



Review of the impact of the South African Police Service (SAPS) as frontline law enforcer on policing during the COVID-19 pandemic

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ABSTRACT

With the onset of the State of Disaster, the South African Police Service (SAPS) saw its mandate expand to include the enforcement of Regulations in terms of the Disaster Management Act, 2000 (DMA). As the latter was a hitherto unknown task, the need for a review of the impact of SAPS' frontline policing during COVID-19 and its ability to enforce the DMA Regulations while still executing its original mandate of maintaining the safety and security of all South Africans arose. Through interviews with a number of role players, which included SAPS members from various ranks and non-SAPS members from various national departments and stakeholders, an image emerged of SAPS as a pivotal role player spearheading the implementation of the DMA Regulations and the fight against the spread of the COVID-19 virus. Probing the role of existing structures such as JOCS and JOINTS, the responses from the government and the public, the networks and partnership that SAPS coordinated with, this study found that SAPS faced a multitude of challenges - including managing compliance in areas where the Regulations are tough to enforce and constrained capacity to do so. It also revealed the major changes the expanded mandate brought about, including the psychological impact on SAPS members, strengthened cooperation with various partners and stakeholders, the role of technology and resources in fulfilling this function and the impact that it has had on crime. With these changes in mind, several recommendations are put forth for future consideration.

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ABBREVIATIONS AND ACRONYMS

CBO	Community Based Organisation
CC	Cape Cluster (Cluster 3)
CCF	Crime Combating Forum
CeC	Central Cluster (Cluster 2)
CoGTA	Cooperative Governance and Traditional Affairs
COVID-19	Corona virus disease
CPF	Community Police Forum
DHA	Department of Home Affairs
DMA	Disaster Management Act, 2000
DOH	Department of Health
EWB	Employment Health and Wellness
FBO	Faith Based Organisation
GBV	Gender Based Violence
JCPS	Justice, Crime Prevention and Security Cluster
MP	Mpumalanga Province
NatJOINTS	National Joint Operational and Intelligence Structure
NC	Northern Cluster (Cluster 1)
NCC	National Command Council
NCCF	National Crime Combating Forums
NCCG	National Core Command Group
NGO	Non-Governmental Organisation
NPO	Non-Profit Organisation
NSC	National Steering Committees
PCC	Provincial Command Council
PCCF	Provincial Crime Combating Forum
POCC	Provincial Operational Command Centre
PPE	Personal Protective Equipment
ProvJOC	Provincial Joint Operational Centre
ProvJOCOM	Provincial Joint Operational Committee
RTI	Road Traffic Inspectorate
SANDF	South African National Defence Force
SAPS	South African Police Service
SARS-CoV-2	Severe Acute Respiratory Syndrome Coronavirus 2
SASSA	South African Social Security Agency
SWC	Soccer World Cup
VCP	Vehicle Check Point
WHO	World Health Organisation

DISCLAIMER

This Country Report on the measures implemented by the South African government to combat the impact of the COVID-19 pandemic in South Africa (including individual research reports that may be enclosed as annexures) were prepared by various professional experts in their personal capacity. The opinions expressed in these reports are those of the respective authors and do not necessarily reflect the view of their affiliated institutions or the official policy or position of the South African government.

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CHAPTER 1: INTRODUCTION AND BACKGROUND

INTRODUCTION

On Sunday 15 March 2020, South African Cabinet resolved to declare a State of National Disaster and established a National Corona-virus Command Council chaired by President Cyril Ramaphosa to coordinate South Africa's response to the COVID-19 challenge. On the same day, a national disaster was declared in terms of the Disaster Management Act, 2000 (DMA hereafter) by the Minister of Cooperative Governance and Traditional Affairs, Dr Nkosazana Dlamini-Zuma (SA, 2020a).

After consulting with a wide range of stakeholders in the country, resident Cyril Ramaphosa announced the escalation of measures in response to the COVID-19 pandemic on 23 March 2020. These measures included a nation-wide lockdown for 21 days with effect from midnight on Thursday, 26 March until 16 April 2020. The rationale behind the lockdown was to find ways of flattening the curve of the spread of the virus. The President highlighted that the nation-wide lockdown was enacted in terms of the DMA and all South Africans should stay at home except health workers in the public and private sectors, emergency personnel, those in security services – such as the police, traffic officers, military medical personnel, soldiers – and other persons deemed to be providing essential services.

In order to combat the impact of COVID-19, the President elaborated on the strategy that will be pursued by government to save lives and protect livelihoods. These included:

- An intensified public health response to slow down and reduce infections;
- A comprehensive package of economic support measures to assist small businesses and individuals affected by the pandemic;
- A programme of increased social support to protect poor and vulnerable households;
- The involvement of all spheres of government, the private sector and the civil society organisations and the society at large to form a social compact, to work together in a coordinated manner towards the common goal of flattening the COVID-19 curve and slow down the infection and;
- The initiation of the Solidarity Fund to mobilize finance in support of COVID-19 initiatives and support vulnerable groups.

All spheres of Government, various social partners and the private sector had to introduce measures to mitigate the impact of the national lockdown, ensure the sustenance of the vulnerable, the supply of essential goods and the safety and security of all. The central challenge of rapid responses to institutionalising decisions across the country became the next key priority steps for provincial and local government. In some instances, provinces had to introduce unique additional measures to assist in dealing with the challenges and the social requirements for sustenance and enforcement.

In terms of the strategy, the South African Police Service (SAPS) became a major role player in the response to reducing the transmission of the virus. While the SAPS' mandate was clearly defined as frontline law enforcer, it had to step into an unfamiliar role of enforcing Regulations in terms of the DMA, in addition to combatting crime in the country. The SAPS immediately heeded the call by strategizing ways in which to deal with policing during the pandemic, taking into account that such an occurrence was new and would definitely require a new approach.

BACKGROUND

Police officers at both managerial and operational levels found themselves in roles that they were unfamiliar with. Police officers needed to fulfil an educational role in the community, sensitising and protecting the community from a disease which many did not believe to exist. Enforcement of lockdown Regulations had to be executed while police officers knew that Regulations that aimed at maintaining social distancing between people would be hard to comply with in informal settlements. Nonetheless the SAPS responded to the Government's Regulations by ensuring that all police officers are certified as essential workers and operationally ready for deployment. All senior police officers and managers' leave were cancelled to maximise the SAPS operational ability. All other employees who were not deemed to render essential work were instructed to comply with the lockdown Regulations and to work from home when their services were needed. The SAPS management emphasised the seriousness of the pandemic and the police's role to help prevent the spreading of the COVID-19 virus. Communiques to staff included safety precautions and simplified summaries of the level 5 Regulations.

For years, SAPS has attempted to professionalise its service and to steer away from heavy handed approaches, but to date has not fully succeeded. The expectation of police officers to render a softer policing service when enforcing the lockdown Regulations was in contrast with its standard policing approaches. Moreover, police officers were confronted by communities who have little respect for them due to a history of heavy handed law enforcement during the country's Apartheid years and its current inadequacy to stabilise the crime levels. Police officers were as a result perceived as the

enforcer of rules that reminded the community of the Apartheid years. Police officers were conflicted between enforcing social distancing, confining people to their homes while being aware that enforcing such Regulations was impossible or even dangerous to people who live in overcrowded dwellings. The SAPS found itself somewhere between the public and the SANDF who do not have sufficient knowledge of the law to exercise restraint of force. Police officers therefore had to manage the tension between the SANDF and the community while the police itself was ill-received.

The behaviour of some otherwise law-abiding citizens turned criminal. The ban on the sale of liquor and cigarettes opened new opportunities for illicit trade in communities that would normally abide by the law, and reinforced those illicit networks that operated prior to the COVID-19 pandemic. Businesses and delivery vehicles were looted for its content and many of these crimes related to the accessibility of food and liquor. While one may argue that there are fewer reports of trauma and injuries at hospital emergency rooms because of the ban on liquor it is suspected that - with alcohol still freely available in households - the incidents of domestic and family violence are still as high but remains unreported because victims' personal needs outweigh their fear for abuse (Dare, Guadagno & Muscanell, 2013: 48).

Despite issuing critical organisational directives on how to 'police' during this time, there has been wide criticism from the public regarding the manner in which the SAPS has been providing its services since the implementation of lockdown. Some of the complaints centred on the use of force and the abuse of power by the police when arresting or enforcing the Regulations. Some community members called for the relaxation of the ban on alcohol and cigarette sale by government, arguing that these Regulations have no bearing on the spread of the virus and as such, are infringing on their constitutional rights.

The question of how the SAPS will conduct its business during the pandemic emanated from the consultation with the other leading departments dealing with the pandemic. In the SAPS, the process was led by the Minister of Police, General Bheki Cele, who together with the National Commissioner, Khehla Sitole ensured that the process is carried out effectively and efficiently without compromising the mandate of the police. The implementation was overseen by top management of the SAPS who established various steering committees to address the matter at National and Provincial levels. The initial measures included the establishment of a National Core Command Group (NCCG), consisting of senior police officials from all divisions and components within the SAPS. The NCCG met daily and considered the previous day's crime and trends in community responses to the police and SANDF presence in their environments. Feedback on police actions were then considered to guide provinces and to keep the National Commissioner of SAPS and the Minister of Police informed of daily crime and

trends in incidents in the country. The NCCG also monitored the progress of investigations related to crime during the lockdown period.

Particular Regulations were imposed to cater for the implementation of the complete lockdown, some of which was the total ban on the sale of alcohol, tobacco, and other items classified as non-essential. The reasons for the imposed ban on these items were provided by the Cabinet through various government departments. Ironically, criminals too, deployed new strategies to benefit from the Regulations. One of their strategies was to sell both alcohol and tobacco in the black market. As such, this phenomenon created an opportunity for criminals to flourish economically.

With the emergence of COVID-19, the SAPS had to focus its attention on enforcing Regulations that would slow down the spread of the COVID-19 pandemic and on its normal operational duties. Police officers were tasked to continue with their normal policing duties, while others were deployed to conduct roadblocks. These roadblocks were intended to prevent traveling across provincial borders and to randomly monitor and investigate transgressions of the transporting of banned items such as cigarettes and alcohol. Sections of police officers were tasked, with the assistance of the SANDF, to patrol areas that were anticipated by the Minister of Health and the National Corona-virus Command Council to become hotspots for the spread of the virus. Police officers had to make sure that social distancing is maintained and that citizens comply with the lockdown Regulations. This new role of the police and SANDF forced members to navigate between their traditional police roles and one of caring and softer policing. Transgressions of the police were followed up by clear guidance and instructions by the National Commissioner to correct such conduct.

Shortly into level 4 of the Regulations, the NCCG detected a decline in reported crime. While there were speculations as to the factors that might have contributed to the lower crime figures, the Minister of police ascribed the 'success' to the ban on the sale of alcohol (News24, 2020a). Domestic violence, which was expected to increase like in countries in the Northern Hemisphere (Institute for Security Studies (ISS), 2020), showed a decline. Other crimes like car hijackings, cash-in-transit heist, house and business robberies also declined. The decrease in the crime rates were attributed to several factors, including the strict clamp down on movement of people which resulted in fewer cars on the road, and the inactive economic sector.

This statement of the Minister of Police was not supported by all in the NCCG and subsequently indicated a need for research on the matter. This, after realising that such research might involve other government departments as they too were involved in dealing with unintended negative effects of the national lockdown. While it was evident that SAPS has managed to achieve certain goals and did

some things right, this was overshadowed...reports highlighting the wrongs of the SAPS, SANDF, communities and politicians. Policing was perceived as brutal and disappointing by the members of community and media (Daily Maverick, 2020a; Wits News, 2020; News24, 2020b; News24, 2020c). SAPS was accused of selective enforcement of Regulations (IOL News, 2020a) and that it has become policy of SAPS to render a heavy-handed service (Mail & Guardian, 2020). Many uncertainties about the successes and failures of role players surfaced, but as SAPS fulfils the role of the enforcer of the Regulations, its response to crime and protection of people against the spread of the virus were put in the spotlight for scrutiny.

NECESSITY FOR RESEARCH

In order to address the abovementioned uncertainties, the SAPS entered into a collaborative research project with the Government Technical Advisory Centre (GTAC), the National Research Foundation (NRF) and Department Performance, Monitoring and Evaluation (DPME). The aim was to review the impact of SAPS' policing efforts as frontline law enforcer during the COVID-19 pandemic to determine whether or not the SAPS effectively managed to enforce the State of Disaster Regulations while executing its mandate to ensure that all inhabitants in South Africa are and feel safe.

METHODOLOGY

In a bid to ensure objectivity in the research project, all data was collected, analysed and reported on by experienced external researchers in the field of policing, law and criminology. Eleven researchers joined the project on *pro bono* basis from August 2020 until 31 March 2021. All researchers were ethically cleared by the SAPS Research Advisory Committee to conduct research with and on behalf of the SAPS. The 'outsourcing' of research activities to external researchers such as academics, consultants and independent researchers was a necessary step as the review of the police strategies during the COVID-19 pandemic should ideally not be done by the organisation itself. The researchers worked in three teams: Northern Cluster (Gauteng, North West, Limpopo and national government departments situated in Gauteng)); Central Cluster (Free State, KwaZulu-Natal and Mpumalanga) and Cape Cluster (Western Cape, Eastern Cape and Northern Cape).

Data was collected through virtual and telephonic interviews. A few written responses were received and accepted for analysis, but these were the exception to the rule and only allowed where the respondents requested that method due to poor telecommunications networks. Interviews were recorded and supported with handwritten notes made during interviews. A total of 101 interviews were conducted.

Twenty-eight participants were interviewed by Cluster 1: four in Gauteng, three in North West, eight in Limpopo and 12 participants working at national government departments situated in Gauteng. Participants hailed from national, provincial, and local levels. Besides the inclusion of SAPS staff, national-level participants from the Road Traffic Management Corporation, Home Affairs and the Private Security Industry Regulatory Authority. Fourteen participants across the three identified provinces worked at the local level in Hillbrow, Mamelodi East, Eldorado Park, Honeydew, Zeerust, Jericho, Musina, Lephalale, Burgersfort and Thohoyandou. SAPS participants included a Lieutenant General, two Major Generals, three Brigadiers, six Colonels, seven Lieutenant Colonels and three Captains and two Warrant Officers.

Cluster 2 conducted 46 interviews with key informants in the Free State (15), KwaZulu-Natal (16) and Mpumalanga (15) of which 15 were frontline police officers. Participants were working at police stations and district offices at Plessislaer, Kabokweni, Inanda, Thabong, Bushbucridge, Umgungundlovu, Mangaung Metro, King Cetshwayo, Gert Sibande and Nkangala. Eight participants represented Non-Government Organisations (NGOs) and another 22 participants from various government departments across the three provinces. These departments included Home Affairs, ESCOM, Cooperative Governance and Traditional Affairs, Water Affairs, Agriculture and Rural Development, Public Works and Infrastructure, Human Settlement, Provincial Traffic, Employment and Labour, Health, Basic Education, Metro Police, Economic development, Tourism and Environmental affairs, South African National Defence Force, Community Safety. The remainder of the participants was made up of police officers deployed at the provincial command level. Two Major Generals, six Brigadiers, five Colonels, six Lieutenant Colonels, five Captains, 1 Warrant Officer and two Sergeants were interviewed.

Cluster 3 conducted a total of 27 interviews across the three provinces: 11 interviews from the Western Cape, 7 from the Eastern Cape and 9 from the Northern Cape. Interviewees hailed from the following districts and clusters: Amathole, Douglas, Francis Baard, George, Griekwastad, Harare, Joe Gqabi, Khayelitsha, Langa, Lwandle, Modder Rivier, Namakwa District Office, Nyanga, Pixley Ka Seme, Thembalethu and Worcester. Three interviewees had responsibility at the Provincial Joint Command level, and one for human resources at their station. Interviewees who were external to SAPS came from the Departments of Education, Home Affairs, Social Development and Economic Development and Tourism. Four interviewees held the rank of Major General, seven of Brigadier, five of Colonel, three of Lieutenant Colonel, three of Captain, and one of Sergeant.

REPORT LAYOUT

The researchers intentionally offered a platform for participants to speak for themselves in the report and, hence the elaborate use of excerpts. Their findings are outlined in the following chapters:

- Chapter 1: Background and orientation of the study.
- Chapter 2: The focus is on SAPS' enforcement of the State of Disaster Regulations and response to crime in general as frontline law enforcer during the COVID-19 pandemic. The review therefore focusses on the SAPS response in reaction to the National Directives pertaining to the State of Disaster Regulations and the measures adopted by SAPS to prevent and combat crime and violence during this period.
- Chapter 3: Attention is given to the structures created by SAPS to coordinate the overall planning, management and implementation of measures put in place, its preparedness to enforce Regulations and how the national and provincial coordination structures synchronised its efforts internally and externally with other role players at local government level.
- Chapter 4: The review centres on citizen responses to the enforcement of the State of Disaster Regulations by SAPS. Consideration is given to what has worked, what has not worked and what strategies could be appropriate for future crisis management. The focus in this chapter is on the responsibility of SAPS for ensuring safety, allaying fears, and building public confidence in the ability of SAPS to protect its citizens.
- Chapter 5: Related sector responses were explored for measures that were put in place by government to slow down and reduce infections, assist businesses and individuals affected by the pandemic, and to protect poor and vulnerable households.
- Chapter 6: this chapter explains SAPS' social partners' responses to the lockdown Regulations and the collaboration between SAPS and external role players such as NGOs, the media and institutions that played key roles. In this instance, the review reflects on aspects that enabled or hindered these social partners' contributions.
- Chapter 7: The review offers an assessment of the impact of the SAPS's overall strategy with respect to compliance with its mandate, its successes, weaknesses, and lessons learnt.
- Chapter 8: The report follows through with recommendations for short-, medium- and long-term interventions on how best to help the country's transition to a better, safer South Africa.

CONCLUSION

With the onset of the National Lockdown imposed by the government, the SAPS' mandate expanded beyond its standard role to ensure the safety of the public to include the enforcement of the Regulations as set out by the DMA. While the SAPS proved efficient in some areas, the need exists to probe its response to crime and protection of people against the spread of the virus. This chapter has highlighted the ways in which this will be done by summarising the approach that this study has taken, delineating the various participating groups and outlining the analysis to will follow.

CHAPTER 2: NATIONAL GOVERNMENT AND PROVINCIAL RESPONSES

INTRODUCTION

Five levels of lockdown were defined, each set out with its own Regulations. The Regulations were derived from Section 27 (2) of the DMA (Act No. 57 of 2002) and included provisions on different aspects including movement of persons, attendance of funerals, prohibition on evictions, public transport, closure of borders, transportation of cargo, gatherings, places and premises closed to the public, controlled visits by members of the public, sale, dispensing or transportation of liquor, etc. Officers from the SAPS and the South African Defence Force (SANDF) were tasked with ensuring that citizens complied with these various Regulations. The legal framework which includes the Constitution and South African Police Service Act, Act 68 of 1995 will however not be discussed in this chapter as it will be discussed in other chapters of the national COVID-19 report and the SAPS NCCG report. Instead, the chapter focuses on the changes in the DMA Regulations and government's responses thereto. In this regard, the chapter discusses the multiple coordinating structures in the SAPS, the centrality of the 'JOINT' and 'JOC' and the challenges to the SAPS' enforcement of the DMA Regulations.

AMENDMENTS TO REGULATIONS

During **alert level 5** the Regulations stipulated that every person be confined to their place of residence unless they had to perform an essential service, collect essential goods or do other essential errands as such as getting chronic medical attention. Gatherings were prohibited and funerals limited to not more than 50 people. Those attending funerals and those travelling from work and between provinces for essential services or funerals were required to apply for a permit. Public transport was prohibited while specific rules were laid down in terms of how many people can be transported in vehicles permitted to transport people. All retail stores were closed except where they were selling essential goods. The police (SAPS and Metropolitan Police) and the SANDF patrolled across the country from cities to townships to ensure compliance. SAPS together with the Metropolitan Police enforced all the travelling Regulations by means of roadblocks. All the specific measures which were taken by the SAPS, SANDF and Metro police, are specified in the Code of Conduct for Enforcement Officers during the State of Disaster which was signed by both the Minister of Police and Minister of Defence and Military Veterans. The Code of Conduct intended to communicate the measures of enforcement to both SAPS and SANDF officials. Enforcing the Regulations then required officers to, as defined in the Code of Conduct:

- Conduct roadblocks and Vehicle Check Points to ensure compliance to inter-provincial/districts travel.
- Check and verify permits issued under the Regulations.
- Enforce closure of borders and monitoring movement of cargo.
- Issue fines and arresting of offenders for non-compliance.
- Check compliance during routine patrols.
- Conduct high visibility patrols and visits to identified areas (SANDF & SAPS, 2020:4).

Constant guidance was provided to personnel throughout, specifically on the use of force which followed complaints of torture, excessive use of force, inhumane treatment, and punishment of community members. The SAPS mostly utilised the internal liaison channel and all these directives were also publicly published on the internet. Guidance on how to use force and enforce the Regulations provided for were then issued in the communication letter that was issued by the National Commissioner of the SAPS (SAPS, 2020a:2). The letter specifically advised on what must be communicated during briefing sessions, when arrests and force can be used and how. Various National Instructions on arrests and use of force and/or torture were provided in the same letter to equip officers responsible for enforcing the COVID-19 Regulations. Police officers in the front line had to adjust to the amendments when the level of COVID-19 pandemic alertness was eased or lowered.

On the 31st May 2020 the country moved to **alert level 4** where restrictions started to ease and the country reopened some of its sectors. In terms of movement, people were still required to remain at home and confined to their place of residence unless they were performing an essential work or collecting essential goods. The government provided a 7-day period where people who were not at their place of residence or work prior to the commencement of the lockdown period and who could not travel between provinces, metropolitan and district areas the under alert level 5 lockdown. The same transport and funeral Regulations were still in place. People still required permits to attend or travel to other provinces for funerals. Vehicles allowed to operate could only carry a limited number of people who were all expected to have a permit in their possession. The SAPS and the SANDF adopted the same measures to enforce the Regulations with the assistance of the Metro police which included, conducting roadblocks, conducting vehicle checkpoints, and conducting high visibility in areas. A curfew was also enforced from 20H00 to 05H00 to support efforts to limit movement especially at night (SANDF & SAPS, 2020:7).

Alert level 3 Regulations were in place from 1st of June to 17th August 2020. Movement restrictions were eased to allow those who performed services permitted under the level to travel to and from

work, to buy goods and attend worships, etc. People were only confined to their place of residence between 22H00 and 04H00. Movements between provinces remained prohibited and the police and the SANDF continued to ensure that there is compliance by conducting roadblocks, vehicle checkpoints, and by checking and verifying permits for those travelling. **Alert level 2** was in place from 00h01 on the 18th August 2020. Almost all restrictions were eased, and it enabled the public to move between areas and between provinces. Public transport was also authorized, and many business companies opened for operation. Officers were expected to ensure that people comply with Regulations always outlining the mandatory wearing of masks.

NUMEROUS CO-ORDINATING STRUCTURES

A wide range of structures played a role in the design and operationalisation of a composite COVID-19 strategy at the three tiers of government. The exact relationship between the different kinds of structures, the precise division of COVID-19 related responsibilities and the apportioning of ‘authority’ between and betwixt these structures were not always clear. It appeared that there was a deliberate attempt to align different structures. Although there was interdepartmental collaboration in planning and coordination of strategies, it pointed to the existence of two parallel types of structures.

On the one hand there was the Joint Operational and Intelligence Structures (NatJOINTS) of the security community situated at national, provincial, and local levels. Indications were that national, provincial and local levels worked in synchrony to ensure adherence to directives that emerged from the National Core Command Group (NCCG). The National Joint Committees' planning, as facilitated by the existing national structures, was generally regarded by the national, provincial and local level participants as well coordinated. The national structures started drafting an operational plan as early as the 23rd of March 2020 and soon thereafter rolled out this plan to local level for implementation. The national structure continuously adapted its approach to also concentrate on crime information and not just ensuring the enforcement of DMA Regulations.

National level structures had to improvise to respond to crime situations not listed in their operational plan. Participants at national and local levels referred to a so-called 365 Action Plan. In terms of this plan ‘specific measures were put in place to address crime and violence. For example, the 365 Action plan was adopted to end gender-based violence and femicide. The details about how the plan was implemented or whether it effectively reduced GBV was not clear as participants could not elaborate on the matter. These and other specific measures were put in place by the National Crime Combating Forum (NCCF) and were cascaded to Provincial Crime Combating Forums (PCCFs) to combat crime

during the lockdown. The focus was on crafting operational plans at the national level but with an emphasis on information emerging from real situations at local level.

NatJOINTS created a priority Committee, which then termed the COVID-19 Priority Committee to deal with the implementation issues around certain work streams that have been established to deal with the various aspects that fit into the responsibilities of the various clusters within government. While the NCCG pushed for quick responses from other government departments to issues raised by the provinces, the NCCF closely monitored provincial responses to such issues or incidences. The NCCF also stepped in where other security departments could not take necessary action.

On the other hand, there were the Disaster Management Centres that also operated at both provincial and municipal levels and involved Mayors, Councillors and various departmental representatives as well as external or non-governmental structures when there is a need for it. At provincial level, the Centre was chaired by the Director General and the Office of the Premier. From these Centres flowed the 'instructions' to be followed. Provincial level structures met with District Commissioners and key stakeholders to determine how specific operations would be executed. Provincial offices involved the Provincial Community Policing Board and its local level structures called Community Policing Forums (CPFs) as part of its Community Policing Strategy to convey crime and safety matters to the community.

The Command Councils – which also existed at National, Provincial, and District level – were responsible to ensure that the spread of the virus is contained. The Command Councils operated on a more strategic level. SAPS was also represented in the Command Council. In Mpumalanga for instance, SAPS members attended both COVID-19 ProvJOINTS and Command Centres which predominantly focussed on law enforcement matters. From within these structures role players could oversee the provision of food parcels at distribution points, movement within and across provinces or managed situations where citizens were unhappy with services rendered by government departments.

Within each of these two overarching and somewhat parallel structures a range of other mechanisms operated. Some of the mechanisms were altogether new (Hotspot Committees and COVID-19 Rapid Response Teams) whilst others (such as the Safety Forum) were re-purposed to address pandemic-specific challenges. There was also reference to innovative adaptation at the local level, where for example a pre-existing development forum (as in both Langa and Khayelitsha, Cape Town) was brought into the mix to act as 'COVID-19 reaction teams.' In doing so, good use was made of pre-existing co-ordinating capacities situated at the local level resulting in combined efforts.

Government operational officers were appointed at national, provincial, and district levels to ensure effective communication flow between the various Operational Command Centres in Districts and Clusters and national structures. This arrangement made communication easier from the accounting level up to the national level, specifically when personnel and resources needs at local level were communicated to provincial and national level structures.

Regardless of these measures of the NatJOINTS, NCCG, ProvJOCS and other local level structures, frontline law enforcement personnel found that restricting the movement of people was a challenge, especially in townships and informal settlements. The challenge arose because citizens were unable to stay in their one or two-room dwellings that up to 8 individuals occupy. Here local officers adopted a more humane approach and continuously ushered the residents back home instead of apprehending them. Police officers also increased visibility at shopping malls, national key points, quarantine areas, liquor premises, taxi ranks, even at entertainment centres and places of worship. However, inadequate consideration was given to police responses in townships, informal settlements and less resourced areas. What seemed to be an oversight by the police, developed into a fertile ground for 'traditional' crimes to flourish. Police attention was initially largely focused on citizens who did not comply with technical lockdown rules as it was expected of SAPS as frontline law enforcer, to help with the government's initiatives to flatten the curve of COVID-19 infections. This perceived pre-occupation with health issues allowed perpetrators of other crime categories to continue their criminal behaviour.

SAPS also established an internal steering committee that managed internal safety and health measures such as monitoring the level of infections, monitoring the availability levels of personal protective equipment (PPEs). This mechanism aimed to ensure internal compliance to organisational protocols. To this end stations had to implement and monitor the set protocols in its offices, e.g. sanitising, taking temperature of personnel and visitors, social distancing and the completion of registers.

THE CENTRALITY OF JOINT OPERATIONAL AND INTELLIGENCE STRUCTURES

The operational and intelligence structures served as mechanisms for bringing together different governmental departments and coordinating their responses to the COVID-19 pandemic. This mechanism ensured joint planning of initiatives and responses to real life issues. These structures existed at national, provincial and district levels and had established administrative procedures to communicate decisions, coordinate responses and operationalise strategies. The ProvJOINTS, in which

SAPS played a leadership role in (co-)chairing the forums, fulfilled a number of functions such as reporting, decision-making, monitoring and troubleshooting.

The Provincial JOINTS structures meet with other departments on a monthly basis to coordinate government issues, especially around major events, and related security issues. It was therefore 'not necessary to reinvent the wheel, because we are actually quite used to each other' as pointed out by a participant. The COVID-19 pandemic nevertheless necessitated additional role players to these structures and meetings became more frequent, to twice a week or daily. At local level, the 'normal structures' such as the station crime combatting forums and the cluster crime combatting forums were put to use in containing the epidemic.

In the first phase of the lockdown, the ProvJOINTS provided daily updates on COVID-related issues and made decisions about actions to be implemented. It would review those actions, take note of difficulties encountered in the field and design - where needed - responses to offset the challenges. Through this structure, the information flowed both upwards to decisions makers and downwards to enforcers. Provincial level JOINTS regarded their purpose of fighting the pandemic as efficient enough to utilise capacities and resources in an expedient way. It was perceived by interviewees as a modern bureaucracy with competent civil administrators responding with an enviable degree of professionalism to the tasks at hand. At the cluster level the Joint forum was described as very effective in the sharing of ideas, which could also be relevant for the future.

By all informed accounts, the ProvJOINTS functioned like security mechanisms by applying the logic of the 'war room'. Intelligence is tabled and carefully considered before decisions are made. Operational strategies are crafted and responsibilities are apportioned. Instructions are given and reports received back. Decisions and strategies designed at the upper levels are cascaded down the chain all the way to the level of 'foot soldiers' on the street responsible for enforcing Regulations.

SAPS officials are well versed in the cultural logic of JOINT structures. Those on the inside regard the way of doing things as 'normal' but 'outsiders' (representatives from Health and Education, for example) experienced the 'hierarchical' nature of doing things and the authority imbued in the Chair. In other words, the police culture in which the most senior rank takes charge was dominant. In such police culture, the Provincial Commissioner does not get challenged in decisions. There was thus not much space for procrastination and dialogue and had speed in its favour. Outsiders noted the treatment of the 'confidential' and 'classified' nature of discussions and proceedings when intelligence reports were tabled. The JOINTS exposed 'new' role players to how security institutions think and act.

I think it is very clear that they just are order takers, right? SAPS I mean, they, take what the government says they must do very clearly. Not much room for interpretation.

One thing that that stood out for me, is the disciplined manner in which they, operate, they steer their meetings. There was actually not much scope for negotiations. The Provincial Commissioner is not to be challenged. But I must say those generals, I was impressed by their lateral understanding of government operations.

The war room also served as an incubator for the development of a collective identity of ‘The Team’. The development of this identity as a professional and social cohort had practical dividends. Members of coordinating structures could now link official positions to names, faces and personalities. Those personalised networks could be activated in times of need. It allowed for more immediate contacts in respect of dealing with the COVID-19 Regulations if and when required. In the Cape cluster for instance, many respondents spoke about the feeling of ‘inclusivity’ in idea generation of COVID responses a part of a team. Being part of the team also facilitated a kind of collective ownership of the problem and its solutions.

Joint deployments in the field created space for forging reciprocal understanding of the occupational realities of ‘the other’. Participants spoke about joint deployments at roadblocks, funerals and when delivering food parcels. Such joint deployments provided close-up and tactile exposure to the professional responsibilities of ‘the other’. The dividends seemed to cut both ways – more appreciation on the part of law enforcement for the duties of health practitioners and in turn, more understanding of the challenges confronting law enforcement. This exposure to the work of others also challenged conventional perspectives that ‘a policeman was just a policeman’. Up close in the context of the security think-tank, those police officials appeared more ‘sophisticated’.

SAPS accompanied the Department of Social Development on a daily basis to distribute food parcels. And remember, they were not even supposed to get involved. But they felt so bad for young social workers, ladies carry these food parcels and they literally assisted us. So honestly, I really want to give them a huge shout out and real appreciation to SAPS.

ENFORCEMENT CHALLENGES

When asked how constitutional the SAPS' policing response was during and after the pandemic lockdown, participants responded that SAPS' enforcement of COVID-19 Regulations was constitutionally justified as all the policing instructions during the lockdown were approved by the President. SAPS merely followed the Regulations and its amendments in terms of the Government Gazette to ensure it was constitutionally justified. While police officers were willing and able to enforce government's Regulations, they also found the enforcement of some Regulations troublesome. This is due to the frequent and sudden changes in the in the Regulations. Enforcement approaches to the amended Regulations became confusing when internal communication did not reach end-users timely enough. There was also the uncertainty about the correctness of information shared by the social media, even if it was disseminated from government structures.

There were instances where politicians tried to influence police actions, but most police officers remained focus on implementing only those Regulations provided by their senior officers within the SAPS there were however instances where police officers had to 'comply with the instructions' given by politicians. The variation in responses suggest that role-players could have responded from individual positions where the power resides. This seemingly political interference with police duties, was not widespread or commonly reported. Police officers were still guided by the Criminal Procedure Act and their internal regulatory frameworks such as SAPS Standing Orders.

For many police officers, the enforcement of COVID Regulations was an additional responsibility which had to be executed in terms of their Code of Conduct. There was nothing different or new. Yet, nothing was normal in the 'new' way of policing, as law enforcement required drastic measures to address crime and enforce a new set of rules in the country. The pandemic required government to take extraordinary steps and implement unique measures in an attempt to manage the spreading of the virus. This should not by any means be viewed as an attempt to justify or defend all decisions taken by government. However, it is important to provide context and perspective on the attempts by government to implement measures to contain COVID-19 and prevent an escalation of the national State of Disaster during this unprecedented situation. The legislative framework applied to respond to the COVID-19 pandemic was relevant and correct in the sense that the situation was deemed a 'disaster' and not an 'emergency'. State of Emergency legislation was never a viable option to regulate the pandemic and there is no evidence that the option was ever considered as the appropriate legal approach to manage the pandemic. A state of emergency requires that it must be necessary to restore peace and order. Clearly, this requirement is not met by the pandemic.

One of the pertinent matters that should be borne in mind is the fact that the COVID-19 pandemic is an unprecedented event, not only in the case of South Africa, but to the world at large. No country can afford to become complacent or believe that the virus is under control or even that the worst has passed. Changes to COVID-19 Regulations are justified and should be regarded as positive responses to keep people in the country safe.

However, the regular changes of the State of Disaster Regulations by the National Command Council and its various ministers caused confusion among law enforcement personnel. The Regulations were not always clear to frontline law enforcers and they needed more clarity from their respective legal officers in the provinces. Although these concerns were legitimate, the magnitude of the pandemic posed a conundrum that no nation has foreseen, prepared for or has been able to manage for a prolonged period in an effective manner. Changes to Regulations were bound to happen. This is evident, not only from the responses of the South African government, but also from the responses of other countries, including developed and well-established democracies. Governments worldwide, like South Africa's, were struggling in uncharted waters to address and combat the pandemic. So did the SAPS, even though it had previously established structures at its disposal to manage law enforcement responses to both crime and lockdown Regulations.

The unparalleled scale of the pandemic highlighted the fact there was no legal precedent or authority in the international law or comparative jurisdictions that could guide or assist the approach of government. Simply put: there was (and still is) no international blueprint to use or duplicate on how the pandemic should be managed to ensure that fundamental rights are minimally violated. If one, for example, consider the approach broadly followed in the United States and Scandinavian countries, fundamental freedoms were far less restricted (for example, no obligation to wear a mask or minimal restrictions on free movement) and subsequently, the number of deaths increased dramatically. The approach illustrated that freedoms come at a cost of human lives during the pandemic. In the case of South Africa, the approach followed to contain the virus focused on strict rules. Numerous fundamental rights have subsequently been limited by the Regulations. It appears that the benefit of the strict rules has been to curtail the number of deaths, at the expense of the violation of fundamental freedoms. In contrast to the American approach, this approach has illustrated that the preservation of human lives sometimes justifies the severe limitation of human rights. Both approaches have benefits and disadvantages and only time will tell if the world at large is able to determine the tipping point to ensure a fair balance between the conflicting interests during a pandemic of this scale.

As a starting point, the purpose and implications of the DMA including critical definitions such as a 'disaster' and 'disaster management' and how these aspects relate to the pandemic had to be explained to role players at the various structures and levels of government. The power of the Minister of Cooperative Governance and Traditional Affairs (CoGTA) in terms of sec 27 was also important to explain to communities where SAPS enforced the Regulations. Regardless of the educational role of SAPS in the community and its best intentions to protect people from contracting the virus, it was confronted by resistance. Several institutions and NGOs contested the NCCs decisions in court, but the empowering legislation being the DMA. Any response of government to the disaster had to comply with this applicable legislation. The DMA itself confers extensive powers on the Minister of CoGTA. Therefore, the intention of government is immaterial. Government is required to comply with the legislative prescripts. Whether the experiences and challenges of the pandemic will in future result in legislative amendments (for example to explicitly provide for parliamentary oversight) will only be determined in future. At this stage, government has no choice but to comply with the existing legislation. In any event, government would not have been able to defend any legal action if their actions were contrary to the DMA. The SAPS' enforcement of the Regulations thus also largely fell in the scope of the DMA.

CONCLUSION

Being confronted by the COVID-19 pandemic and the enforcement of the DMA Regulations necessitated the SAPS to utilise existing structures to manage law enforcement. The centrality of the NatJOINT, NatJOC and NCCF at Head Office in Pretoria made it possible to coordinate activities with other government departments. This gave rise to the establishment of the NCCG, basically a NCCF with a COVID-19 focus, to monitor and guide police responses to the enforcement of COVID-19 Regulations and policing of crime in general. Responses to changes in the Regulations were managed from the NCCG. Legal challenges were discussed and clarified by legal representatives of the SAPS and NPA where after directives were issued to operational personnel.

CHAPTER 3: LEADERSHIP, GOVERNANCE AND DECISION-MAKING OVERVIEW

INTRODUCTION

This chapter reflects on the development of and governance of COVID-19 responses, with particular reference to the ‘chain of command’ and perceptions relating to the preparedness of SAPS to fulfil its obligations in pursuit of the ‘flattening of the COVID Curve.’

CHAIN OF COMMAND

We explored the chain of command as it pertains specifically to the JOINT Structures. The dominant narrative that emerged was one in which SAPS played a leading decision-making role. Decisions flowed down the chain almost effortlessly. It also appeared that SAPS could lay claim to a degree of ‘embedded authority’ as stated by a participant:

I have been the chairperson of the Joints structure for some time. The authority that lies within the chair has never been questioned. And it's not even being questioned now. So once the Joint structure takes a decision it becomes compelling. So once a decision is taken there, then the execution thereof is not debated. It's gotta be done.

The SAPS could rely on long-established structures and entrenched administrative procedures that recognised rank and hierarchy and demanded compliance from lower-level functionaries. Within this kind of hierarchical organisation, there was capacity to not only make decisions but also translate decisions into operating procedures and street action. The chain of command required accountable and hands-on leadership which was achieved by the large-scale deployment of commissioned officers to bolster expertise to undertake COVID-19 related functions.

Through the NatJOINTS, the SAPS was able to hold government departments accountable for executing the measures agreed upon. They were also able to maintain good communications with district structures and to similarly hold them accountable. Other important conditions that supported an effective chain of command were accurate briefings, including from legal services, and creating opportunities for debriefing of frontline police officers at the end of duty.

Technology however, proved a challenge, for the coordinating structures as a whole and for police stations located in the rural hinterland, especially in the Eastern Cape. There was also an initial lack of synchronised technology within the Provincial JOINTS in the Western Cape. A respondent commented:

I think it took awfully long for them to move to Zoom or Teams. I found it weird and strange, because whenever there were presentations, we didn't see it. You see the police are linked by their own sort of TV network. It was a technology thing, where it is proprietary. We don't have fixed TVs and cameras and things. So finally, like literally last week, which was about nine months after we started, we got into Teams.

The effectiveness of the chain of command and the prospects for both cooperation and coordination relied on clarity of responsibilities. As expected there were some 'teething' problems in the early stages with disagreements on the interpretation of a specific provision or the specific set of responsibilities assigned to role-players. These differences and overlapping of responsibilities surfaced when the different departments developed their own operational plans with their own responsibilities. Dealing with displaced foreign persons highlighted such differences in responsibilities for instance. Whereas the as Metro Police were responsible for enforcing bylaws such removing shelters of people living on sidewalks, Home Affairs were dealing with issues relating to foreigners in terms of their own protocols. Clarity of, and respect, for line functions of the different departments and role players either facilitated or hindered the chain of command and the division of responsibilities. Nevertheless, the NatJOINTS chairperson needed a good understanding of the each department's responsibilities. The efficacy of the NatJOINTS chain of command required collective commitment amongst participants as lacklustre participation and absence of departments had adverse consequences.

The coordination of role player COVID-19 functions enabled the forging of an integrated approach that went beyond mere rhetoric to become embedded in practice. For two respondents this constituted the enactment of a 'whole of society' approach. Often invoked in policy discussions, the JOINT structures in conversation with Disaster Management structures have resulted in inter-departmental cooperation on a wider and deeper scale.

EFFECTIVENESS

A number of factors shaped the effectiveness of leadership, governance and decision-making. Not only was good leadership at different levels of the structure considered a critical factor, but so was a collective understanding of the pandemic and equal commitment amongst stakeholder. It was

essential that the representatives on the various fora were present and senior enough to make the necessary decisions. Effective outcomes further depended on a modicum of adequate resources to be deployed and organisational capacity to operationalise plans. In addition, the pursuit of collective objectives depended on clarity of functions and responsibilities amongst all participants. The importance of accountability – both horizontally and vertically – to create the very conditions for the standardisation of practices, also made its mark on the effectiveness of leadership, governance and decision-making.

To this end, in the interest of making the correct decisions, the critical role of the legal department to interpret the Regulations surfaced. Chairpersons of fora and commanders found great comfort in the legal expertise available to functionaries deployed on the streets. Frontline law enforcers recognised the role of well-informed commanding officers that could translate the Regulations to districts, clusters and station commanders. What emerged thus was a hotline of communication up and down the organisation within which legal experts advised and directed operational personnel. While senior officers monitored police actions, station or cluster commanders devised strategies to deal with challenges on the forefront.

In this rendition of the ‘organisational machine’ one would expect that foot soldiers hit the tarmac with clarity of purpose in mind. But this rendition is, in all probability, too neat. Other respondents commented on the margins of error that existed. At times Regulations were less than clear or alternatively not properly interpreted which may have led to inconsistency of enforcement of Regulations across time and locality. Both the enforcement of Regulations and the compliance to such Regulations varied which means that a measure of fluidity and unevenness characterised both enforcement and subsequent compliance.

The success of implementation also depended on citizen awareness about the overall purpose of the Regulations. In addition, citizens had to have clarity about the substance of the Regulations and the sanctions to be invoked in cases of non-compliance. Soliciting compliance and buy-in from the community was a process involving dialogue directly with the community, but deliberative interaction with both local councillors, as the elected representatives and community-based structures, also assisted in obtaining community buy-in. Yet, despite working towards community support, adversity and stress experienced by police officers in the street and the frailty of all human beings to react in unfortunate ways, instances of unacceptable conduct towards community members still occurred. Most SAPS members upheld the Constitution as moral code when they enforced the Regulations. They were reminded of the police code of conduct during their morning parades to reaffirm the normative rules of SAPS.

PREPAREDNESS

Responses to the question as to the level of preparedness exhibited by SAPS in response to the COVID-19 pandemic fell into two categories. Some emphasised that SAPS did ‘nothing new’ and that its core mandate is the enforcement of Regulations. Others again acknowledged that the ‘threat’ itself (the pandemic) was altogether new and that SAPS, like all other departments, were ‘caught’ off guard. No institution was prepared for something of such enormous scale. Government departments, especially the SAPS had to deal with the unexpected threats of the pandemic while the virus itself evolved over time. The SAPS was however in a better position even though there was no time to ‘prepare’ for enforcement of Regulations and thus had to devise ways of law enforcement while attending to regular policing matters.

As an organisation, SAPS routinely deals with contingencies such as public disorder, bomb blasts and floods and maintains a level of alertness to attend to unforeseen circumstances. The SAPS is organisationally equipped to respond to such crises by developing and operationalising plans in accordance with standard operating procedures through existing National JOINTS, Provincial JOINTS and District JOINTS. SAPS could also deploy specialist capacities in states of emergencies or disasters. The SAPS Gauteng for instance were adequately prepared to lead interventions and provide direction across the spheres of Government in the province in respect of initiatives to protect communities against the spread of the COVID-19 virus. SAPS in the Cape Cluster utilised its existing ‘system’ to call meetings, devise plans, and then track the enactment of such plans. In the words of one SAPS respondent:

I think we were very well prepared. Because as SAPS, we deal with disasters and contingencies all the time. So, we have contingency plans in place for various interventions, for example, they can be a bomb blast, they can be a flood, you know, they can be natural disasters. When something happens, we are able to within a short space of time, mobilise our personnel and we have those contingency plans. So, when this came about, it wasn't something that caught us completely off guard, although we didn't deal with this kind of disaster previous virus to this extent, but the principle of the plans that allow our standard operating procedures are in place....

Though SAPS was able to employ the existing systems and structures to liaise with other departments and stakeholders at different levels to mitigate the effects an unprecedented situation, it experienced some challenges in terms of capacity. Despite SAPS’ deployment of many of its head office personnel to strengthen local capacity, the SAPS frontline still suffered from personnel shortages. This was in

part due to the implementation of personnel rotations to limit police personnel's risk of contracting the virus. Regardless of these efforts, the relatively high COVID-19 infection rate among members still had a great impact on SAPS capacity to execute daily operations and its mandate to enforce the Regulations as set out by the NCC.

CONCLUSION

The SAPS played a leading decision-making role in responding to the COVID pandemic. By leaning on the existing structures, a clear chain command with an embedded authority emerged. It allowed for stakeholders to be held accountable, to feel included and for the responsibilities of the various stakeholders to be outlined and clarified, though the process was hindered somewhat by inadequate technological resources and a lack of commitment and participation by some stakeholders. In terms of effectiveness, it was highlighted that the SAPS member relied heavily upon the legal services to interpret Regulations that were unclear or misinterpreted and that commanding officers played a pivotal role as sources of information. Though sentiments regarding preparedness ranged between 'No institution really was prepared' and 'we deal with disasters and contingencies all the time', SAPS faced some challenges with regards to its preparedness, including capacity constraints.

CHAPTER 4: COMMUNITY MOBILISATION, COMMUNICATION AND CHANGE MANAGEMENT (CITIZEN'S RESPONSES)

INTRODUCTION

This section reviews the effectiveness of communication and the management of community compliance and cooperation during the pandemic. Participants noted major variation in levels of community compliance. Many were surprised and grateful for the tolerance and patience exhibited by some people in their communities. Others expressed disappointment and frustration at the resistance and resentment they were met with while trying to do their job. Key differences were observed in terms of age groups, affluence and access to infrastructure, and at different stages of the lockdown.

COMMUNICATION OF INFORMATION TO THE PUBLIC

While a handful of police officers expressed the view that communication about the pandemic was essentially beyond the SAPS mandate since it was not really a disaster that threatened the safety of communities. Conversely, there was wide agreement within SAPS on the importance of public education as the first step towards achieving compliance with the DMA Regulations.

There was a perception that public awareness of the changing Regulations was high and rapid in more affluent areas. Within minutes of a new presidential or ministerial address, Regulations and amendments to Regulations were shared on social networks like WhatsApp and on the internet. However, there was a need for SAPS to share 'more' information in poorer areas not everybody has access to technology. This was often done by including COVID-related messages in existing methods of communication with the community during other crime awareness campaigns, even though there were constraints in continuing with regular opportunities for communication. Access to platforms of communication were mostly limited because community gatherings were discouraged. The SAPS therefore resorted to communicating from provincial media centres to disseminate information to the community. Other role players in the Eastern Cape, Limpopo, North West and Mpumalanga assisted SAPS in taking COVID-related information to areas where police officers could not reach the community.

Frontline police officers felt the need to talk more to people in the field due to their failure to comply with the DMA. This was done using a range of methods, including loudhailers, pamphlets, and individual verbal communication, especially at places of business or at vehicle checkpoints. Pamphlets

were also distributed at tuck shops and to people that are walking on the streets. Compliance inspections, for example of regulation adherence in shops, were also used as opportunities to communicate with shop owners or managers. In many instances, SAPS members felt responsible for communicating with the public not just about punishments for non-compliance with the DMA, but more broadly about the seriousness of the risk and the rationale for policy measures to flatten the curve.

SAPS partnered with community leaders to effectively get the message across to the community. SAPS called on counsellors from different political parties, religious (especially in the Free State) and traditional leaders, taxi associations, and community-based structures, including CPFs and neighbourhood watches, to reach the community. It was easier for them to communicate with the community because they knew the community and the circumstances in the community. Communication with the youth was also identified as a priority because the youth were not taking lockdown seriously.

Some communities were easier to reach than others. In the Northern Cape and Eastern Cape, large distances and lack of access to broadband and cell reception made it difficult to reach communities that were remote.

PUBLIC RESPONSE TO REGULATIONS

While there were views that non-compliance was an exception there were also widespread frustrations that people made it very difficult for law enforcers because they did not comply with Regulations. They did everything in their power to circumvent the Regulations.

In the Eastern Cape, the community's patience while waiting to be screened at a VCP or seeking government services were commended. In the Free State, there was a lot of misunderstanding initially and the community blamed SAPS for enforcing the restrictions. The majority of the people from the poor rural sea-side communities in KwaZulu-Natal '*happy and impressed*' with the police. Yet, there was resistance from young people who were '*drinking and partying*' and who were upset because the police enforced Regulations that '*infringed upon their rights*'. Similarly, participants from the Cape cluster iterated that the public perceived the police as 'people that just want to close down and spoil the fun'.

The wearing of masks in particular challenged law enforcers as many people would put the mask on when the police arrive and then take it off once the police leave. Some members were taken aback in disbelief by the extent of non-compliance of their communities, especially when community members

argue that they must find something to eat, even if the virus kills them. Several role players found the level of lawlessness amongst the community ‘not encouraging’. In part the lawlessness was perceived to be the result of not involving communities in the decision-making process. Hence there was no ownership or connectedness to the Regulations. This oversight or exclusion might have been a contributory factor to non-compliance as observed by a participants in the Northern Cluster:

But as to communication to the community it was somehow not properly done. Remember, people know their role, they know what should happen if a law is published, for example, it would be said that the Regulations are unconstitutional in looking into the sections, they know that they need to participate in the decision making in the country. And also they've got a right to within the business sector, economic sectors. So those are the things that rise when trying to combat this virus. - Those were the things which when not discuss with the communities, hence people are not taking this regulation seriously. Because I would think that somehow they don't feel connected to the regulation.

Levels of citizen compliance with the Regulations varied according to the lockdown levels and over time. Many expressed the view that ensuring compliance was more difficult in the beginning, as people had to become used to a new set of rules. Yet, requests to comply with Regulations were met by limited compliance, but the levels of compliance improved with the introduction of penalties for non-compliance. People eventually understood that in the democratic dispensation the restriction on freedom of movement was unprecedented. There was also variation in compliance within communities. Some groups of people remained unconvinced that the disease would affect them, but this view changed as people came to understand the real danger and came to know of people who had been seriously ill or died of the disease.

The relaxing of Regulations over time posed challenges for law enforcers as the more rigid rules were simpler to enforce. In level five and level four, when it was a total shutdown, there were fewer people walking around in public, but as Regulations were relaxed, SAPS had to more vigilant to ensure that people still comply with the amended Regulations. Expressions like ‘compliance fatigue’ were used to explain ‘mental exhaustion’ due restrictions on movement for quite a long time. People just did not see a need to comply with Regulations longer than what they deemed necessary. In KwaZulu-Natal for instance, there were few incidents of negative reaction and a high degree of compliance with the wearing of masks initially, but communities gradually ignored this restriction.

Levels of compliance seemed to vary a great deal according to area. Some police officers experienced rural areas to have little compliance as it was relatively difficult to monitor, but others noted that rural areas where mainly elderly are people living were more compliant. Their compliance was understood to relate to their respect for traditional structures of authority, especially where the chiefs are working with the SAPS in organised structures. They were instrumental to get the message through to the community quickly and to ensure that people comply.

Compliance was higher and easier to monitor and enforce in wealthier areas, whereas more crowded informal settlements were more difficult to access and monitor. To enforce Regulations in informal settlements was perceived as a nightmare because of the number of people living in a shack. People in informal settlements had no space to maintain the required social distance. There was also no recreational facilities available and as a result people resorted to being out on the street. Police officers in Mpumalanga experienced communities in townships to be less compliant and that the level of non-compliance was often so widespread that the police would have had to arrest an entire community. SAPS members understood that the conditions in these areas were not necessarily conducive to compliance and chose to rather focus on explaining why compliance of at least the basic protocols was necessary. The socioeconomic realities in poorer communities made compliance difficult as people did not have money for masks. Police officers had empathy and felt sorry for their communities because they could not provide masks to assist them. Issuing fines seemed not humane as most people in informal settlements cannot even afford food, let alone masks. There was a concern for an increase in crime due to the worsening socioeconomic conditions in certain communities resulting from COVID-19. A participant observed the following:

Now, the people that are losing jobs. At the end of the day, anyone will do anything to put something on the table. It doesn't justify, I'm not justifying that crime can happen because of hunger but that that can have also an effect on the social. It can have an effect in dealing with crime, because you will still have those petty crimes... that people are stealing to eat.

In the Central Cluster, while cognizant of the socio-economic struggles faced by communities in townships, police officers perceived the breaches of the curfew as organised and orchestrated to place extra pressure on the SAPS patrols. Police officers at one of the rural police stations in Mpumalanga on average arrested ten people daily which placed extensive pressure on the detention facilities of the station.

MANAGING COMPLIANCE

Police officers stressed the importance of using compliance enforcement operations to promote public awareness. Major efforts were made to explain the Regulations and sanctions to those found in non-compliance. Police officer had to unpack what was expected of them and what was expected of the people so that they could understand that 'we all meet halfway'. These verbal engagements during operations were described as having a positive effect on compliance and attitudes as people started to listen and responded in positively. Enforcement of Regulations was also applied discretionary such as in instances where a woman went to purchase food and essential stuff a man was allowed to accompany her to help carry the goods.

Law enforcers, including SAPS members, disagreed on the role of fines and arrests in punishing and discouraging non-compliance. Some members supported a more aggressive enforcement strategy of issuing fines and arrests to 'set an example' to the community, hoping that it would serve as a deterrent. Although voluntary compliance with the Regulations was the goal, many thought that fines and arrests were the only way to get their communities to take things seriously. An increasing number of fines and arrests was as a result regarded as a measure of enforcement focus and effectiveness. In this respect, many officers were frustrated when fines and arrests issued were not being followed up for prosecution. Respondents suggested that the law enforcement through judiciary punishment such as penalties and fines is a must for the successful implementations of all Regulations at all levels of the lockdown. The perception was that without criminal charges, people would relax and make the work of law enforcement officers difficult. In support of COVID -19 related arrests, police officers managed to identify wanted criminals among those persons arrested for non-compliance to Regulations. Arrests for non-compliance may thus have helped to address other crime.

Others police officers were more uncomfortable with strict enforcement and found it hard to explain that they had to arrest a person for not wearing a mask for instance. They were also mindful that any arrest for not complying with COVID-19 Regulations may result in a criminal record for that individual. So they were careful not to 'criminalise' people as it would negatively affect them at a later stage'. Many officers deemed arrests as a last resort and rather cautioned a person for ignoring Regulations, or issued a fine if the person refused to comply. There was an understanding among many police officer to rather avoid confrontation by expressing empathy for a person's anxiety and issues about Regulations.

When asked how compliance could have been improved, most participants mentioned more resources. Limited resources were further reduced by the impact of the pandemic, and particularly by the illness of members. The need to quarantine members who had been in contact with persons who

tested positive, as well as the reduction in the number of people on duty to ensure social distancing made policing during the pandemic even more challenging.

COURTS UNDERMINED COMPLIANCE

An important matter that probably needed more consideration at the highest level of government was the apparent non-buy-in of the courts to follow through on charges relating to COVID-19 transgressions. Police officers, especially in the Northern Cape, Gauteng and Mpumalanga experienced challenges in terms of enforcing compliance as some courts were inconsistent on fine amounts or did not show interest in prosecutions under the DMA.

Participants from the Cape Cluster observed that courts were returning documentation as if they were going to flood the system and also because people were not appearing. The courts did not take the fines seriously and most of the cases were withdrawn by prosecutors. Participants from the Northern Cluster noted that:

To my understanding, somehow there was no planning between the SAPS and maybe their courts because most of the cases were not taken seriously. When they arrived at the courts you'll find that the SAPS once laid a charge on a person and then it's taken to the prosecutor or the magistrate and it will be said that no there's no need for this charge.

And now that it somehow compromises the integrity of SAPS officials So it somehow made people to not want to comply to the Regulations because they would have an understanding that is absolute fine to be only issued with a fine. So people were not taking this seriously.

Others participants in the Central Cluster argued that problem with the courts points to an issue with capacity. A participant explained:

SAPS arrested plus minus 100 people per day. The courts could not handle this. They released and withdrew cases. J 534 monies had to be refunded by police stations. These were then stolen, ethical problems.

Mpumalanga police officers were also confronted by the same problems when a member of the Prosecuting Authority expressed the view that arrests for non-compliance were overburdening the courts. Law enforcement officers were advised to rather consider fines for less serious cases than arrests. Court resources were also strained by COVID-19 and there was a need to focus on more

serious cases. The courts were also seen as sympathetic to the financial constraints in communities where few people were employed or had a prospect of paying fines. As a result, some of those detained were released after a few hours. This had a negative impact on SAPS members as well as the broader community, as there was no point in enforcement or compliance.

COMMUNITY/POLICE RELATIONS

Some participants were of the view that the relationship between the police and the community improved during the COVID period. This was ascribed to an increase in communication as well as increased visibility, as more people saw police vehicles in their area and could flag them down to bring issues to their attention. There may also have been a positive impact from SAPS' role in facilitating safe access and distribution of food parcels in impoverished communities where 'the police is still seen as a lifeline' SAPS were regarded by many in the community as the 'people who keep you safe'. This period of moral authority and clear rules that were also understood by the community may even have given SAPS a new 'sense of power' and clarity of purpose. Police officers experienced an increase in communication from the community, as they started to report 'every little thing that they see that's wrong'.

Others said that the impact on their relationship with the community was more mixed and even that the relationship had likely deteriorated. The DMA Regulations introduced numerous new causes of dissatisfaction as freedoms were restricted. This was especially the case around the enforcement of alcohol and cigarette Regulations, movement restrictions and public gatherings. Enforcing the Regulations on beaches was also highly unpopular and uncomfortable.

Now the regulation, enforcement of the regulation didn't make it any easier. Because, you know, in this 38 and a half years that I'm in this organisation, is the first time where I had to be on the beach, there is a little child, there with a spade and a bucket, that I must say to that child, you can't go to the beach. It also is not easy. But this is our job, we have to understand the bigger picture. And we have to do our job. Whether we agree with it or not, that is another matter.

The SAPS, who were blamed for spoiling the fun, also found themselves at odds with traditional ways of marking important events that did not relate to 'fun'. The need to disturb funerals was seen as a major new cause of conflict with the community. Communities accused the SAPS members of a lack of sympathy and compassion for the mourning groups and placed severe stress on the SAPS members enforcing the protocol, especially in instances where the SAPS members were acquainted with the mourning family. In an attempt to be proactive around the limitations on funerals, members

approached families of the dead in advance about protocols to minimise problems at the funeral. Conversely, while simple enforcement of the Regulations was unpopular with some in the community, for others the problem was insufficient enforcement of people out in the street and of people not wearing masks.

Other role players were seen as important in smoothing relations with the community, as for example 'CPFs played a very, very vital role in terms of trying to keep the momentum making sure that that relationship between the police and the community is maintained and improved and promoted'. Compliance had to be a team effort because the protection of people from contracting the virus was everybody's problem, and it was impossible to have a police officer in each and every corner of the street. There was a perception among some role players that the SANDF were more likely to get compliance than the SAPS, because the community knows that soldiers do not use rubber rounds when they shoot. It is thus better to comply than to refuse or argue with SANDF members.

COMPLAINTS

Most role players were unaware of any complaints about police misconduct during the period and even commended frontline police officers for their tolerance for resistance to COVID Regulations. Of course not all instances of non-compliance resulted from resistance to infringements to human rights caused by the Regulations as many people could not afford to comply said Regulations.

Complaints were primarily around implementation of COVID-19 Regulations, rather than police misconduct. There were complaints especially around the liquor Regulations and the limitation on funerals. Complaints were perceived inevitable, because people always complain about the police when law enforcement such as stop and search operations for prohibited items is perceived as uncomfortable. A common complaint, both before and during COVID, was about slow response time of the police.

On the other hand, there were also some complaints about under-enforcement of the Regulations, where the police did not do what they were supposed to be doing. Especially in the initial stages, there were complaints around inconsistent interpretation of the Regulations as role players interpreted Regulations differently. Such complaints surfaced in several locations across various provinces. Even within the same policing precinct police officers would apply the Regulations discretionary. In KwaZulu-Natal for instance, members of the public were treated differently due to this confusion as some were arrested and others told to return to their homes for the same transgression.

Existing structures of complaint management were used to manage the complaints that were received. Official directives from the SAPS Inspectorate was used to manage the investigation and response to complaints. The consequences mentioned for wrongdoing ranged from the opening of disciplinary files against the members in question and having the outcome of disciplinary investigation on their personnel file, through having salaries stopped for a month, to dismissal, the opening of a criminal docket, and arrest. This was dependent on the weight of the transgression and the value of available evidence. A number of participants indicated that it was essential that the progress and outcomes of disciplinary processes were widely publicised, so that there was a sense of transparency and that the complainants and the broader community could see justice to be done, thereby building credibility. It was also mentioned that local and national media monitoring centres were used to monitor social media for incriminating video clips.

CONCLUSION

Communication pertaining to the COVID-19 Regulations were generally effective in reaching its intended audience. There was a perception that public awareness of the changing Regulations was high and rapid in more affluent areas. COVID-related messaging was added to existing forums or methods of communication. In places where the changes in Regulations did not seem to have reached the community, the SAPS felt responsible for communicating with the public about the seriousness of the risk and the rationale for policy measures to flatten the curve. SAPS often found itself responsible for getting people 'to understand' that everybody must protect him/herself and those around them. Citizen responses caused frustration when they did everything in their power to circumvent the Regulations. In some provinces like the Free State, there was a lot of misunderstanding and the community blamed SAPS for enforcing the restrictions, regardless of where it originates from. SAPS participants stressed the importance of them using compliance enforcement operations to promote public awareness to explain the Regulations and sanctions to those found in non-compliance, also what is expected of SAPS and what is expected of the people. The courts were to some extent perceived to void the efforts of other departments who implement measures to protect people for contracting the COVID-19 virus, particularly by refusing to prosecute persons who violated the COVID Regulations. This made the enforcement of Regulations even more unpopular, so more complaints about the conduct of law enforcers were lodged.

CHAPTER 5: RELATED SECTOR RESPONSES

INTRODUCTION

Implementation of the DMA required that SAPS integrate with a range of other stakeholders, both inside and outside government. The pandemic brought SAPS into close working relationships with the Departments of Home Affairs, Public Works, Transport, Health, and Justice, with the South African National Defence Force (SANDF) and other local law enforcement agencies, and provincial liquor boards. Closer links with non-governmental organisations, neighbourhood watches, community policing forums and local counsellors were forged to increase their reach and improve the flow of information on lockdown Regulations and on how to slow down and reduce infections. These approaches required accountability from all different departments.

Although there was close collaboration and coordination between the various stakeholders, departments developed their own operational plans in respect of their mandates and responsibilities. During coordination meetings departments responded to whatever happened within the previous 24 hours or reported back on their initiatives. This method of daily communication was very effective as it allowed for daily interaction between the different departments. There were however concerns that all departments were not equally invested in the collaborative effort. Some key stakeholders like the Department of Health (DOH) were absent from meetings despite having a central role in terms of the pandemic. Some departments were represented by persons who were not senior managers, even to attend implementation meetings, but they could not make decisions there and then and delayed the process.

A HEALTH CHALLENGE

The DOH was identified as a critical participant in defining the pandemic response, and consequently the role that SAPS had in implementing the Regulations were put in place. Participants described the response as being steered by DOH since the addressing the COVID pandemic is essentially their function. It was perceived to be a health pandemic and not something where the police can 'instruct people and run around and do things'. During deployment SAPS worked with the DOH at roadblocks or vehicle check points, where staff from the DOH took the lead on health-related aspects.

In these instances, SAPS described their role as more of an essential support role, focused on manning and controlling the roadblock activities, and maintaining order, but separate from the health-focused activities. While there was a clear understanding that both the health and safety/security aspects of these checkpoint activities were vital to their success, they did not always take place without

problems. Police officers in some instances raised concern about the absence of DOH officials when it came to implementing of requirements laid down by the DOH. Their concerns surfaced when it was expected of SAPS members to assume the front-line responsibility for making sure that the public implemented the Regulations, and it became evident that that the DOH were not equally invested in responding when issues arose in the frontline. For example, one interviewee described that ‘we would raise issues as the [Provincial] JOINTS, but getting responses was not as swift as we would have wanted ... [and] we’re not really getting any responses at times. So those are the challenges we had to sit with’.

Police officers also frequently had to carry out public-facing duties without the necessary personal protective equipment due to internal delays in SAPS’s procurement and distribution. It chafed SAPS members when they were called to protests where DOH staff were protesting, and where the differences between these two groups of ‘front-line essential workers’ was clear. SAPS members felt that health workers’ absence from their posts impacted the pandemic response:

... Especially around the service delivery protests, both at the hospitals, and clinics. [The DOH] would never be there and when they are there, they will tell us that in actual fact, we do have the PPEs. But strange enough, you would get protests from the hospitals and from the clinic saying we’re protesting because we feel we are not safe. We needed these people.

NETWORK OF RESPONSIBILITIES

Participants described how the pandemic response required the integration of a wide range of stakeholders. The Department of Home Affairs (DHA) provided assistance where the DMA activities helped to identify foreign nationals illegally in the country. This would happen for example at roadblocks where groups of foreign nationals seeking work on farms moved around for seasonal work. Immigration officers were also on call 24 hours/day’ and assisted SAPS with processing this illegal or immigrant. In some cases, even routine activities like curfew enforcement uncovered undocumented immigrants.

The interviewees in the Cape cluster were appreciative of the collaboration and support from other law enforcement agencies like provincial traffic agencies and the South African National Defence Force. Although traffic agencies were not always physically present with SAPS, they were available when members needed their assistance. The SAPS and SANDF were the main role players at checkpoints and the roadblocks within the province, but immigration officers assisted to minimise the movement of people between areas during lockdown and to check authorisation of people who were moving around after curfew.

This collaboration worked well overall. Interviewees felt that the SANDF, in particular, were useful as a ‘force multiplier’ with resources such as helicopters, which was very advantageous. The SANDF were also able to provide human resources when SAPS was depleted due to illness. SAPS members relied on the SANDF resources and described the withdrawal of SANDF support (and equipment) as ‘leaving SAPS in a difficult situation since procurement was not always possible on short notice’.

The nature of the COVID-19 crisis also brought SAPS members into closer contact with departments that were outside of their normal operational orbit, especially when undertaking tasks that fall well outside of the traditional policing role. SAPS’ collaboration with the DSD included looking after people in need, hand out sanitary towels and clothes, and carrying out activities for food provisioning, shelter for the homeless, and psychosocial support services to victims of violence and substance abuse for instance. Police officers from the Central Cluster also lauded the DSD and DOH for their role in their communities, noting that *‘for the first time, there were no turf struggles’*.

A key focus of SAPS’s activities with the DSD was on child protection, especially when everybody was at home during lockdown. Even as lockdown eased, SAPS was brought into regular contact with the Department of Education to ensure that learners and educators understood the importance of following Regulations. The closer collaboration between SAPS and the Departments of Education and Social Development has also created a more responsive mechanism for dealing with problems uncovered by these departments during the pandemic.

We created a space within which our learners could speak to us about the experiences and the exposure within this COVID period. Disclosure of where they found themselves, and what they thought kind of solutions were, were good discussions to have with learners during this time, because remember, most kids were traumatised because they lost family, they lost friends, and school was going on. And the parents got sick, and they were worried about the parents getting sicker. And so, we provided, you know, a lot of support social, psychosocial support to learners during this time. And so, we did find, for example, a lot more kids feeling more comfortable talking about abuse that was happening in their homes, you know, which of course our social workers would follow up here. And over to SAPS if it was a sexual abuse case, if it was a physical abuse case. That those kinds of steps we followed through as well. So it did make the situation ... easier and more comfortable for learners to actually disclose during that time.

An unintended consequence of the close collaboration (and shared physical spaces) between departments was the risk of transmission of COVID-19 between departments. The health risk was higher when role players worked with the Department of Correctional Services, particularly when positive cases in prisons spiked. The COVID-19 pandemic disrupted the normal functioning of the courts, creating confusion and resulting in the movement of personnel and suspects back and forth, which in turn spread the virus until other arrangements were made with the Department of Justice.

The issue of the coordination between the courts and the Department of Correctional Services at the cells. Our own people that come from the cells ... we found that the person that you have arrested last night, you don't have any detail if we must go to court the next morning. So, there was also really important that arrangements made with the Department of Justice, and also the National Prosecuting Authorities, and most cases was remanded in absentia of the suspects to further dates where possible. [...]I think those are also important issues because the problem is that, us as a department easily became a spreader of the disease simply because of the way that we operate, and the way that we have to take people to justice and etcetera. So, the whole issue around the courts was dealt with when the attendance of court cases by the public was stopped.

CONCLUSION

The pandemic emphasised the need for a close working relationship with other departments if SAPS is to make inroads in addressing crime. The Departments of Home Affairs, Public Works, Transport, Health, and Justice, with the South African National Defence Force and other local law enforcement agencies, provincial liquor boards, etc. played a huge role in flattening the spread of the Corona virus and there is no reason why this effort cannot continue in future. Many SAPS members referred to having closer links with non-governmental organisations, neighbourhood watches, community policing forums and local counsellors to increase their reach and improve the flow of information on lockdown Regulations and on how to slow down and reduce infections. The lessons learnt in this regards may reinforce the foundation needed for effective policing beyond the COVID-19 pandemic.

CHAPTER 6: PARTNERSHIPS

INTRODUCTION

As discussed in previous chapters, contributions of other government departments and their levels of cooperation were highly valued as they provided information on hot spots of infections which required more intense policing. In this chapter the focus is on partnerships with other external entities such as NGOs and NPOs.

CIVIL SOCIETY INVOLVEMENT

The extent of co-operation with external, non-governmental partnerships varied a great deal. In some instances, especially among national and provincial structures, there was little awareness of civil society or private sector involvement in decision making and implementation of measures related to COVID-19. This related to the level of decision-making and sensitivity of information or intelligence. Not all structures were an appropriate place to involve external partners:

We discussed law enforcement-related, sensitive issues. So they weren't there. Our meeting was only focused on law enforcement, crime intelligence etc. There was information that was even only discussed at another level (more secret) than our meeting.

Police stations indicated that they could not rely on social partners such as NGO's and the Community Police Forum for support during lockdown levels 5 and 4 because only essential workers could move around during the curfew. SAPS commanders would have preferred to engage with their social partners though because, as a station commander in the Free State indicated, the religious groups could have played a valuable contributing role in assuring community adherence to the COVID-19 protocols.

Conversely, some interviewees in the Cape Cluster deployed at a more operational or local level noted that NGOs were part of the JOINT forums and were active partners in the work of putting the Regulations into effect and in caring for the community. NGOs played a valuable role in responding to gender-based violence during lockdown. They realised how violence in the home was worsened by lockdown conditions, particularly in instances where they were aware of the history of family violence in a household. There were concerns by role players that women could be 'kept hostage and be prevented from reporting' abuse. Police officers also noted that the fact that children were out of school provided a level of cover for violence because the children cannot report abuse to their

teachers. To this end, NGOs set up call centres in ways that allowed women to disclose violence without the risk of being overheard.

Policing of crime in general became more challenging with the easing of Regulations when COVID-19 alert levels were lowered. In the Northern Cluster participants described focussing on managing crowds as a way of preventing them from looting stores and committing other crime. Among all levels in the Northern Cluster, participants pointed out that SAPS focussed mainly on compliance with COVID-19 Regulations. Here there was less focus on matters such as managing domestic violence that was widespread in the country at the time. Instead, SAPS seemed to have relied on NGOs to assist GBV victims. There was also widespread praise for the assistance received from dedicated NGOs and community partners in the Cape Cluster:

Something that I will treasure is the selfless, caring, and dedication of organisations. I'm speaking about your non-profit organisations, as well as corporate. We were inundated with calls from people that wanted to make donations. They gave assistance and support. Corporates also. Yeah, all the sectors have all come to the table. And that to me is something I know it was mind blowing for me. And really, I still think we have not thanking enough for what they've done during COVID really.

Some assistance from NGOs and private organisations was aimed at providing food and related relief to communities suffering the economic effects of COVID-19 – a feature of the devastating effects of the pandemic that SAPS faced daily in the community. NGOs worked together in the 'humanitarian cluster' to assist the Departments of Social Development and Education, who are responsible for feeding many children through National School Nutrition Programme, to provide food to people. SAPS supported these initiatives by securing the areas and ensuring adherence to social distancing and all the other rules.

Other partnerships were more focused on maintaining order and ensuring compliance with the Regulations. Although SAPS took the lead in the planning and execution of the DMA related policing operations, where possible, they had a more open and flexible approach to working with community-based forums to ensure that citizens were kept safe and secure. External or non-governmental structures were co-opted into the police structures when there was a need for it and then everyone acted and did their part:

It was NGOs. It was all part of the whole community. Every structure that you can get. You know what, it all depends on the incident that happened. So then we will all

come together, and we will give the roles and responsibilities to each one who must do what and then from there we will take it.

The kind of collaboration that SAPS had to undertake in responding to COVID-19 led to relationships with groups from across the community spectrum. SAPS found key partners in surprising places, from normal civil society organisations and structures who assisted to get people to comply to Regulations. In some areas, where churches were initially problematic because they continued holding large gatherings in violation of the Regulations, SAPS approached religious leaders, traditional leaders and community leaders to stop such large meetings. Similarly, SAPS entered into discussions with traditional leaders to stop circumcision rituals in the mountain during the pandemic.

Taxi associations were approached to ensure that they too in follow the Regulations. Negotiating this relationship was, at times, delicate, and relied on the relationship between station commissioners and the taxi industry. Taxis operators were initially reluctant to comply, but SAPS insisted that they would stop and check whether taxis comply in terms of the wearing of masks and social distancing limitations and that could inevitably be bad for business. A participant in the Cape Cluster explained:

There was a lot of meetings with the taxi associations. At the beginning, we had a problem with them, they didn't want to adhere to the number of people allowed in a taxi. And you can understand that because they work on the number of people that they can transport. But with the meetings, I think it was explained to them that we don't have a choice other than to write fines. And if they don't adhere to the Regulations [then] it's bad, but you have to let people get out of the taxi. If the taxi is overloaded. So ... I think they also realised that it's not just about them making money, it's also about the people that get transported. Because now that we have a roadblock, 5 kilometres from town, and then you must get let people out, now they want the money back. So in the end, it's a huge problem. So they did listen after the meetings, understood and adhered to the Regulations.

Interviewees recognised that one of the benefits of these collaborations was to increase SAPS's reach and ability to rapidly provide information to the community. NGOs engaged in door-to-door visits to distribute flyers, community radio stations, for example one in the Northern Cape, assisted in clarifying questions about disaster management Regulations, and community policing forums shared information about the Regulations. Community organisations, churches, NGOs and CPFs teamed up with ward councillors, the DOH and Social Services to mobilise 'communication drives' throughout some policing areas. In the Central cluster, organisations joined the existing structures provided by

the CPF to assist with the homeless, which resulted in a strengthened police-community relationship with 'new stakeholders' in the COVID-19 task team. He described:

DISAPPOINTMENTS

There were also some concerns about the little information about crime made available to the public which led to NGOs not knowing the effect of the COVID-19 lockdown on society. An NGO in the Northern cluster expressed her observation:

You know, our community and our centre manager, would phone the police and so on but our community is not so serviced. You know, many times we've got our own panic button system, etc., because our community doesn't get really great response from the police....There is a lack of official crime stats, but I do believe that there was a reduction in crime. Obviously, especially in the areas that would be victim to business crime, break-ins, etc., was less because obviously there was nobody in the streets, whereas I'm not sure in Mamelodi itself.

More disappointments were raised about the reporting of GBV cases:

The basic contact crimes and your domestic violence was ... worse as the men were at home. We have a new intervention for sexual violence and domestic violence. And we can say our women and children were at greater risk. And obviously, we've got people that that we know first-hand was attacked by the husband, went to the police station and was sent back home.

A concern also surfaced from the private security sector that although the community gets involved in addressing crime, they often get discouraged as it seems that their efforts are in vain, but this seems to result from ignorance.

There are factors influencing lack of reporting. For instance, if the law allows a person to be granted bail and go back to the community without the community being informed, that will obviously create problems. So people complain the whole time saying, you know what reporting crime to the police doesn't help of which from where they are seated is true. But if people are more knowledgeable, to understand that reporting the person to the police does not mean the person is convicted, they are still processing the charges.

Surprisingly, participants did not reveal much about the support from labour unions in the communities where they have large membership. Even so, the public had the support from the police and other departments to protect them against irrational decisions of employers when the regulations caused businesses to suffer losses. For example, in the North West, a senior official had to be charged

and taken to court because workers had to report back at work. The labour unions within SAPS were perceived to be no different and as pointed out by a participant from the Central Cluster, the labour unions in the policing environment was ‘...not vocal at all...’. There was no support from the unions even though police members also fell ill and experienced the same challenges as the general populace.

CONCLUSION

While the SAPS observed much cooperation among private entities and NGOs in respect of providing food and basic needs to underprivileged persons in poorer communities, its own partnerships within communities were initially more focused on maintaining order and ensuring compliance with the Regulations. The SAPS later adopted a more open and flexible approach to working with community-based forums to have greater impact on citizens, to keep them kept safe and secure.

CHAPTER 7: OVERALL IMPACT ASSESSMENT

INTRODUCTION

For many police officers the job of policing had stayed the same in its essential features of enforcing the law to the best of their ability. Enforcement of COVID Regulations was just another instance of the police officer being given a law, not to question, but to enforce. A few regular activities had to be stopped and a few ongoing ones adapted to a new environment, but policing activities had to continue as far as possible and without any deviations from the policies of the SAPS. Officers also thought that SAPS was better placed than other departments to lead government responses to COVID because of the specialist experience, institutional capability, and contingency plans in place to deal with any sort of threat in country.

Although SAPS faced a challenge of understanding and enforcing numerous new and frequently changing Regulations, the vertical communication around new Regulations seemed to have worked effectively and rapidly. Amendments were communicated through emails, regular meetings, briefings on daily parades, WhatsApp group messages, printed documentation in vehicles and stations, and registers that members had to sign to indicate that they had read the new guidelines. Still, at times it was difficult to keep up. There was no time to prepare, as amended Regulations required immediate enforcement. One participant stressed this, observing that ‘at times, there were many circulars coming from head offices to the provinces with different instructions in terms of containment of the COVID-19. The instructions were at times misinterpreted, causing confusion to the members.’

These responses suggest a break in communication probably leading to inconsistent SAPS responses and ultimately inconsistent implementation practices. SAPS at some stage sought clarity from other departments when challenges arose.

EXPANDED MANDATE

By most accounts, the expanded mandate of policing during this time was a major change. COVID-19 brought additional responsibilities on top of the ‘normal’ SAPS functions. Its core mandate remained intact (namely detect, investigate and prevent crime) and added to that core mandate was its COVID-19 responsibilities. Others again thought that COVID-19 was not simply an add-on but that COVID-19 responsibilities moved to the centre and core responsibilities receded – partly as crime itself declined.

At the start of the pandemic and subsequent lockdown the SAPS along with all other law enforcement agencies were tasked with the enforcement of the Regulations issued in terms of the DMA. Because

of the enormity of this responsibility across the country, SAPS brought in police officials who normally perform office or support (administrative) duties. They also involved the detectives on a rotation basis. But throughout this pandemic SAPS struggled with shortages in relation to human and physical resources. The initial focus was thus primarily on the enforcement of the lockdown Regulations and that regular policing was largely neglected or set aside. The focus on enforcement and the reliance on additional human resources coming from the detectives and administration put these services under pressure and had a negative impact on both the detective service and on the police's administration.

The situation for the police was compounded by an initial confrontational and at times even aggressive approach to enforcement of the Regulations. A confrontational approach in its very nature is not conducive to good police-public relations and therefore not beneficial to policing. After this initial phase of aggressive law enforcement and the poor publicity and negative reaction by the public the SAPS appear to have gradually moved to a more balanced approach. The more balanced approach may have coincided with the lifting of some of the more severe restrictions and the movement to lower lockdown levels but it certainly contributed to a more favourable view of the police and an improvement in police-public relations. It also allowed the police to pay more attention to general policing practices such as attending to complaints, crime combating operations and the investigation of criminal cases.

The COVID-19 Regulations therefore made for an exceptionally difficult balancing act in which SAPS had to navigate its primary mandate and responsibilities and enforcement of the DMA regulation. There was a need to ensure that people are confined to their houses, to monitor the size of gatherings, act on intelligence to monitor indoor activities, monitor taxi occupancy, issue permits for travel, curb the sale of liquor and cigarettes, close the beaches and other public spaces, ensure that members and the public were kept as safe as possible from infection – all while still attending to the usual police work of taking statements and attending to calls for help and the crime-related needs of the community.

A key challenge was finding the resources to manage the newly expanded duties such as the issuing of permits for movement. SAPS also had to come to terms with a change in operational focus of needing to monitor the size of gatherings, enforce alcohol and cigarette Regulations, staff vehicle check points 24 hours per day. All of this had to be done while ensuring that staff were informed of constantly changing Regulations and protected by access to sufficient PPE. The expanded mandate of policing necessitated moving personnel accustomed to office work to outdoor operational duties to assist in terms of enforcing the compliance on the disaster management regulation. This too, was a major adjustment for many officers who suddenly had to adjust to 12-hour night shifts.

CONSTRAINED CAPACITY

Operational and administrative resources was inadequate at the best of times. Not only was there an expanded mandate, but at the same time capacity was seriously reduced. The first constraint on capacity was due to internal measures to 'flatten the curve'. There was a need to manage social distancing in the workplace and make allowances for those at high risk due to comorbidities to work from home. Many functions therefore had to be conducted with a 50/50 rotation in office occupancy. This was a serious challenge in terms of operational capacity. Yet, the expectation was that police productivity stays the same. From a management perspective, it was not possible to determine productivity levels of those at home and some personnel were perceived to be taking advantage of these conditions. In the absence of such members, others had to take on additional responsibilities. To this end it seems managing human resources during this period was extremely difficult.

The available capacity was further strained when members tested positive and buildings had to be vacated. Management had to ensure sanitising of buildings and vehicles and also testing and quarantining those with whom infected members came into contact with. In smaller stations, whole units had to be closed down when a member tested positive. Services often needed to be temporarily relocated. Meanwhile, neighbouring stations were dealing with the same issues. This was made more difficult by delays in obtaining test results and cleaning services, as well as uncertainty and changes in official recommendations. It could take days for a building or vehicle to be disinfected before it could be accessed again. The cleaners were overwhelmed and understocked. Initially, it wasn't clear how to delimit isolation and decontamination. Only over time did clarity emerge in terms of whether, for example, rooms or entire buildings needed to be sanitised following a positive test.

Resources were tested in more ways than anticipated at the start of the pandemic, especially at smaller rural stations. In one of the rural stations in Mpumalanga for instance, police officers had to dedicate a waiting area for persons who were suspected of being infected with Covid19. Such persons would stay there until an ambulance arrived to transport them to the hospital. Even though the ambulances' response time was around three hours, the arrangement offered a perceived safe isolation area for the public. This room would be disinfected after every use.

Finally, there was the capacity impact of the virus itself, as members became ill and even died. SAPS members come into close physical contact with many people on a daily basis, resulting in many members testing COVID-19 positive. There is no way to maintain a 1.5m distance when searching a person. The virus thus became an 'unknown enemy' of the police. Not only did members become ill, but some lost their family members. Police officers described experiences when they could not

support their ill colleagues or the bereaved as ‘not a good feeling’. Participants in the study were among those who became seriously ill.

The combination of expanded mandate and restricted capacity made police officers feel that they could not perform their duties and that they would disappoint in terms of service delivery. They feared that poor performance would affect the police-community relationship. A participant explained the situation at times as almost desperate. As more members became ill, ‘the service delivery in an area dropped quite significantly and there was no replenishment of that and then the intent was there, the understanding was there, the mandate was there, but we needed more boots on the ground’. Response times inevitably increased, as SAPS were running on 50% capacity. Sometimes an entire station had to be closed and work had to be done from a mobile unit or another building. The service delivery reduction was especially a problem in smaller stations, where under normal circumstances there might be only two or three members on duty in a shift, serving a community of many thousands, and with the nearest other station a huge distance away.

PSYCHOLOGICAL IMPACT

Related to the risk of illness and death was the difficulty of having to operate in conditions of fear and uncertainty. Participants described confusion, shock, frustration, and fear among both members and the communities they serve. In dealing with the public, police members were now hyper aware of risk, despite the measures taken to reduce that risk. They even had to be afraid of things that had previously passed without any thought, like sharing a pen that had been used by a member of the public. They described the discomfort and indignity of having to remove their uniforms at the end of a shift ‘in the yard or garage’, in the hope of protecting their families from infection. Added to the usual strains of the job, law enforcers also had to face an unknown, an unseen enemy.

The loss and isolation was very painful. Colleagues were afraid of each other, of being infected. Collegiality and co-operation suffered as people were reluctant to move from their areas of comfort and perceived safety. Police officers experienced both physical and mental strain as a ‘thin layer’ developed between them. Yet some members were also perceived to be taking advantage of COVID because anyone to be at home without being questioned. Subsequently, such perceived unnecessary absence resulted in resentment between colleagues. Widespread physical and mental exhaustion surfaced but there was no opportunity to take leave.

Maintaining performance and morale was a strain on senior members. They had to work to provide emotional support and try to motivate their members. Without such motivational support, policing would have come to a halt. A participant expressed the experience as standing and ‘pretend as if

COVID will not kill you, because had I allowed it there would not have been a police station'. Whereas the danger was such that the government was telling everyone else to stay at home, including other civil servants, the police had to go to work and put themselves and their families at constant risk. Although many participants noted the extreme practical and emotional challenges they had faced, there was also a widespread sense of forbearance. While the public and other government representatives had room to complain and resist unpopular Regulations, the police had no choice but to follow orders and do what needed to be done according to the law.

There was also praise for members' fortitude:

Let's say what supported these operations was the willingness of the members, I would say, the willingness of the members more than anything, you know, not being scared of, as much as we were so much exposed, actually. Because you would find that some stations do not have enough vehicles, and then you come and driving in your kombi, you'll be asked to go and fetch, maybe two people that needs to come to the police station to report a case and stuff like that you don't know where they were from, where they were, and you still get into a vehicle with them. And obviously trying your best to, to do sanitising a lot and issuing them with masks if they did not have, but the willingness of the members, I think helped a lot more than anything else that could have been implemented.

PRAISE FROM OTHER PARTIES

Others who worked with the SAPS in this time, praised them for doing the best they could in a very challenging situation:

And they were pretty responsive to that... I was kind of impressed. And I felt that the police services like works, you know.

I believe that SAPS did very well. They knew what they needed to do. And they were doing very well in trying to make sure that they implemented anything and everything that they needed to implement.

And I think we had quite a few capable officials. And they could easily latch on to, to, to the work of other departments. Yes, I think I was quite impressed. And me and my colleague actually said to one another, you know, what, we always thought a policeman is just a policeman. But they really are understanding because they questioned our reports. They're extremely disciplined [with] time

management. They are very structured, and there is a clear rhythm in how they do things.

They were applauding the police during COVID-19 period. The way we manage the COVID-19, the way we assisted other departments. It was as if it was something that we were been trained for, even though we didn't know anything about it. It was new to all of us, by the way we managed it. People are very impressed. They were very, very much impressed.

CRIME IMPACT

Fortunately, the constraint in policing service delivery coincided with a major change in the crime situation. The restriction of most people to their homes, especially at night, plus the limited access to alcohol transformed the policing environment. With the community indoors, not only was there a major reduction in crime on the streets, but also in residential burglaries, as access to properties became a more difficult because people were working from home. A participant from the Northern Cluster explained that recorded crime went down, both murder (by close to 60%) and robberies went down 'because people were not in the streets, therefore there were less people to be robbed'. Having everyone at home made for natural surveillance of spaces, as neighbours could all keep an eye out for suspicious people and share information on WhatsApp groups. Even more serious crimes like cash in transit robberies reduced, as movement between provinces was limited and organised crime groups were immobilised (for a while at least).

These reduced crime levels were reported even though police work at the local level, according to participants in the Northern Cluster (Gauteng, Limpopo and Northwest), were more or less similar to the interventions they were implementing before the pandemic. Yet, awareness campaigns in communities now involved educating the public of what is expected of them in terms of the COVID Regulations such as wearing of mask, social distancing, and the cigarette and alcohol ban. Perhaps, this approach of doing things 'the same as always' have contributed to the escalation of theft and smuggling when the borders were open for travel. Participants made reference to vehicle smuggling between South Africa and Zimbabwe.

Crime declined, however the moment the borders opened for free movement it then increased. And the border post was close because a huge amount of the vehicles were being hijacked in our province. And we got a huge amount of vehicle smuggling from Zimbabwe to South Africa.

The Department of Water and Sanitation in the Free State experienced an increase in theft and vandalism of their property and installations such as water tanks and SAPS was able to provide protection and maintained a very good working relationship with the department. SAPS also played a leading role in the combating of rising school burglaries in that province.

The restriction in alcohol had a dramatic impact on rates of violent crime. Some licensed and unlicensed premises are generators of crime, including rapes and robberies of intoxicated people on their way home afterwards. Their closure took a lot of pressure off the police. With the removal of 'the medium that caused the confusion', rates of interpersonal violence dropped. There was also a major reduction in road fatalities, especially over the Easter weekend.

Comments were made that 'in the townships and in informal settlements, alcohol is the cheapest form of recreation' and this posed a health risk. The ban on sale of alcohol meant that SAPS had to enforce the rule strictly, but it often resulted in confrontation. In Mpumalanga for instance, police moved around and patrolled the villages to ensure compliance. The SAPS targeted shebeens and liquor stores where people often locked themselves in when they saw the police. In such cases SAPS would rely on SANDF intervention for support, especially in problematic areas such as Emahlaheni, Delmas and Middelburg.

A participant in the Central Cluster noted '*...when people are drunk, they commit crime.*' As the ban on alcohol sales reflected a positive impact on their crime statistics, he directed police officials to act decisively where alcohol was concerned. Virtually every participant mentioned the reduction in crime in their area, and again virtually all ascribed this in large part to restrictions on movement and alcohol availability. There had been an increase in some crime types, especially those related to domestic violence. Some responses suggest that SAPS' pre-occupation with flattening the curve from a health perspective influenced perpetrators of other crime categories to continue criminal behaviour. Domestic violence related incidents tripled during the early phase of lockdown, according to multiple media reports, but SAPS records show otherwise. Perceptions about the cause of domestic violence included comments like people were 'just sitting in the home the whole day, I think that's also started irritating one another'. Other thought that although there might have been many people in the house, at least they were in the house without alcohol. On the other hand, being without alcohol could trigger violent behaviour as some people 'go off their head if they don't get alcohol'.

There were instances in which members expressed their frustration at being unable to fully enforce the alcohol restrictions. People still sold alcohol and still transported alcohol. SAPS members confirmed that they struggled a lot with it. This, according to role players, was confirmed by the

number of incidents where alcohol was involved were too many than what was expected under the circumstances during lockdown.

Overall, responses from the national, provincial and local participants cited a number of interventions implemented by government departments that assisted with crime reduction in communities. These interventions were a collaboration between various national, provincial and local government and private sectors.

STRENGTHENED COLLABORATION

As discussed at greater length earlier in this report, one of the most positive outcomes of the period has been an increase in collaboration between the SAPS and other role players. Many participants lauded the collaborative structures they engaged in at the provincial, district, and local level. What had been poorly attended monthly meetings were transformed into well attended daily meetings under the leadership of the SAPS and SANDF. These served an important role in troubleshooting issues and supporting government service delivery in various spheres. A new sense of camaraderie and unity of purpose surfaced. New working relationships were formed between senior decision makers in different departments. People now knew the names, faces, responsibilities, and contact details of their counterparts in other departments. The SANDF was a useful partner on the ground, acting as a force multiplier with a more authoritative impact on communities as well as different resources such as helicopters, which made it possible to access hard to reach rural areas.

The initial deployment of the military (SANDF) in support of the police was welcomed by many but it soon became clear that they were not trained or equipped for the kind of support expected of them. They soon became embroiled in highly publicised and heavily criticised incidents involving members of the public that soon led to a situation where they took up a more 'back-stage' role. For the police this meant that they were largely unable to rely on the military to provide the kind of operational support that was needed.

There was a sentiment that the military eventually played a constructive role in the sense that they came from other areas than those in which they were deployed and were therefore not familiar to the locals. This allowed them to assert themselves and their authority in a way that ensured higher levels of compliance. But apart from being criticised for their lack of training for this kind of deployment they were also criticised for not being deployed in adequate numbers to achieve sufficient ground cover which would have enabled them to play a far greater support role. At station level the SANDF presence made a positive impression on police officers as the soldiers made them feel safe and they mustered respect and compliance from members of the public.

COORDINATING STRUCTURES

There was overwhelming approval of and support for the SAPS's coordinating structures. There was also a sense of surprise amongst many of the representatives from government departments and other role players such as municipalities who participated in these structures for the first time, that they actually existed and functioned as well as it did. Some of the non-police participants more familiar with these structures thought they worked well because they were tried and tested during the many so-called major events hosted by South Africa since the mid-1990's and in particular the FIFA World Cup in 2010. These structures are also flexible to the extent that it can be used for the security of sporting events, general and local elections, as well as crime combating operations. It was always available for disaster management situations but South Africa like many other countries have in recent times not yet had the kind of disaster that was brought about by the COVID-19 Corona virus.

The coordinating structures comprise primarily of the Joint Operational and Intelligence Structure (JOINTS) which functions at national and provincial level and which is able to link up with other coordinating structures at district and local level. The JOINTS is a permanent structure which creates substructures such as Joint Operational Committees (JOCOM's) and Joint Operational Centres (JOC's) to manage specific events. Once these events are over, the JOCOM's and JOC's would usually terminate.

However, during the pandemic and alongside the JOINTS there appears to exist a range of other coordinating structures such as the National, Provincial and District Command Centres. In addition, the SAPS also maintains its Operational Command Centres at national, provincial, district and station level along with its Crime Combating Forums (CCF's) at the same levels.

It is difficult to assess for certain which of these structures were actually used in respect of the pandemic. Some of the mainly non-police participants were obviously confused or perhaps ignorant about all of these structures and for some they were all '*the same thing*'. Senior non-police officials in Mpumalanga tried to explain the difference in relation to the ProvJOINTS and the Provincial Command Centre (PCC) as follows:

The ProvJOINTS meetings in the morning dealt with classified information and some members later joined the PCC. The PCC was more operational than the ProvJOINTS. It was also replicated at District and Station level.

Some role players used the acronyms such as ProvJOINTS and ProvJOC as interchangeable concepts while some were quite proud that they would attend the daily meetings of more than one of these

structures. There were inconsistencies as far the chairperson position of these structures is concerned. In a particular province the SAPS would chair the ProvJOC or ProvJOINTS and in other provinces they would do this jointly with the representative from either the DOH or from CoGTA. But whoever chaired, the general view was always that SAPS was in control. SAPS also provided the facilities (in most instances) and the administrative support.

Most participants were impressed by the SAPS's coordinating structures and believe that it worked well and that it enabled them to combine their efforts, their resources and their capabilities in a coordinated way that would not otherwise have been possible. The non-police government departments expressed their appreciation for the leadership role of the SAPS within these structures and with the implementation of initiatives they jointly agreed upon. The ProvJOINTS/ProvJOC's application of a multi-disciplinary approach to problem-solving during the pandemic worked well. One good example is the movement of homeless and vulnerable people from the streets into temporary shelters provided by the Department of Human Settlements. In this effort they were assisted by a number of government agencies. Another example is the many roadblocks conducted during the lockdown where the SAPS was assisted by the Provincial Road Traffic Inspectorate, the Metro Police, Immigration officers, the SANDF. They were also joined by health officials from the Department who used the opportunity to do health checks. More examples are the Department of Human Settlements that was able to assist with water supply, sanitation and the cleaning up of sewage in areas where these services were needed and the Department of Public Works that provided isolation rooms and quarantine facilities.

It would therefore be fair to say that in spite of perhaps too many structures and the subsequent confusion or ignorance of some representatives as to the name or place of a particular structure, coordination worked and it worked well. The SAPS representatives provided the necessary guidance and leadership to ensure that effective coordination between them and all the other participating government departments and institutions was achieved. They briefed the representatives in these structures on a daily basis and allowed them the space to voice their concerns and ideas, and facilitated a healthy debate on issues raised before they collectively agreed on what needs to be done and by whom.

ACCOUNTABILITY

A number of participants mentioned the good relationship that existed between all the participants from the different government departments and other institutions and how they were able to learn from each other and about each other and their mandates. But more importantly, by jointly agreeing

on initiatives and allocating responsibilities, they were able to hold each other accountable for delivering on those responsibilities. In KwaZulu-Natal, they developed a matrix for each department in relation to that which falls within their mandates and how they can cooperate. The matrix provided for accountability by all role players and structure for feedback at the meetings.

TECHNOLOGY, EFFICIENCY, CLEANLINESS

Another impact of this period has been a greater understanding of the importance of technology. The need for virtual meetings has pushed members to utilise technology. However, stations in deep rural areas do not all have access to internet, which made it impossible for more centralised leaders to have proper meetings with them. Information was then shared on WhatsApp groups to station commanders so they could understand what is happening and that they can inform their members at the station. Dealing with COVID-19 encouraged greater efficiency in terms of keeping meetings to the point and only involving those strictly necessary. This could cut down on wasted time.

Finally, there was a newfound understanding of the value of cleanliness. Many realised that although the stations had been cleaned before, 'during this period, it was a different type of cleaning'. For example, 'we were forced to ensure that there in our toilets, males and females, there is a soap'. With this newfound appreciation for clean working environments came an appreciation for the role of everyone – including those at the bottom of the hierarchy namely, cleaners. A shortage of appropriate cleaning materials was identified and had to be remedied.

COMMUNICATION

Good communication surfaced as key to efficacy. The participants agreed that there was good communication within the coordinating structures and everyone had free access to information. There was also good communication from the coordinating structures to the public. For this purpose the SAPS, with the assistance of communication officials from some of the other Departments engaged in communication and awareness campaigns. The thinking behind this type of campaign was to keep the public informed about the required health protocols and what the responsibilities of the police are should individuals not adhere to these.

SAPS also utilised pamphlets, WhatsApp messages and the local media to get their messages out. These regular communiques were necessary to counter fake news, misleading news and other false information that was flooding the social media.

CONCLUSION

The overall impact assessment was based on the participants' description of their observations and experiences. While some provinces shared more detail in their interviews, others were more to the point. Experiences across all provinces were largely positive, but still this chapter points out several aspects that needs further exploration. Recommendations are made in this regard in the Chapter 8.

CHAPTER 8: RECOMMENDATIONS IN THE SHORT, MEDIUM AND LONG-TERM

INTRODUCTION

In this concluding section, we offer a handful of recommendations that flow organically from the inquiry. Before doing so two caveats are important. The first is that policing under COVID-19 resembles policing under a state of ‘exceptionalism’. The achievements of that modality of policing may in large part be a product of those very circumstances. States of exceptionalism focus political will, allow for the mobilisation of resources, and invoke securitised ways of doing things. There is no guarantee of success as we seek to replicate the achievements achieved during COVID-19 under ‘normal’ circumstances.

A second caveat has to do with fact that the SAPS has been the subject of many critical inquiries for the best part of 15 years. Those with cursory knowledge of the deliberations of three recent Commissions of Inquiry for example, (Khayelitsha, Marikana and the still-to-be-concluded Zondo Inquiry into state capture) are well aware of the challenges confronting the police institution. *Deep organisational disarray* is a concept that has been used to describe the state-of-(un)being of SAPS. In this research however, the police organisation appears at once more intact and capable as it set out to enforce lockdown Regulations. How to make sense of the disjuncture between the two depictions of the police organisation? The answer to this conundrum lies beyond the scope of this report. Suffice to say, that the ‘truth’ of the institutional well-being of SAPS probably lies between the two extremes. Too much emphasis on SAPS as a well-oiled machine, cogs (situated at the national, provincial, district and local level) running in perfect harmony, competent leadership directing actions left, right and centre, and foot soldiers adhering to the spirit and letter of the ‘rule of law’, will come at the cost of a more realist appreciation of SAPS’ achievements and failures since 27 March 2020. With this cautionary note in mind, a few recommendations are offered.

SECTORAL INTEGRATION AND COORDINATION

One of the positive lessons that emerged from this study relates to the systems’ capacity to have delivered on inter-sectoral coordination, cross-cutting ‘integrated’ efforts and ‘whole of society’ approaches. These are ideas that have long been advocated in policy frameworks. It took a pandemic and a securitised inter-governmental response to a health challenge, to boot the system on an algorithm of cooperation and integration. Many spoke of the dividends of a ‘networked’ approach

with cross-cutting ties within the public sector as well as strong linkages with community-based structures and non-governmental organisations.

The challenge for SAPS as well as other departments is to pause and take stock of how best it can capitalise on recent experiences of team work 'under one roof'. Many spoke about the cross-utilisation of resources to achieve common objectives. To sustain such practices requires robust integration and forceful coordination, driven by political will, administrative capacity, and robust mechanisms of accountability. Working on these three pre-conditions would be of strategic importance to the criminal justice sector and its constituent parts.

Teamwork under 'one roof' also requires the strategic delineation of responsibilities within the 'nodes' that collectively constitute the 'network'. Misalignment in vision and operational responsibilities will undermine any systems approach. Again, many of the respondents reflected on the negative impact of misalignment between the police and court's approach to sanctions imposed for non-compliance. This prompts greater emphasis on the importance of sectoral thinking and doing for the criminal justice system as a whole.

To this end, specific additional recommendations are made:

- The SAPS' coordinating structures functioned well enough but to avoid unnecessary duplication and confusion in future it is recommended that SAPS keeps it simple. Utilise the 'tried-and-tested' structure, the JOINTS, without the creation or activation of the range of other structures that were mentioned. In addition, once this structure is activated for a specific purpose, for example in the form of a JOCOM and JOC at the various levels, everyone involved should be properly briefed about the functioning of the structures. It should also be made clear who the chairperson or joint chairpersons will be.
- After a poor start during the pandemic the military withdrew to the background in relation to the enforcement of the lockdown and many participants credit them with constructive achievements. It seems therefore that they do have a role to play. Accordingly, when the military is deployed in support of the police their role should be clear and achievable from the outset. They should also be properly trained and equipped to perform that role. In this regard it may also be necessary to revisit the applicable sections of the Defence Act.
- The advantages of team work, in particular integrated teams that involved members of other government departments and institutions, was a valuable lesson for police leaders at station level. It is recommended that policy conditions be created which will encourage this practice. It is also

in line with developing international experience supporting an integrated approach to policing and the combating of crime.

HUMAN RESOURCES

In a way COVID-19 necessitated experimentations with multi-tasking to respond to the demands for greater police visibility and offset the reduction in internal capacity as SAPS members succumb to the virus. Again, SAPS respondents spoke of strategies to augment capacity – the deployment of office-bound officials, drawing on specialised capacities, and the utilisation of commissioned officers to oversee and assist with policing on the streets. In an organisation widely considered to be ‘top heavy’ and with a large proportion of the work force assigned to administrative tasks, the imperative for rethinking human resource allocation is obvious enough. Cross-training of staff to fulfil multiple roles should be added to the to-do list.

COVID-19 is likely to have changed the conventional understanding of productive ‘work’ as being necessarily ‘office-bound’. As in many other working environments, SAPS too have had to grapple with a more flexible deployment of human resources outside of the office environment. The extent to which first responders (law enforcement, health and other emergency services) can adopt more flexible working arrangements given their ‘mopping up function’, will require further investigation. Highly centralised institutions that valorise authority, rank and surveillance within the chain of command, may hesitate at the very notion of ‘flexible arrangements’. Engaging ‘outlandish’ ideas around flexibility however may be prudent. The difficulties encountered with new forms of flexibility however, should not be dismissed.

The interview schedule made no explicit provision for respondents to reflect on the impact, at a more psychosocial level, of COVID-19 on the police organisation and its workforce. At least two respondents expressed surprise at this lack of interest in how SAPS itself coped with COVID-19, but as was learnt, SAPS has also partnered with international colleagues to study changes within the organisation, scope which fell outside the reach of this project. Nevertheless, as the team proceeded with interviews participants were provided opportunities for to speak to the issue. The responses confirmed the need for the organisation to engage the wellbeing of its members in a much more concerted manner. Policing a highly unequal society with high rates of violent criminality, is a difficult undertaking at the best of times. Occupational stress, post-traumatic stress disorder and burnout have long undermined SAPS’ organisational capacity. That much is known. In this project, respondents spoke directly to COVID-19-induced vulnerabilities. It needs to be appreciated that such vulnerabilities are added to existing stressors. Going forward, SAPS would do well to reassess its capacity to provide psychosocial

support to the human beings inside the uniforms. It is therefore recommended that SAPS' Human Resources Division begin a process of open discussion with members and develop a mechanism that is capable of providing for the wellness of its members when they find them in a situation such as this. After all, the prospects of professional policing depend on the well-being of the workforce.

Specific recommendations are made:

- At the outset of the lockdown SAPS members were criticised for unnecessary harsh and even aggressive conduct in their enforcement of the lockdown. Apart from some clarity problems relating to the wording of the Regulations itself, there appeared to be a lack of adequate training of the police about this additional and new legislation (the Regulations) and what it was trying to achieve. It is accordingly recommended that the police receive additional training in legislation that is new and unfamiliar before they are deployed.
- The detailed briefings and debriefings at station level with parades during shift changes had a positive impact on members and their respect for human rights. It is accordingly recommended that this practice be retained and strengthened for regular policing even after the pandemic.
- As a consequence of the trying conditions under which police stations had to continue functioning during the lockdown, station commanders and their members were forced to find innovative ways of performing their duties. This required the use of discretion which under normal situations may have been frowned upon. It is recommended that this experience be further investigated with a view of providing policy guidance aimed at both controlling but also allowing the space and freedom to exercise responsible discretion at station and other levels.

DIGITAL AND EQUIPMENT READINESS

Much has been said, over many years, about the need for modernising data management in the South African criminal justice sector. A variety of ambitious projects too have been pursued to develop systems and capacity for data integration between the police, courts and prisons. Whilst some progress has been made it is widely acknowledged that an electronic-based system of data management is far from completed. In an interesting way this study has reaffirmed the need for both modernising communication systems *within* SAPS and synchronising communication and data management systems *across* governmental departments. The prospects for integration and coordination within and between sectors will rely in no small part on digital capacity and competency. To operate in an increasingly globalised and digital world is a challenge that states in developing economies cannot ignore. Observations from the field, as registered in this study, illustrate the importance of digital capacity to govern security in the 21st century.

The question about preparedness of SAPS solicited responses amongst SAPS respondents about the absence of PPEs – to ensure the safety of SAPS members as frontline workers and how in the early phase in particular SAPS members were reluctant to enforce Regulations to search people stuffed into taxis (for example) given their own vulnerabilities as front line workers. And then there is the sad case of PPEs. Many of the police respondents gave concrete examples of the difficulties encountered in securing PPEs notwithstanding the risks embedded in routine policing and interacting in close proximity with people. The critical failures in timeously providing PPE raises important questions about SAPS's ability to respond to these kinds of challenges as quickly as their own assessment suggests. It also raises questions - echoed around other PPE-related issues like bullet proof vests - about SAPS's commitment to the safety of its personnel. The lack of PPE was also cited by interviewees as another way in which SAPS members felt responsible for their own safety while out performing their duties, which made them feel less protected than other first responders, like health care workers. These are areas that require urgent attention as SAPS plans for the future.

PRACTICALITY OF REGULATIONS

The first few Regulations in terms of the DMA prescribing the lockdown levels and its restrictions were heavily criticised as being vague and unclear. This caused uncertainty and often resulted in flawed interpretation and wrongful action by the police and other enforcement officials. With the enforcement of the protocols by the police they became the target of frustration in some communities and were physically attacked by them. Some of these communities openly defied SAPS members who had to close down public drinking places, beaches and so forth. There is accordingly a dire need for the building of an understanding of and respect for SAPS and their mandate. To this extent the various existing community structures such as CBOs, NGOs and FBOs should actively strive, together with CPFs, to build and strengthen police-community relations. The lack of understanding and respect and therefore cooperation of communities with the SAPS is a concerning fault line that emerged during the policing of the pandemic.

The following specific recommendations are made:

- It is recommended that CoGTA, as the responsible department, ensure that it has the necessary qualified and experienced staff in place to ensure that in future this kind of experience is avoided. It may also be prudent that the SAPS, as the leading law enforcement agency, make suitably qualified and experienced members of its legal services available to assist CoGTA in this regard.
- It is also recommended that future Regulations of this kind take into consideration the complexities of some communities with a high-density population and accompanying socio-economic conditions which the Regulations should take into consideration and allow for

variation. If this is not done the Regulations create restrictions which particular communities will find impossible to obey and which places law enforcement in an immediate confrontational position with such communities if they are not allowed to exercise discretion.

- It is accordingly further recommended that future Regulations provide for alternative law enforcement action in cases of less serious transgressions. This could for example include a system that provides for written warnings or cautioning.
- The lockdown and its movement restrictions, especially during levels 5 & 4, had unforeseen consequences in the sense that it forced people to stay home for prolonged periods often in very small spaces. It became apparent that these almost unnatural conditions created its own tensions which at times resulted in aggression and violence causing an increase in domestic violence. It is recommended that in future CoGTA work closely with the Department of Social development and other appropriate institutions to consider the social impact of restrictions and to provide room for alternatives or for a reduction in the risk of harm.

CONCLUSION

The core responsibilities of the police relate to the detection, investigation and prevention of crime. Within the context of the COVID-19 pandemic, new functions were added. Many of the respondents spoke about the two sets of responsibilities – the ‘ordinary’ and the COVID-19 ‘specific’ functions – and the way in which crime responsibilities were usurped by fighting the ‘epidemic’. The reduction in the demand for crime-fighting all believed was due to the restrictions on mobility and the inaccessibility of alcohol. Going forward, many emphasised the imperative for re-thinking policies relating to the production, distribution and consumption of alcohol. Added to that, the need for doing so with circumspection.

As mentioned in the introduction this study confirmed that the behaviour of otherwise law abiding citizens turned criminal. The study also revealed that the ban on the sale of liquor and cigarettes opened new opportunities for illicit trade in communities that would normally abide by the law, and reinforced those illicit networks that operated before the Covid-19 pandemic. Lockdowns thus create the very conditions within which the supply-and-demand chain for commodities switch from legal to illegal orbits. Only two or so interviewees spoke to the steady expansion of illicit entrepreneurs during lockdown. Evidence from elsewhere however suggest that the pandemic has provided the perfect storm for organised crime to adapt, mutate and flourish. Only time and good data will tell to what extent COVID-19 has led to the reduction of certain forms of crime whilst others have grown in leaps and bounds. If so, the challenges for the SAPS to detect, investigate and prevent crime is likely to

become more cumbersome. In preparing for the challenge both SAPS and the criminal justice sector more widely, will do well to invest in the collection and analysis of robust and reliable crime data.

On a more optimistic side the study showed the dedication of all role players in wanting to protect and serve their country. The study provides valuable baseline data for future research that SAPS undertakes. While there are many lessons to learn from the caveats of this study, future policing during States of Disaster have valuable lessons to learn from the concluded study. The study results could inform policy amendments in how SAPS recruits are trained for their occupations.

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