

THE SOUTH AFRICAN POLICE

HARRY BLOOM

Author of "Episode"

It is naive, of course, to compare the South African policeman with the London bobby. Their jobs are different, their social environments have practically nothing in common, and they administer laws which are not only totally different in kind, but in purpose. The London bobby, relieved of the unpleasant duty of carrying on sporadic civil war against the bulk of the population, can afford to spend his time directing the traffic, rescuing cats stranded in trees, and charming tourists with his helpfulness and courtesy. He patrols his beat, and only rarely is called upon to use violence. Despite efforts by the films and press to sensationalize his job, it is, by and large, a peaceful and even a dull one.

The South African policeman is a hired mercenary of apartheid. He is employed to do the dirty work of a government that dreams up impossible and degrading legislative schemes born of race hatred. Hence his primary purpose is not to keep down crime—that is, real crime, as opposed to the technical, manufactured “crime” of the pass laws and the like. The greater part of the police force—its men, vehicles and time—is spent in screwing down the vast, mountainous, fabulously multiplying mass of apartheid laws on a resentful populace. This work means violence, because it attempts a violent overthrow of civilized concepts, a forcible and unnatural stifling of human progress. The London bobby does not carry firearms. He does not foray out against the population in armoured trucks bristling with sten-guns. He does not fire into crowds. He does not crack skulls in jittery, unprovoked baton charges.

His work is different, and it is useful to bear it in mind so as to avoid the criticism of advancing a common but mistaken comparison. It is unhelpful to discuss the South African policeman as if he were attached to the Borough of Westminster, and to measure his conduct against policemen working in entirely different circumstances. But making all allowances—for the fact that this is a country in a state of social upheaval, that the policeman’s task is to administer an odious body of laws, that the policeman, who is usually choking with antagonism towards the black man is, paradoxically, expected to be his protector—

there are alarming signs that the police are embarked upon a wild spree of lawlessness. That is to say, not content with the vast authority put into their hands, not satisfied with their already abnormal powers of arrest and detention, they are taking the law into their own hands, acting in contempt of the courts and even their own orders and regulations. They are overruling the rule of law, by which a man can only be punished by sentence of the court after being tried and found guilty of a breach of the law.

For it is common knowledge, so frequently confirmed these days as to be past denial, that the police inflict their own punishments and without regard to whether a man is guilty or innocent—a matter which, anyway, it is not their business to determine. There are too many accounts of brutal beatings-up in the back rooms of police stations—only the most sensational of which are ever heard of—for these to be rare or accidental occurrences. There are too many cracked bones, bruises, missing teeth, weals—and gravestones—in the townships and locations to avoid the conclusion that torture and assault are more or less routine procedure in police stations throughout the country. This is borne out by almost every African one meets who has had the misfortune to fall into the hands of the police—and by any lawyer who runs a criminal practice. Remember, it is not only the criminal classes for which such reception is reserved. Our police stations play host to almost the entire African public, owing to the dense network of technical laws which sooner or later ensnares just about every African. Once in the police station a whole new code of “crimes” comes into existence. It is all too common for people arrested for trivial offences—pass or tax contraventions, or possession of beer—to be viciously beaten for being “cheeky” or for other imagined breaches of charge-office good form, and in effect given corporal punishment on a worse scale than the law decrees for violent criminals.

Is it surprising that Africans have little confidence in the police as guardians of law and order? And that an aura of dread surrounds the location police station? Even victims of crimes hesitate to take their complaints there. Recently, the Station Commandant at Springs found it necessary to issue a public appeal urging complainants not to be “intimidated” from coming to the police station by a “whispering campaign” that people who enter its doors are whisked away and never seen again.

Apart from the question of mere lusty bullying, there is the

more sinister one of using third-degree methods to obtain confessions or other evidence. This is a hard subject to come to grips with. There are no statistics, of course. Such matters are not written up in the files, and they usually come down to the word of the accused against the policeman's. The courts tend to be sceptical of allegations that third-degree methods are used, because they represent an easy means of backing out of confessions. Nevertheless, an appalling number of such allegations are made by accused persons, and all too often a man can display the marks of maltreatment to prove his point. Judges and magistrates, when such cases are brought to their notice, like to say they are "rare," "unusual," isolated lapses in the conduct of an otherwise irreproachable police force. But the frequency with which they feel called upon to make such remarks undermines the assumption, and indicates that the mediaeval technique of crime detection known as third-degree is far from uncommon in South Africa.

In April last year, two policemen were sentenced to eight and five years imprisonment respectively for mercilessly thrashing a suspect to death in an attempt to force him to disclose the whereabouts of some stolen property of negligible value. "All questions of third-degree methods must be completely stamped out," the Judge said. "If stamping out third-degree methods used by a small minority results in fewer convictions, it doesn't matter. It is far better that a suspect goes free than that the reputation of the police force should be tarnished." But even these salutary sentences seem to have had little deterrent effect. Cases where third-degree methods are used still come up with regularity. In April this year, an accused in the Magistrate's Court, Johannesburg, held out his arms to show black stripes burned into his wrists, caused, he said, when his handcuffs were wired to an electric circuit in the police station. The magistrate ordered the matter to be investigated by the authorities, but so far the newspapers have not reported any follow-up. Electrocutation seems to have quite a fascination for fun-loving policemen. Recently, in Lichtenburg, there was a departmental enquiry in which a number of policemen were charged with wiring up prisoners and subjecting them to a little do-it-yourself shock treatment. In February this year, Mr. Justice Bresler threw out a confession and acquitted an accused who had been given electric shocks through a skull-shaped contraption placed on his head. This is a variation of the method which

came to light in a case before Mr. Justice Blackwell a little while back, when the appliance used was a gas-mask with the air inlet stopped up. In January this year, four European and three non-European policemen were charged with assault in attempting to obtain a confession from an African youth by giving him electric shocks, holding his face over a glowing stove and beating him. They were acquitted, the magistrate saying, "The court feels that the doctor's evidence has revealed an element of fact which is unsatisfactory. Unfortunately this element remains unsolved. Question marks can, however, be put after the case."—which, translated, means, "The plaintiff was assaulted all right and can show the injuries, but as there was a mix-up in the evidence, the accused are acquitted." These are merely random examples of recent cases. They could be multiplied extensively.

It is probably correct, in spite of the above examples, that third-degree methods are used in only a minority of cases. Fear of censure by the courts and possible arrest do, to an extent, restrain policemen from resorting to them. But that does not dispose of the matter. Extracting confessions by torture, even if done only by a minority, is a symptom of deeper disorders in the police force. It is still alarmingly prevalent, and it would be absurd, of course, to wait for the practice to infect the majority before protesting.

It is true that policemen are often charged in court as a result of such excesses. The large number of cases that get to the stage of prosecution, however, represents only a small proportion of the total. In cases of assault "in the course of duty" it is not easy to get a policeman prosecuted. One has to go to his colleagues, to the people he works and lives with, and attends dances and plays rugby with, and persuade them to take steps that might land a friend in gaol. Naturally, they are reluctant, unco-operative. It takes courage, particularly for an African, to walk into a charge office and demand justice in these circumstances. Most Africans, understandably, let the matter slide. One man, in Orlando, went to report a theft of £89 taken from his house in a police raid while he was absent. They dutifully took down his statement. A week later they asked him to call at the charge office on a pretext and arrested him for being in possession of a revolver and ammunition. The charge, a complete fabrication, was thrown out without hearing the accused. This is typical of the hazards an African undergoes when laying charges against the police.

Yet, in spite of all these obstacles, the number of policemen who manage to change roles with the accused is extraordinary. It is rarely that one opens the newspaper and does not read of policemen in trouble, charged not only with assaults on prisoners, but with large numbers of other crimes. There have been so many cases that the public has become deeply uneasy. In Johannesburg, there is one court that deals exclusively, four days a week, with prosecutions of policemen. It means that the vein of lawlessness in the police runs far deeper than one can gauge, for, as stated above, most cases never reach the Courts. Mr. Swart, the Minister of Justice, denies there is anything abnormal: it is merely that the situation is distorted by the English press which highlights these cases. While this might be an adroit manoeuvre to impress his followers in Parliament, it fails to allay the misgivings of the public, which has been shocked by a number of recent examples of brutal hooliganism by the police.

If, in fact, the delinquency rate among policemen is no worse than among other sections of the population, Mr. Swart could make this clear by releasing the statistics, as indeed he had the opportunity to do when asked by Mr. Cope in Parliament last March to state how many policemen were convicted for assault in 1956. He would not answer. The reason?—it would take too much work to obtain the information. But such statistics have been given in the past. And the information is at hand, because it is the practice, whenever a civil servant is convicted, to send a précis of the case to the departmental head. Obviously, Mr. Swart was stalling. The only conclusion is that the figures are too disturbing and confirm the public's fears.

Mr. Cope asked only for the figures on assault convictions, but these by no means exhaust the misdemeanours of a police force that seems, nowadays, to be making dizzy expeditions into all branches of crime. Here too statistics are absent, but going only by the number of cases reported in the newspapers, the position is disquieting. According to reports in the *Rand Daily Mail*, in a period of only one year—nine policemen have been convicted of theft, five of extortion, four of rape and Immorality Act offences, two of perjury, two of forgery, one of bribery, and eight of drunken or negligent driving. Space does not allow the newspapers to carry more than a fraction of the cases heard in the Courts, and even though they give more attention to police cases than others, Court reporters say that

only a small minority of these are written up.

How far these figures are away from the probable true number of convictions, is shown by the published figures of accidents involving police vehicles. From March, 1956, to March, 1957, and in the Johannesburg area alone, 125 police radio cars were involved in accidents; yet the number of convictions for driving offences for the Union reported by the *Rand Daily Mail* was eight.

It is important to look not only at the number of offences, but also at their nature. Here one sees clearly the ugly trend that is developing. Before, by and large, policemen were involved in petty crime. Now they seem to be going in for it in a big way. Last June a policeman was sentenced to 7 years gaol and strokes for kicking to death in the street a man against whom he had a grudge for bringing an action for damages as a result of a previous assault. In April this year a constable was sentenced to gaol for two years with strokes, for raping an African woman whom he had detained.

Last November, in delivering sentence on a Station Commandant and four constables for viciously assaulting a prisoner, the magistrate said: "You showed no mercy. You caused this man serious injuries, a deep wound in the head, and then threw him into a cell, to lie on the cold floor. Nobody thought of calling a doctor or taking him to one, in spite of his acute pain. . . ."

In Port Elizabeth last August, a constable was given two-and-a-half years in gaol for assault with intent to commit murder. Two senior police officers, one a district chief of the C.I.D., one a major in charge of the liquor staff, were recently gaoled for bribery and liquor act offences, the evidence revealing that they were behind a widespread racket in illicit liquor dealing.

The above cases are those in which policemen were actually charged. But there are many cases in which police misconduct is brought to light as a result of actions for damages brought against the Government. These occur with almost the same monotonous frequency as the criminal cases, and the total of damages awarded as a result of wrongful arrests and assaults must account for a sizable slice of the Department of Justice budget. Lastly, there are the cases where police evidence for the Crown is criticized, as in the much publicized "Spitting Girl" case, in which some youthful policemen enlivened a dull afternoon by arresting a fourteen year old European girl and taking her

to the charge office in a flying squad car for allegedly spitting in the street.

Even without the full statistics, the record is shocking.

#

It is often said, especially by judges and magistrates, that in a large body of men like the police force, it would be unusual not to find a few black sheep. No doubt there are a large number of white sheep among the police. No doubt many of them, perhaps most of them, try honestly to keep within the law, and are dismayed when their colleagues go wrong. But it does not help to look at the problem this way. It is not the object of this article to prove that every policeman is a desperado, but to show that because it is the police force's job to enforce a corrupt system, it is difficult to disinfect it against general corruption. One cannot escape the impression given by the abnormal number of cases of police lawlessness. If, instead of policemen, it was students of the Witwatersrand, Cape Town and Natal Universities whom we read of every night as being involved in crime and hooliganism, would there not be an outcry against these institutions? Yet the number of such students is roughly the same as the number of white policemen in the South African Police Force (10,573).

And to extend the analogy, if a large number of students, after conviction by the Courts, were welcomed back to university, and if the principal never once troubled to admonish them, but on graduation day and similar occasions told them only what fine fellows they were and that he would stand by them whatever they did, would one not be entitled to regard this as official approval of their behaviour? Would it be wrong to assume that something had got alarmingly out of hand at the universities?

For that is precisely the position with the police force. Mr. Swart has not once thought fit to condemn the police abuses which have so alarmed the public. When Pat Smith, a *Sunday Times* photographer, was beaten into insensibility by policemen who did not like being photographed at work, Mr. Swart, when asked for a statement, had nothing to say. It was a telling, monumental silence from a Minister who is not usually slow to speak up on public issues. One would have thought that the last place to employ men convicted of breaking the law would be a police force. But Mr. Swart takes them back. In 1955,

42 European constables, out of a total of 62 convicted for assault, were admitted back into the force. "My police force, right or wrong," is the Minister's motto. When a senior magistrate, a member of his own department, was wrongfully arrested, man-handled, and hurtled head-first into a pick-up van by a power-drunk police sergeant, Mr. Swart immediately took the policeman's part. The Magistrate was dismissed from his post and brought to trial for resisting arrest. The Appeal Court quashed his conviction, and he later recovered substantial damages against the Government, but Mr. Swart never once retracted, never expressed regret. On the contrary, he promoted the Sergeant to be a Station Commandant.

It is frequently said that allowance must be made for the fact that the police have a particularly hard job to do in South Africa; that enforcing law and order and checking crime in these special conditions exposes them to risks and violence and occasionally leads to overstepping the rules when dealing with emergencies; in other words, that our police are exposed to the occupational hazard of becoming "over-zealous," as the Courts like to express it, but in a good cause—the protection of the public.

But whatever truth there is in this, it does not account for most of the cases it is called upon to explain. The Courts are ready to give the policeman the benefit of the doubt when it is a question of his having been a little too robust in carrying out his duty. He is allowed to go pretty far, to use his gun on escaping suspects, to resist attack without having to make a nice assessment of how much force to use. In only the most clear-cut cases is he convicted. It does not explain all the convictions for theft, extortion, rape, and the like. No doubt the policeman is exposed to the temptation of helping himself to admission-of-guilt money, but this is the same temptation that tugs at any cashier. The temptations and opportunities for driving flying squad cars like dervishes are to an extent those of the general motoring public. Above all, the account ignores, or rather disguises, the true situation, which is that in the vast majority of assaults in police stations, in the back alleys of locations, on the pavements beside a pick-up van with open door, the attacks are utterly unprovoked.

Moreover, it helps to perpetuate a myth that is comforting to most White South Africans, but which the easiest examination must explode. The public, if one includes Black as well as

White in that term, receives plenty of attention from the police, but only the scantiest, most inadequate protection against crime. It is one of the paradoxes of this freakish country that the non-White townspeople who are regulated, supervised and police-ridden to an extent unequalled in the world, live in a state of perpetual terror from thugs and criminals. The location streets at night are deserted; the law-abiding dare not venture out, even to cross the road. Visiting friends, taking an evening stroll—pleasant innocent diversions for most people—are fraught with danger. Large, well organized gangs with names that are becoming household words—Spoilers, Msomis, Russians, Vultures, Wipsies—and with a desperation and contempt for life bred by the frustrations of apartheid, impose an almost uninterrupted reign of terror on the townships. In many areas the police are as terrified of them as are the inhabitants. Sometimes gangs get wiped out, but not usually by police action; only by stronger gangs. Gangsters, with a daring that shows they have little fear of the police, often range beyond the townships, holding up workers at the point of a gun and robbing them of their pay-packets in trains and buses. And, increasingly nowadays, with the thorough apprenticeship in crime they receive in their own streets, they cross the colour line and prey on the Whites.

One would think that with a police force that has earned such extravagant encomiums at medal-giving ceremonies, the first priority would be given to eliminating this dangerous plague. But go into any location police station and what do you find? Large numbers of arrested people, but nearly all brought there for pass and tax infringements, trespass, possession of beer, not having a permit to be in the location, being out after 11 p.m. without a note from the employer, and other such felonies. And can it be otherwise? These constitute the overwhelming bulk of the law, and they have to be enforced or else fall into abeyance. White supremacy is maintained by enforcing these pettifogging laws, not by shielding the Black population from crime. And it is no wonder, with most of the police force scouring the town for technical offenders, ferrying vanloads of captives to the charge office, doing all the bookwork involved in arresting them, spending days at Court giving evidence, that the gangsters are left a free hand.

According to a doctor who was in charge of a hospital in a large township in Johannesburg, the great majority of fatal cases

from stabbing and other violence, never become the subject of prosecutions. Detective work, unless the complainant or deceased is a European, is perfunctory, to put it at its highest. Africans say that when they report an assault or murder, it is not unusual for the police to arrive at the scene late the following day. If you can name the assailant and give his address there will most likely be a prosecution, but not otherwise. Even when people are arrested and charged with murder, the great majority are acquitted for lack of evidence. Last year there were 1,608 indictments for murder, but only 358 convictions (and most of them for culpable homicide, not murder).

It is not as if the police are a merely negative element in this situation. With their never-ending raids on sleeping households, with their indiscriminate arrests, their bullying and truculence, they add their share of terror to the townships. Bad as the gangsters are, they are hardly more feared than the police.

Naturally, the police authorities are not unconcerned by the high prevalence of crime. It would be a mistake to imply this. It is just that the laws they administer create crime, instead of diminishing it. And consequently they are in an insoluble dilemma, like a losing chess-player near the end of a game, when every move taken is disastrous. The number of murders and robberies of Europeans by gangsters from the townships has raised an alarm that has called forth determined action by the police authorities. The action consists in making ever more arrests for pass and other technical offences. But every youth arrested in this way loses something of his will to lead a normal life, something of his respect for law-abidingness, if not the law, of his resistance to the lure of an easy life, and takes a step nearer to becoming a gangster. The police authorities are enveloped in a vast hallucination. They believe that the way to curb real crime is to sweep down, dog-catcher style, and round up whole sections of the Black population, in the hope that there will be a few genuine gangsters among them. This is an original and dazzling idea that makes it unnecessary to change anything; it simply equates pass raids with crime prevention. But it is the working man and the job seeker who are caught in the net, not the gangster who lurks at home and comes out when it is safe. That is why the much bally hooded schemes, like the recent setting up of the Ghost Squad, achieve nothing except to plant the seeds of next year's crime wave, and to give a temporary impression that the police are taking

action—an impression which lasts until the next European is murdered.

Police chiefs come second only to Dr. Verwoerd's propaganda corps in their eagerness to issue statements, denials, reassurances and explanations. No doubt, to their credit, they are sensitive to public opinion. In the Pat Smith case, although Mr. Swart remained obstinately tight-lipped, Colonel Grobler, Deputy Commissioner of Police for the Witwatersrand, promptly stated that the guilty parties would be punished. No doubt too, they are worried about police misbehaviour (there is good reason to believe this) and are anxious about the deteriorating reputation of the Force. But in their anxiety to get the police force a good press, they have been doing some extraordinary things lately. What, for instance, made the Commandant issue a statement that there was no baton charge of a meeting of Indians in Fordsburg in June, when reporters from four newspapers witnessed it and wrote it up for their papers? When a number of victims were taken to hospital with injuries that were indisputable evidence of it? When there were photographs showing the police in action? Is it becoming the practice simply to issue bland denials of what everybody can see? In Lady Selborne Township, during the bus boycott, a meeting was broken up by a baton charge, and shots fired into the crowd. There, too, there was an official denial that batons were used or shots fired. Yet a man died of bullet wounds and others were injured. And a European missionary, who was a witness, was able to publish an account of what happened that showed the police version to be a complete fabrication.

And this is leading the younger members of the force to believe that they have the licence from their superiors to act like barbarians with non-European crowds. Unrestrained police behaviour in dealing with crowds has drawn so much overseas attention lately that it has made the Government jittery. Yet what must the policemen who took part in these affairs think when they see their superiors falsifying the incidents in order to make them look like heroes?

The South African policeman's lot is not a happy one. And he is not a happy man. His surly manner, his unsmiling face are the reflection of a deep-seated conflict over his unpalatable job. He was not born that way; he is being forced into a mould that is unnatural for ordinary human beings. His sudden, explosive resort to fists and boots is the result of a troubled



mind and disturbed conscience. He takes the job because it is a job, and he stays in it because his background and environment make it overwhelmingly difficult for him to claw his way through the fog of prejudice and race hate that envelops him. He is taught to believe that in joining the police, he is joining a crusade. Unfortunately, it is the wrong crusade, and his work, on the frontier of race conflict where he glimpses the forces mustered against him, makes him uneasily aware of it. The large turnover in the police force bears witness to this. Nearly seven hundred European policemen purchase their discharge every year. The force is constantly under strength, in spite of year-round recruiting campaigns. To fill the shortage, large numbers of country youths have lately been recruited. One of the things that surprised foreign correspondents who witnessed the riots at the opening of the Treason Trial, was the immaturity of practically every policeman they saw—"Teen-age Police" they called them. In the last year, a number of policemen brought to trial in Johannesburg for man-sized offences, were too young to appear in the ordinary Courts—they came before the special Court set up under the Children's Act. That the State has to employ ignorant youngsters to administer its laws, starkly illuminates the difficulty of trying to fasten a cruel and immoral social doctrine upon a country.

Whatever the inherent difficulties in police work, whatever the basic causes of the disintegration, the public can no longer afford to be complacent about its policemen. They are not entitled to a holiday from the law. They must not be allowed to get further out of hand, for the course they are embarked upon leads to a chill, nightmare goal. When the *Rand Daily Mail* can write: "Constables of the South African Police applied a form of lynch law. . . . These gangsters out of uniform knew they were flagrantly breaking the law. . . . These men we propose to black-list as the gangsters they have shown themselves to be. . . . We serve notice on any young constable who fancies himself as a little Caesar that we will not tolerate lynch law in South Africa."—it is a sign of violent public revulsion to police lawlessness. Gangsters? Lynch law? When last did we hear these words applied to policemen? The memory stirs. Hitler Germany? Or is that too far back for anybody to remember?