	7.9	2,307,100	8.0	4,493,500	8.0
Total	27,620,600	100.0	28,901,400	100.0	56,521,900	100.0

Source: Statistics South Africa (http://www.statssa.gov.za/)

justice system, and the term crime prevention has now become synonymous with policing (Newham 2005).

To understand the challenges with the implementing specialised crime prevention, crime control and specific policing strategies and philosophies in a diverse country like South Africa one needs to understand its geographical and racial profile (Table 18.1).

Policing Minorities in South Africa

The transformation of South Africa's police force, from the enforcer of white-minority rule to an institution controlled by the Black majority, has been troublesome and increasingly violent. Black policemen make up 76% of the SAPS, with White policemen account for about 11% of the police population. In the 2017 census, Blacks totalled 80.8% of South Africa's population and whites 8.0%. Police in South Africa are known for their violent hard handed approach. However, international news often refers to the United States as a racist society where White police officers treat Black Americans differently and with more impunity. Be it as it may, members of SAPS also act with impunity. The difference however is that SAPS tend to treat everyone in society with impunity should they need to act against someone. Black on Black violence is very common in South Africa especially with regard to illegal immigrants. Xenophobia is rife in South Africa and in some instances police do not attend to matters pertaining to a Black immigrant on the same level as a Black local SA citizen. In addition some police turn a blind eye when immigrants are harassed (Bekker 2015, p. 233; http://www.statssa.gov.za/).

Currently the SAPS staff profile mirrors a population that is 80.8% Black. With this in mind one should think that police-community relationships will be improved. However, relations remain particularly fraught between the police and Black communities in different areas of South Africa. Black on Black violence is very common and Black police officers are regularly killed by Black perpetrators. This peculiar

situation and the fact that violent crimes are increasing leave no room for fancy "sensitive" policing strategies for minorities. During the Apartheid era one could argue that the White minority police protected the minority White population. However I find it difficult to explain why Black on Black, especially Black police officers on Black community members is so rife in the country (Onishiaug 2016). It is also believed that the police use more force in the poor traditionally Black areas toward Black citizens compared to affluent Black and White community members (Onishiaug 2016). Reports like this stands against Section 9(1) of the Constitution of the Republic of South Africa, 1996 which declares that everyone is equal before the law and has the right to equal protection and benefit of the law.

Challenges to Minority Groups in South Africa

Currently the police deem everyone equal before the law. Therefore no clear "minority policing guidelines" and only broad hazy policies regarding this matter are available. The Constitution of our country guarantees every person the right to life and the right to security, which includes among other things, the right to be free from all forms of violence from either public or private sources. The Constitution further guarantees that adequate protection of such rights is fundamental to the well-being, social and economic development of every person. South Africa accommodates a population of more than 56 million people and it harbours 11 official languages and a myriad of different cultures, ethnic groups (each with a preconceived perception of each other) and customs that demand special attention in the policing task. However the "holistic blanket" policing approach in South Africa does not accommodate for these needs.

Nevertheless certain minority groups need to be identified as they are in need of special policing initiatives. Racist and xenophobic violence and sentiment are rising across the world. Cutting across religious and cultural divides, racism and xenophobia threaten communities of ethnic (e.g. Venda) or national minorities (e.g. White Afrikaner people), including immigrants (e.g. Individuals ~~seen~~ derogatively referred to as "Shangaan"), general citizens (e.g. Farmers), long-time residents (e.g. Black local person) mistakenly regarded as a "makwerekwere" (derogative term to refer to an illegal immigrants) and newcomers (e.g. individuals from across our borders). Immigrants, Farmers, White Afrikaans speaking citizens and refugees are currently among the most vulnerable groups in South Africa regarding Xenophobia and therefore need specialised policing strategies.

Since the replacement of the Apartheid regime by a democratic government in South Africa, the dominant economic power on the continent has become an attractive destination for millions of (un)documented migrants from the continent. The downfall of neighbouring Zimbabwe especially increased (un)documented migration to South Africa. Countless assaults against foreign Africans show that a climate of Xenophobia has been penetrating the South African society since the end of Apartheid. Instead of protecting illegal immigrants many South African politicians,

police members and Black communities as well as the media rather intensify the atmosphere of Xenophobia and Black on Black violence. Foreign Africans are also used as scapegoats for the problems of the South African society (e.g. crime, scarce job opportunities etc.). Thus African migrants are often generally associated with criminal activities, and not infrequently politicians underline that migrants are a drain on scarce public resources. Often during xenophobic attacks the police stand neutral between opposing parties (Bekker 2015, p. 231). So instead of special minority policing strategies the minority is victimised and sometimes brutalised by the police. One example to illustrate this non care attitude is the case of Mido Macia. On 12 November 2015 the world saw the sentencing of eight former police officers as they were convicted of the murder of 27-year-old Mido Macia, a Mozambican taxi driver, and sentenced to 15 years imprisonment. Macia had been arrested for an alleged traffic violation and had died 3 h after being detained in February 2013. This was after being handcuffed to and dragged behind a police vehicle for 200 meters in Daveyton, East of Johannesburg and assaulted within the holding cell. Macia had suffered severe head injuries and internal bleeding. The entire incident was recorded on a cell phone and went viral. During the hearing, the eight police officials showed little to no remorse for their brutal actions against the foreign national (Hartleb 2015).

To conclude, the once dominant White minority group and especially White farmers are now deemed a very sensitive minority group with very special policing needs. Farmers are being killed with impunity in South Africa. Murders on farms or farm killings have come to haunt the rural communities of South Africa. They arouse strong emotions in White South Africans, regardless of what they believe to be the causes of this type of violence. According to Geldenhuys (2010, p. 9), most people know what is meant by a farm attack and that several crimes that belong to the different serious crime categories (assault, robbery, rape and murder) are usually committed during a farm attack.

According to the South African Police Service National Operational Coordinating Committee (NOCOC):

"Attacks on farms and smallholdings refer to acts aimed at the person of residents, workers and visitors to farms and smallholdings, whether with the intent to murder, rape, rob or inflict bodily harm. All actions aimed at disrupting farming activities as a commercial concern, whether for motives related to ideology, labour disputes, land issues, revenge, grievances, racist concerns or intimidation, should be included" (Criminal Justice Monitor 2003).

Farm attacks and especially the ruthless murdering of farmers, their family members and farm labourers, are somewhat unique to South Africa (Bezuidenhout 2011, p. 204). Although these attacks occur globally, farm attacks on South African soil are estimated to be 700% higher than in any other country in the world (Bezuidenhout 2011, p. 204; Mistry 2003, p. 7). In the same vein, Jacobs (2008) reports that although farmers from different racial groups fall victim to farm attacks, White farmers stand a substantially higher risk to become a victim of an attack. In addition, the chances of a farmer being murdered on a farm in South Africa are anything between four to eight times higher than the average murder rate risk for the general population. It is believed that it is more dangerous to be a farmer in South Africa than a policeman.

Most farm attacks leave a trail of blood, death and destruction. Very often these attacks are accompanied by extreme violence and torture (gratuitous violence), similar to home invasions. It seems as if perpetrators not only focus on killing the victim, but also on inflicting pain and bringing about suffering. Most farm attacks are precisely executed and thoroughly planned (Bezuidenhout 2011, p. 204; Bezuidenhout 2013; Geldenhuys 2010, p. 10; Strydom and Schutte 2005, p. 117–123). The difference with regards to home invasions in a city is that often during attacks on farms, criminals have more time to commit the crime. Since farms are usually more isolated, the perpetrators have time and know no one will hear the agony during the torture and brutality. In addition, many farmers hunt on their farms so a gunshot usually does not attract attention. There are no reliable data on farm attacks in South Africa but several reasons have been put forward for farm murders and farm attacks, such as revenge, retaliation, hatred, negative working relationships, poor wages, poverty, unemployment, hardship and easy access to a "big" score (Bezuidenhout 2011, p. 204). On most farms the perpetrators will get money, vehicles, food, alcohol and high-tech electronic equipment as well as firearms. A farm is therefore a profitable target for robbery. Illegal immigrants who are flocking to South Africa for a better life have also been implicated in several farm attacks. In addition, racism and xenophobia have also been put forward as reasons for farm attack (Bezuidenhout 2011, p. 204; Geldenhuys 2010, p. 11; Mistry 2003, p. 7; Strydom and Schutte 2005, p. 117–123; Vena 2010). According to the Institute for Contemporary History (1998, p. 4), land claims and racism are regarded to be the main motives for farm attacks. The actual figures of farm attacks in South Africa are far from clear or complete (Vena 2010) since the SAPS stopped releasing figures on farm attacks and murders in 2007. Surely this group should be deemed a minority with very special policing needs. Only with the necessary political will could farmers and illegal immigrants see specialised policing priorities for these minority groups? Smaller Black Ethnic groups like the Venda group also need specialised policing. The Venda group is mainly situated to the far Northern area in South Africa; very close to Zimbabwe. They are often referred to as "Shangaans" and regularly bear the brunt of scapegoating and victimisation by other South African Black ethnic groups. Homeless street dwellers and street children surely also qualify as a minority group that needs specialised policing intervention.

Another vulnerable minority group who needs specialised policing is the LGBTQI-community in society otherwise known as the lesbian, gay, bisexual, transgender, queer and inter-gender community. This minority is also currently not privy to specialised policing in South Africa. Many members of this minority grouping are regularly the victims of hate crimes which justify special policing. Although special legislation is in place in SA to protect members of this population special policing units with specific training are not in place to attend to policing matters related to this group. During the writing of this chapter the author requested the police to comment on this matter. Lasese (2018) informed the author that

> "The Division Visible Policing in the South African Police Service is currently developing a Standard Operating Procedure dealing with the arrest and detention of members of the LGBTQI community involved in crime, which will be read with Standing Order (General) 341 (Arrest and the treatment of an arrested person until such person is handed over to the

community service centre commander) and Standing Order (General) 361 (Handling of persons in the custody of the Service from their arrival at the police station). As far as illegal immigrants are concerned they are currently dealt with in terms of Standard Operating Procedure 2 of 2018 (Arrest and detention of illegal foreigners) and the Immigration Act, 2002 (Act No. 13 of 2002)".

From this the author deduced that no specific policing plan and dedicated policing team will be introduced to exclusively police minority groups in general and specifically the more vulnerable groups such as the LGBTQI community.

The challenge regarding the policing of minority groups are compounded by prejudice and stereotypes which often leads to hate crimes. These crimes are committed by persons that are motivated by that person's prejudice, bias or intolerance towards a victim because of one or more of the following characteristics or perceived characteristics of the victim: race, gender, sex (including intersex), ethnic or social origin, colour, sexual orientation, religion, belief, culture, language, birth, disability, HIV status, nationality, gender identity, albinism as well as occupation or trade (Booyens and Bezuidenhout 2018, p. 65). Police officers are also human and many hold the same prejudices as the general community. This calls for dedicated, specialised police teams with very specific training and guidelines to police minority groups in South Africa.

Conclusion

The majority of citizens can concur that South Africa is a violent high-risk country where crime flourishes. The murder rate in South Africa is of grave concern, as it is five times higher than the global average. The country has been in the global top 10 for its high homicide rate for all but 2 years since 2000. In addition to the challenges to police the soaring violent crime rate certain groups need special policing strategies in South Africa. Unfortunately the SAPS deem everyone equal before the law and police everyone in the same manner. In some cases certain groups are even discriminated against by the police. In addition Black on Black violence is rife and in some instances police participate or turn a blind eye when Black citizens attack Black illegal immigrants from neighbouring countries. The "neutral" policing attitude that is guided by the Constitution and the Police Act needs to be revisited as several minority groups in South Africa are in need of exclusive and dedicated police teams, special prioritised policing methods, guidelines and training to address this void in the current policing system in South Africa.

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