



CONTESTED GOVERNANCE: POLICE AND GANG INTERACTIONS

Thesis by

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DEDICATION

For my parents, Dennis and Irene

My wife Merle, our sons Salvador and Connor

ABSTRACT

Gangs in Cape Town have long been associated with high levels of violence and police efforts on the Cape Flats, while state agencies have not yet been able to bring any significant relief to the affected communities or growing gang structures. It seems the conventional approaches need reconceptualization. This thesis explores a nodal governance approach to the forms and consequences associated with the policing of gangs by police.

Developments in governance theory has brought new insights for our understanding of how state and non-state actors relate in and across different networks, and especially within the security governance networks. However, such research has failed to consider how gangs and police interact and regulate each other through their own governance and conflict with one another. In attempts by the police to govern gangs (and by extension the community), a state of contested governance arises between gangs and police nodes of power. This thesis argues that contrary to previous understandings, the organised gangs of Cape Town regulate and impact the way the police *police* gangs, which in turn affects the way gangs *police* themselves, and goes on to explore these interactions.

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LIST OF ABBREVIATIONS

AFU	- Asset Forfeiture Unit
APLA	- Azanian People's Liberation Army
CORE	- Community Outreach Forum
NCPS	- National Crime Prevention Strategy
NCCS	- National Crime Combatting Strategy
HL	- Hard Living
MK	- uMkhonto We Sizwe
PSTGPS	- Provincial Social Transformation and Gang Prevention Strategy
PAGAD	- People Against Gangsterism and Drugs
POCA	- Prevention of Organised Crime Act
POPCRU	- Police and Prisons Civil Rights Union
RDP	- Reconstruction and Development Programme
SAPF	- South African Police Force
SAPS	- South African Police Service
WCACF	- Western Cape Anti-Crime Forum

CHAPTER 1

1. Introduction

Governance has long been a major concern of the social sciences, having been the central concern of criminology since its inception. Within criminology the focus has been principally on the way in which the institutions of criminal justice have sought to maintain the order authorised by law. Accordingly, this work has had a one-directional focus – namely, how state institutions have sought to govern illegality and how these efforts might be improved.

Since Foucault (1977) the governance of security has especially been recognised as a contested terrain. He reasoned that power does not have a single source but comes from everywhere. Yet, within mainstream criminology, this framing has had surprisingly little impact on the work of scholars who have continued to focus their attention primarily on a ‘command and control’ understanding of governance, where the only governors shaping the flow of events have been states. An important reason for this has been normatively-driven historical analyses where states are seen as progressively ‘swallowing up’ (Maitland: 1960) private authorities.¹

This trajectory, at least since Thomas Hobbes, has been regarded as a crucial normative development necessary for the emergence of liberal democratic forms of governance (Loader and Walker: 2007). This normative framing has provided critical support for state-centred understandings, suggesting that, from a policy perspective, governance is multi-centred and a challenge to efforts to maintain and extend state-centred understandings of governance (Loader and Walker: 2007, as well as control theorists like Hirschi: 2002).

However, there have been important exceptions to this mode of thinking. One of the early bodies of work that made considerable progress in acknowledging and exploring polycentric concepts of governance and the often-contested nature of this governance was the so-called ‘Chicago School’, with their focus on social disorganisation.²

¹ See also conventional police historians such as Reith: 1948.

² See sub-cultural work by Cohen (1955) and the focus on contested governance within Merton (1938) and Cloward’s (1960) strain theory. Cloward and Ohlin (1960) for instance proposed different strands of subcultural

Particularly important here was an important body of work that focused on gangs, treating them as sites of governance (Whyte: 1943). This theme was continued by scholars such as Goffman (1961) with his work on total institutions.³

Much interesting work on contested governance developed within police scholarship with a focus on police discretion (Bittner: 1967), police sub-culture (Reiner: 1992), ideas of police independence and the conflicts associated with them and so on. Here, the challenge to state-centric notions of governance was limited to contests within the state.

Despite the Foucauldian focus on contested power relations and the impact of his work on governmentality, Foucauldian thought tended to focus more on shifting mentalities of governance and how they have shaped the governance of security; the impact of neo-liberal thinking on state governance for instance (O'Malley: 2010).

An important development in extending governance thinking beyond a state-focused trajectory has been the work of Ostrom (1990) on decentred regulatory arrangements. There have been many other developments that have taken up similar threads, for example, Deleuze & Guattari's (1988) work and their concept of rhizomes and assemblages, and Latour's (2005) work on enrolments and his work extending the terrain of actors to include actants. The work of these scholars are important texts to the topic at hand as they draw our attention to the notion of polycentric governance and actors other than state actors, or who play a role in governance

Within criminology, scholars like Richard Ericson (2003) with his work on insurance, and Pat O'Malley (2014) with his work on fire departments and telemetric policing have begun to explore polycentric forms of governance and the contests they often involve. Bruce Baker's (2008) work on "multi-choice policing" in Africa also come to mind, as well as Loader's (1999) work on policing as consumption. Both have adopted a more polycentric understanding of security governance.

theories and argued that delinquency arose because of the effects of a technological revolution that was deskilling the youth.

³ Erving Goffman (1961) suggests that 'total institutions' are places such as asylums, places of care and correctional institutions are sites of governance arrangement.

Within criminology nodal governance, theorists have sought to provide a conceptual framework that will enable a systematic exploration of governance as a multi-nodal affair. This has now been used in a variety of areas⁴ and most recently by Schuilenburg in 'The Securitisation of Society' (2015).

Despite these moves from a state-centred to a more polycentric notion of governance, and notwithstanding the early work on gangs by the Chicago School of thought, remarkably little has been done to explore the issue of contested governance within criminology. An important exception to this has been the research that has taken place within the area of peacekeeping, in particular, the ground-breaking work of John Braithwaite, Charlesworth, & Soares (2012) who explores major conflicts in a major two-decade long study.⁵

In this thesis, I take up this issue of contested governance. In doing so, I will, like the Chicago School scholars, adopt the empirical lens of gangs to examine the governance of and contestations within. For the purpose of this enquiry I will focus on the decades-long conflict between gangs and police on the so-called 'Cape Flats' within the greater Cape Town, South Africa.⁶

To do so, I adopt a nodal understanding of governance. Using this framing I will refocus attention on the neglected area of contested governance, via an exploration of the interactions between police and gangs. Through this exploration I will seek to contribute both to governance literature in general, and to nodal understandings of governance.

A shift in our understanding of the relationship between gangs and the police is unfolding in the discourse about the police and gangs. I later explore the issues defined by Burris, Drahos and Shearing (2005) which make up the elements of the nodal governance framework: mentalities, technologies and resources. I was drawn to this framework because it made the explanation of the findings easier to understand. It should be remembered that

⁴ See recent reviews by Holley, Gunningham and Shearing: 2015

⁵ John Braithwaite and other researchers in his collective have embarked on a 20-year research project called the Peacebuilding Compared project to culminate in 2030 with 60 key conflict zones around the world documented. He documents the peacebuilding work in Timor Leste, Indonesia, Bougainville and the Solomon Islands for example. For more on this, see <http://johnbraithwaite.com/peacebuilding/>.

⁶ The Cape Flats was first described by John Western (1981) and other researchers. Located in Cape Town, I deal more extensively with this in chapter 3.

there are many different aspects of governance that could be considered when attempting to use a conceptual framework, useful for this type of analysis. Rebert (2005) suggests that gangs are alternative forms of community urban governance because they persist with the support of the community.

In utilising such a conceptual framework we make assumptions about what it is we are researching, namely contested governance. But we have to be mindful that it does not allow us to see other areas of governance or the absence of governance. As Falk-Moore (2005: 560) asserts:

“Ethnographers have long selected particular events, often collective events, usually as illustrations of points they want to make about the normative structure and customary practices of a society, viz. Clifford Geertz’ (1972) famous cockfight paper. These are events used ethnographically as replicas of structures already known.”

In considering the conditions under which this shift has occurred, we must examine the evolution of the relationship between gangs and the police. Within the literature on gangs and their interactions with the police and community, the assumption has been that the police, as the representative of the state, governs gangs (Bayley: 1997; Wilson and Kelling: 1986; Davis: 1992; Hall: 1996; Standing: 2006; Venkatesh 2008). It is this assumption which is now being scrutinised. In doing so, this thesis will propose a new understanding of governance arrangements between the police and gangs.

This thesis will assume the current understanding of how police *police* gangs as it’s starting point. It considers what other scholars have said about the issue, then proceeds to discuss where the gaps are and how the relationship between police and gangs has evolved. Most importantly, it examines the consequences of this shift in relationships, and how such shifts have impacted governance arrangements between gangs and the police.

For years, criminological studies in policing have shown that it is the police who attempt to exercise governance in their policing gangs (Thrasher: 1927; Venkatesh: 2008; Klein: 1971; Spergel: 1986). More recent studies of regulation (Castells: 2000; Rose: 2000; Braithwaite: 2000; Black: 2002; Burris, Kempa & Shearing: 2005) and nodal governance (Burris, Drahos & Shearing: 2005; Shearing & Wood: 2003) have changed how we view these

relationships. They have argued that networks, nodes of governance and inter-relationships between systems and actors are subject to continual shifts and changes. The widely-held set of assumptions about the nature of governance, and the role of states and state agencies in governance, are illuminated by placing the policing of gangs under the microscope.

In traditional criminology, police have always assumed different roles when it comes to policing roles such as order maintenance (Reiner: 1992; Bittner: 1967; Bayley: 1997, 2006), community policing (Shaw: 2002; Dixon: 2000; Altbeker: 2005, 2007; Rauch: 1996; 2001) and policing by consent (Steinberg: 2008; Jensen: 2008; Faull: 2008). However, we must pause and consider the influence of external actors such as gangs on the police institution, on police culture, and policing as a whole.

Organised, armed gangs impact and influence the way policing⁷ unfolds by contesting police governance. Policing has moved from 'bandit catching' (Brogden and Shearing: 1993) to a new type of policing, where bandit chasing is no longer an essential element of securing the existing order. Critical commentators have argued that there are different nodes or networks that perform multiple policing functions. The police in such a networked arrangement constitute one component amongst other that provide policing services. The national police, municipal police, private police, security companies and even gangs all play a role in policing. This modern-day reality has implications and consequences for police and policing, especially of gangs. It is something that is not sufficiently covered in the literature and this thesis unpacks how these developments impact on the policing of gangs specifically. These shifts in our understanding of policing, and who does policing, have profound implications for our understanding of the policing of gangs.

David Bayley (1996) once said policing does not prevent crime, nor does it reduce crime. This thesis argues that despite claims to the contrary⁸, police have been unable to 'eradicate' gangs as so often demanded by politicians and police management. Instead, there

⁷ Policing in this context is much more than police being on the streets going about their patrols. Policing constitutes a broader exercise within which multiple actors play part in the production of security and safety. The police are a constituent part of these arrangements. The collective actions of these multiple actors which include neighbourhood safety associations, security companies, municipal law enforcement officials and gangs amongst others, constitute policing.

⁸ The police and politicians have regularly issued statements at the onset of gang operations that they will eradicate gangs and gangsters

has been a re-orientation and re-ordering of the relationships between the police and gangsters through the contestation of police governance by organised gangs.

It is only when political pressure is exerted on police management by politicians that the criminal governance, power and authority that established organised gangs exercise is contested. I argue that gangs also challenge and contest the governance exercised and practiced by police. In the process of this contestation, both gangs and police undergo change. In effect, it leads to a mutual co-existence and tolerance of each other and this means that the relationships between the police and gangs are much more complex and ambiguous than previously imagined.

One of the reasons I chose this topic was my own investment in trying to make my community safer. I initially expected to find the answers to why it appeared that the police were always making the gangs appear stronger and better organised, by failing to prevent the violence that they perpetrate. I was surprised to find the contestation, networks and inter-relationships between police and gangs much more fluid and complex than we previously thought. I was interested in understanding the policing of gangs, particularly within Cape Town's acute problem with gang violence. Moving from an international perspective on how the police is expected to behave, I have found that locally there are limitations confronted by both the police and gangs that allow for the contestation of police (and gang) governance processes.

Despite the plethora of research on gangs and policing, there remains a gap in the literature with respect to the policing of gangs. Much of the earlier scholarly work focused on the descriptive arrangements of gangs (Thrasher: 1927; Cohen and Short: 1958; Cloward and Ohlin: 1960; Cohen: 1972; Spergel: 1986; Huff: 2001) and how the police are organised (Bittner: 1967; Bayley: 1977; Punch: 1985; Ericson: 1982; Manning: 1997). Studies that do focus on the policing of gangs are mostly American in orientation and centralised in the US National Youth Gang Centre (NYGC). Gangs in the South African context exhibit different features. So for example, organised violent South African gangs are mass-based organisations that can be mobilised very quickly.

1.1 Research question

This thesis will examine a central question that has not been looked at in detail, and partly and fundamentally challenges conventional understandings of the relationship between police and gangs: *How are gangs policed?*

I argue that, in using the nodal governance lens, a very different understanding of the relationship between gangs and the police emerges. To do this, I ask four sub-questions:

1. How does the police's operational approach entrench gang solidarity?
2. How do police and gangs contest each other's governance of communities?
3. How do the institutional cultures of the police and gangs respectively impact each other?
4. What are the policy implications of the complexities, nuances and inter-relationships between gangs and the police?

I use the research questions to interrogate the data which I accumulated through a period of nineteen years by observing gangs and police operations, and to answer the question of how gangs are policed.

Asking these questions (and sub-questions) allows us a closer look into the police operations against gangs, and helps us to provide answers to the gaps in the literature when it comes to the interactions and contestation of governance arrangements between the two.

If we examine the literature on policing, we see that there is substantial research that has been undertaken into various aspects of police institutional culture and their roles (Bittner: 1967; Bayley: 1977, 1996; Manning: 1997; Ericson: 1982, 1989; Reiner: 1992; Shearing: 1981; Altbeker: 2005, 2007). The same cannot be said of contested governance arrangements between police and gangs. The thesis begins to flesh out the interactions, complexities and nuances of the relationship between police and gangs, through exploring the increasingly contested world of police gang operations.

The consequences of answering these questions will contribute significantly to our understanding of how police attempt to manage gangs through their own governance processes, and how the gangs interpret and contest such attempts.

There is considerable research on gangs, how they function and what drives them to become criminal. The recent work of Bourgois (1995), Klein (1971, 1995), Rodgers (2006, 2007), Jensen (2008) and Venkatesh (2008) provide useful and detailed descriptions of the enterprise of violent, organised gangs, while only superficially broaching the question of how gangs influence and contest police governance.

Lastly, the focus on policing gangs allows us to understand why the police choose particular methods to police gangs.⁹ I explore this phenomenon by examining police operations across Cape Town post-1994. This is critical because it also allows us to examine how the police see themselves and how they relate to the gangs. Their relations with other police units, through co-operation and non-cooperation, will be illuminated in the process, thereby allowing us to learn more about the conditions for co-operation.

It should be noted that policing presents itself as a process where there are constant streams of co-operation happening daily amidst counter streams of non-co-operation by different police units, officers and managers.¹⁰ Contestation over policing happens both within and outside the police institution. It is this contestation of policing governance that influences policing methods and practices when it comes to the policing of gangs.

All of these questions are important because it will bring us closer to an explanation of why, in areas where gangs are based, they appear to become more organised when there is police action against them. In answering the questions I pose, I take account of the changing contexts in which policing unfolds, especially how state governance has evolved in South Africa's democracy (including policy developments that re-regulated how police function in the new democratic environment post-1994). I argue that the democratic state quickly

⁹ It became apparent that during the police operations against the 'People against Gangsterism and Drugs' (Pagad), the police used different methods to fight what they termed 'urban terror'. I delve a bit deeper into this term in a subsequent chapter.

¹⁰ Just taking the reports of police successes into account as reported in Parliament during 2015, the police are co-operating with Metro Police, community police forums, hunters and business associations amongst others.

dispensed with some of the vestiges of the new freedoms to define a new enemy and, in this way, the state made way for a strong regulatory capacity through its 'war on crime', with gangsters as the new public enemy.

1.2 Reviewing the literature

This thesis draws on four sets of literature and their complex interactions: police culture, nodal governance, regulation, and police operations against gangs. The reviews of each subset of literature are of necessity selective. My predisposition is slanted towards the nodal governance and regulation literature and I explore how the different actors employ different 'mentalities, technologies and resources'¹¹ for governing their own systems, nodes, and in the process, each other.

The nodal governance work by Shearing, Drahos, Burris (2005) and the regulation theory by Braithwaite (2000), Black (2002) are useful as a theoretical lens through which to explore police operations and gang reaction. Of course, there is also the work on police institutional and occupational culture that scholars such as Ericson (1982), Bayley (1977, 1996), and Bittner (1967) have developed over the years.

One of the key theorists on nodal governance tells us that gangs also constitute a security node as part of the informal security node and exercises governance. This is alongside the formal security nodes run by the state. As Martin (2012:6) posits:

"A security node may take practically any institutional form, as long as it exhibits temporal durability. Formal constitutions or internal hierarchies are not required, only sufficient coherence so as to maintain a recognisable structure is necessary. For this reason, a gang, for example, may constitute a governing node, whilst a mob cannot."

Recognition of police institutional culture and its impact on the business of policing helps us understand how the police act in different circumstances. It also assists us in helping to understand why police operations do not appear to be effective against gangs. The nodal

¹¹ See Burris, Drahos, and Shearing (2005).

and polycentric governance literature places a different perspective on the gang-and-police problem in that it helps researchers understand the networks and power assemblages that both police and gangs employ in their respective nodes.

1.3 Contribution to the literature

This study is significant for several reasons:

Firstly, for years politicians, police leaders, criminologists, and journalists have paid attention to gangsterism and the study thereof. Some of those studies include the way police construct gangs (Katz & Webb: 2004; Decker: 2007), the structure of gangs (Thrasher: 1927; Spergel: 1986; Venkatesh: 2008; Pinnock: 1984; Standing: 2006; Jensen: 2008) and the organisation of gang violence (Rodgers & Muggah 2009; Rogers and Jensen: 2008). Still, our knowledge concerning the complexities and nuances of how gangs influence and impact police operations and how police and gang governance is organised, exercised and contested remains insufficient.

Secondly, this study is important because it helps fill general gaps in the literature on police and gangs. It will contribute to the understanding of how the governance police and gangs exercise, is arranged. It also looks at how gangs exercise their own governance and unintentionally govern police reaction.

Thirdly, this thesis identifies and contributes to the gaps in the literature about police operations against gangs, and adds to an understanding of local nodal governance processes. It does this by looking at how the police and gangs contest one another's governance of communities.

Lastly, the study aims to uncover the similarities in the way the police institution regulates its own behaviour when policing gangs, and how the gangs regulate their own behaviour when dealing with police and other opponents. It does so by examining concepts like respect, authority and belonging, and adds to what we already know about police and gang culture. These three concepts are further explored in subsequent empirical chapters of

the thesis in order to flesh out how similar the institutional and occupational cultures of the police and gangs are. Respect and authority are organisational values entrenched in both the police and in gangs. It is structurally embedded in the life blood of both institutions, while the notion of belonging is a critical element in both the police and gangs.

1.4 Outline of the Chapters

In **Chapter Two** I look at the developed and emerging theories about the questions that I pose. It includes venturing into literature which delve into police cultures and sub-cultures, gang cultures, and the contested governance they practice. As mentioned before, I also engage regulation and governance literature as it pertains to the governance practices of the state in South Africa and the consequences for policing.

Chapter Three contextualises the environment in which the study has taken place. The Cape Flats, situated in Cape Town, is where the majority of organised gangs are located. It provides a background and context of the social movements that have been established as a response to the gangs. It also places into perspective why the gangs have managed to carve out spaces in which they exercise their governance.

Chapter Four spells out the research methodology I have used to examine the questions. I consider the methods used by previous researchers to explore similar questions. I also explain my own position as someone who has actively been involved in mediating with violent gangs in Cape Town over a 20-year period. The chapter examines the literature on methods used to study gangs and gang violence. I particularly focus on mixed methods using ethnographic and participant observation methods. I lean heavily on my exposure and involvement as an activist and community worker involved in mediation with gangs during periods of intense violence. Lastly, I motivate my choice of methods for this study, and offer reasons for my argument by explaining who I interviewed, and under what circumstances this occurred.

Chapter Five reviews anti-gang police operations over a 20-year period and examines the police's operational approach to policing the gang problem. The context and complexities

that bedevil each operation launched by the police, and the impact and consequences are discussed in detail here. The chapter examines how the police helps to unintentionally entrench gang solidarity in their operations against the gangs.

Chapter Six relates to the types of governance practiced by police and gangs respectively, and the contestation between the two of each other's governance. Its findings examine the notions of respect, authority, and belonging that is clearly present in both the gangs and the police institution. The findings examine how the two institutions interact with one another through in gang wars. Lastly, the chapter address how they contest each other's governance through their interactions with the community and each other.

Chapter Seven examines the prickly issue of police institutional culture(s), and the interaction between police officers of different units. It clearly defines the sub- questions and themes relating to police practices in relation to how they police gangs. It also examines the social organisation that gangs practice and how their governance of communities are arranged.

Chapter Eight asks what the policy implications of the complexities, nuances and inter-relationships between gangs and the police are. The gangs and police do not function in a vacuum; there are people, communities, and actors who live and share the same space that the gangs and police occupy. This chapter examines the developments in the policy arena as far as policing and other social development priorities.

I conclude with **Chapter Nine** and draw the empirical evidence together with some of the more recent theories relating to how the gangs contest police governance and authority. I draw together the different strands of this thesis by bringing together the lessons and reviewing what substantial contribution the thesis makes. I also note areas and subjects that could benefit from further examination and inquiry, before concluding.

CHAPTER 2

Literature Review

2. Introduction

In this chapter I explore in greater depth the history of research on contested governance. During this I will outline developments in nodal governance, set out the principal analytic features of this framework, and identify contested governance as an area requiring greater attention in developing a nodal governance understanding of security governance. I will conclude with the theoretical questions that I will be exploring in each of my substantive chapters.

The first issue (and first substantive chapter) explored is how police as a state agency sought to establish order by contesting, and indeed, seeking to eliminate the counter-ordering initiatives of gangs through its operations. I will conclude this chapter by returning to the general theoretical issues on contested and nodal governance and show how the insights derived have contributed to advancing our understanding.

The second area (second substantive chapter) focuses specifically on the way in which police and gangs have sought to engage each other and contest and undermine the governing strategies of the other. The third area (third substantive chapter) examines these contests through the lens of police and gang culture.

In the fourth area (fourth substantive chapter) the thesis turns from theory to policy and explores the policy implications of the insights developed in the three substantive chapters and the theoretical analyses developed there. The concluding chapter summarises the theoretical developments that the thesis has enabled.

In the next section, I will be looking at the literatures on gangs and definitional issues associated with it as noted by the early criminologists and sociologists. I then turn to examine how those definitions have changed over time and go on to consider the literature on the policing of gangs. Finally, I consider the developing literature on governance and regulation, as well as that of contested governance as a way of understanding the relationship between

gangs and police. By way of conclusion I consider some of the gaps in the literature which I hope to contribute to.

One of the considerations for this study is to understand how the police through their operational actions against gangs, are prone to cause further gang violence. This chapter is intended to show that it is precisely the actions of the police as an unintended consequence which 'assists' the gangs (organised or unorganised) in reproducing themselves.

2.1 International literature on gangs

Violent organised gangs were initially defined by early sociologists (Thrasher: 1927: 46) as:

"an interstitial group originally formed spontaneously, and then integrated through conflict ... The result of this collective behaviour is the development of tradition, unreflective internal structure, esprit de corps, solidarity, morale, group awareness, and attachment to a local territory."

They have long been a serious source of criminality and harm. This definition is not without its challenges as many different researchers have attempted to define what gangs are. To date there has been little agreement forthcoming. For instance, Brotherton & Barrios (2004: 23) in their research proposes an alternative definition:

"A group formed largely by youth and adults of a socially marginalised social class which aims to provide its members with a resistant identity, an opportunity to be individually and collectively empowered, a voice to speak back to and challenge the dominant culture, a refuge from the stresses and strains of barrio or ghetto life, and a spiritual enclave within which its own sacred rituals can be generated and practiced."

While Hagerdon (2005: 169) defines gangs as:

"...organisations of the socially excluded, most of whom come and go as their wild, teenage peer group ages. But a substantial number institutionalize on the streets, either through self-generated processes or with the assistance of already institutionalized armed groups."

If we examine the literature we see that despite the disagreements, there is a developing consensus amongst researchers that key indicators such as social exclusion, actors outside the authority of the state, and resistance, all play a big part in defining gangs.

There has been a long history of research on gangs that explored their history, nature, and modes of operation in various parts of the world. While it is not within the scope of this study to engage all such scholarship, some of the major trends over the last seven decades are worth noting. Since the definition provided by Thrasher (1927), there has been much scholarship dedicated to the operations and sub-cultures (Whyte: 1943; Cloward & Ohlin; 1960; Downes; 1966; Hobsbawm: 1969; Klein: 1971; Cohen: 1972; Ianni & Reuss-Ianni: 1976; Van Onselen: 1978; Spergel 1986) and theoretical definitions of gangs and what to do with them (Goldstein & Huff: 1993; Decker & Van Winkle: 1994; Huff: 2001; Standing: 2003, 2006; Rogers: 2006, 2007; Decker: 2007; Dowdney: 2003, 2007; Greene & Pranis: 2007; Hagerdorn: 2007; Duran: 2009; Brotherton: 2008). Because of this illustrious scholarship, we now know a considerable amount more about gangs, what they do, why they exist, and how they are organised.

The initial foray into the field of gangs was led by American sociologists from the Chicago School and later British sociologists associated with the National Deviancy Conference. They were concerned with studying the causes of young men sliding into a life of crime and wanted to understand why this happened. They initially studied adolescent boys and gangs, framing their research as solutions to the problems of delinquency on both sides of the Atlantic.

Following on from the initial definitional and descriptive accounts of gangs by Thrasher (1927), Whyte (1943) describes Italian slums and the role played by gangs, racketeers, and politicians in it. His study was one of the first ethnographic studies into gangs, having immersed himself through participant observation for the study. Whyte noted early on that there was a 'hierarchy of gangs, cliques, intermediaries, and big shots' and argued that the common misconception made by observers was that the slum in Cornerville, Boston's North End, was a disorganised community. He, instead, drew our attention to social organisation in the slum amidst the appearance of social disorganisation. He noted (Whyte: 1943: 272):

“The trouble with the slum district, some say, is that it is a disorganised community. In the case of Cornerville, such a diagnosis is extremely misleading.”

Cornerville, was, in fact, an expression of gang governance at its best through the delineation of certain sections of Cornerville by the different gangs. Cohen and Short (1958) argued that delinquency had to be socially linked and predominantly in working class areas. Cohen and Short’s main contribution to the literature was that they saw delinquency as a solution to the everyday stresses and strains adolescent boys faced. They rejected the idea that delinquency was culturally transmitted, but rather that subcultures was basically a way of life within lower class communities.

Cloward and Ohlin (1960) built on Whyte’s work, looking for solutions to criminality and delinquent gangs, particularly adolescent gangs, in lower working class communities. They isolated three subcultures which impacted on the gang: the criminal subculture (theft, extortion and other illegal means of securing income), the conflict subculture (violence as means to attain status), and the retreatist subculture (in which gangs resort to drug use). They then went on to list the conditions in which the different gangs would flourish, which noted the importance of the environment in shaping the social behaviour of the gang (Cloward & Ohlin: 1960: 166).

Cloward and Ohlin were, however, writing at a time when the development and levels of integration appeared to be separate and features of individual subcultures were identified with individual gangs. That context no longer holds in a radically changed postmodern world as gangs have changed since the 1960s. The gangs of the current age are integrated to the point where they transcend the traditional subcultural boundaries once delineated by Cloward and Ohlin (1960).

David Downes (1966: 9) in his study of delinquent boys in eastern London found that subcultural labels were too easily applied to any sort of groups that deviated from the dominant culture. He was particularly critical of Albert Cohen’s (1958) general theory of subcultures and found that the boys in his study were delinquent, but that this delinquency was a hedonistic response to dull English life (Downes & Rock: 1998: 156), rather than a

structured group or gang with an organised structure and a clear discernible leadership. Moreover, the gangs in England were not as developed as the gangs in the United States.

If there ever was doubt about the credibility and appeal of gangs, then Hobsbawm (1969) developed a new way of looking at the issue. Hobsbawm (1969) brought a new understanding to the concept of social bandits as defenders of the poor in a rural setting. This is the view that many modern-day gang leaders, certainly on the Cape Flats, have of themselves.¹² In this respect, the bandit arises as a result of diminishing state power.

This became a powerful theme for researchers to reconsider crimes of the poor against the issue of crimes of the powerful, and led to Ianni and Ianni-Reuss (1976) exploring crimes of the powerful in their study on organised crime. What followed this perspective was that bandits, and therefore rule-breakers, can have a social conscience by playing the role of a post-modern Robin Hood character, endearing themselves to the urban poor. This view resonates with many of the gang leaders in Cape Town, an issue to which we return later.

Stanley Cohen's (1972) epic study 'Folk Devils and Moral Panics' provides us with the creation of 'moral panics' as a way to understand the creation of folk devils by the media and the establishment (which included the state). He followed and monitored the conflict between the *Mods* and the *Rockers* and their associated subcultural styles, suggesting that the increased attention given to the gangs increased the attention of adolescents on the periphery of the gang and motivated them to action.

Cohen's contribution helps us understand that the state (together with the media) creates new criminal categories and then find the people to fit those categories. While Cohen's work did touch on gangs as we know it today, it was primarily focussed on how the establishment positioned its response to the gang problem.

Despite the extensive research on gangs and the claims that the common varieties of gangs are essentially an American product (Klein: 1995: 3), there is evidence that in today's

¹² In a 1993 BBC documentary on the Hard Living gang, one of the leaders says that they rob the rich to give to the poor, equating the gang to latter day Robin Hoods. Also see Reed's (1994) *Beloved Country: South Africa's Silent Wars*, BBC Books, London.

world, that view no longer prevails (Hagerdorn, 2005: 155). Contemporary researchers have found that much has changed with respect to gangs.

2.2 The changing nature of gangs

The gangs that early researchers such as Frederick Thrasher (1927) wrote about have disappeared. Early researchers have focussed on delinquency and opportunity (Cloward & Ohlin: 1961; Cohen: 1955), sub-cultural theories of delinquency (Downes: 1966) and deviance (Rock: 1998). Stuart Hall (1976) argued that young people resist dominant cultures through ritualised practices. He distinguished between the parent and variant subculture and suggested that social classes give rise to social cultures and that these cultures interact with one another and the dominant classes establish its hegemony over the other classes. Looking at this differently, the dominant group imposes its governance on the weaker sections of the working class.

Sub-cultural theorists were aimed at researching why young children tended to slide into a life of crime by examining smaller groups of children, deviant groups and immigrant groups. These theories typified the responses to gangs that had emerged on both sides of the Atlantic in the sixties and early seventies.

In his research, Hagerdorn (2005: 154) provides compelling evidence why the perspective of gangs as delinquent boys engaging in techniques of neutralisation, as proposed by Sykes and Matza (1957) and other sociologists of the early Chicago School, have changed. He suggests a number of reasons for the change: firstly the rapid urbanisation of cities that created ideal for the growth of gangs in Latin America, Asia and Africa; secondly, the retreat of the state has seen gangs take over social welfare functions and spaces traditionally occupied by the state¹³; thirdly, marginalisation of the poor has created resistance to cultural practices and has resulted in strengthening cultural identities such as the hip hop culture by the marginalised; fourth, globalisation has caused the marginalisation of some areas which have been appropriated by the growth of an underground economy; fifth, the re-division of

¹³ An issue I will explore later.

cities through cleansing programmes and economic development and making the city safe has changed the character of urban gangs; and lastly, some gangs have become permanent actors who are deeply institutionalised.

The theme of the withdrawal or weakening of the state is an important one that both Hobsbawm (1969) and Hagedorn (2005) agree with when they characterise the rise of bandits and gangs respectively. This is insightful and resonates with what the state of play is on the Cape Flats and is discussed later in this chapter.

In a changing economic environment, the research clearly shows that gangs have become more organised (Kinnes: 2000), more violent (Venkatesh: 2007, 2008; Klein: 1997; Kontos, Brotherton & Barrios: 2003; Rodgers: 2006, 2007), more effective (Spergel: 1995) and a greater threat to social order (Davis: 1990). Today, gangs are socially relevant entities that are able to give expression to the marginalised sections of urban youth (Brotherton: 2008). They have become the vehicles through which ghetto kids can attain social identity.

Across the world, the cultural practices, rites, rituals, and social organisation associated with gangs appears to be becoming more of a security and social threat than before. In doing so, the evidence points to gangs establishing its own governance arrangements and practices in the cities they are found. In Rio de Janeiro, large sections of the favelas are ostensibly governed by gangs (Dowdney: 2003, 2007; Rodgers: 2006; Arias & Rodrigues: 2006). In Chicago and parts of Los Angeles, gangs have established branches such as the Mara Salvatrucha (Kemp: 2007) and in Nigeria the Bakassi Boys have wreaked havoc with oil supply lines in the Niger Delta (Baker: 2002). In Nairobi, the Mungiki sect operates as an informal local government that taxes people for electricity and local government levies, and control transport through extortion of taxis (Ruteere: 2008). Cape Town gangs have also become much more organised, creating criminal drug empires (Kinnes: 2000).

Policing gangs in a context where they exert control over public transport networks, places of entertainment, local health services, and provide local government services requires a new policing approach. The modern-day gangs have become real power brokers and co-providers of community services alongside the public and private sector. It is under such

conditions that bandits (Hobsbawn: 1969) occupy spaces left vacant by the state (Hagerdorn: 2005). In today's world, gangs have become so much more than mere delinquent boys.

2.2.1 *Gangs as merchants of violence*

Where before gangs were seen as delinquent adolescent boys, scholarship now acknowledges them as structured merchants of violence (Kinnes: 2000). Recent research has suggested that we should see gangs as symbols of street resistance. Brotherton (2008: 56), a long-standing gang researcher, supports the argument that the original opinion of gangs by early criminologists has become obsolete, and a new social reproductionist view has emerged in its place. According to him, urban youth street gangs establish counter-hegemonic forms of individual and collective resistance. These forms of resistance can plausibly be harnessed for other purposes. To understand this shift, we need to consider how gangs are seen in other parts of the world.

2.2.2 *Gangs as urban insurgents*

Some researchers suggest that in the contemporary era, gangs are usurping the authority of the state through urban insurgency (Manwaring: 2005). In this representation of gangs, gangs are seen as generating sufficient domestic and regional instability that can lead to state failure. The gangs are exacerbating civil–military relationship problems and co-operating with transnational criminal organisations to erode the legitimacy and sovereignty of the nation-state (Manwaring: 2005: V).

Another view is to consider gangs as criminal insurgencies as suggested by Sullivan (2009: 2). He suggested that gangs, particularly in South America, present a challenge to the state by carving out criminal enclaves. In these enclaves, the power and governance of the modern-day state has been eroded. The difference between a modern terrorist insurgency and criminal insurgency is that the gangs aim to conquer economic control over any given

territory, while terrorists aim for political takeover and control of the state. Both insurgencies however provide challenges to the governance of the state.

Rodgers, Muggah and Stevenson (2009: 14) have taken issue with such analysis, suggesting that a repressive state approach has only allowed gangs to become more organised and more violent (Rodgers, Muggah & Stevenson: 2009: 14). They disagree with the urban insurgency thesis of Manwaring (2005) and others, suggesting that:

“Although gangs are unquestionably a significant contemporary concern in the region, such sensationalist pronouncements suggest that they remain profoundly misunderstood.”¹⁴

Jensen (2010a: 79) suggests that the state in South Africa used counter-insurgency strategies to fight crime and violence during the 1990s and 2000s, and that this was based on early or similar counterinsurgency approaches used in the United States. According to Jensen (2010), the war on crime solved similar challenges as the counter-insurgency war, particularly for a state that downsized developmental measures.

The idea that gangs can become (urban or criminal) insurgents reconfigures the role of the Westphalian state. Criminal insurgencies need to be tackled by a powerful state apparatus, most notably the police. The action of tackling urban insurgencies changes the role of the state in that it becomes more predatory. Such theories suggest that gangs use violence as a tradable commodity to advance economic benefits in its own enclaves.

Much of this works points to South America as an example where the state has retreated and where criminal gangs have gained the necessary space to further their ‘insurgency’.

2.3 South American gangs and violence

South American gang scholarship offers refreshing insights which resonates with the deep cultural embeddedness of the South African gangs. Dennis Rodgers (2006) suggests that

¹⁴ Rodgers, Muggah & Stevenson (2009: 3).

there are many similarities between Nicaraguan and South African gangs. He undertook ethnographic research on the *Pandilla* youth in 1996-1997 and 2002 in the *barrio* of Luis Fanor Hernandez, Managua, where he spent time with the gang. He noted the types of criminality and violence the gangs participated in, and indicated the levels of violence deployed by Latin American gangs.

Rodgers argues that contrary to the thesis on 'disorderly chaos' as proposed by South American and other scholars¹⁵, there is order and organisation in the gangs. For him, manifestations of this so-called disorderly violence can instead be conceived as coherent modes of social structuration in the face of wider processes of state and social breakdown (Rodgers, 1996: 269). As we shall see later, this theme also emerges in the South African gang landscape as the space for government to deliver services to the poor decreases.

In a later comparative project between Nicaragua and South Africa, Jensen and Rodgers (2008: 220) suggested that there are many similarities between the gangs in the two countries. They noted that in both countries, gangsters frame their activities in explicitly revolutionary terms. In Nicaragua, gang members frame themselves as being supporters of the Sandinista revolutionary movement, while gangs in South Africa identified with the resistance of the African National Congress against institutionalised racism. They further propose that Deleuze and Guatarri's concept of a 'war machine' (2008: 221) should be used to make sense of gangs as actors in social revolutions. In this conception of gangs, the different contexts for their emergence, their own localised histories and their ambiguities would be considered and therefore better understood.

However, this comparative research ignores the social and political development of the Cape Town gangs. The claim on the part of gangsters in Cape Town that they align with the ANC is mostly overstated. Per revelations at South Africa's Truth and Reconciliation Commission, members of the Americans gang were instrumental in assisting the old Apartheid state in fighting the ANC.¹⁶ The available evidence suggests that before 1994, they aligned themselves with both the Apartheid government and the liberation movement. In

¹⁵ O. de Rivero, *El mito del desarrollo : los países inviables en el siglo XXI* (Lima, 1998); E. Galeano, *Patas arriba : la escuela del mundo al revés* (Madrid, 1998); J. Méndez, G. O'Donnell and P. S. Pinheiro (ed.), *The (Un)Rule of Law and the Underprivileged in Latin America* (Notre Dame, 1999).

¹⁶ See TRC Report (1998) Volume 3, CTP Book Printers, Cape Town, p461.

terms of political support the gangs revealed a complexity and duality that was hard to understand.

Rodgers and Muggah (2009) investigated the gangs of Central America as non-state armed groups. They consider the fact that gangs, while being non-state armed groups, do not want to overthrow the state and can emerge in states that are not in the throes of war. The authors provide a descriptive analysis of the ages, numbers and identifying features of the gangs in Central America. Interestingly, they make a distinction between the *pandilla* gang types and the *mara* gang types. They define the difference as (Rodgers & Muggah: 2009: 5):

“Maras are a phenomenon with transnational roots, while pandillas are more localised, home-grown entities that are the direct inheritors of the youth gangs that have long been a historic feature of Central American societies.”

This distinction is important because the Mara Salvatrucha-13 gang is the fastest growing transnational gang in the United States (Wolf: 2012) with roots in various countries spanning Central America. Wolf (2012) contends that this transnational character of the Mara gang is more symbolic than real. Rodgers and Muggah (2009) do, however, point out that the communication between the various derivatives of the gangs in Honduras, El Salvador and Guatemala are weak and uncoordinated. Wolf (2012) on the other hand, differs from this approach and argues that it is social exclusion and a refusal to accept the loose nature of the gang on the part of states that has encouraged its growth.

2.3.1 Gangs and the connection with drugs

There has been a considerable amount of research that investigates the link between gangs and drugs. This literature explains the links between drug gangs principally in the United States and the export of cocaine and other drugs from Latin America to the huge US drug market. Important questions emerge in the research as to whether gangs are responsible for drug sales.

Howell and Decker (1999) argue that there is considerable disagreement about the level of social organisation in gangs between American scholars. Per Jerome Skolnick (1975) and Sanchez-Jankowski (2003), gangs constitute formal organised formations with clearly

defined leadership ranks and roles. According to them, the leadership of gangs is capable of managing drug operations. For Klein (1971, 1995) and Decker and Van Winkle (1994) again, gangs remain loosely knit, generally lack social cohesion and, thus cannot run top-level drug operations (Howell & Decker: 1999: 4). Greene and Pranis (2007) also argued that gangs do not dominate or drive the drug trade, having found that gang members account for a small share of the drug sales and do not seek to control drug markets.

The drug-gang connection led to new research and calls for use of the army to neutralise the threat which gangs pose to the state. Counter-insurgency tactics are considered appropriate to the criminal insurgency capacities associated with gangs (Manwaring: 2005; Sullivan: 2009). The most recent elucidation of such theories suggests that gangs, as a non-state party, threatens the security and legitimacy of the state.

As with the literature on what constitutes a gang, the international literature on gangs evolved. The social disorganisation theories of earlier have given way to social reproductionist theories. But what are the changes that gangs themselves have undergone? The African literature provides us with useful answers to the question.

2.3.2. *Gangs in Africa*

While there has been significant development of gang literature on other continents, the same cannot be said about gang research in Africa. The paucity of research on gangs should not be taken to mean that gangs do not exist in African countries. Compared to the literature on gangs in the US and Europe, research on gangs in Africa is underdeveloped.

More recently, gangs in Africa have emerged as topics in the work of both Baker (2002) and Ruteere (2008). By far the most significant contribution made to the questions of gangs on the African continent has been the ability of gangs to exercise its own governance in spaces where the state is too weak to exercise its governance. The work of Geenen (2009) on the association of street children with urban gangs in Kinshasa, capital of the Democratic Republic of the Congo, appears to confirm this trend. The question of gang governance is illuminated in more detail in the work of Stephen Ellis (2009) who examined the drug trade and the

associated governance processes of the drug gangs in Guinea-Bissau, Nigeria and other West African states.

Bruce Baker (2002) tells us how the governor of Anambra state in Nigeria invited the Bakassi Boys, a vigilante movement, into the state to form the Anambra Vigilante Services (AVS). They rapidly took control of the city market, replacing the police by savaging robbers through burnings and decapitation. Despite the outcry from the federal Nigerian State, the governor defended the actions of the Bakassi Boys, only interfering after many innocents were being killed. In this scenario, the governance of the state was indeed challenged (and extended) in the Anambra state.

While the essence of governance in Nigeria is challenged through vigilante violence, the nature of transnational organised crime is something that should be considered as the contestation of state governance and sovereignty.

Shaw (2002: 296) argues that there are multiple reasons for the involvement of West Africans in criminal networks and that these factors cannot be attributed to weak governance. In addition, the state capture by criminals was due to the instruments of the state becoming involved in criminal activity (2002: 297):

“Paradoxically, this process of state capture and collapse was central in forcing some people to leave in search of new (and sometimes criminal) opportunities, given the limited and declining economic opportunities at home, while ensuring that the instruments of the state - such as the police, the diplomatic service and various agencies responsible for the issuing of identity and travel documents - became involved in criminal activity. The net result was often that the activities of the state and those of criminal groups became indistinguishable.”

Ellis and Shaw (2015: 511) suggest that Africa’s entry into the world of organised crime was rather belated. Implicit in their analysis of organised crime in Africa is the question whether the term ‘organised crime’ applies in Africa. Rather, they suggest we use the term criminal enterprise to describe the illicit flows in Africa. As they posit:

“While an erosion of the frontiers between politics, crime, and business is detectable in many parts of the world, the process has at least three specific features in African countries. First, their state bureaucracies are often weak. Second, there are strikingly different outcomes depending on whether

the key alliances with organized crime are made at the level of central government (for example in Zimbabwe) or at provincial level, as in Libya since 2011. Third, the rise of organized crime in Africa occurred at a relatively late date, towards the end of the last century, at a time when financial globalization was resulting in vastly increased flows of money and resources.”

They make the point that the effect of the types of criminality in Africa can begin to constitute a new mode of governance which connects Africa to international markets. This inter-connectivity makes illicit activity difficult to detect. Africa has not been immune to the violence and criminality that gangs have been responsible for, instead exercising governance in compromising the security of governing node of states.

2.3.3 *South African literature on gangs*

South African literature on gangs is developing at a quick pace amidst the growth of gang violence in South Africa’s local communities and townships continues. Ever since the first writings by Van Onselen (1978, 1982a, 1982b, 1982c) the research into gangs has grown apace. One of the first pieces of research into gangs was the evaluation of prison gangs by Lotter and Schurinck (1984) who first examined the history, culture and activities of the prison gang system. The development of the gang literature, and indeed research, has largely been supported by the Institute of Criminology at the University of Cape Town in the late 1970s and early 1980s and later spread to institutions such as the University of the Witwatersrand.

In analysing gang governance in Cape Town, an important starting point is the work on gangs of early researchers such as Pinnock (1984), Schärf (1990), Kinnes (1995, 2000), Salo (2005), and Standing (2006). The earliest research was steeped in the tradition of the early Chicago theorists. Pinnock focussed on the Mongrels gang to describe the formation and structuring of the different gang typologies in Cape Town. The forced removals of Coloured people (Western: 1981; James, Caliguire & Cullinan: 1996; Field: 2001; Adhikari: 2006, 2008) from the inner-city areas by the Nationalist government and the social exclusion (Erasmus: 2001; Adhikari: 2008) of Coloured and black people during Apartheid have been a central theme in debates on gang formation on the Cape Flats (Pinnock: 1984: 81). Wilfred Schärf

(1990) built on Pinnock's work by examining the reasons for the resurgence of street gangs in the 1980s, as well as community responses to them.

Charles Van Onselen (1978) provided an historical analysis of the emergence of South Africa's first prison gang, The 28s, in the late 1800s. He documented how The 28s prison gang emerged and the role they played in robbing mineworkers on their way to and from the gold mines on the Witwatersrand.

Pinnock identified four categories of gangs in the South Africa landscape in 1984. The first of these is the Street or Defence gangs, which organised self defence of their spaces and were typically teenagers who were held together and led by the strongest kid, committing petty crime. The second category was the Family Mafia type of gang that organised shebeen activities and, to a limited extent, drugs. They were usually led by a former member of the prison gangs and had a support base. The Syndicates gangs were a smaller group that almost exclusively peddled drugs and used other gangs to do their bidding. The last category was the Prison gangs (26s, 27s and 28s gangs) which have the most enduring influence on South African street gangs for over a century.

The gang typologies identified by Pinnock in 1984 have been eclipsed by new street organisations that have blurred category boundaries once defined. Criminal syndicates have grown in number in post-Apartheid South Africa, especially due to the growth in the drug economy. Pillay (2002: 44) contests Pinnock's structural formulation and suggests:

"Conventional explanations of gangsterism in the Western Cape tend to be reductionist, essentialist and descriptive. They underplay the role and construction of cultural symbols and meanings and the relationship between the local and the global in gang identity formation."

My own research (Kinnes: 1995, 1996, 2000, 2009) has shown that the transformation in gangs commenced during the political transition in South Africa. As the new democratic state struggled to assert itself, the bigger, more established gangs quickly underwent major changes. This process is still ongoing.

Schärf and Vale (2006) similarly noted that as the state prepared legislation to deal with asset forfeiture, gangs began to decentralise their activities. They soon started to set up

areas of specialisation for different gang leaders, such as managing nightclubs and sex workers and/or extorting money from taxi drivers and nightclub owners, and supplying firearms and drugs, extortion of nightclub owners, running and managing nightclubs and sex workers. The data shows that gang leaders prefer to see themselves as 'businessmen' rather than gangsters. Research by Schärf and Vale (1996), Kinnes (2000) and later, Irish-Qhobosheane (2007) found that gangs in Cape Town had become more organised. Kinnes (2000) has suggested that the social organisation and the transition of 'gangs' to 'organised crime' appears to have been an unintended consequence of the democratic transition which resulted in the lowering of social controls.

Standing (2006:71) contests this view, arguing that, except for leadership, gangs in Cape Town are not particularly organised, except of course at leadership level. He suggests that gangs in Cape Town are really organised by a tight group of about 30 men who are drug dealers and who supply local gangs with drugs and in the process, exercise control over some gang leaders of Cape Town.

Standing, however, overlooked the duality of gang organisation as there is both informality and formality of organisation in the manner in which gangs plan. The nature of decision-making and the planning and arrangements of gangs appear to be informal to the outsider. To the insider, it is alongside this apparent informality that the formal organisation in planning and execution of tasks occurs. It is often difficult for outsiders to ascertain which members of a community are gang members, how they operate, the process by which they govern themselves, and the community in which they are based. As Standing (2006: 104) concedes:

"To outsiders it is not always clear who is a 'real gangster' and who is not."

The policing of gangs in South Africa has had its fair share of political interference. This has given it a level of complexity that other communities outside South Africa, with the exception of Nicaragua and Mexico (Rodgers & Muggah: 2009), do not exhibit. The historical accounts provided by Glaser (1998, 2000) and Kynoch (1999, 2005) capture the involvement of the Apartheid state in fuelling violence through gangs.

Clive Glaser (1998, 2000) provides us with an historical account of the contestation of the Hazels and Dirty Dozen gangs in Soweto between 1968 and 1976, and the role they played in challenging the political activists and students in Soweto. Glaser notes that the gangs were propelled into the Soweto uprisings in 1976 as a result of the emergence of Black Consciousness and the attempt by students to involve gangs in resisting the Apartheid system. Glaser (1998: 322) notes that the gangs of Soweto:

“...expressed themselves through subversive styles and through violent territorial opposition to outsiders, including police and administrators. Their objective was to maintain de facto control of their streets; to make their turf, in a sense, ‘ungovernable’.”

Significant research into gangs has also been undertaken by Gary Kynoch (1999) on the historical linkages between the gangs of the Witwatersrand and the Hard Living gang in the Western Cape. Kynoch’s research explores the reasons why the gangs have endured and subsequently why South Africa is so violent (Kynoch: 2005). Kynoch sees important historical linkages to the state sponsoring some of the gang violence. According to him, the South African police were deeply involved in some of the conflicts in the last decade of Apartheid (Kynoch: 2005: 499).

One of the most interesting developments in South African gang research has been the work of Steffen Jensen (2008). A central theme that emerged from his research is that the (socially constructed) identity of Coloured people is intimately tied up with that of gang identity. He asserts that people in Heideveld have multiple identities and that the gangs, through the production and perpetuation of the “skollie” (gangster) identity, have been able to dominate the social relations in the community. Furthermore, the police, social workers, community workers, and church members all contribute to perpetuating this “skollie” identity by perpetuating definitions of the (criminal) ‘other’ and by engaging notions of “ordentlikheid” (respectability).

Jensen’s (2008) work is distinguished from other researchers through his in-depth analysis of masculinities and how it is reproduced, used and acted on in the Heideveld area of the Cape Flats. Building on the work of Salo (2005) and Steinberg (2004) he is able to cement the idea of how working class men in Coloured areas of settlement construct and negotiate

masculinities. For Jensen, the state typified and labelled the identities of Coloured males of the Cape Flats and emasculated their dignity in the process. From this, we conclude that the quest for identity was central to gang formation on the Cape Flats.

However, in his research Jensen fails to explain the growth, significance or resilience of the gang enterprise. Cape Town gangs have expanded way beyond their old Coloured neighbourhoods and have also succeeded in setting up base in older black communities such as Nyanga, Khayelitsha and Guguletu.

This literature is incomplete, because certain questions remain unanswered. One such question would be: if gangsterism was perceived to be a Coloured problem, why has it continued to grow across the colour bar? Samara (2011) provides an interesting look at the manner in which gangs are portrayed in the neo-liberal governance of the City of Cape Town. According to him the reproduction and growth of gangs is a function of repressive strategies of control vis-à-vis gangs as pursued by the state. In this respect, there is synergy with the analysis of Rodgers and Muggah (2009).

In examining the criminalisation of the state by organised crime groups, Derica Lamprechts (2012, 2014) offers insight into the local agents of governance and the inter-relationship between local government and organised crime groups. Lamprechts, in studying Manenberg in the Cape Flats, suggests that gangs act as rival social organisations and acquire forms of social control, which is strengthened when the state is weakened.

Adding to this, Goga and Goredema (2014) and Goga (2014) show how the state has retreated in the face of the increasing power of criminal networks. They argue that the state is unable to effectively govern when it must contend with the power and criminal governance of criminal networks such as the gangs and drugs dealers.

2.4 *Summarising major trends in gang research*

A summary of the major themes and conclusions that have historically emerged from gang-related research reviewed above is as follows:

Firstly, there is broad agreement that for young men, delinquency provides a pathway to the formation of gangs. However, there was no agreement on the causes of delinquency. These understandings (with some contestations) were first identified by the Chicago theorists and later by the members of the National Deviancy Conference and the Birmingham School of Cultural Studies in the United Kingdom in the early 1960s and late 1970s. The canon soon shifted to a consideration of the subcultural dynamics of gangs and the durability of gangs from one generation to the next. The notion of gangs as resistance (Brotherton: 2008) was then introduced into the debate, as was the theory of social bandits (Hobsbawm: 1972) in explaining gangs. In this conception of gangs, gang members had noble agendas.

Much later, scholars questioned this notion and instead came to focus on the link between gangs and structural inequalities. Poverty and crimes of the powerful (Ianni & Ruess-Ianni: 1976) became the focus of scholars interested in organised crime. Meanwhile, research in South Africa focussed on structural analysis of gangs in Cape Town (Pinnock: 1984; Schärf 1990), with some placing gangs at the forefront of becoming organised (Kinnes: 2000) after the political transition while others disagree (Standing: 2006; Jensen: 2008). The manufacture of dignity and the creation of Coloured identities on the Cape Flats marry the gangs to the Coloured population, but more on this in the next chapter.

Rapid urbanisation and industrialisation moved the focus onto more complex deliberation of gangs (Hagerdorn: 2007). The international focus of gangs shifted to the global south as trends in Nicaraguan, Honduran and El Salvadorian gangs were studied by critical scholars such as Rodgers (2006, 2007), Rodgers and Muggah (2009) and Jensen and Rodgers (2009), who started to shift their focus to drug gangs and violence in Latin America. Wolf (2012) also provided a useful structural account of the Mara Salvatrucha gangs as a transnational formation. Although there is some literature on South African gangs, overall the literature on gangs in Africa is underdeveloped. The following section provides us with an overview of South African scholarship on gangs.

2.4.1 Literature on policing gangs

Gangs, of course, have been a major concern of state police organisations that scholars have defined as peacekeeping policing by consent (Goldstein: 1977), and order maintenance (Bittner: 1970; Reiner: 1985). Klockars (1985) defines the basic function of the police as dealing with all those problems which may require coercive force.

The literature on policing gangs is smaller than that of gangs themselves, however this too has increased in the past decade. We now know a considerable amount about how gangs are policed, especially by state agencies. This can be summarised as follows:

There is agreement that police routinely engage gangs as a result of pressure from other actors such as politicians and communities (Katz: 2003), but also because gangs constitute non-state armed groups who threaten the order and governance of the state (Sullivan: 2009). Some go as far as to suggest that gang violence constitutes an urban insurgency (Manwaring: 2005). Once again, this account glosses over much variation and contestation. Other writers have taken strong issue with such description of gangs (see Jensen & Rodgers: 2009; Jensen: 2008; Jütersonke, Muggah & Rodgers: 2009).

Meanwhile, there appears to be consensus that the early research on gangs has contributed to a structural analysis of gangs. The shifts in scholarship appear to be mostly by American scholars who suggest that gangs are not the major social problem they're made out to be, and that they don't majorly contribute to the crime problem (Katz & Webb: 2004; Greene & Pranis: 2007). Police however see the solution to the gangs establishing anti-gang units, and are pressured to act by the public and politicians. This solution's efficiency is considerably by scholars as it is loaded with complexities.

2.4.2 *The politicisation of gang units*

There seems to be no 'easy fix' for police in dealing with gangs. Instead, establishing governance over the gangs will require the police to respond to the gangs from a 'social control' perspective using various measures. Normally such approaches are associated with innovative methodologies, but in exercising governance, the police do not show such innovation. Rather, they tend to establish specialised gang units charged with extending

‘control’¹⁷ and command over areas where gangs are deemed to operate. As such, police-developed operations against the gangs often accompany a phalanx of journalists, especially when there is pressure on the police ‘to do something’.

Anti-gang units cannot solve the gang problem as there appears to be other socio economic and political conditions for their emergence which the police, as an institution, cannot solve alone. It would require more than the police to deal with the gang problem because it involves a host of other actors of which policing is only a fragment. It requires a ‘whole-of-society’ approach to deal with such policing approaches which draws ‘flexible linking of nodes together, or drawing on a particular node as the situation demanded’ (Berg & Shearing: 2011: 24).

In his analysis of gang statistics, Albert Meeham (2000: 338) argues that almost anything becomes a ‘gang’ in the way one describe various criminal behaviours, especially when groups of teenagers have a dispute for instance. The data for his study was taken from his own research in 1979 in what was referred to as the ‘BigCity Police Department’, situated on the East Coast of the United States, and from the Plantville Police Department situated in the American Midwest in the 1990s. Both police departments had started gang programmes in response to what was perceived as gang activity. Both departments made use of police recordkeeping ‘in the construction of a ‘reality’ that legitimates the political agendas of those in a position to influence matters in a police department’ (Meeham: 2000: 338).

Meeham found that just about any action by the teenagers were interpreted by the police as ‘gang behaviour’. Meehan’s point of departure posits that the establishment of gang units will invariably lead to gang crimes and that these gang units invariably respond to ordinary crime which they eventually label as gang-related. Rather than the reality of the crimes, he argues that this is due to pressure from politicians and the media. Meeham (2000: 338) quotes a police officer that he interviewed on the establishment of a gang unit and concludes that:

¹⁷ Control in this sense means the normative policing approach where they are seen to be having sufficient resolve to police gangs through availability of resources, patrols, investigations and the reduction of violence as a result.

“For the officer in this exchange, ‘gangs’ in his city are a *political* problem, not a crime problem; one that the police socially construct in response to political pressure, as the officer puts it, not a real problem for the police.”

Anti-gang units do not appear to be an effective response to policing gangs as they have were developed by the political police leadership merely to ‘manage the crime problem’. Forming such units also has the effect of assuring the general population that ‘something is being done’ by the political and operational leadership of the police to address the problem, especially during elections.

Police operations against gangs appear to have no sustainable long-term impact, despite the large amount of resources that have been invested in some of these operations and units, especially as anti-gang units are temporary structures with little political power (Davis: 1992; Katz & Webb: 2004). They routinely struggle to summon the necessary resources; they must wait on orders from senior officers and accept police officers transferred from other units who have no real interest in the policing of gangs.

Researchers in Los Angeles found that policing gangs has been a veritable black hole as all the training, budgets, and gang enforcement programmes appear not to be yielding the results in terms of investment, and the opposite appears to have occurred since the inception of anti-gang units: the gangs appear to have grown across America.

The efficacy of anti-gang units has further been questioned by the ground-breaking seminal study by Katz and Webb (2004) who surveyed such units across four cities in the south-western region of the US: Albuquerque, New Mexico; Inglewood, California; Las Vegas, Nevada; and Phoenix, Arizona.

The researchers were interested in discovering what led the police to establish anti-gang units, and what the alternative ways of the police were in organising their resources. They questioned how the police viewed gangs and gang members, identifying the roles that the police played in policing gangs and lastly, assessed the fit of the gang unit model with that of the community policing paradigm (Katz & Webb: 2004). The researchers spent their time observing and interviewing some 65 gang unit members, 20 gang unit managers, 68

stakeholders and examined 175 official documents and 285 newspaper articles across the four cities, producing interesting results.

Katz and Webb (2004) found that the reasons for the establishment of these units were as a result of the prevalence of gangs in two of the four sites and the pressure of external actors (political, public and media pressure) on the police. They also found that there was very little and weak supervision and control of these units. In addition, the gang units were producing and disseminating gang intelligence, rather than arresting gang members. These units were decoupled from the everyday police institutions and worked without proper mandates or structures. There was also very little to connect the gang units to the paradigm of community policing. They did not consult with the communities they were meant to serve and they did not form partnerships with those communities (Katz & Webb: 2004: XV).

The research findings are important because it confirms Cohen's (1972) arguments of how the media and politicians go about creating folk devils and moral panics. It is evident that gang units lack needs-based planning, instead reflecting a poor reactive response to the pressures forthcoming from the affected communities, the media and/or politicians.

Other researchers such as Greene and Pranis (2007) studied how cities were coping with the demands associated with the policing of gangs. They examined budgets, strategies, and methodologies utilised by the police. They strengthened the argument of Katz and Webb (2004) and suggested that funding for anti-gang units make no difference to gang prevention (Greene & Pranis: 3):

"Los Angeles is a case in point. Author and former California state senator Tom Hayden reports that thousands of young people have been killed in Los Angeles gang conflicts despite decades of extremely aggressive gang enforcement. City and state officials have spent billions of dollars on policing and surveillance, on development of gang databases containing the names of tens of thousands of gang members, and on long prison sentences for gang members. Spending on gang enforcement has far outpaced spending on prevention programs or on improved conditions in communities where gang violence takes a heavy toll. Los Angeles taxpayers have not seen a return on their massive investments over the past quarter century: law enforcement agencies report that there are now six times as many gangs and at least double the number of gang members in the region. In the undisputed gang capital of the U.S., more police, and more prisons haven't stopped the cycle of gang violence. Los Angeles is losing the war on gangs."

It appears that the true reason police managers start anti-gang units is to appease members of the public that 'something is being done about the gang problem'. This approach is also what led to the establishment of the anti-gang unit in the South African Police Service in 1989. As we shall see later in this study, this unit was also not effective, and one of the key considerations for the purposes of this study is whether police methodologies, operations, and institutional cultures have played a significant role in the policing aspect of gangs.

Particularly in Cape Town the issue of the formation of an anti-gang unit had overt political overtones depending on which political party raised the issue. The first gang unit was established in 1989 by the South African Police Force (SAPF) due to pressure from the civic associations, and emerging political resistance to the old South African government (Kinnes: 2000). After the transition to democracy, the call for a reorganised gang unit was made by members of the African National Congress (ANC) in criticising the Nationalist Party in handling the gangs in the Western Cape. The unit was restructured in 1996 and placed under the command of the organised crime unit, but then disbanded in 2003.

After the ANC won the local Western Cape elections in 2004, the unit was not re-established. It was only after 2009 when the Democratic Alliance (DA) won control over the Western Cape Province that a call was made for a return of a specialised gang unit; a call which continued ever since.¹⁸ The politicisation of the gang units was tacitly supported by elements in the police who supported different political parties contesting for political power.

From examining the literature, the practice of the police to establish gang units as a cure to the gang problem is inadequate and has no real impact on the gangs. What is clearly missing from the mentalities of the police is an understanding of the resilience of gang culture.

2.4.3 *Gang culture and policing*

During the course of this study important data emerged that supports the view that the police and gangs really understand each other very well. Members of both the police and

¹⁸ See Prince, N. (2011) Plato: Bring back gang units, Cape Argus, 1 November 2011, available at: <http://www.iol.co.za/capeargus/plato-bring-back-gang-units-1169125>, accessed 21 August 2016.

gangs appear to be recruited and drawn from poor working class families¹⁹, generally come from similar socially and politically marginalised communities, and both institutions appear to have common organisational and cultural characteristics.

Police organisations tend to be highly structured with hierarchies of command and control, strong formal disciplinary rules, with a strong and clearly discernible leadership. Police organisations have to contend with gang hierarchies that in some cases are informal and, in other, also have to contend with gang hierarchies that are highly structured with very clear and discernible leadership structures with informal (but understood) and accepted rules and hierarchies of authority.

It is when the police must confront gangsters in a defined space that all their training, learning, experience, and skills are put to the test. The street, neighbourhood, and community is always a contested space, in which the notion of the police being in control of neighbourhoods, establishing order, and protecting citizens, is questioned. It is contested by a body of men (and sometimes women), who in most cases have the requisite knowledge, skills, and control of the space. These are modern-day bandits who happen to be called gangsters.²⁰

The police, in the act of policing gangs, are always in control of temporary space. They stake claims by occupying spaces through vehicle patrols, stops and searches, and through the arrest, detention and harassment of gang members. Through such measures, they exert a form of temporary governance over certain spaces which are dependent on the availability of various resources at a certain time and in certain spaces, although they cannot always defend that space from criminal activity. Police officers must go home and sleep in their beds and attend to other administrative tasks which take them away from those spaces, leaving the gangs behind.

Police react to the physical presence, activities, violence, fights, and intimidation that gangs represent. Processing the magnitude, scope and influence of the gangs in defined

¹⁹ The next chapter contextualises this more succinctly by providing a context to gangsterism and policing in Cape Town over 20 years.

²⁰ Here I refer to the gangs of the Cape Flats who have no qualms calling and identifying themselves as gangsters. The leadership and upper echelons of the gangs refer to themselves as business people.

community spaces create expectations, attitudes, and mentalities in the minds of police officers that have the responsibility for policing gangs. This understanding of the gang problem allows police officers to justify their existence, to 'clean up the streets' of gangsters, hoodlums and other riff-raff. The state of play and the game plan of the police is patently made clear when they react to crimes gangs are purported to have perpetrated. The police appear to govern the public's reaction to crime in the way they respond to certain calls for assistance.

It is in processing and reacting to gangs that the influence of police institutional culture becomes visceral and real. As mentioned earlier in this study, for the police, there are *ways of seeing* (Smith & Geoffrey: 1968) gangs, ways of policing, and ways of dealing with gang violence.

While collecting data for this study, I have come across various explanations of police behaviours that directly reflect the police institutional culture in dealing with gangs. These are important facets, mentalities, behaviours, and practices, and are intrinsic in the governance arrangements between gangs and the police. It includes the fact that police *take sides* against certain gangs during gang fights; they are extremely *brutal* towards violent gang members; they *don't properly and thoroughly investigate* cases where gang members are the complainants; some police officers are corrupt and their family members belong to gangs; they *use gangsters as informers*; they go after gangsters for '*revenge purposes*'; they *abuse their authority* and they *engage in corrupt practices*.²¹

In addition, the police uniforms, symbols, firearms, and insignia are all objects that overtly and publicly reflect the symbolic power and authority of the police institution and the state. Privately it reflects the institutional culture of the police to act collectively, defend each other and apply force through sheer numbers. It becomes the cloak of legitimacy for individual police officers; officers who sometimes do not have the professional ethics and legitimacy in the eyes of the policed, especially the organised violent gangs.

²¹ All of these claims have been made by gang leaders interviewed for the purposes of this thesis. I deal with these claims in subsequent chapters.

Gangs have similar but opposite practices, rituals, behaviours, mentalities, and cultures that stand diametrically opposed to the uniforms and symbols of the police. The argument here on gangs is that, in view of the social order in which they operate, the context sometimes differs from community to community. It is these changing contexts that create the conditions for changing governance arrangements in policing gangs, but the changing governance arrangements are dependent on the changing nature of policing.

2.4.4 *The changing nature of policing*

The literature has shown that policing is changing across the world. This change in the manner, method, and practice of policing has undergone structural²² and political²³ changes as a result of the attacks on the World Trade Centre in New York on September 11th, 2001. The international changes in policing have more to do with the need for a more secure world; a world where there are predictable outcomes of human behaviour. Studies on policing have provided ample opportunity to re-examine and reflect on the roles and styles (Wilson: 1963), and functions and methods (Bayley: 1977, 1996, 2006) of the police. Of course, this has not been a static process, with economic²⁴, social²⁵ and political²⁶ crises unfolding in the latter part of the 20th and early 21st centuries, helping to shape and reshape the role of policing. Crises such as the two World Wars, the Holocaust, Latin American revolutions, the Gulf wars and, the events of September 11, have all re-defined the roles of traditional policing agencies across the world.

Security governance (Shearing & Wood: 2000; Wood & Du Pont: 2006), accountability processes (Punch: 2009), practical agreements (Newburn & Morgan: 1997), inter-agency co-operation, collaboration and innovation in policing methodologies are fast becoming the new

²² International Policing is now much more focussed with detecting terrorist threats and neutralising it. Many police agencies have started terrorist detection units as a result.

²³ This refers to the political control over the police and the need for better international co-operation and training to deal with the new threats faced by an increasingly vulnerable world.

²⁴ The collapse of international stock-markets, and the bursting of the housing bubble through the sub-prime lending crisis for instance.

²⁵ The mad-cow disease that hit Europe, the Ebola, HIV Aids and other health pandemics to hit the world, growth of the global technological revolution.

²⁶ Regional Wars in Africa, wars in the Middle East and Eastern Europe.

style of police agencies across the world. This in part has been necessitated by factors such as a fast-changing world due to better communication systems, the digital revolution, more efficient banking systems, rising power of computers, and the threat of terrorism. The information, communication, and digital revolution has recreated the world as a smaller, more cohesive global village that requires more intrusive policing methodologies. These developments, in turn, have affected the quality of policing and have generated new criminal categories such as cyber-criminals, cyber-sexual predators, and serial fraud schemes.

Due to the social and political crises of capitalism that emerged across the globe²⁷, policing has increasingly been used to police political opponents, particularly in countries where oppressive regimes govern (Cohen: 2001; Chomsky: 2005; Reiner: 2007). While this is hardly a new development, increasingly, however, a new consensus emerges in democratic countries which has significantly reshaped the role of the police through events such as September 11. The response to the attacks appears to have reinforced the police's view that they are the guardians of the moral order and are in it alone; the thin blue line between order and chaos (Altbeker: 2005; Faull: 2010; Brown: 2008). In short, it has entrenched the dominant police perspective around the world that police are a necessity that society cannot do without. As Andrew Brown (2008: 8) observes:

“Society demands that the drunkard lying in the gutter be removed, but no one wants to touch his stinking clothes. Someone has to put on their boots and wade into the sewage of human behaviour; that person is the dedicated, poorly paid and under-resourced policeman or woman.”

However, this view of policing has become associated with outdated policing strategies as there are new directions towards pluralism in policing as Bayley and Shearing (2001), Baker (2002, 2008); and Berg and Shearing (2011) point out. In this scenario, the police are but one part of the fight against criminality, and there are other actors which mediate the control that police have traditionally exercised. The changing directions signify a greater challenge to the Westphalian notion of states and power that they accumulate. Despite these

²⁷ The bond crisis of 2008, the collapse of the stock markets in 2002, 2008 and 2011, and the fraudulent Ponzi schemes (such as the Madoff investment scandal in 2008) all affected international finance capital.

contradictory views of the police as consolidating the monopoly of power and the police as part of another node in a network of governance, the challenges of policing gangs remain.

The evolution of the police that was started by Sir Robert Peel in London, from a force that has focussed on order maintenance (Reiner, 1995), to fighting terrorism, has come to signify the changes that society is undergoing (Ortiz, Hendricks & Sugie: 2007; Deflem: 2009). Modernity has redefined the roles of the police, the institution is used to provide protection against a number of threats, which include terrorism (Hobsbawm: 2007) drug enforcement, robberies, fraud syndicates, public violence, and riots. Today, that role has fundamentally changed. Terrorist threats to society, public violence and fear create new expectations on the part of the police to manage perceptions of crime, battle organised criminals, and create perceptions of safety.

To this end, much has been written on the role and function of the police. Numerous scholars have pointed out that there are various occupational cultures (Klockars: 1985; Brogden & Shearing: 1993; Bayley: 2006; Reiner: 2007) that inhabit the institutional structure of police agencies across the world. These occupational and institutional cultures provide the impetus for the types of policing we see against certain criminal behaviours. Policing sex workers (Legget: 2001; Storch²⁸), skid row peacekeeping (Bittner: 1967), policing slums (Whyte: 1943), public (dis)order (Waddington: 2007), racial groups, drug crimes (Legget: 2001), violent youths (Dowdney: 2003, 2007) and gangs (Thrasher: 1927; Klein: 1995; Bourgois: 1995; Spergel: 1995; Kontos, Brotherton & Barrios: 2003; Standing: 2006; Venkatesh: 2008) all require special skills and attention from policing agencies.

Discussing police occupational cultures requires an in-depth understanding of what and why the police do what they do. Police agencies across the world engage in cultural practices that define the parameters of what constitutes police work. Extensive research has been conducted on policemen's working personality (Skolnick: 1966), what police do when they are on patrol (Ericsson: 1982; Wilson: 1963; Bayley: 1977; Ericson: 1982), police behaviour (Wilson: 1963; Reiner: 1992, 2007), police security governance, (Wood & Du Pont:

²⁸ Storch, R.D. (1977), Police control of street prostitution in a Victorian London, in Bayley, D. (Ed.) (1977) Policing Society, Sage Publications, California, p49.

2006; Shearing: 2003), policing different societies (Bailey: 1977); and deviant corrupt policemen (Punch: 1985).

Research on the police by its very nature is difficult, diffuse, and dependent on the extent to which police grant access to researchers. Reiner (1992) maps out how police view different categories of researchers. As much as there is extensive research on police-work personalities regarding what they do and how they do it, opportunity always remains for further research on how they police certain categories of crime. Research has been conducted into how police make communities safer (Shaw: 2002; Shearing: 1983; Kelling: 1996), how they police crimes against women (Leggett: 2001), how they police crimes against children (Burton: 2007), crimes perpetrated by the police (Punch: 2009; Ianni & Reuss-Ianni: 1976), public order policing (Waddington: 2007), policing football hooligans (Stott & Pearson: 2007), and plural policing, (Baker: 2008).

While there has been research on the policing of gangs, it has almost exclusively been in an American context and has by no means been exhausted in terms of the contribution to the literature. There remains a gap on how the policing and governance of gangs are contested. Most of the research on gangs and their activities have been conducted by American scholars, with a smattering of British and more recently Latin American scholars. While the context in which gangs are policed in South Africa remains different, it is by no means exceptional. A lacuna remains visible when it comes to research on the policing of organised armed gangs, and the contested governance exercised as a result.

2.4.5 Policing occupational culture

A useful starting point for examining police institutional cultures is to look at the policing of gangs. It provides an opportunity for examining police occupational culture as it involves policing at the coal-face. Gangs, especially the violent types, spread fear and terror in communities they inhabit. In some communities, they are responsible for high levels of violence and other crimes. This often divides communities, and the police in their effort to

fight the gangs, regularly come under pressure and attack from community structures²⁹. The media is another institution that helps to construct and shape police responses to the gangs (Cohen: 1972). These pressures, community and societal, sometimes force police to embark on operations against gangsters. Whether they succeed or not, however, is another matter entirely and is tied up with the reproduction of crime theories.

During police patrols there are times when deep inter-personal conflicts between police officers and gangsters arise, especially where police have come to know their regular 'clients', gang leaders, members, and supporters. It is by examining this deep inter-personal conflict between individual police officers and gangsters that we are provided with a useful example of contested space and governance in townships.

While the approach of the police to gangsters appears to be standard operating procedure³⁰, not much is known of what happens when the police officers interact with gangsters and vice versa. There are similarities and peculiarities in approach when the police and gangsters get up close and personal that provides us with a rare glimpse, a quiet opportunity, or a moment of reflective reality into the psyche, mindsets and opinions of the 'other', of both gangsters and police when they contest common community spaces. In her study of police unions and occupational cultures, Monique Marks (2007: 233) notes that sub-cultures emerge when police officers clash with the dominant management cultures:

"But this does not mean that an organisation hosts a single and uniform organisational culture: co-existing within it will inevitably be sub-groupings, with their own characteristics and identities, each creating its own networks of meanings, while remaining, for the most part, tied into the ideologies and values of the organisation's leadership."

Marks points out that police unions play an important role in helping to shape the emerging cultures within the police institution. Janet Chan³¹ also notes that police officers

²⁹ See Dixon (2000), Dixon & Johns (2001), Standing (2006), Kinnes (2000) and Jensen (2008).

³⁰ Police officers never approach violent gangs members while they are alone; they never attempt to arrest violent gang leaders in public (unless they have substantial back-up) and they often conduct search and seizures of gang homes with reinforcements while using Public Order Police officers as back –up.

³¹ Ibid, p135.

have different 'stressors' that inevitably impacts on the culture of the police through organisational stressors.

But how should gangs be policed, and what makes the policing of gangs so problematic? The official view of gangs has made it difficult to police gangs according to some social researchers. Andre Standing (2006) for example, challenges official assumptions about gangs and organised crime on the Cape Flats. What makes policing gangs in South Africa so complex is that they are exceptionally violent and in some cases, have organised and enrolled community support (Altbeker: 2007, 33; Goga, Salcedo-Albaran & Goredema: 2014, 4; Kinnes: 2000, 13). Unlike other gangs in the United States, South African gangs are more enterprising (Kinnes: 2000). They can attract hundreds of supporters onto the street to oppose police actions. Arresting a known gang leader for instance in a poor, densely populated community could have dire consequences for police officers as they are often attacked by irate gang supporters³². Not much is known about the operational methodologies utilised by the police against gangs in South Africa since 1994, but this thesis hopes to illuminate this.

The opportunity to reflect on how and why the police choose certain methods to fight gangs sometimes has little to none to do with the level of violence, intimidation, and crime perpetrated by the gangs, but more to do with the symbolic contest for space and control of the environment that is being policed. A permissive³³ section of a community that tolerates gangs and the things they do has consequences for law enforcement and, ultimately, the perceived social control exercised by the police (or gangsters). While much has been written on gangs and the violence they cause, the literature on how police institutional culture impacts on policing of gangs is undeveloped.

There have been studies conducted on the structure of gangs (Thrasher: 1927; Hagerdorn: 2008; Brotherton & Barrios: 2004, 2008; Pinnock: 1984; Kinnes: 2000; Standing: 2006; Van Onselen: 1982, 1986). Other studies have shown how gangs are formed (Klein: 1971, 1995; Schneider: 1999; Brotherton & Barrios: 2004), how they rationalise their actions

³² There have been several attempts to arrest gang leaders of the big gangs in Manenberg and in at least one case a police officer was shot.

³³ During the fight against gangs and in the gangs/ vigilante wars between 1996 -2002, there were significant sections of certain communities on the Cape Flats that openly supported the gangs such as the Hard Livings and Americans.

(Venkatesh: 2008; Brotherton: 2008) and how they are structured (Pinnock: 1984; Standing: 2006).

Despite police constantly engaging with gangs in various major US cities and around the world, Steffen Jensen (2008) suggests that neither gangsters nor community members trust the police and regularly contest the space that both police and gangs occupy. The gangs were sometimes even seen as part of the community and therefore supported. Jensen, who worked with community members, police officers, and gangsters in the Heideveld area over a period of two years, found that gangsters had changing views of the police and the community.³⁴ The police view gangsters as *skollies* (Jensen: 2008: 122) and drug dealers. Gangs divide the community and the police, subsequently also affecting the policing of gangs. He quotes a police shift commander's view of what is required to do his job (Jensen: 2008: 135):

"You have to be violent to do this job. Believe me, I hate myself for having to act in that violent manner but if you don't, you will not be able to do this job."

The emphasis on violence as a requirement to do the job of a policeman points to how police officers themselves see the people they police. Many of the police officers involved in the fight against gangs take their jobs very personally and see gangsters as "rubbish".

2.4.6 Police property

Both Ericson (1982) and Manning (1997) argue that the social organisation of policing is deeply influenced by the culture of the police. In studying police patrol work, Ericson suggested that a policeman develops a working personality and attitude towards his work, and in the process assumed different personalities when dealing with different types of criminal offenders and victims. It is reasonable to assume that the methodology used to police

³⁴ This is something that my own respondents have also spoken about, where one gang leader laments the fact that police officers no longer see their work as a profession as nurses do.

gangsters is greatly influenced by the police's organisational culture and by the typification of gang members as 'police property'.³⁵ Reiner (1992: 118) suggests that 'police property':

"...are low-status, powerless groups whom the dominant majority see as problematic or distasteful. The majority are prepared to let the police deal with their 'property' and turn a blind eye to the manner in which this is done. Examples would be vagrants, skid-row alcoholics, the unemployed or casually employed residuum, youth adopting a deviant cultural style, ethnic minorities, gays, prostitutes and radical organisations."

The police also have a view of people who they work with, such as researchers, non-governmental organisations, and other interested individuals attempting to change policing. Reiner (1995: 119) quotes Simon Holdaway's definition to refer to people who can uncover the secrecy of police culture as 'challengers'. They include doctors, lawyers, journalists, researchers, and social workers.

While examining these 'ways of seeing' is useful in attempting to understand police culture, the literature does not advance the discussion towards an understanding of how, why, and what police do when they police gangs. More importantly, what are the institutional practices learnt and taught as major elements of police culture? While recognising what the building blocks of the dominant police culture is, the fact that the police institution is built around specialisation when it comes to certain crimes, aids, and abets, the development of sub-cultures in different units, divisions, and sections of the police as evidenced in Greene and Pranis' (2007) research.

How the police are viewed is a central theme that has emerged in my research with gangsters identifying police officers as *vuilgatte*, *mapuza*, and *skollies* (Kinnes: 2012: 42). In order to fully understand how gangs are policed, there is a need to look at police culture and how it manifests itself in the values, mission, and practices of institutions like the police.

2.4.7 Elements of police culture: Authority, Respect and Belonging

³⁵ See Manning (1997) and Ericson (1982).

A society is made up of its unique history and culture, fostering a dominant culture, variants thereof, and strands of subcultures. Societies, institutions and organised groups therefore give rise to working cultures, established cultures, and subcultures. These cultures permeate all societal institutions and shape the responses, reactions, ways of seeing and ways of doing of the dominant actors in institutions. The dominant cultures eventually create a variant practice that helps to strengthen and reinforces social stereotypes, social taboos, acceptable and unacceptable behaviours through such practices.

The police institution is part of society and is subjected to similar institutional cultures. It has dominant cultures and subcultures which governs the behaviour, attitudes, and decisions of police officers. It is these practices that eventually have consequences for the institutional practices of agencies such as the police.

Police culture manifests itself in the rituals, practices, and symbols that police officers employ in their fight against crime. Parenti (2001) suggests that because the police appear to be involved in a 'war against crime', their approach tends to be militaristic. Such an approach implies that police officers are therefore the only thing standing between order and disorder. To play this role, they should be armed and prepared, they should be 'better than the people they are locking up'³⁶, the fort that protects society.

There are many aspects of what is considered police institutional or occupational cultures. These include how police officers see and respond to relationships with 'outsiders', how they take orders, how they construct suspects, how they see themselves in relation to the rest of the world, how they interact with criminals, and how they see other police branches, units, components, and divisions. There are historical tensions between detectives, patrol officers, and charge office staff, just as there is the rationalisation and justification for their behaviour, their excesses, etc. While these aspects of police culture are important and interesting, for the purposes of this chapter I wish to focus on those relevant to the scope of this study: respect, authority, and belonging, as well as how the police manage and make

³⁶ This is a comment made by a senior police officer interviewed as part of the research process. I write about this elsewhere in this thesis

sense of cultures and subcultures. I want to suggest that respect, authority and belonging are three important cornerstones of police culture for several reasons.

2.4.7a Respect. Police officers foremost want respect from the people they police. When they initially join the police, they do not automatically receive the respect from superiors, colleagues, members of the public, politicians, and people they are supposed to police, including criminal gangsters. Respect is something they need to earn. Individual police recruits can only earn such respect after they have learned the ropes and show other officers, peers and colleagues that they can understand the processes, practices, and systems of police behaviour (Fielding: 1988: 65). They make meaning and earn respect through implicitly regulating the behaviour and compliance of others and expect respect from their juniors, administrators, public officials, and members of the public through the command and control system inherent in all police forces throughout the world.

They might not get respect from their senior officers due to the hierarchical nature and subsequent expectations of the police's ranking systems. However, they can command respect from members of the public, petty criminals, and gangsters through the sheer force of their presence in uniform and the authority it represents. Once the newly-appointed officer has been inducted into the police methods, practices, and ways of doing things, and after being on patrol for a few years spent getting to know the ropes of policing, they *expect* respect from the people they are policing. In my view, respect remains a cornerstone of police institutional culture, but that gangsters seldom show police the type of respect that they demand, creating a tension between them.

Peterson (2008:106) shows why the police officers want respect and how they use their authority when policing young men on the streets of Scandinavia. She spent time watching police patrol and interact with young men. She found that in their actions with young people, the police:

“Demanded respect, and their interactions with the youth were orchestrated so as to bring forth a public recognition of their authority as police officers, even if this was not always immediately forthcoming on the part of the youths.”

Gangsters show disrespect and contempt for the police as a way of undermining their authority (Holmes, Tewksbury & Higgins: 2012, 34). The lack of respect shown by gangsters towards the police creates a powerful beacon towards which the individual police officer gravitates, he has to challenge this disrespect in order to establish his own respectability and authority in the process. The fact that it is elusive makes it much more valuable and sought after. That is why the interface between organised gangsters and police officers is almost always violent, because when police officers cannot get the respect they want, they resort to force and coercion (Terrill, Paoline & Manning: 2003).

One gang member I interviewed indicated that it was the poorer and uneducated sections of the community that were joining the police. They join the police because they want access to power which is symbolically tied up with the gun and the uniform of the police. When they finally become officers and interface with gangsters they had otherwise known as children, they want to exact revenge for the humiliation they felt at the hands of gangsters in their youth. Gangsters even identify policing as a respectable professional career, as one of my respondents³⁷ put:

“If you look at police officers in other countries, they make a career out of policing. His grandfather was a policeman, his father was a policeman, he is a policeman and his child will one day be a policeman. He has that love, that passion to be a policeman, to make the difference. But our policemen are not like that.”

These comments resonate strongly with the reasons pointed out by Jonny Steinberg (2008) in *Thin Blue*, why people decide to become police officers in South Africa. It's a job and a solution to unemployment. In a society where unemployment is so high, there exists a lack of a career-mindedness in the community's culture. If the status of policing as a noble profession has irretrievably been smudged by the political role of the Apartheid police, then the world economic crisis and its effects on South Africa has reduced policing to just another job where respect can be extracted from others (Altbeker: 2007).

2.4.7b Authority. Police culture is all about authority through symbols. The police officer is entrusted by the state through city-, county-, and federal police agencies to carry

³⁷ Interview with PD on 17 September 2007.

out a function that will ensure public order. For police officers to fulfil that duty they are issued with the tools to represent the authority vested in them by the state. Those tools include the uniform, weapons, badges, symbols, motor vehicles with brightly painted insignia, communication tools such as two-way radios, and standard operating practices. These tools create the illusion of authority³⁸ which police officers uphold and practice. It is something that Peter Manning (1977) argues that does not necessarily create the protection (and respect) for the individual police officers. In his description of a police funeral, Manning (1977: 22) argues:

“If the protectors of a social order are themselves vulnerable, if even such sacred symbols as the flag (worn on the vehicle, on police identification tags, as tie clips, lapel pins, decals and bumper stickers) and the city’s seal; secular symbols of power, such as guns, truncheons and handcuffs; and symbols of technology and science, such as radios, computers, electronic watches and bullet-proof vests, cannot protect the protectors, then doubts are raised about the protective power of the symbols and the order they represent.”

Despite some researchers’ speculations, to the individual police officer these symbols represent power and respect. While of course this is compelling when researching the cultures and subcultures of the police, the question that arises is whether the gangs that are being policed recognise and respect the symbols of the police. In Manenberg in the Cape Flats, there is no respect for the police’s authority from gang members, whether they are 14 or 45 old.³⁹ This has a lot to do with the erosion of the moral authority of the police due to their political role during Apartheid, of which the police had never fully recovered. The constant accusations of corruption on the part of police officers also help to erode their moral authority over the community. Gang members do not respect the symbols of the police because they have their own symbols (tattoos, for instance) to which they pledge allegiance.

2.4.7c Belonging. Belonging is the focal intrinsic value that all police officers internationally subscribe to. Policing is about doing society’s dirty work (Altbeker: 2008; Brown: 2008), often without reward. Officers regularly face scorn from the locals (and their

³⁸ Today, that authority that vests in the police uniform and weapons is being diluted with the many private security companies that have emerged on the security landscape, each with their own uniforms and weapons and standard operating procedures. This dilutes the authority of people calling themselves police.

³⁹ During several police operations I witnessed, there was complete disrespect for police officers forthcoming from both adults and children.

colleagues)⁴⁰, unnecessary exposure when they mess up, and ridicule from criminals who get away. Police officers understand that no one is there to protect them (Brown: 2008), that they need to have one other's backs and they are the only thin blue line between order and chaos (Brown: 2008; Steinberg: 2008; Reiner: 2007). In the face of societal rejection, ridicule, and exposure, police officers need a strong sense of belonging where they are accepted and can protect their own. They get this in the police institution with its rules, uniforms, procedures, and practices, making the images and perceptions of police culture the lived reality of everyday policing.

Central to the academic push to understand police culture is also how police see others; how they see the people they are policing and how this socially constructed view of reality, criminals, and the public becomes the de facto world of the police culture. We cannot truly examine police culture without referring to how the police construct images, pictures and perceptions of the people they police.

2.5 The social construction of assholes, rubbish and gangsters

Van Maanen (1978) argues that the police constructs images of people they police. The social construction of the identities of individuals they police is crucial for police officers (patrolmen) to make meaning of their function. His seminal study of police labelling refers to three categories of people they police (Van Maanen: 1978: 309):

"Suspicious persons who the police have reason to believe may have committed a serious offence; assholes, who do not accept the police definition of the situation, and "know nothings" - those who are not either of the first two categories but are not police and therefore, cannot know what the police are about."⁴¹

Understanding the significance of this observation for police officers becomes important because the labelling of what it is they are policing gives great meaning, significance, and prestige to a police officer's sense of authority and power over the other. It

⁴⁰ See Gould, 2009: 24.

⁴¹ Van Maanen, J. (1978) The Asshole, (p309) in: Manning, P.K., and Van Maanen, J., (eds.), Policing: A view from the Street, Santa Monica, CA, Goodyear Publishing, pp. 307-328

is something that eventually creates the respect that police officers expect, especially when performing their duty and when it comes to 'real police work'. It is, as Van Maanen suggests, 'the asshole' that gives the police the respectability and authority:

"The argumentative motorist, the pugnacious drunk, the sometimes ludicrous behaviour of combatants in a 'family beef' all interfere [with], and hence make more difficult, the police task. Of course, some officers relish such encounters. In this sense, ironically, the asshole gives status to the police rather than takes it away."⁴²

Crank (1998), however, takes issue with Van Maanen by suggesting that police officers label citizens as assholes even before they encounter each other. This is because police officers have 'a very good read of citizens after thousands of encounters' (Crank: 1998: 161). It is this logic that is sometimes extended to even other police officers as he argues that in the police patrolmen's view, 'people start up being assholes, they don't end up being assholes'.⁴³ Per Crank, Van Maanen appears to have had the labelling process back to front. What this discussion shows us is that police, already by means of their own internal canteen culture, label people before they encounter them. This is the case with gangsters too. In a postmodern world, police officers make much more sense out of the labelling of categories of people they police - such as gangsters. It is a category that has undergone much change over the years, but they remain 'rubbish', 'good enemies', and 'skollies'.

In his paper on police assessment of moral character, Harvey Sacks (1971) noted that police culture is learned through observation of other officers and that police see outsiders differently. He points out that a new patrol officer is usually taken through the beat with an older, established officer who teaches him ways of seeing and checking on appearances. As Sacks (1971: 285) notes:

"As he walks through his beat with a mature officer, persons who to him appear legit are cast in the light of illicit activities in which the latter knows they are engaged. The novice is shown that which he ought to see persons passing him in terms of the activities in which they are engaged. And the activities in which they are engaged are often more prurient than he might suppose. The lovely young lady alighting from a cab is now observable as a call-girl arriving for a session. The novice is shown how to

⁴² Ibid, p316.

⁴³ Ibid.

see the streets as, so to speak, scenes from pornographic films. And what is more, he is able to see the illicitness under conditions that few, if any, who observe him passing through the street are able to see either that the officer is in such a scene or what it is that he is indeed observing. The policeman, then, has the privacy of the stage show theatre, while parading the streets in full uniform, and, further, there is no noticeable entry or exit at which, if he is seen, embarrassment might be called forth.”

The account described by Sacks (1971) helps the police ‘see’ and what eventually becomes part of their repertoire, methods, and practices, and reinforce dominant perceptions of police culture. There are ways of learning about- and seeing criminals, as is with gangsters. Police have established perceptions about gangsters. They are ‘*rubbish*’ (Reiner, 1985: 119), ‘*scorrie morries*’⁴⁴ (Police officer), and ‘*skollies*’ (Jensen, 2008: 122).

This theme is amplified by Howard Becker’s (1963) work on labelling others in ‘*Outsiders*’. Becker convincingly argues that deviant behaviour is behaviour labelled as such, and creates a reaction to this labelling. When the police label people as ‘other’, they are in effect creating, constructing new (or reinforcing old) criminal categories and then respond to the perceived deviance of different criminal groups such as gangsters. It also allows the police officers to behave in certain ways towards the labelled group.

This subculture comes into play when the police units responsible for policing gangs eventually go out and police gangs. The officers’ views about gangs and gangsters are shaped by their socialisation with, and preparation by, other more experienced officers in the unit.

During a visit to the Los Angeles Gang Unit in the late nineties, I was asked to go out on patrol with the police officers in Compton. While the patrol took place and certain gang strongholds were pointed out, I couldn’t help noticing that the gang members were greeting the officers while showing off gang signs as they drove past. I commented that it appeared as if the unit had handed over ‘nominal control’ of the streets, which was unlike the case with the South African Police. The police officers turned around and stated in a matter-of-factly:

“Oh, out here we go home in the evenings. The gangsters, they die, but we are the ones that go home. They go to the mortuary. Yep, we make sure we go home.”⁴⁵

⁴⁴ Riff-raff

⁴⁵ Own observation.

What the police officer was implying was that when it came to gangsters challenging police authority, officers would not hesitate to kill gangsters and go home. Moreover, it implied that there appeared to be some undeclared right that was understood by all that officers in the gang unit, that any violence against gangs would be justifiable through their war against the gangs. The 'we go home' comments were repeated by other officers as if it were a mantra, even the younger officers lived by the dictum: "*We go home at night*".

The institutional structure of the police includes all the normative processes, practices, rituals, training, deployment, discipline, and symbols that police engage in, that shapes their behaviour and determines their responses to external stimuli. These external stimuli can include any interaction, process, or engagement that police officers must experience and deal with which lies outside the immediate police environment and is not seen as 'real police work'. Examples of this include engagements, interactions, and processes with journalists, reporters, researchers, community members, non-governmental groups, politicians, and other members of government departments.

External stimuli lie outside their immediate institutional focus and sometimes come into conflict with their accepted world view of right and wrong like, for instance, when the officers are given an order not to arrest certain individuals because they are informers, or work closely with the police. Such an order often baffles the new police recruit because they do not understand how the system of police power operates or who the police have power over. It ruffles their values, perceptions, and constructed realities, especially if the person they wanted to arrest was involved in crime. This would be the new recruits' first conflict with the police and their power politics⁴⁶.

The institutional culture then becomes much more than the immediate physical reality; it permeates the metaphysical, the spiritual, the religious processes of policing. The perceived reality is the *real*, the immediate and physical and can be found in the way they plan, how they police crime, the command structure, the leadership hierarchy and the styles

⁴⁶ An interesting event took place in Manenberg in 1992, during the dying years of apartheid. The newly appointed station commander was informed by a protesting community that one of his reservist police officers was colluding with gangsters and was corrupt. To appease the community, he immediately proceeded to suspend the police reservist. The station commander was promptly ordered to re-instate the corrupt police officer and was never able to fire him because of the protection he received from the national leadership of the police.

of policing. Police officers always believe that only they will understand this and that is why they are the border between chaos and order. It is something that Skolnick (1966: 44) agrees with and suggests:

“That the whole civilian world is an audience for the policeman further promotes police isolation and, in consequence, solidarity.”

Malcolm Gladwell (2000: 150) raises important arguments about the ‘broken windows’ theory in policing, advocated by George Kelling, being about the *Power of Context*. While the context for policing gangs around the world was dependent on the police’s role and embedded cultural mission, South Africa’s context was one where the Apartheid police were incubated to carry out *kragdadigheid* (heavy-handedness) policing, the dominant accepted style and culture of policing black people before political transition in 1994.

Per Shearing, (1981) officers encounter police subculture after their formal training. The police, he argues, are caught between two value systems: policing ‘problem populations’, while working in an environment that supports the idea of egalitarian policing. This environment is supported by police culture and he identifies four typologies of officers that either conforms to police culture or not: *Wise* officers; *Real* officers; *Good* officers and *Smart* officers (Shearing: 1981: 32).

Without going into explanations of what each of the officer’s position towards the police culture was, it is important to note that Ericson (1981: 88) suggested that police officers must conform to breaking rules if they are going survive police culture. He argues that police officers are more loyal to the organisational (read institutional) laws and will use formal laws to justify what they want to achieve informally:

“Police officers orient their actions in terms of rules that are not typically visible to anyone but themselves, using formal rules to justify what they want to accomplish according to their working rules.”

2.5.1 *Apartheid police culture*

During the Apartheid years, society attached great significance to the police uniform, to the point that the police were seen as having a mandate of God himself. As Jimmy Kruger, then Minister of Justice in the Apartheid Vorster Government, noted (Brogden & Shearing: 1993: 41):

“It is so that the all-knowing God thought fit to exercise His authority on earth using the services of people, parents, and officials of the government. Therefore, the wearers of the fine uniforms of the police are also mandate-holders of God.”

In South Africa, police culture was viewed as the major obstacle to (old South African) police transformation (Brogden & Shearing: 1993: 96). They point out that there were two dominant strands that could be used to address police culture. One was the *legalist* or *rule-making* devices, and the other was *culturalist* devices. They argue that international consensus avers that police culture can, and should, be addressed by a combination of legalist and *culturalist* devices. They go on to identify four ‘orthodox techniques’ of transformation which all contribute to minimising or containing police culture: cultural colonialism, incorporative devices, internal role changing, and external rule-making. These *legalist* and *culturalist* approaches are inter-dependent and complimentary. They do, however, concede that dealing with infractions on the part of the police legally, through introduction of rules, do not play a big role in changing police behaviour (Brogden & Shearing: 1993: 96).

“New rules can never catch up with police practice. Attempts to transform police practice that have envisaged the problem as critically one of the rule-making have failed to recognize that ‘where there is a will there is a way’. The culture is resilient. Rule-making practices on their own are insufficient. Principally, rule-making devices have failed to recognise that you cannot ‘crush the culture’.”

Critical to our discussion though, is the fact that while the Brogden and Shearing’s (1993) thesis focuses on the transformation aspects and challenges of policing for a new South Africa, much of this looks at the macro-structure of the old police with a view to change and transform it. They recognise the beast of police culture as being resilient. I want to contend that we have not turned the corner in fundamentally ‘transforming the South African Police’. While the Brogden and Shearing’s study posits certain realities of the old South African police culture and have indeed contributed to our understanding of the police under a very

particular (Apartheid) set of circumstances, it does not deal with how police institutional culture affects policing of gangs.

As indicated earlier, police culture in South Africa in the context of transformation has little to do with policing certain aspects of crime, and more to do with the attitudes, mentalities, and processes individuals and groups of police officers engage in when going about their day-to-day policing. It has also been pointed out that due to the political transformation, the gangs have become more organised, posing much more difficult challenges for the police (Kinnes: 2000). Writers have argued that the 'Apartheid policing syndrome' developed an institutional culture of policing, and that the new police hierarchy, and traditional approaches of dealing with police culture, appears to not have been impacted fundamentally.

2.5.2 Transforming police culture?

The dilemma for the new rulers of South Africa has been how to manage the old police culture when the different policing agencies merged to form the new South African Police Service (SAPS) in 1995. It required that the old Apartheid policing culture be transformed so that it could give birth to a new culture of tolerance and respect for human rights of all people in the new (inclusive) South African nation.

Faull (2008: 83) suggests that it appears the police culture, attitudes, and mentalities of the old South African Police Force (SAPF) have persevered in the modern South African Police Service (SAPS). He argues that attention should be paid to issues of diversity and police culture when dealing with transformation issues. While the issues raised by Faull's research helps us understand the context in which policing occurs, it also helps bring us closer to what has become the dominant police culture.

Gail Super (2010) suggests that governments both old and new, (through policing) use crime and statistics to extend their governance of communities. According to Super (2010) the adoption of liberal policies by the post-Apartheid government, did not release it from increasing crime and punishment. She shows how the adoption and use of human rights

policies by the new ANC government only served as a smokescreen to continue similar practices of its National Party predecessor. These neo-liberal practices is mediated through a return to race and the governance of crime. Super builds on the work of Anne-Marie Singh (2008:9) who suggest that crime and its control was problematized in new ways in the new South Africa and involved significant reshaping of the objectives, tasks and limits of state rule.

Jonny Steinberg (2008) in his compelling study argues that policing South Africa's violent townships can only be undertaken through the consent from the people they are policing. Steinberg argues that for the police to be effective, they must break free from their shackles of the past oppressive policing. He cites the example of the role played by the Criminal Investigation Department (CID), especially those black police officers linked to the old Brixton Murder and Robbery Unit and the fear that they invoked. In describing the role of a police unit, he relates a story told by one of the people who suffered at the hands of the Unit (Steinberg: 2008: 78):

"We were scared of him because he was CID, Mtutu recalls, and especially because he was Brixton. But as far as I know, he never laid a finger on anyone in Mzimhlope. It was a question of his aura. We used to say that there in Brixton at the Murder and Robbery Squad, they have what is called the *waarheid kamer*, the 'truth room'. They take you there, and you do not leave until you have told the truth."

He then goes on to explain how the past of the police created the disrespect and distrust that was displayed by the people they were meant to police. The police were only allowed to move back to the communities when the community allowed them back:

"We are the ones who threw the police out of this township', he chuckles, 'and now we are the ones who have invited them back'." ⁴⁷

Confronting suspects in shebeens, townships, and in a state of drunkenness is often dangerous and attracts other people onto the streets. This is not what police officers like doing as resistance to this rises, there are people who group together and attack police officers when given the opportunity. That is why they prefer to deal with vulnerable groups, so that they can exercise their own power over the vulnerable, the weak, and those who are not able to resist. The police are trapped in the same box that many of their complainants

⁴⁷ Ibid, at 51.

find themselves in. They live (and work) in the same geographical space, surrounded by violent spaces, and must make sense of everyday life as mediated through their attending to complaints and incidents.

The notion of occupying the same geographical space helps us to understand the metaphor⁴⁸ of policing gangs, often difficult and dangerous because the forms, structures, and typologies of gangs have changed. It is however also true that the space is contested between the gangs, police and other actors.

Andrew Brown (2008) also notes that the police have their own occupational culture that is rooted in a very violent society. In a ground-breaking ethnographic study reflecting on the experiences of policing, sex workers, old women, hijackers, robbers, street drug pushers, taxi drivers, and other street characters, he states that the police have a view of themselves that appears to look down on and stereotype the behaviour of ordinary citizens.

The way police officers interpret events, incidents, and violence plays an important role in shaping the police institutional culture. For instance, it is a well-known fact that over two million crimes take place in South Africa annually.⁴⁹ Shifts, experienced police officers, vehicles, and types of criminals all affect the manner in which the police see others. This institutional, cop, or canteen culture is directly related to how the police construct their world. This view of the world defines 'the lot' of the policeman.

Brown spent more than ten years working as a reservist police officer at the Mowbray police station. His contribution to the discourse on police culture by using an ethnographic approach is helpful in that it shows how police cultures and subcultures are exercised in South Africa. Due to Brown's contribution we can now draw conclusions about the police institutional culture. This research gives us a first-hand account of how police ignore certain crimes, but are quick to react to others. It is something that Anthony Altbeker (2005) also analysed in depth after spending a year on patrol with police officers at 11 police stations throughout the country. What is useful from this analysis is that he presents a picture of the

⁴⁸ The police symbolically *police* gangs because they and the gangs are not in control of the space, but contest each other's governance of the geographical space.

⁴⁹ South African Police Service, Annual Report of the South African Police Service, 2008/2009.

police as doing what he terms 'the dirty work of democracy', through their interactions and engagements with criminals and the public alike. He shows that the police have struggled to adapt to the new democracy, but are undervalued and wonders whether their role in the new emerging democracy is misunderstood. He settles the account of what the police are expected to do, what they truly do, and how their institutional culture allows them the latitude to do anything.

But the police culture is more than what we see in everyday policing. There are also historical and political imperatives that have shaped the police culture as Mark Shaw (2002: 10) argues:

"Policing black areas was based on the principle of control and suppression of political dissent, not on managing crime levels."

Shaw compliments and completes the work of Brodgen and Shearing (1993) writing on police transformation a few years earlier. The police have served the interests of a racial state and the investigation of crime was aimed at 'crimes' perpetrated by black people. He continues by arguing that the transformation of the old SAPF was complicated and complex. He suggests that much more needed to be done to change the institutional culture of the police (Shaw: 2002: 23):

"Simply replacing white with black faces at the management level would not necessarily solve the problem - the nature of policing in the country was embedded in a deeply racist culture."

While Shaw's study is an authoritative appraisal of transformation issues facing a new police service in the country, including the gangs, it too provides very little comment on policing gangs. One way of attempting to make sense of the way gangs are policed is to consider how the governance arrangements of both gangs and police are exercised. I now turn to the question of governance and the notion of contested governance.

2.6 Contested governance

2.6.1 Definitions of governance

There has been a change in the patterns of what we have understood by governance. Several scholars have begun to write about what they perceive as the changes in governance. While it is outside the scope of this thesis to compose a comprehensive history of this literature, I will attempt to summarise some of the major trends in the growth and development of this literature as it pertains to this study.

Up to now we have understood governance to mean the management and control of populations for the purpose of conforming to the ideal of the nation state. James Sheptycki (2003) suggests that scholars of governmentality are united in Foucault's theorisation of governmental power. He neatly summarises the literature on governmentality to come up with a definition of governance as follows (2003: 291):

"Governance in this literature can be defined broadly as the development and implementation of policies for surveillance, control and maintenance of populations and territory. As such it provide a comprehensive history requires a range of measurement tactics employed within and outside the state in the pursuit of such aims."

Sheptycki (2003) does an analysis of the governance of organised crime in Canada as it developed in the 1990s and found that organised crime is not all that it can be, but that the observation of the governance of organised crime provides for greater governance through organised crime. He suggests that one of the reasons the state turned to governance of organised crime was for the state to reassert its own importance in the practise of governance (2003: 490).

As clarified above, much of the research on the policing of gangs, as with policing in general, has taken place from within a state-centred conception of governance that has focused attention on what state agencies do to govern others. Burris, Kempa and Shearing (2008: 3) suggest a definition of governance that provides similar overtones with the exercise of power:

"Governance may be defined as organised efforts to manage the course of events in a social system. Governance is about how people exercise power to achieve the ends they desire, so disputes about ends are tied inextricably to the assessment of governance means."

The literature on governance is growing phenomenally as we see scholars developing new theories and categories of governance. Examples of this are nodal governance (Shearing & Wood: 2003), networked governance (Crawford: 2006), global governance (Abrahamsen: 2004) and security governance (Wood & DuPont: 2006). These types and theoretical categories of governance shows that governance is no longer just something that governments do, but includes a host of other non-state actors. Governance refers to something far greater and wider than what governments do. It refers to assemblages, networks, and nodes of governance as part of the system that is to be found where power⁵⁰ is exercised.

Shearing and Wood (2003) suggests that changes have occurred in the conception of governance and that it has moved from state-centric (Westphalian model) to a nodal governance paradigm. They suggest that in such a conception of nodal governance, no node is given priority and that nodes of governance can operate in forms of benign neglect or in outright conflict with one another such as the police and vigilante groups (Shearing & Wood: 2003: 405). In a later study, Burris, Drahos and Shearing (2005: 5) places nodes at the centre of governance:

“Our theory posits that governance in such systems is substantially constituted in nodes – institutions with a set of technologies, mentalities and resources – that mobilize the knowledge and capacity of members to manage the course of events. Nodes are normally but not essentially points on networks, but networks are a prime means through which nodes exert influence.”

These nodes can comprise of both government, WTO corporations, civil society, and even criminal and terrorist gangs (Burris, Drahos & Shearing: 2005: 3). The plurality of governance is no longer dependent on the government, but on the manner in which nodes co-exist, influence, contest and impact on one another in expressing governance. If one then takes this as a means of understanding that governance can refer to those who deal with and wield power in defined spaces at defined times, then we must accept that gangs are also an important node in contesting the governance, or rather, coming into conflict with other nodes in the security assemblages.

⁵⁰ In this respect I take my theoretical starting point from Foucault’s conception of power being everywhere because it comes from everywhere.

2.6.2 *Contested governance*

Where different networks, nodes and assemblages come into conflict and contestation with each other over the distribution of resources to manage events and processes, it gives rise to contested governance. This understanding contributes to such a theme of contested governance, one where the governance arrangements of state actors such as the police are contrasted and contested by non-state actors such as gangs.

A significant theme has been the successes and failures of the police to limit the criminal activity of gangs. This largely has to do with the policy orientation that is central to this research. While these analyses begin to see gangs (and other targets of policing) as engaging in contests over order, they have for the most part seen this process as one of resistance rather than contested ordering.

In this contemporary view of contested governance, I propose that gangs and police contest each other's governance processes in the security nodes by contesting and competing in the same geographical space. Later in the thesis I will show how this contestation between the governance in the policing node takes place, and its effects and impact on the process of policing gangs.

The idea of contested governance is taken from the analysis of Ansell and Vogell (2006) on the European Food security scare and the subsequent fallout between US and European politicians and market leaders on what became known as mad cow disease due to genetically modified organisms in US beef. The key contribution they made is that all governance is contested to a greater or lesser degree because of the policy positions they take in relation to specific outcomes. As Ansell and Vogell (2006: 10) notes:

“By contested governance we mean to describe a more pervasive and fundamental form of conflict, one in which contestation spills beyond policy outcomes per se to who should make decisions and where, how and on what basis they should be made. Contested governance is associated with a pervasive sense of distrust that challenges the legitimacy of existing institutional arrangements.”

But contested governance is also confirmed as conflict between police and young men in groups who 'face off against each other' (Peterson: 2008: 105). Peterson followed two groups of officers policing the young people in youth groups on the streets and housing estates of Greater Stockholm. Drawing on Erving Goffman (1961), she traces the contests between the police and young men for respect and authority without losing face. If we understand governance as contested, then the contestation of governance between the police and gangs becomes clearer.

This research on contested ordering is consistent with emerging theoretical understandings of governance that sees governance as a plural domain of auspices of governance. The police and gangs both have hierarchies of authority, but have a symbiotic relevance to each other. They need each other unofficially despite their official stated aim to oppose each other and this gives rise to their legitimacy.

There are, of course, exceptions to this, such as Arias and Rodrigues' (2006) research on governance of favelas in Brazil by war lords and similar work on organised crime. These studies consider gangs and other illegal organisations, not simply as targets of state policing, but as alternative forms of governance that contest and seek to defeat and otherwise shape their ordering activities.

Their study in five favelas in Brazil took place between 1997 and 2001 and considered what they called 'the myth of personal security' and how this was governed by gangs and drug dealers. Their work confirms the suspicion that the gangs and drug traffickers partake in governance of their turf. The opposite is also true, the more the state acts against the gangs and traffickers in the favela, the more the residents support the gangs. This is true because the gangs have succeeded in being able to bring marginalised communities of the favelas into the broader social narrative and political mainstream (Arias & Rodrigues: 2006: 79).

But there are also limitations to this conceptual framework because it does not necessarily provide all the answers when it comes to the ordering and governance activities of gangs and the police. As previously pointed out, Falk-Moore (2005) had reservations about what it is that ethnographers choose to see.

Other significant concerns about this nodal approach, there may be smaller gangs that may not be competing for control of or governance of communities and there may be police stations that are not really interested in fighting gangs through contesting the space occupied by gangs at all. There may also be police officers who allow the gangs to go about their business. So while this conceptual framework is relevant, it cannot apply to all gangs, all police stations and communities equally.

2.7 Conclusion

In this chapter I have provided a contextual discussion of the literature on gangs and the policing of gangs. Examining definitional issues is important to this study in order to understand the changing nature in the scholarship on gangs.

The emphasis of early sociologists and criminologists on deviance and delinquency helps us to understand how the gangs have evolved over the decades as the liberal democracy has developed. Today, gangs in the information age provide governance of communities and counter-pose police governance with their own forms of governance. This poses particular problems for policing and the police.

I have also provided a look at the scholarship into policing gangs and have considered elements of institutional cultures of the police regarding three key determinants of respect, authority, and belonging, and how it impacts on the policing of gangs. I have also considered the theoretical frameworks internationally, and those in South African literature, and identified the gaps with respect to policing gangs.

I discussed the theoretical frameworks and definitions of governance as applied to the police gang situation and then went on to discuss why the governance of the police and gangs are contested. Applied to gangs and the police, these theoretical frameworks argue for a conception of police and gang contesting auspices of governance that are involved in an ongoing struggle for control over order and that seek to undermine, and otherwise frustrate,

the ordering of the other. This differs significantly from the conception that has dominated the work on gangs and police reviewed above.

Some research relevant to my topic of police-gang engagements has adopted this nodal perspective either explicitly or implicitly. What this work shows is that a contested governance perspective offers a novel understanding of how the police engage gangs and how gangs engage police that promises to significantly enhance our understandings of both gangs and police. This can be seen in the work of Ansell and Vogel (2006), Shearing and Wood (2003), Jensen (2008), Rodgers (2008), Peterson (2008), and Arias and Rodrigues (2006).

There are significant gaps in the literature when we consider that up to now, while there have been some studies focussing on gangs and policing, there has not been a sufficiently in-depth analysis of how police operations are governed by the governance that gangs exercise. Another gap in the literature is that scholars have not previously considered the impact of how the police exercise governance (Bayley & Shearing: 2001; Shearing & Wood: 2003). These are important gaps in the literature that requires answers. In addition, there is also the suggested institutional culture of the police that places a brake on the ability of the police to deal with gangs.

A significant gap is the consideration of police operations (more on this later) and its impact on gang organisation and governance. It should be noted however, that Tony Samara (2011) provided an in-depth look at some of the police operations in Cape Town. Having such a view allows us to understand whether such operations have helped to enhance gang solidarity, or whether it has hindered such collective solidarity. Following this, I will further develop ideas emerging from this body of research. These are all lacunas in the literature which I hope to answer by examining the following general question: *how are gangs policed?*

This question gives rise to four sub-issues and questions that the thesis will pursue.

1. How does the police's operational approach entrench gang solidarity?
2. How do police and gangs contest each other's governance of communities?
3. How do the institutional culture of the police and gangs impact on each other?
4. What are the policy implications of the complexities, nuances and inter-relationships between gangs and the police?

Each of these issues have already been explored within the gang- and other related literatures, but this exploration has been largely superficial. In exploring each of these questions in the following chapters, I will begin with a summary of what others have said with respect to them, either directly or indirectly. These findings and analyses of others will provide a set of expectations that I will examine and discuss in light of the findings of my research – research that I have undertaken over a period of 20 years (see methods chapter).

In each chapter I will explore how the findings of my research contribute to our understanding of police organisations, police operations, gangs, their operations, and the way gangs engage police. In doing so, it will contribute to our understanding of gangs and policing by state police organisations. This, in turn, will contribute to understandings of polycentric governance processes more generally.

Before I turn to a consideration of the research questions though, I will provide a contextual and historical analysis of gangs on the Cape Flats in the next chapter, which should help us understand the location of the study and all the levers acting on the governance of gangs and policing in Cape Town.

CHAPTER 3

Context: Cape Town, the Cape Flats and its gangs

3.1 Overview of gangs in Cape Town

Despite the media romanticising the idea that gangs only emerged in post-1994 South Africa, they have been around long before then.⁵¹ Gangs have a long history in South Africa and the earliest gangs were those that were formed in prison in the early 1900s. Charles van Onselen (1982) goes to great lengths to give us a history of Nongalaza, the original leader of the 28s prison gang in his history of the Witwatersrand, telling how the other prison gangs were breakaway gangs from the 28s gang. These were the 27s, 26s, and later the Big Fives and Fast Elevens who formed in prison around scarce resources and to challenge the authority of the 28s and prison guards.

The emergence of gangs on the Cape Flats against the backdrop of a government who forcibly removed the black population from the inner city areas in the city of Cape Town was no accident. The Apartheid government clearly attempted to extend its governance beyond the city by placing the Coloured and black population in dormitory towns on the Cape Flats (Pinnock: 1984). However, the forced removals by government had the opposite effect of social control: gang displacement and -social organisation.

The questions posed earlier are relevant in the face of the inability of police to deal with the organised armed gangs that emerged on the Cape Flats after 1994 and led to numerous operations to define how gangs are policed. But we have learned more about the governance practices of the police (and gangs) in the process of attempting to answer the question: how are gangs policed? The street gangs in Johannesburg, Cape Town, and Port Elizabeth were formed because of similar sociological and economic conditions that existed in those parts of the country.

⁵¹ There has been a plethora of media articles about gangs immediately after 1994, particularly in Cape Town. This trend increased soon after 1996 with the focus shifting to the Hard Livings and Americans gangs on the Cape Flats.

During the period just after the democratic elections in 1994, gangs were perceived to have grown and become more organised (Kinnes: 2002). Their social organisation and growth patterns have been the result of a particular set of social, economic, and political factors that have positively shaped their growth patterns, displacement, and migration, particularly in the Western Cape. The emphasis on the issue of gang interventions has initially been met with scepticism from politicians and criminologists.⁵² However, this scepticism has now been replaced with a genuine concern and interest, subsequently turning the Cape Flats into a huge living social laboratory. Scholars are re-examining concepts such as identity, race, and class issues, with a special focus on the Cape Flats.⁵³

3.2 Forced removals, displacement and crime

Early writers and criminologists have argued that it has mainly been due to of the forced removals policy of Apartheid that we have seen gangs develop in communities across the Cape Flats and in other areas of the country.⁵⁴ Areas such as Manenberg in Cape Town, Westbury in Johannesburg, Eerste-Rust in Pretoria, and Gelvandale in the Eastern Cape have traditionally been associated with gangs. Some residents of these communities have also been affected by the Group Areas Act in that many of its residents were from areas where forced removals were enacted, with some cases even seeing most of its residents forcibly resettled in new areas.

The forced removals heavily affected the Western Cape, at times even uprooting entire whole communities and forcing them into new areas on the periphery of the city. They were moved there and set up in streets and flats with residents of other areas. These residents had no previous associations and history of living together. Apartheid planners spared no detail in the removal process that saw whole families being sent to different parts of the Cape

⁵² Very few people were prepared to conduct research into gangs in the earlier 1980s with the exception of Schärf and Pinnock. See Schärf, W., (1993). An introduction to street gangs, Institute of Criminology, University of Cape Town. Also see Schärf in Hansson, D. and Van Zyl Smit, D. (1990) Towards Justice? Crime and State Control in South Africa, Oxford University Press.

⁵³ The work of Elaine Salo (2005) attest to this.

⁵⁴ See Western, J. (1981). Outcast Cape Town, George Allen and Unwin publishers.

Flats. Alfred Honikman, a former mayor of Cape Town has commented extensively on how Mitchell's Plain in Cape Town was planned in the face of the Group Areas Act.⁵⁵

In his study on gangs in Cape Town, Don Pinnock (1984) points out that forced removals have been an influencing factor for the development of street gangs. His study of District Six and Hanover Park in Cape Town charts the history and development of the Mongrels gang and looks at how people who were displaced due to the Group Areas Act started to form gangs. Most of these gangs were present in the inner-city area of District Six, which was known for having a gang presence, and today many former residents often compare the gangs of District Six to the ones that operate and are active on the Cape Flats.

A defining feature of the gangs in District Six was the fact that they were well integrated with the community. They performed an informal social control function and worked very well with business in the area. Pinnock notes that (1984: 23):

“But through all this the extended families maintained the vital relationships needed in the struggle for survival in the District and other similar areas. They provided accommodation, limited capital and labour for small-scale production and services, as well as maps meaning for migrants from the countryside. But they also provided more than this: they acted as networks of social control. The powerful families ‘ordered’ the urban ghettos through their connexions, inter-marriages, agreements, ‘respect’ and, ultimately, their force and access to violence. Because ineffective police protection was lacking, this control was beneficial, even essential, to life in the ghetto. It kept things ‘safe’.”

But the gangs of District Six were transported in a different form to the new communities on that emerged on the Cape Flats because of the move by the Apartheid government to forcibly remove black and Coloured residents to the Cape Flats.

3.3 New communities, old allegiances

With names like the Jesters, Globe, and the Mongrels, the gang culture continued to find its way into the social fabric of life in the new communities of the Cape Flats. Few of the old gangs in District Six have survived the effects of the removals. Others that did survive were

⁵⁵ Honikman, A. *In the Shadow of Apartheid*, Quartz Press, 1998

changed in character, structure, and activity due to the forced disintegration of the old District Six community. Many opportunities opened up to different members of gangs such as, for instance, the Jesters. Where members were no longer able to meet in one community, they began to set up their own branch structures in areas such as Manenberg, Steenberg, Hanover Park, and Lavender Hill. They recruited more members and became involved with setting up little sidewalk businesses that sold fruit and vegetables.

Because of the dynamics of the new communities, the character of the Jesters gang was changed and they were initially held together in each of their communities by what they knew of how the gang operated in the old District Six. This was largely a case of gang members in new communities with old (gang) allegiances.

According to James Sleeper⁵⁶, a former leader of the Manenberg Jesters gang, the Jesters was formed in Manenberg because they had no other alternative but to move from District Six when the forced removals affected everyone. As a member, he came to lead the gang in Manenberg, bringing with it the history and tradition of the gang. He goes on to explain that the Jesters expanded as far as Port Elizabeth, and how, during the early eighties, the gang's emphasis was on establishing and rooting itself within the communities. It was necessary for them to defend themselves from other gangs in the community such as the Stalag 17 and Hard Living gangs.

Eulalie Stott⁵⁷, former Cape Town City Council Housing Committee chairperson, recalls that the community of Hanover Park was given that name because most of the members of that community lived in Hanover Street in District Six. Some of the names that were chosen by the Housing Committee were names that were associated with the streets of District Six, such as Lavender Hill, while other names reflected the names of the previous white leaders of the City Council. These names that were given to newly formed communities in the late 1960s mirrored the changing face of gangs in the Western Cape after the removals.

⁵⁶ Alias.

⁵⁷ Interview conducted with Eulalie Stott, former chairperson of the City of Cape Town Housing Committee in February 2002.

Gangs have undergone a social transition of its own after 1994 and the problem has grown exponentially for the authorities. Intertwined with the gang problem have been the problems of housing, health, joblessness, teenage pregnancies, and poverty. These are all problems that were present during the Apartheid years. The fact that even after the disintegration of Apartheid, the gangs have continued to show growth presents a problem for the protagonists of structuralism discourse.⁵⁸

Up to now, the analysis of gangs has been largely constructed from a structuralist discourse, with such analysis suggesting that the case of forced removals played a key role in the establishment of gangs. This argument has for years been the key pillar of the Chicago School of sociology. What the local Chicago theorists have failed to consider is that gangs have been formed in all communities that generally suffer from the similar economic and social conditions. The old allegiances of the Cape Town gangs in their new communities on the periphery of the City often gave rise to a new organised violent gang variant, particularly as they started to branch out.

3.4 Organised, armed violent gangs

In this thesis, I argue that gangs which are organised, armed, and violent⁵⁹ cause real and imagined injury and trauma, the consequences of which are complex. Particularly Cape Town has faced many outbreaks of gang violence over several years. A short and cursory glance at the numbers of people killed in gang violence over the last few months and years show that there is a real problem with deaths caused due to gang violence.

Violent, armed organised gangs have not been restricted to Coloured areas on the Cape Flats. More recently gangs have emerged in different forms in African communities such as Nyanga, Guguletu, Khayelitsha and Langa. Gangs found in Coloured areas of the Cape Flats have been able to make extensive links with gang members in those areas. The result is a

⁵⁸ For an explanation of the impact of the forced removals thesis, see Pinnock (1984).

⁵⁹ I want to make a distinction here with organised violent gangs. Not all gangs have caused death and destruction. In the Cape Town context, it is the organised violent gangs that are at the forefront of the organised armed violence. This is something that Luke Dowdney recognises in his 2003 and 2007 studies.

mushrooming of smaller, loosely-knit violent gangs such as the Cheesekops, Navara's, and Adderleys to name a few. Gang violence in these communities has continued to grow and particularly in Nyanga, the levels of murders has spiked. The Khayelitsha Commission of Inquiry into Policing has also found that gangs in the Khayelitsha area have increased in activities and violence. Gangs found in this area include the Vatos, Vuras, Russians and Italians gangs.

In a four-month period between May 2013 and August 2013, in two communities on the Cape Flats- Manenberg and Hanover Park - 28 people were killed and 83 were shot by gangs during gang disputes. In another community in Nyanga, 100 people were killed. While the deaths in Nyanga cannot be directly attributed to gang violence, it gives us an indication of how violent that community is. Table 1 below shows the extent of the shootings:

Table 1: Extent of gang shootings – (May - August 2013)

Area	Killed	Injured	Drug Arrests	Firearm
<i>Manenberg</i>	14	56	1148	53
<i>Hanover Park</i>	14	27	n/a	n/a
<i>Nyanga</i>	100	62	613	47

Source: South African Government News Agency

One of the more important developments in understanding gang violence is that the South African Police Service (SAPS) has not released any statistics of how many people have been killed through gang violence. It is only recently that the Western Cape Provincial Police Commissioner released the figures. He indicated that 18% of all murders in the Western Cape Province could be attributed to gang violence for the financial year April 2013 to March 2014. This amounted to 464 gang deaths of 2,580 for the entire Western Cape Province.⁶⁰

⁶⁰ See http://www.sapsjournalonline.gov.za/dynamic/journal_dynamic.aspx?pageid=414&jid=47451, accessed 16 March 2015

While this thesis generally focuses on the governance practiced by gangs, it specifically focuses on the governance of organised violent gangs. I draw a distinction between gangs and the organised violent gangs for several reasons:

Firstly, although scholars have identified gangs as a problem in Cape Town (Pinnock: 1984, 1997; Schärf: 1990; Kinnes: 2000, 2009; Legget: 2001; Steinberg: 2004; Schärf & Vale: 2006; Parker-Lewis: 2006; Standing: 2006; Jensen: 2008), there is no recent distinction drawn between the gangs that are on the periphery of violence and gangs who perpetrate violence as a matter of course. The reason for this distinction itself is evident: the gangs who perpetrate violence are far larger in number, are unafraid of police officers, and are almost always armed. It appears that these organised violent gangs are also led by former members of South Africa's Numbers prison gangs.⁶¹

Secondly, there are only a few gangs that could set themselves up as branches in different communities across the Cape Flats. These gangs have syndicated their structure and are able to draw on the support of 'branches' throughout Cape Town. In my earlier work (Kinnes: 2009, 2015) I draw attention to this distinction, particularly the Americans, Hard Living, and Sexy Boys are archetypal gangs referred to in this thesis as they represent (in most cases) the merchants of violence.⁶²

Thirdly, the Cape Flats where most of these organised violent gangs are located, are reluctant hosts to these gangs because of the levels of social organisation and violence displayed. There is now a greater reliance on some of the gangs that display the characteristics of social organisation, and those able to 'defend' the community against other gangs. My earlier work (Kinnes: 2000) points this out, but also alludes to the fact that they have the capacity (as their history up until now has shown) to become involved in legitimate and illegitimate businesses. Standing (2006) takes issue with this and argues in his study that a distinction should be drawn between gangs and drug dealers, and that at most, the drug dealers represent about 30 individuals who exert control over drug distribution in Cape Town. This picture has subsequently changed, however, and the control has shifted into more hands

⁶¹ For an explanation of South Africa's Numbers prison gangs, see Jonny Steinberg's *The Number*.

⁶² Merchants of violence in this respect are men in gangs whose daily work consist of dispensing violence as a tradable commodity. They sell this commodity to the highest bidder inside other gangs and outside such gangs. The use of violence becomes a saleable asset in the hands of these organised, armed violent gangs.

as gangs have decentralised after the introduction of the Prevention of Crime Act (POCA), which threatened to confiscate their assets and forfeit it to the state.

Lastly, Cape Town has various estimates of the number of gang members in the City. The initial estimates were originally noted by Pinnock (1984) in his study of gangs in Cape Town during the early eighties. Other researchers such Nina (1995), Schärf (1990), Kinnes (2000), Jensen (2008) and Samara (2011) all suggested different estimates. The number of gangs has also changed as time has moved on. In his study, Pinnock (1984) identified 259 gangs comprising of about 100,000 members in 29 communities across the Cape Flats. Dixon and Johns (2001) suggested a figure of between 35,000-80,000, while Standing (2006: 99) found that there were about 10-15 drug merchants and questioned the estimates of gang members as unreliable (2006: 104).

The organised violent gangs are distinguished because they have the force of arms to enrol smaller gangs to do their bidding, particularly in gang wars. They often use smaller gangs to initiate fights with rival gangs and supply them with firearms and ammunition to fight a proxy war.

3.5 The Cape Flats: The location of this study

I have chosen to examine how gangs are policed on the Cape Flats in Cape Town as the area with the highest organised gang density, as well as most police-gang interaction. Most big organised violent gangs have branches in many of the communities over the Cape Flats.

The Cape Flats was first described by social geographer John Western (1981) in his study of forced removals and segregation in Cape Town. It includes the sandy wasteland between the Atlantic Ocean in the north and False Bay, which was constructed on a series of lakes or vleis – large, marshy, water-filled hollows among the Cape Flats sand dunes (Western: 1981: 99).

Many of the communities that were removed from the inner city of Cape Town due to the Group Areas Act were moved there in 1968 (Western: 1996; Field: 2001). These 'new' communities assumed names from the previous inner city area of District Six and other inner-city areas, from which most Coloured and Black people were moved, often named after the street they used to reside in.

In the mid-1980s, many of the communities located on the Cape Flats became synonymous with violence, especially Manenberg, Hanover Park, Bonteheuwel, Lavender Hill, Nyanga and Guguletu. It was labelled by the media as being violent after a spate of gang fights.

For this study, I chose the areas closely associated with the types of gang violence mostly associated with the gangs in these areas. They also happen to be the areas which houses the branches and, in some cases, headquarters of the gangs mentioned earlier.

3.6 Contextualising the policing of gangs and vigilantes of the Cape Flats

Gangs have been part of the urban landscape in Cape Town for generations. Early structuralist analysis (such as Pinnock and Schärf) tells the story of how the gangs have been able to move to the Cape Flats through by being forcibly removed from the inner City areas such as District Six. Sean Field's (2001) study on the forced removals of the Coloured people from District Six to the Cape Flats reflects how the gangs also moved together with the people to the new Cape Flats in the late 1960s.

In its 2014 'State of Violence Report'⁶³, the World Health Organisation indicated that of the 133 countries that participated in the survey, only 6% of the countries conducted any survey on gang violence and a further 11% conducted surveys on armed violence. Despite this, 37% of the total reported that they were planning actions on gang violence. Per the report, in a Cape Town analysis of 9,236 trauma centre admissions from October 2010 to

⁶³ Global Status Report on Violence Prevention (2014), World Health Organisation, UN Office for Drugs and Crime, UN Development Programme, Geneva

September 2011 showed that assault with a sharp instrument (21%) or blunt object (17%), were the two most common mechanisms of injury.⁶⁴

According to the City of Cape Town⁶⁵, in 2012, Cape Town was home to about 3.7 million people who constitute about 66% of the population of the Western Cape Province with a population density of 41.4%. In 2011, the gross domestic product was R428.48 billion with unemployment at 26.2%. The population estimates accounted for the different racial groups as follows: Black African (38.6%), Coloured (42.4%), Asian/Indian (1.4%) and White (15.7%). The Gini co-efficient was 0.57 in 2010 and the Human Development Index was 0.74.

The Cape Flats did not exist as a specific area reserved for Coloured people prior to 1965. It was only after the forced removals started in 1968 that the individual communities on the Cape Flats took shape.

Crime accompanied development of the urban fringes in many of these communities as they were about 20 kilometres from the city centre and did not have transport, education, or recreation facilities. It was only after the establishment of many of these communities that the City developed facilities such as natal clinics, housing offices, and churches. As these new communities took form, gang violence also started to manifest in some of them. As gangsters that existed in the old District Six moved to their new communities, they took with them their old gang allegiances.

3.7 The Peacemakers

By 1973, a new home-guard movement called the 'Peacemakers' had grown in Manenberg and soon spread throughout the Cape Flats. The Peacemaker movement started as a vigilante urban home-guard system after a spate of gang attacks on the housing flats in

⁶⁴ Ibid, 12

⁶⁵ City of Cape Town District Factsheet, Wesgro,

Manenberg. They armed themselves and soon donned an orange and white uniform, armed with baseball bats and pick-axe handles⁶⁶.

The Peacemakers spread to all the communities across the Cape Flats patrolling their streets against gangsters and soon became an urban social movement that started to address issues around education, housing maintenance, and recreational facilities. The members of the Peacemakers often brutally assaulted gang members and often ended up assaulting people who were suspected of being gangsters. The women helped at night by cooking food, making tea, and feeding members who were patrolling at night. A system of self-defence for every court⁶⁷ was developed that generally involved residents living in the lower sections of the three storey flats having to immediately move women and children up to the third floor when the alarm sounded (each court was fitted with a siren type alarm).

Each court had a Court Captain who marshalled the members in teams with a whistle and performed drills. They patrolled at night with their baseball bats and pick-axe handles (and in some cases, car aerials). Soon men began to socialise after patrols with games of darts and cards. Later, the courts started to play football against one another and this organisation gave rise to the beginnings of the local football associations. Other members started food collection clubs for people who were unemployed. There was a real buzz of people supporting and helping each other and Friday evenings were taken up by social events such as movies and dances being organised by adults in the courts. Activities were also arranged for children during school holiday periods.

3.7.1 Policing the Peacemakers

The Apartheid police did not initially interfere with the work of the Peacemakers and, in many cases, tacitly supported their work against the gangs that had formed in the communities. Some police officers recruited informers inside the movement as they were

⁶⁶ What is rather interesting about this formation is that they copied the uniform from a film with Joe Don Baker in a film called *The Peacemaker*.

⁶⁷ Every three-storey flat was called a court and housed 48 families

wary of the fact that they attracted masses of people to its ranks. It could summon hundreds of members out onto the street in support of one another.

By 1976, the Peacemakers reached their peak of organisation and were interacting with one another throughout the Cape Flats towards forming a regional organisation, when the uprisings against Apartheid education caused the government to introduce the Riotous Assembly Act and General Laws Amendment Act. These laws prevented three or more people of congregating in the open as it was seen as a challenge to the authority of the state.

The police started to challenge the authority of the Peacemakers in Manenberg and many other areas on the Cape Flats and many clashes and arrests followed, especially when members of the Peacemakers started discussions on taking a stand on the violence of the police in other parts of the country against the Soweto student uprisings. The relationship with the police was forever changed when the police asked members of the Peacemakers to assist in policing the students of Guguletu who wanted to cross the railway line and march towards Manenberg schools.

The request divided the Peacemaker movement as the leadership refused and this led to splits within the leadership core. Some members of the Peacemakers co-operated with the police and formed a solid defence line stretching for about two kilometres across Duinefontein Road in Manenberg to prevent the crossing.

The death knell of the Peacemakers came when they were finally given an ultimatum to join the police as members of the police reserve force. It divided the Peacemaker Movement and many chose not to join the police. A conflict with the police developed and some of the leaders of the Peacemaker Movement were arrested. Some did join the police as reservists, but those who did not join soon were forming local civic associations which ultimately led to the formation of the Cape Areas Housing Action Committee (CAHAC) in 1981.

The role the police played in the demise of the Peacemakers Movement that, at that stage had evolved into an urban social movement, was typical of the mid-1970s Apartheid policing style. The police were already showing that they were divisive in policing gangs by working with certain sections of the Peacemakers while arresting others.

3.8 Political policing

The Cape Flats was a hotbed of political resistance to Apartheid and by the early 1980s many young people had joined anti-Apartheid resistance movements such as the African National Congress (ANC) and the Pan Africanist Congress (PAC). Many local community structures in Cape Town led marches against the government and by 1985 there was an uprising in the country. The police were summoned to police student activists and leaders of the political resistance movements.

Colin Bundy (1985: 315) sums up the prevailing mood in Cape Town because of the uprising as follows:

“While mobilising and organisational efforts of student activists - of which more below - played a part, beyond any doubt the major factor in ratcheting up student/youth militancy in Cape Town between July and December was the state’s heavy-handed coercive measures. The rapid transition within a school, from peaceful rally through ‘planks and hankies’ preparedness to confrontation with soldiers and police behind fiery barricades, was repeated time and again. Invasions of schools by police, the massive show of force on the day of the proposed march on Pollsmoor, the banning of COSAS, Carter Ebrahim’s closure of the schools, the Thornton Road ‘Trojan Horse’ shootings: each of these, and many other incidents, provided the student movement with new grievances, with first-hand experience of the state’s repressive capacities, and with heightened militancy.”

The foray of the police into political policing created many opportunities for elements of the old order Apartheid police to become involved in crime and corrupt activities. By 1981, the police used the Civil Cooperation Bureau (CCB), an Apartheid police-linked hit squad to hire gangsters to kill members of the anti-Apartheid opposition by blowing up a meeting place of activists.⁶⁸

The role played by the police at the time raised issues of the legitimacy of the police as they became involved in political policing. It was also an opportunity for the established organised violent gangs to take political sides in the elections planned for 1994. By the early

⁶⁸ See Truth and Reconciliation Commission Report (1998) Volume 3, Juta Publishers, Cape Town.

1990s the gangs of Cape Town were beginning to consolidate their positions and even considered supporting political parties such as the ANC and the New National Party.

During 1993, the violence between the established gangs saw widespread attacks and killings across the Cape Flats. Many communities across the Cape Flats were affected as gangs competed for control of Cape Town's poorer communities.

By 1996, up to 3 000 gang members of various gangs marched on the new Parliament to protest how they were being handled and dealt with by the police. They demanded the new 'democratic rights' also be passed onto them. This was a significant development in that the protest of the gangs had many consequences for policing them.

With the intentions of the new government clear that it would fight organised crime and gangs, Schärf and Vale (2006) explored the formation of the drug cartel called 'The Firm' by Cape Town drug dealers and gang leaders. In this expose, they argued that the gang leaders of Cape Town had organised themselves not to be caught by the provisions of the Prevention of Organised Crime Act (POCA). They had actively pursued a position of decentralising their profits from drug sales long before the Act was assented to by then President Nelson Mandela.

3.9 Policing gangs and vigilantes

The continual gang wars and deaths on the Cape Flats led to community reaction and by 1995 a new organisation called People Against Gangsterism and Drugs (Pagad) was formed with the intention to rid the streets of Cape Town of gangs and drug dealers. They announced themselves with great fanfare by publicly executing the co-leader of the Hard Living gang, Rashaad Staggie. The gang members who previously were sworn enemies, united and a war broke out on the streets of Cape Town between gangsters, vigilantes, and the police which lasted for six years.

The police launched countless operations against the gangs because of community pressure and against Pagad because they were involved in 'urban terror' by participating in attacks and a bombing campaign against even the police and magistrates.

Dixon and Marie Johns (2001: 4) points out in their study on Pagad that the state initially used constructive engagement with Pagad, but this changed to demonization and repression. This behaviour was not new to the police who previously used similar tactics with the Peacemaker Movement.

Interestingly, the approach of the police towards the vigilante movement created the opportunity for the turn towards radicalism by Pagad. As Dixon and Johns (2001: 5) observe:

"Combined with organic changes inside the organisation, the security forces" twin track strategy of rigorous enforcement and demonisation by association (with global Islamic "fundamentalism"), has succeeded in transforming Pagad from a popular mass movement extending beyond the boundaries of Islam into a smaller, tighter, better organised, but also more homogenous, isolated and defensive group. This thesis explores the developments of the type of policing that was applied to both gangs and vigilantes during the last twenty years."

The gangs of the Cape Flats underwent a transformation after the political transition to democracy in South Africa and I argued (Kinnes: 2000) that the gangs became more organised as social controls long exercised by the Apartheid state were weakened. This lowering of social controls had an unintended consequence on the social organisation of the gangs who began to challenge the legitimacy of the police for control of the communities in the Cape Flats.

The police then had a long history of policing gangsters and vigilantes on the Cape Flats. Later in the thesis I explore how they managed this and what we can learn from it.

Furthermore, to understand the complexities of the period, the police and gangs did not operate in a vacuum. They lived amongst communities that they policed and robbed. These were communities that were aware of the gangs' respective roles, strengths, weaknesses, and misdeeds. When we analyse why policing took the shape that it did, then we should understand the socio-political spaces in which both the gangs and the police must

operate in. Coming from the pre-Apartheid dispensation, the police had quite a lot of catching up to do when it came to democracy and democratic policing as we will see.

3.10 Conclusion

It is apparent that the issue of legitimacy, trust, and distrust in the new political order by the police created a sense of reluctant patriotism amongst the Apartheid police grappling to come to terms with the new democratic order, as we shall see.

The location of the study is a social barometer of the failure of governance by the state and its agencies, principally the police, to extend its governance on the Cape Flats. What we instead see is the greater expansion of gang governance as the Apartheid state weakened. This gang governance was enhanced when the new democratic government was elected. Forced removals did not strengthen the hand of the police on the Cape Flats, rather it created the cement for the policing problems which later emerged on the Cape Flats in the mid-1990s.

In the next chapter, I discuss the methods I used to explore and unpack the key research question over the period of 20 years. I have, through researching gang and police governance, concluded that personal loyalties provide ample space for significant moral dilemmas facing the researcher.

CHAPTER 4

Mixed Loyalties and Moral Dilemmas: Methods in researching gangs and the police

4. Introduction

Researchers who spend time with gang leaders and senior police officers often face moral and ethical dilemmas during fieldwork. Having to meet a notorious gang leader in a house in a narrow alley as white pipe marijuana and mandrax⁶⁹ smoke touches your hair and clothes is not easy. You begin to worry more about the smell that clings to your clothes, rather than the armed, angry young men who hang around outside and in the house where you are conducting the interview.

When gang leaders allow you into their inner sanctum, you cannot help but wonder about the meanings of the world which you have ventured into. When you, as researcher, also have to spend time with police officers who view it as their 'official duty' to exact brutality on gangsters, and who routinely exude a zero tolerance approach about almost anything remotely suspicious, you cannot also but wonder where you have been let into. Although these worlds inhabited by gangs and the police are two physically different worlds, the institutional settings, practices, rituals, and hierarchies turn out to be remarkably similar.

I say this because in trying to make sense of these two different environments, with strikingly similar hierarchies of power, common sense approaches soon become blurred. As Sudhir Venkatesh (2008: 119) found when he was researching gangs, the leader of one gang allowed him to be the gang's leader for a day to demonstrate the skills it required to do the job. Soon he found himself in difficult situations with decision-making processes and notes that he had to rely on his own moral compass:

"I was nervous, to be sure, but because I was implicating myself in an illegal enterprise. In fact, I hadn't even really thought about that angle. I probably should have. At most universities, faculty members solicit approval for their research from institutional review boards, which act as the main insurance

⁶⁹ Local name for Methaqualone.

against exploitative or unethical research. Only later, when I began sharing my experiences with my advisers and showing them my field notes, did I begin to understand-and adhere to reporting requirements for researchers who are privy to criminal conduct. But at the time, with little understanding of these protocols, I simply relied on my own moral compass.”

Examining the questions relating to how the police and gangs regulate and contest each other’s networks and spaces requires that one spends time, observes, and takes notes (mental and otherwise) of what you see, and are allowed to see. In a gang environment where your subjects do not as a rule appreciate your inquisitiveness as a researcher, you must be innovative and creative. Similar circumstance are found in the police, especially observing police officers who are corrupt, co-operate with criminals, and those who do not appreciate your ‘do-gooder’ approach (Reiner: 1992: 120).

In this chapter, I discuss some of the common research methods for studying gangs and researching the police. I then explain the reasons for choosing my research method and what the outcome of choosing that method has been. Lastly, I will present my own history and involvement with mediation processes between organised violent gangs in Cape Town, between gangs, and the community and training the police that has allowed me the access that I required for these interviews.

4.1 Key research questions

The process by which I came to write this thesis is rather interesting. It dates back to 2007 when I attended a conference on restorative justice as a community organiser in which my supervisor and I both were panellists. He made some statements about community cohesion and policing which I did not agree with and so a conversation was started. As a community organiser, I could not understand why the police always appear to be ‘failing against gangs’. I challenged him to answer the question as to why the police are not able to police gangs and pointed out that the gangs appear to have grown more powerful and organised because of how they are policed. I was concerned that amongst other reasons, the role of the police appeared to be pivotal in reproducing gangs. He responded by suggesting that I answer the question through undertaking doctoral research.

I had many questions that pre-occupied me including why the gangs continued to rule my own community in the face of hard hand policing? Surely the police were supposed to make the communities safer for the people living there? This was not the case and I observed countless police operations where the police deliberately and continually raided the homes of people not involved with the gangs or pushing drugs. They were not raiding the homes of drug dealers when they needed to. This puzzled me because how could they target people's homes who happened to live opposite the drug dealers and gang leaders. These questions led to another set of questions relating to policing gangs and the approach of the police. It changed my initial focus from the police to the gangs and back again to the police and gangs.

I was interested in understanding the evolution of the relationship between gangs and police and to understand why, after more than 20 years of police operations against gangs, the gangs have not only endured, but became more organised.⁷⁰

Many of these questions and sub-questions emerged after years of observation of gang fights and police officers battling with gangsters in the streets of Cape Town. . My mediation with gangs started after a young child was gunned down after being caught in the cross-fire by gang members. As a community activist, I was asked to start a peace committee in the area that mediated between warring gangs to achieve a ceasefire. In months and years to come many communities on the Cape Flats used our mediation. In the process my expertise grew as I continued to take on more mediations.

The role of the police in reproducing gang violence was never part of my enquiry until my mediation sessions revealed that the police had a bigger role in the gang violence than I previously imagined.⁷¹ This was a useful surprise that led me to some of my questions, findings, and conclusions. It was during bilateral sessions with gang leaders that I discovered police complicity in the gang violence as gang leaders did not hesitate to reveal which police

⁷⁰ Gang violence in Cape Town has always been violent and almost always results in deaths. As I write, a major gang war has erupted in the Hanover Park community in Cape Town.

⁷¹ During many of my mediation sessions, gang leaders lamented how individual police officers were involved with their opposition by supplying them with weapons and drugs. This is something that was also exposed in the Rampart police scandal in Los Angeles which revealed lots of police criminality against the gangs. For more on this, see Benson, R., (2001), *Changing Police Culture: The Sine Qua Non of Reform*, *Loyola Los Angeles Law Review*, 34, 2000-2001, 681-690.

officers their rivals were working with and vice versa. Thus the research questions had their origins in my own personal experience. As Ellis, Hartley, and Walsh (2010: 36) put it:

“To give a precise answer, questions for social science enquiry comes from one of three places. First, they come from personal experiences. For example, a researcher might have an alcoholic relative, and, as a result, may wonder about the prevalence or causes of alcohol addiction. Or a researcher may detect racial, ethnic, and gender differences between the numbers of people in prison, leading him or her to want to study the discretionary practice of police officers, prosecutors and judges.

Second, scientific questions arise from reading something interesting in the popular press or seeing it on television. For instance, one might wonder about the cause of criminal violence after reading a newspaper article about a robbery or murder.

Third, scientific research is often inspired by learning of the findings from a research study conducted by someone else, or by learning about a new theoretical idea.”

4.2 Research methods in gang studies

Early South African research on gangs commonly used ethnography research methodology, particularly those studies that looked at forced removals. Don Pinnock (1984, 1995) used qualitative interview techniques in his study of the gangs of Cape Town. He focussed his studies on one of the leaders of the Mongrels gang (and indeed spent extensive periods with them) in Hanover Park as a lens to discuss the policies of Apartheid planning and segregation in Cape Town in the early eighties. Later in 1997, he focussed his research on the rituals and rites of passage of young men on the Cape Flats through participant observation. In this case, his colleague spent considerable time with members of the Americans gang.

Gang researchers such as Philippe Bourgois (1995) have chosen the life history ethnography of a crack gang leader to tell a story about the policing of drugs. Pinnock (1984) also used the participant observer method in his early research on the Cape Town gangs. More recently, policing scholars such as Marks (2001, 2004) used participant observation, as did Altbeker (2005). Steinberg (2004, 2008), who also used the ethnographic method, told the life history of his main character in his epic work, *The Number*. This was a method followed

by Brown (2008) when he documented life at the Mowbray police station. Faull (2010) spent time interviewing police officers on corruption and police culture.

Brotherton (2008) spent time with gang members and Jensen (2008), who spent time with a community in Heideveld, also used the participative research method. He spent three years doing fieldwork and research in Heideveld. While Marks and Jensen have managed to maintain a healthy tolerance⁷² of the perspectives of police and gangs they were researching, other gang researchers, such as Venkatesh (2008) and Rodgers (2007), have gone to greater lengths to understand why their subjects do what they do by joining the gangs they were researching. As Rodgers (2007: 10), who even involved himself in petty criminality in order to tell the story, notes:

“As such, joining the gang provided me with an incredible research opportunity. It allowed me extensive access to gang members, and led to open and frank interviews that were not clouded by fear (on either side). I was able to hear from gang members what it was that had motivated them to become *pandilleros*, how they perceived themselves, as well as obtain extensive details about their illegal acts.”

As a community gang mediator I have previously mediated between rival gangs, gangs and the police, and gangs and the community. This has provided me with unique insights into the relationships, networks and conflict between gangs and the police. These include and relate to the manner in which gang members and their leaders relate, inter-gang rivalries and violence, gang and police interactions and gang and community relations. This of course spanned across many communities on the Cape Flats. Whilst the communities shared some generic features they were also differences between communities and the gangs located within those communities.

There are a range of different research methods on policing and gangs. Given the extensive nature of the two sets of literature, I want to present an overview of some of the methods used to study gangs. It would not be prudent at this stage to delve intensely into the

⁷² Both Marks and Jensen were intrepid researchers that lived among the subjects they were researching. Jensen stayed in Heideveld while conducting his research while Marks spent time with the Public Order Police units she investigated.

police literature as it would not do justice to the dense methodological literature on policing studies, although I do draw on some of them.

Other approaches such as those of Malcolm Klein (1997) and Standing (2006) appear to have used a mixture of qualitative and quantitative methods. Klein hung out with gang members, attended meetings, and interviewed thousands of gangsters. Brotherton (2008: 65) used a reflexive approach to question the wisdom of researching gangs from a safe space and argues that:

“During the last decade, my role as a chronicler of gang and community life has changed dramatically from being a neo-realist ethnographer (recording the patterns of social interaction from a negotiated yet safe distance) to one of entering the life worlds of gangs without checking for the exit.”

Steve Herbert (2000) argues that it when it comes to making sense of violence, quantitative analysis is not capable of illuminating the patterns of violent behaviour. He suggests that only ethnography is able to bring richness and texture to qualitative analysis (2000: 556):

“Any analysis that seeks to illuminate patterns of violent behaviour is thus impoverished if it relies solely on quantifiable, categorizable data. Only intensive, ethnographic analysis can reveal the less visible forces that induce violent action, forces that are more powerful in some places than others. This discussion of violence underscores the second key analytic advantage of ethnography – its capacity to uncover cultural systems of meaning. Only intensive, ethnographic analysis can reveal the less visible forces that induce violent action, forces that are more powerful in some places than others.”

While ethnographies are a suitable method for examining gangs, they are by no means the only method at the disposal of the researcher. Gary Kynoch (1999) for instance, used discourse analysis to discuss the ambit of available studies on gangs and provides us with a historical account of the development of gang violence in South Africa. Clive Glaser (2000) conducted one hundred interviews with gang members for his research into the youth gangs of Soweto. He also used documentary evidence such as local newspaper reports which ‘ran regular articles and features on gang activity’ (2000: 13).

While focussed life histories are important and provide rich texture to researching human subjects, there has been criticism that ethnographic approaches are unscientific and

has little validity in modern research processes. So for example, O' Reilly (2014: 17) has argued that one of the most enduring problems with ethnographic research remains the fact that it is perceived not to be scientific research. For Herbert (2000:558) the bias of the researcher influences the outcome of the research and consequently ethnographic research methods have been accused of not being "value- neutral" and "objective". Le Compte (1987) too has posited that personal bias from the individual researcher plays a big role in the outcome of ethnographic research.⁷³ Le Compte & Goetz: (1982:32) also note other areas of concern relate to the reliability and validity of knowledge created through ethnographic inquiries. Timothy Lauger (2014:188) who undertook ethnographic research into gang alerted us to the limitations of such ethnographies. He found that not hanging out with gangsters at night when violence was most likely to occur, reduced his risk of violent victimisation. Secondly he found that the period of the study could not capture the cross sectional conversations of his respondents and lastly, his study did not make inferences on street socialisation. While ethnographies are not the only method for researching gangs, I found that in my context it was a very useful method for documenting the stories of gangsters, police officers and community members I researched. It is against this backdrop that I approached my subjects and used the participative research method.

4.3 Research methods and data collection

During the course of the research design, I could have used other quantitative and qualitative methods such as designing a survey to quantify the number of gangs because nobody knows what the numbers of gangs on the Cape Flats really are, or interviewed only gang leaders. Although important, that is not one of the questions that I wanted to answer in this thesis. I also could have used documentary analysis or the discourse analysis method as used by Kynoch (1999) and Glaser (2000) respectively.

The ethnographic method of participant observation and ethnography was useful for the purposes of this research because I wanted to tunnel quite deep into the Cape Flats to

⁷³ Le Compte, M., (1987) Bias in the Biography: Bias and Subjectivity in Ethnographic Research, *Anthropology & Education Quarterly*, Vol. 18, No. 1 (Mar., 1987), pp. 43-52 , available at URL: <http://www.jstor.org/stable/3216340>, accessed 24 July 2009.

illuminate the inner working of police and gang culture. In many respects, I did not have a choice when it came to my method of retrospective participant observation. I had lived on the Cape Flats in a community called Manenberg for most of my adult life. Manenberg became a theatre of violence to me where many of the events with gangs and police played out over the years. It became my social laboratory where various experiments to reduce violence took place, including mediation between rival gangs, gangs and the community and gangs and the police.

I used the ethnographic method because it also allowed me the opportunity to reflect on the twenty years of working in the gang and policing world. I had to get close to them, spend time with them and through cultivating the relationships, uncover the unseen, understand the hidden assumptions, unspoken language and instinctively anticipate certain actions. The gang leaders who spoke with me had to trust me and so the police officers who shared information with me.

Padgett (2017: 16) suggests that qualitative methods are useful if you are trying to get an insider view of things you do not understand, or know little of. According to her:

“qualitative studies of cocaine dealers, gang members and sex workers portray the lives of individuals who are not likely to co-operate in the usual research methods.”

More than anything, I wanted to understand by immersing myself in the thinking of gang leaders and police officers when it comes to policing the “other”.

My involvement in gang mediation over the better part of two decades has greatly influenced my ways of seeing, thinking and dealing with gang-related violence.⁷⁴ My own self-reflexivity has also been useful to consider the questions I pose here. Sarah Tracy (2010: 846) argues the point more succinctly:

"Self-reflexivity encourages writers to be frank about their strengths and shortcomings. Ethnographers should report their own voice in relation to others and explicate *how* they claim to know what they know."

⁷⁴ See Finnegan, W., (1994) South Africa's Silent Majority, *Granta* 48, Africa, Autumn 1994 for an account of some of my mediation work.

My work in the mediation and conflict resolution environment often meant training police officers. It provided me with valuable insights into the police institutional and occupational culture when it comes to policing gangs. During this time, I spent the first few years deeply involved in mediation with gangs. Thereafter, I spent time observing police officers in their patrol, station and community settings to understand more of their meanings in their institutional settings. My initial engagement and interface with the police were never easy in that I was arrested on three previous occasions due to my anti-Apartheid activism. I was always viewed with a good measure of suspicion and mistrust by certain sections of the police (and gangs) who I had interviewed.

In retrospect, this helped with my credentials when I eventually ended up mediating and training police managers in conflict resolution methods. This process of using material from previous encounters and engagements is referred to as 'putting old research to new use'.⁷⁵

4.4 Negotiating access and interviews with imprisoned gang leaders

From my field notes, I reflect on the circumstances of two potential interviewees because it adds to the picture of the influence of gang leaders. On 18 June 2008, I visited the leaders of the Hard Livings and Americans gangs at the Helderstroom Prison and Klein Drakenstein Prison respectively. The purpose was to secure their permission to be interviewed and to share the objectives of my research. I intended to make it clear that I would like them to participate in the research based on their knowledge of what happens in the gang underworld and since they were the intended targets of past police operations.

I wanted to interview these two gang leaders for particular reasons. They were respectively the leaders of the two biggest gangs on the Cape Flats, the Hard Living and American gangs. They were personal sworn enemies who wanted to kill each other and both led very big armed violent gangs. They have also been the subjects of numerous assassination

⁷⁵ Van Der Spuy, E., (2005) South African Police Reform in the 1990's: Internal Processes and External Influences, Doctoral Thesis, University of Cape Town.

attempts and played a very direct role in recruiting police officers into the gangs. The violent histories of both leaders required that I hear directly from them, given that they too were involved in the mediation processes I was involved in previously. As I had built up some trust with them the prospects of interviewing them looked good.

The result of the visits were interesting.

During the morning of the 18 June 2008, I visited the Helderstroom Correctional facility near Caledon which is about 170 kilometres outside Cape Town. This was after struggling with the university ethics board to receive ethical clearance (which took the better part of three months). Then I had to arrange the same with the Department of Correctional Services before I arranged permission and access with the Department of Correctional Services' head of security who facilitated the access.

The entrance to the prison was littered by new construction of what resembled warder residences (or maybe it was a new reception centre, although I could not be sure). I was struck by the concave angle of the new four-meter fencing around the maximum-security facility which creates the architectural impression that you cannot climb the fence as you will quite literally fall off! It was clearly designed to keep outsiders out and insiders in. As I entered the prison I could not help noticing twelve prisoners in bright orange uniforms standing in two lines of six singing very sad gospel songs while four warders watched. They were staring into space with tattooed faces, appearing to be waiting for salvation. The surroundings were cold and austere.

At the reception, I was met by the warders who directed me to the acting head of the prison. She welcomed me and asked me to tell her about my research which I proceeded to do. I informed her that the purpose of the visit was to secure the agreement and consent of the prisoner to undertake my research by interviewing him at a later stage.

She perused my permission letters, letter of consent, and my university registration card, and informed me that I would be briefed by the officers if the prisoner agreed to partake in the research, what was allowed, and what the correctional services protocols for the process were. She was very professional in her approach and proceeded to make her office

available for me to speak with the leader of the Hard Living gang. She went off to a meeting, leaving me waiting for the leader of the Hard Livings.

He was escorted to the room by two warders with Rottweiler dogs. My sense was that these dogs were as vicious as they looked. The warders had to hold the dogs to the side as I later exited the prison. They said nothing, but their demeanour suggested one of total control, together with their dogs. On my inquiry as to why the dogs were necessary, the official informed me that he (the leader of the Hard Livings) was causing problems inside the prison and was being kept separately from the other prisoners as he was trying to recruit gang members.

The gang leader was surprised to see me and I proceeded to explain the purpose of my visit. I explained that I needed to interview him as the 'former'⁷⁶ leader of the Hard Livings. He initially warmed up to what I was saying, but then indicated that it would be difficult for him to agree to participate because it would be dangerous and he could not completely trust the process as he had outstanding cases pending.

He suggested that I should leave the consent forms and the questions with him before he decided to talk with me. I did so and left, after thanking him for meeting with me. Two weeks later I was, upon enquiry, politely informed by the prison warders that on his advice from his lawyers, he had refused to grant me an interview.

Later the same afternoon, I met with the leader of the Americans gang in Manenberg at Klein Drakenstein Prison (about 60km from the centre of Cape Town) who was much more approachable and helpful. This was the same prison from where Nelson Mandela took his first steps to freedom. The head of the prison was not present and another prison official assisted me. What struck me while having a short conversation with the officials was they had no idea that the person I was about to interview was the leader of the Americans gang. The official relayed to me that he was a 'model prisoner'.

⁷⁶ It is interesting to note that he did not want to be known as the leader of the Hard Livings gang inside prison, but was prepared to accept the accolade outside prison. His membership of the Hard Livings meant nothing inside prison which was controlled by the Numbers gang.

The Americans gang leader appeared to be glad to see me, initiating conversation before I even provided the reason for my visit. He stated that he was categorised a 'high-flyer'⁷⁷ and immediately began to complain about the police. He stated that the police drove down his gates at his home, raided his family members' homes, and that he felt that wasn't fair.

I then offered the purpose of my visit to him, explaining what I wanted to do and what I needed from him. I added that he would remain anonymous and that the research would be used for academic purposes. He responded by wanting to confirm his suspicions that I knew of the West and South ACCU.⁷⁸ I explained that as far as I knew, the ACCU was a provincial police unit. Getting back to the issue at hand, the interview I required, I gave him the questions and the forms asking him to peruse it and then to decide whether he wanted to participate in the research process. He asked for a period of two weeks after which he would then take a decision. I then thanked him and the acting-head of the prison, and left. I could not help feeling that the interaction was an interview that he was conducting for me instead of me interviewing him. In the end, he too, decided against granting me an interview.

4.5 Participant Observation

Participant observation took place over a long period which spanned about twenty years. Initially I did not intend to conduct research on the gangs and police until much later when my interests in the research questions were well developed. However, over the years I kept detailed notes in diaries. These field-notes included observations on mediations, gang wars, police operations and conversations with gang leaders and members. I considered the conversations with rank and file gang members more important as they were uninhibited while there was a formal role that I played with gang leaders. After every event such as a gang fight, I would scribble notes on the reasons for the fight, the people involved and how many people were shot. One such encounter was with Jonas Mpanga

One morning I was lying in bed sleeping and was awoken with cold steel pressed against my face. One of the gang deputy leaders had pressed a silver magnum pistol against

⁷⁷ Police categorized gang leaders who had moved into organised crime as 'high-flyers' in early 2006.

⁷⁸ Area Crime Combating Unit.

my face. He pointed it at me when I was fully awake: "Irvin, I am going shopping now" he said, meaning that he was going to commit robberies. He clearly wanted to impress me with his firearm. He was arrested three days later for committing armed robbery and later sentenced to eight years in prison. I captured the events in my diary as years later I went to visit him in prison. He cried when I asked if the robbery was worth it. This was noteworthy as you don't easily find high ranking members of the gang crying. Two years after being released, he was allegedly executed by the Hard Living gang for refusing to participate in the gang war against the Americans gang.

I was also present at a number of police operations against the gangs. At the time I was monitoring police conduct as parents often complained to me that their children were singled out and beaten up by the police. All the mediations I was involved in as well as shootings and gang wars were catalogued in my diaries. In addition I also had access to mediation reports which were generated for the communities. The act of observing police gang operations often led to confrontations with the police. I received hateful stares from officers who were involved in the operations and who were brutal. Only years later under much changed political circumstances they summoned up the courage to talk to me when I was conducting conflict resolution training. Later in the thesis I indicate that due to the paucity of police data on the operations, I was able to draw conclusions on police non-availability of data on their operations.

4.5.1 Insider position as researcher

My role as community activist and mediator in the area, influenced my findings in very particular ways. I initially believed that I would not be able to be objective and neutral in my study as I had pre-conceived ideas about gangs and the police as an institution. I had witnessed gang killings, shootings and on the other side the brutality, partiality and disorganisation of the police. So I entered the terrain with very firm views of the gangs and the police. Vigh (2006) tells us that taking sides in conflict is sometimes necessary for the researcher. During the research process however I had to make sure that I was not seen as taking sides during the research. This was important and quite difficult. During gang wars I

enjoyed relatively unfettered access to both the gangs and police, but the suspicions of the second in command gang leaders always remained, and so did the suspicions from senior police.

I had to very quickly temper my pre-existing biases. I had to ask for research access from the police, follow the ethical protocols for doing research. During this process I get to know both the police officers and the gang leaders in new ways.

Part of being an “insider” was the problem that the other side always viewed you with suspicion and mistrust. I found it fascinating that the gang leaders more easily displayed trust towards me. Getting past their lieutenants however proved very difficult, perhaps because they wanted to show their power over me. In contrast rank and file police officers more readily supported the interview process and spoke quite freely in contrast to their commanders. My previous involvement in negotiation proved useful in facilitating access to both gang members and police. Some gang members however, were not comfortable at all with my role as researcher. At least four of them refused me the opportunity of an interview, despite knowing me. Others made appointments and did not honour it. Some of the police officers also accused me of being part of the ‘gang problem’ due to my community activist role in the past. At the time I made it difficult for corrupt police officers to continue with their activities. This resulted in threats and on three occasions I was arrested by the police. I also intervened with gang business as I directly intervened in their plans to use women and children as human shields while attacking the police. As a consequence I was also threatened by gang members in the past.

4.5.2 Ethics

Part of the mediation work often involved allegations by certain gang leaders that their rivals were involved in working with the police. Often they would name names and this is how the complicity of the police was revealed. During some of the mediations in the early period, gang members often accused their rivals of killing their members. In subsequent mediations, and order to protect myself, I indicated to them that if they name names of people, I would

be obligated to report it. In subsequent mediations, it became a ground-rule I instituted which helped a great deal with having to carry out my threat. The ethics of continuing mediation was very challenging indeed, but I stuck to what I knew. It helped, during difficult mediations not to know.

4.6 Ethnographic fieldwork and participant observation

Making sense of violence through mediation between gangs is truly a way into the literature and what other scholars have said about the problem. The type of method I used was ethnographic in nature. Over a period of 19 years I observed events and spent time with respondents involved in gang and police interactions. Herbert (2004: 551) notes that ethnography rests on participant observation as a research method and the researcher invariably spends time observing and interacting with social groups. Marks (2004: 872), who researched police use of force, indicated that initially she did not prefer the notion of labelling her research as ethnography due to her lack of formal training in the trade. Instead, she notes that she would have preferred using the participant observation method early on in her research:

“In the early stages of my research, I called myself a participant observer. I hesitated in calling myself an ethnographer, given my lack of formal training in the trade. I have since become emboldened in using this label, after realizing that my lack of formal training is probably the norm.”

The most common qualitative methods that other scholars have used to get deep into gangs include ethnographies and life histories of gang members. Ethnographies are useful because it studies the subject in their natural setting (Noaks & Wincup: 2004: 93). But it leaves one with a sense of having to make decisions about events that you as researcher alone can understand at the time. As Noaks and Wincup (2004: 103) argue:

“Ethnographers lack instruction manuals, which in any case are likely to be of little use, and instead have to decide what best to do based on their own moral and ethical beliefs.”

My foray in using this method was almost accidental as I had to fit in with the programme of those I was studying. I did not have a choice in the matter and I had to follow

when they were available, whether they were incarcerated or not. This was particularly evident considering the field of people that I had to interview.

4.6.1 Interviews

In attempting to understand how the police engage in planning operations against gangs, I have interviewed senior police officers (retired and active) who have been involved in executing the operations against the gangs on the Cape Flats in the period 1996-2006. I have also interviewed some of the politicians who oversaw the actions of the police at the time. Provincial police MECs⁷⁹ who initiated and launched some of the operations, together with some members of the community structures who opposed the methods of the police, have also been interviewed.

Recruitment of respondents

Given the research questions I wanted answers to, I was quite deliberate with the types of respondents I chose to observe and interview. I wanted the most senior leaders of the armed violent Cape Town gangs that were involved in countless wars with each other on the Cape Flats over twenty years. I also wanted the same gang leaders to be people who have fought against the vigilante organisation, PAGAD and those who have been at the receiving end of the many police gang operations. I knew that there were few of them left as many others had been killed in the Cape Flats War. I therefore was able to identify the gang leaders from five of the major gangs on the Cape Flats who were rivals and who fulfilled the selection criteria mentioned. I made direct approaches to them as I previously was involved in mediating with all of them.

Similarly, I recruited police managers at a provincial level who were directly charged with policing organised, armed gangs while also fighting PAGAD. This proved more difficult as not all the police officers I approached agreed to be interviewed. I was able to recruit two divisional commissioners, two police provincial commissioners, three deputy provincial

⁷⁹ Member of the Executive Council.

commissioners, two police captains in crime intelligence and another as head of the gang unit. I also wanted the perspective of the politicians involved in publicly fighting gangs and two former Members of the Executive Council were asked to participate in the research. I furthermore recruited a member of the Department of Correctional Services that was directly involved with managing prison gang violence. Lastly, three representatives (community activists) of the community based organisations that were directly involved in mediation, community policing and advocacy work during the twenty years in questions were interviewed.

In total, 22 police members, gang leaders, community activists and politicians were interviewed for the purposes of this thesis: 11 senior police officers, five gang leaders, two politicians, one correctional services officer, and three community activists. These interviewees were all at one point of time central to the conflict that erupted after 1996 on the Cape Flats between gangsters, the police and Pagad.

All the interviews lasted on average for about one and a half hours. They were formal and informal semi-structured interviews. I wanted participants to share in the broadest and most specific terms what they knew about how the police and gangs dealt with operations. More particularly the interviews were shaped around the conflict between gangs, Pagad, the police, and the operations that unfolded on the Cape Flats during the period 1996-2006. Included in the profile of police participants were two divisional commissioners, two provincial commissioners, three deputy commissioners, two directors, and two captains.

I set out to interview all the police officers and gangsters that were at the epicentre of planning and executing police operations during the period in question. I also selected gang leaders that were part of the leadership of the biggest gangs. There were four gang leaders from organised violent gangs and two former prison gang leaders, as well as three community leaders who mobilised their communities against gang violence. In all cases, these community leaders were members of community police forums.

The combination was crucial in allowing me to get a broad view of how people, including the police, viewed what they were doing. The sample had to include people that were directly involved in gang violence, who had had the experience of being a police

operational target, and police officers who planned operations, investigated gangsters, and at some time led the police gang unit. I also wanted the political and community leaders who led the public campaigns against the gangs to be part of the interview process.

The interviews were conducted and recorded over a period of two years between 2008 and 2010. One gang leader was curious about my recording device, but nevertheless agreed to be recorded after I explained how it worked. Once the interviews were conducted, they were transcribed and emergent themes were drawn from them. I was unable to persuade potential interviewees to grant me an interview in only two cases.

Living on the Cape Flats came with the opportunity of experiencing first-hand what happens in some communities during mediation sessions with warring gang members. Whyte (1943) used similar methods in his iconic study of life in an Italian slum. He moved into the community and lived there for three and a half years while documenting life. Researching gangs often required that I have had to spend time in very different communities that were located on the Cape Flats, some of these areas characterised by poverty, degradation, crime, and unemployment.

The intensity of gang violence in areas such Hanover Park and Lavender Hill have seen such communities 'closed down' due to the violence.⁸⁰ In addition, having lived in one of the communities where police operations and raids occurred regularly allowed me to understand the governance of gangs and how they responded to the police and vice versa. There were several of these raids during police operations and the police appeared never to be able to successfully arrest gang leaders during these operations. If they did, gang leaders promptly received bail and were out on the street again after a day or two. They later resorted to telephoning gangsters from the police station for them to come and hand themselves over.⁸¹

4.6.2 Secondary data and documents

⁸⁰ See Provincial Transformation and Gang Prevention Framework, Department of Community Safety, 2008

⁸¹ Conversations with some of the gang leaders I interviewed.

As indicated elsewhere in this thesis, it was very difficult getting data from the police on any of their operations. They did not provide me with statistics and then there were constant referrals to nowhere. None of the provincial commissioners could give me any documents relating to how, for instance, they evaluated their successes in operations against the gangs. Excuses ranged from “it was classified”, “it’s in Pretoria”, to saying that I have to apply to the National Commissioner of Police.⁸² Without exception, they all agreed that the operations against the gangs had failed.

Searching for raw data in the police institution was therefore confirming the belief that police do not share information with anyone from outside the agency very easily. Most my own data, consisting of diaries, meeting notes, and reports, has been collected over a period of 19 years which was used to observe gangs and the police through various operations and training, and mediation sessions between gangs. During these 19 years, I mostly worked as a community organiser and mediator (with NICRO) mediating a variety of conflicts in community across the Cape Flats. I initially worked in the Manenberg community. After training in conflict resolution, and in my capacity as staff member attached to the Centre for Conflict Resolution I worked across the Cape Flats. I have, however, been able to find such ‘evaluations’ of police operations in reports which police were forced to make to parliament as part of its oversight function. Again, these documents did not appear as evaluations, but rather reports. There was however, quite a lot of data present in these reports.

Other areas of data collection included my observations of police actions and operations against gangs. I have been present in most of the operations to observe scores of police officers during the many operations where police officers searched homes, bystanders, and gang members. My detailed recollections of these raids are encapsulated in documents I had prepared for the Joint Forum on Policing and in my role as Secretary of the Western Cape Anti-Crime Forum (WCACF).⁸³ There were scores of documents in the form of reports, submissions to parliament on policing gangs, minutes of meetings, and police reports.

⁸²This was just as good as saying that it will never be available because the application invariably gets lost in the bureaucracy and you never receive a response.

⁸³ An umbrella body of community police forums, anti-crime and other civil society organisations.

Other sources of data related to my roles as mediator and trainer. I used to be called on by communities across the Cape Flats through their community police forums (CPFs) to intervene and mediate in inter-gang violence, especially where people had been killed as result of the internecine violence. Emerson *et al* (2001: 353) argues that field notes are as important as a reflection of the observed events, that it reflects just-observed events. He further argues that field notes accumulate over time and become valuable to the researcher, despite it consisting 'typically of bits and pieces' of incidents, beginnings and ends of narratives useable information (Emerson *et al*: 2001). I kept detailed field notes on some (but not all) of the scores of mediations I have been involved in with particular gangs for example. As reflected by Emerson *et al*, I was able to write these up, which include times, places, and gangs I mediated, together with names and outcomes of the processes.

Lastly, my interviews with police officers and gang leaders yielded quite a lot of data that I could process. I transcribed these interviews and drew themes from them that were relevant to the questions that I had posed. The themes were then grouped and discussed with my supervisor before they were refined and listed. I was acutely aware that I did not want to re-invent the wheel when it came to what other scholars have found on the topic.

4.6.3 Data analysis

The interviews were transcribed and then re-read to make sure that the real and intended meanings were captured in a way that made sense. I had to make sure that I understood what the respondents meant and how they were saying it. Capturing such hidden meanings through a process of making notes of body and facial language helped me make sense of intended and preferred meanings on the part of my respondents. On more than one occasion, some of my respondents preferred to respond by using body language, such as shaking their heads, rolling their eyes and not making eye contact when sharing uncomfortable responses. There were also periods of loud silences during the interviews. This all formed part of the data that I analysed and I had to make sure that I captured the meanings in the transcribed material.

Once all the transcriptions were done, I proceeded to draw out themes through a process of structural textual analysis (Karmieska: 2004:185). Common themes were grouped and drawn together in a total of 23 themes. These themes were collapsed into five key, or major themes, which formed the basis of my empirical chapters. The purpose was to attempt to understand the questions that emerged during the research process. Whyte (1943: 281) describes this process as making sense of the data which has no coherent pattern:

“We come up with an idea or two. But still the data do not fall into any coherent pattern. Then we go on living with the data - and with the people - until perhaps some chance occurrence casts a totally different light upon the data, and we begin to see a pattern that we have not seen before.”

4.6.4 Coding data and analysis

Once I had conducted all the interviews, I proceeded to group the main themes that emerged from the transcribed data. As previously indicated, I was able to organise the data through coding (Gläser & Laudel: 2013; Neuman: 2000, 294) into 23 themes. Using Bazeley’s (2009: 9) model of describe-compare-relate, to develop themes, I initially wrote down each of the main ideas from the interviews. I checked the chunks of data that stood out and I checked it to see how people I interviewed spoke about it. Thereafter, I was able to compare what I had described with what my field-notes of mediations and other interventions showed. I was also able to compare what the gang leaders had told me with what the police and community interviewees had told me. Through this process I could identify similarities (and differences) in what they were saying. Once I had done this, I grouped the emergent themes into five main groups (particularly where there were strong commonalities) which I was able to relate to other areas of research around policing gangs. Five main questions emerged which formed the basis of the question and sub-questions I asked. I analysed the data for evidence by drawing out the events and triangulating what was said with what my fieldwork notes showed. Once this was done, I developed the questions and sub-questions which formed the basis of my empirical chapters. I asked the question what evidence I had for each of the questions posed.

In my case I was then able to develop secondary questions from these themes and check on whom the key scholars were that wrote on the subjects. During the research process there was an endless movement between the interview transcripts and the development of research themes.

Additionally, there were also field notes that I had taken when I went searching for gang leaders and police officers to interview. I was also able to use the material from these fieldtrips to reflect and add to the texture of the narrative and the research themes.

More importantly, I found that I could use a level of reflexivity (Bazeley: 2009) in recalling the many mediation settings that I had had with gangsters and training sessions I facilitated with police. I was able to reflect on the events and outcomes of the mediations with particular gangs, what they did before and during a typical mediation process, who attended, who spoke and when they shared. There, of course, was the role of leaders and their second-in-command leaders, and the fact that these individuals jealously guarded the "honour of the gang", often taking mediation sessions to the brink before it was allowed to return to safe space. These mediation sessions helped place in perspective the attitudes and mentalities of gang leaders and members when they were not mediating, but rather in confrontation mode.

These mediation sessions were in various notepads and diaries that I had used extensively and contained names of gangs, places and notes about the process. Not all the notes were extensive and I had to rely on memory in some cases, but had sufficient "big events" to recollect from.

Similarly, from the viewpoint of the police, I used the experience of training police commanders and operational staff in conflict resolution. The training sessions presented me with a great many insights into police mentalities when justifying certain of the actions. In addition, in a few of the cases I spent time observing police actions against gangs, particularly on operations. Again, here one had to be circumspect with what you observed. Police officers cordoning off an area where there was a gang shooting did not display the necessary patience required from them in the face of hostile crowds.

4.7 Limitations as a researcher

4.7.1 Safety

It would be pure folly to imagine that researching gangs is a walk in the park. (Especially so, when these gangs are in the middle of a war with their opponents). Karen Joe (1993: 243) suggests that safety of researchers could be a problem in that:

“Gang members are often suspicious, believing that the researcher is a law enforcement official.”

Researching the Cape Flats gangs has not been easy and during my time doing this, I was attacked by gang members, shot at, stabbed, and threatened many times by gang members. I was acutely aware of how to behave when entering certain communities on the Cape Flats.

During one incident, the local Hard Livings attacked and shot at police officers. The police called for reinforcements and they proceeded to cock and point their guns at a group of about 50 gang members. It was sunset and the police were across the road facing an alley where the gang members had congregated. The police took up positions behind their armoured vehicles. What they did not know was that the Hard Livings had outsmarted them. They had very quickly mobilised a group of about 80 woman and children who immediately started to protest the police’s presence. The armed gang members mingled with the woman and children and started to train their guns on the police.

In the rapidly diminishing light, the police officers were unaware and took everyone for gang members. A young officer gave the order for the police to open fire. In the pandemonium, I became involved and ran towards the police to stop them from firing, as I could not see women and children being caught in the crossfire. After my intervention, the police withdrew and the potential for disaster was averted. Almost immediately the gang members attacked my vehicle and one of the members started assaulting me. This intervention as a mediator did not earn me any points with gang leaders who clearly wanted to shoot police officers. Since this incident, I was acutely aware of my own safety when

engaging in mediation processes. As my family still lives in one of the gang strongholds, I have always been clear about the reach of the gangs when they could not access me. They have on occasion issued threats to my family members.

4.7.2 *Going back*

One of the great difficulties facing me as a researcher was going back to actors in both gangs and police that I have mediated between and trained respectively. I was concerned that the individual gang leaders and police officers would refuse to speak with me in my 'new' capacity as a researcher. Previously, in my role as mediator, I was privy to information about their activities, actions and methods. I was mediating their violent conflicts and often was publicly critical about the damage their actions were causing to the communities in which they lived. For the police too, I was one of the critical voices who regularly complained about their methods in fighting gangs. So why would they talk to me? This thought pre-occupied me when I went back to attempt to interview some of the key gang leaders and police officers who all had a role in either causing gang violence or policing gang violence.

Thankfully it was not difficult because I had already, through various processes established rapport with some of them. The police officers, like some gang leaders, demonstrated a cautious but curious stand. Some gang leaders just wanted to be heard after all the battles with other rival gangs and police. Some police officers wanted to settle scores through the interview with their managers, other police officers and critical community voices. Even my former role as a community organiser was attacked by one of the police commissioners I interviewed. When I asked him a question about criticisms from the community about his approach, he responded as follows:

"It was a propaganda war. If you look at the newspaper, and I think that you may have been guilty of that too, in a sense we would open ourselves to...we come from a police force that was not accessible to the public. As we became involved, we started to attend press conferences and we opened ourselves

up and you chaps attended some of our meetings, management meetings and that sort of thing. That was newness to us. It was difficult always to know the right sort of way to go about it.”⁸⁴

So apart from the uncomfortableness of the police and the gangsters, as researcher, I too, was uncomfortable in my “new” role. Despite this discomfort, I was still able to rely on my old links and networks and role in order to get people to talk frankly to me. It clearly helped that they recognised that I had a role to play and this developed into a more confident approach every time I had to arrange and undertake an interview. The more interviews I did, the more confident I became.

4.7.3 Separating the community activist from the academic-in-training

One of the key difficulties for me in writing this thesis has been the constant battle to separate the “activist in my head” from the academic-in-training. I know that the experience of working with gangs and police officers provides one with a privileged position to reflect on the events as they unfold, uncover hidden meanings and make sense of the daily cultural practices and rituals of the gangs and police. Being able to organise communities to protest gangs and the way the police acts in communities when they are fighting gangs, has always been easy compared to writing.

My supervisor has always noted that I should ‘get the activist out of my head’ and write a thesis for three of the best experts on gangs and policing in the world. It has been a struggle, but I do not want to discount my own experiences in this field. I have seen and observed so much in reality that some of the texts that I have read have quite frankly been rather boring to me. Some of these texts discolour the real world that gangsters and police inhabit side by side. What should we be looking for and how do we make a significant contribution to the literature?

As a researcher, I am also acutely aware of the multiple personalities and roles that I assume and it, at times, includes that of a student, trainer, mediator, political activist,

⁸⁴ Interview with KL on 19 August 2008.

husband and father. These roles demand a different focus and it is quite hard when you should dedicate yourself exclusively to writing.

This thesis has challenged me to “write like an academic” and raised my own self-doubts about my own knowledge and my writing skills. But it also requires that you, as researcher, take a stand on the key ideological issues that confront you. Marks (2001: 11) argues that researchers should take an ideological stand:

“I came to believe that in order to do research on social movements in South Africa, during highly politicised times, researchers have to take a clear stand on their ideological and political allegiances.”

Taking a stand becomes critical, especially when you are engaging with a critical base such as the police and socially aware gangsters. Gang leaders and police officers are critical individuals with agency and they, more often than not, engage you when it comes to some of the moral questions facing society. Alternatively, it is something that you have witnessed (such as gang members being disciplined and beaten up) that does not allow you to keep quiet. It provokes questions and more questions for the researcher, gives rise to restlessness and, in some cases, trauma. Taking a stand has on many occasions spared me from danger in both the gang and policing environment, both as activist and researcher.

The line between the activist and academic-in-training is separated only by one’s epistemic advantage as an activist which is then injected into the academy. It brings the richness and texture of the lived experience into engaging with the research and findings of other eminent scholars. It cannot be dismissed and that is what I am attempting using this methodology.

4.8 Moral and ethical dilemmas

Karmieska (2004: 186) argues that there are real and ethical dilemmas that can emerge when analysing data from life histories. He suggests that when analysing data, the researcher often knows more about the narrator and often looks for different meanings when

analysing the data. This is because the narrator often hides things from the past to project themselves in a better light.

This was one of the ethical dilemmas that I faced when analysing the data. What do you do with information when you know what you have been told by an interviewee is not true, does not hold water, or is an attempt to test your sympathy? Or in another case, when mediating between gangsters at the local police station, you hear how they accuse each other of committing certain crimes? In many cases, because of my own work in a particular area I would be attuned to the developments with respect to gang violence or police action. There were occasions when interviewing gangsters or police officers that I found they were not truthful with their own recollection of events. Although I challenged their version of events, as a researcher, I found I could not judge them for taking such positions.

Of course, interviews with gang members do not necessarily provide researchers with complete pictures of events, processes and information. Interviews and surveys with gang members ought to be treated with a healthy suspicion because of this. Even if gang members know the researchers, they do not easily divulge the activities or crimes they are involved in. It takes an experienced researcher to uncover this (if this is the object of the research). My role as a mediator was, of course, very different in that they chose to divulge information voluntarily when they had a stake or an interest in the mediation process.

As a researcher, some of the gang leaders interviewed had great difficulty talking to me and being frank about their own experiences. I detected that they were reluctant to speak about their experiences as informers for the police, as the following interview with a gang leader shows:

Interviewer: So did they (the police) recruit people in your gang or not?

Gang Leader: Did they what?

Interviewer: Did they recruit people in your gang?

Gang Leader: To do what?

Interviewer: To spy on you.

Gang Leader: Silence (Looking down and shaking his head).

While the gang leader was prepared to talk to me about everything else, the one theme I wanted to explore was that of how they dealt with police informers. He was not prepared to talk about this and it often gave way to uncomfortable moments. It was in a sense easier to talk about police corruption and recruiting police informers as another gang leader notes:

“The gangs gave the police problems. A lot of them also had the upper hand. Some received money. It was widespread. I gave a lot of money. The police officers would bring information about the operations that were planned. Then we would already be informed about raids when it took place during operations.”⁸⁵

Surprisingly, discussing the issue of gang informers and corrupt cops was not difficult with the police. They spoke openly about their colleagues and corruption in the police. In fact, almost all of the police officers interviewed mentioned the issue of corruption in the ranks of the institution. The police officials all took a stand against corruption and most spoke about the problem inside the police institution. Gang leaders spoke about police officers that they recruited as informers. I did not record this as they often asked me to switch off the tape.

What was deeply troubling for me was the knowledge that some of the gang leaders that I interviewed were intimately involved in crimes which involved violence. Similarly, there were police officers whom I did not trust from my days as a community activist. Rumours and allegations of police corruption followed them wherever they went. This made the interaction between us now in a different context both interesting and unpredictable. To be able to ask the uncomfortable questions elicited responses that I did not expect, such as this one from a police commissioner:

“I still don’t believe that I was transferred because my rank was too high because the major was that time in charge of the police station. I was removed because I touched on certain things that nobody needed to touch on. So that is a clear illustration of our senior police officers’ involvement in organised crime and gang activities hamper effective policing in the Western Cape.”⁸⁶

⁸⁵ Interview with gang leader A, 7 July 2008.

⁸⁶ Interview with Police Commissioner D, 28 August 2008.

The knowledge of wrongdoing of some of the people I interviewed was perplexing and I did not venture too far into that territory. It does, however, raise questions about researchers and their subjects. At what stage do you allow the subject to cross the line by disclosing information about criminality? My stance has been one of complete clarity and I have stated upfront that I was not interested in criminality and if I did happen to hear it from them, my line always was that I would be obligated to report it. But stating this was not enough to stop them from slipping things, or from you seeing things. In all the cases where I was exposed to such information, my position was to ignore it (especially if it was unintentional). But was it ethical to ignore it, especially if there were cases where you knew that people were going to be killed, as happened in at least one case? Even though in this case, I reported it to the police, the person was still killed.

4.9 Conclusion

Ethnographic experiences lead us into exciting places. Thereafter, one has to rely on our ability as researchers to make sense of the stories of subjects. I have indicated at the beginning of this chapter that I would provide the method for examining my research questions. I have outlined the methodology I have used and why I have chosen this method, given that I have worked on both sides of the divide, with gang leaders and with police leaders. It has brought me to an unusual juncture and given me rare insight, especially as it provided me with a different view of both the gangs and the police and how they regulate and influence each other. I have also added my own experience in the process because I believe it is relevant and useful to the project.

My questions on how gangs are policed have implications and consequences for the thesis. The sub-questions I pose is to amplify the issues in greater detail with specific reference to police operations, gang solidarity, gang and police governance and the contestation of such governance.

The next few chapters speak to the theoretical issues relating to my topic which I explore as a result of my substantive questions. These chapters (5-8) explore in more detail

the empirical questions I have raised earlier with respect to providing a useful contribution to the literature on policing gangs. The following chapter will examine how police operations against gangs have enhanced gang solidarity.

CHAPTER 5

Police gang operations: Entrenching gang solidarity

5. Introduction

In the previous chapter I mapped out the methods I used in exploring the research question of how gangs are policed. I indicated that the way police manage their operations against gangs only increases gang solidarity. While gangs did not suddenly come into existence in 1994 when South Africa attained political freedom, national police operations against gangs as the new 'common enemy' certainly did.

In this chapter, I will examine common features and critical differences of the many operations that the police have launched against the gangs of the Cape Flats between 1994 and 2014 and will consider the resultant outcomes. The purpose of examining these operations is to understand how the police exercises its governance over communities and gangs, and how gang solidarity is entrenched. Police constantly seeks to extend its governance over communities, and indeed gangs, through embarking on different operations against gangs and vigilantes.

In discussing what successful police operations are, we have to consider a multiple number of indicators, which includes amongst others:

- The continued safety of the communities in which the operation was conducted;
- The continued existence of armed, organised gangs and their ability to perpetuate their own operations;
- The cost (financial and social) of the operation;
- The neutralisation of the gang leaders through convictions for criminality;
- The reduction of firearms and shootings in the community;

- The reduction of gang-related crime;
- The continued perception of safety by members of the community, and
- The ability of the gang to reproduce itself.

In all of the operations, due to police difficulty with disclosure, there are always problems ascertaining what exactly the successes have been. Only in instances where police officers provide information to direct questions by parliament, do the police provide statistics. This has not been a feature of policing in South Africa as police has only provided statistics once per year when they release their annual report in parliament. The number of people arrested during operations is also not a good indicator of the success of an operation because invariably the gang members are quick to return to circulation in the community because police often do not have sufficient evidence to prosecute them.

While there has been reference to police operations in different South African geographical contexts, there has not been a formal contextualisation and discussion of which operations were launched by police against the gangs on the Cape Flats over the last 20 years. Individual researchers (Steinberg: 2008; Standing: 2006; Altbeker; Schärf & Vale: 2006; Dixon & Johns: 2001; Legget: 2001, 2005; Jensen: 2008; Samara: 2011) have been able to mention different police gang operations over the years, but none have put together a composite view (and meaning) of all of those operations over a 20-year period. Having such a longitudinal perspective helps us understand what the generic lessons for policing governance are, what the shortcomings are and how these operations have assisted with entrenching (or not) gang solidarity. But the police who are at the helm of these operations against the violent, armed organised gangs are not united. Researchers (Schärf: 2001; Standing: 2006, Hornberger: 2011; Jensen: 2008, 2011) have shown the internal divisions within the police over a number of years. I argue that entrenching gang solidarity is one of the unintended consequences of police operational mentalities.

It is perhaps opportune to, at this point, note the real challenge from a governance perspective to point out what the police were facing when embarking on operations against gangs. This dilemma is neatly summarised by a Provincial Commissioner⁸⁷ I interviewed:

“At the same time, we had multiple operations focussed on gangsterism because the Western Cape was synonymous with gangsterism. I headed many of these huge operations where we searched shebeens, flats after we had received intelligence reports that indicated that there might be unlicensed firearms, ammunition or illegal substances. When we arrived at these places we had minimal successes. In most of the cases we didn’t find anything at those houses...well-known drug dealers homes that were re-enforced with extra illegal walls and burglars and safety windows. These changes were not approved by the City Planning Department. We tried to then make sense of what it was that made us not to succeed. Our information was hot and the informers were reliable according to the crime intelligence. The only conclusion we could come to was that it was from inside the South African Police Service where these people were tipped off.”

From the response, it is clear that the organisation of gangs was adept at compromising police operations as part of their governance of communities through corruption of police officers working in some of the operations. It also shows the complexity modern policing should deal with when engaging and planning operations against gangs.

In this chapter I will firstly discuss the international literature on police operations against gangs before turning to South Africa and the operations launched by the SAPS since 1994. I will list all the main operations against the gangs (and the vigilante movement, Pagad) launched by the SAPS and the contexts within which it emerged, and consider how the operations affected the communities they were policing. Including the policing of the vigilante movement People Against Gangsterism and Drugs (Pagad) is necessary because I intend to show that the police also viewed them as just another gang. Pagad, however, muddied the waters in the way police approached the gangs. I then discuss what the community responses to the violence perpetrated by the gangs have been, as well as the impact and effect of such operations.

⁸⁷ Interview with ML on 4 August 2008.

I conclude the chapter by drawing the key trends and factors that impact on effectiveness in police operations and what we learn from the findings and how it contributes to our understanding of contested governance.

5.1 International police operations against gangs

Internationally, police governance is extended by the way they launch operations against gangs and it is aimed at controlling the communities in which the gangs operate from. Very often, the entire community is labelled as gang-infested to justify huge operations against such communities. Such police operations are characterised by heavy saturation strategies, brutal methods employed by the police and highly armed officers, to the point where it becomes overkill and a show of force. Police governance through operations provide temporary control of the streets and has the opposite effect in that instead of diminishing the influence and activities of the gangs, it only enhances gang governance.

In her review of the growth of the Mara Salvatrucha 13 gang, Sonja Wolf (2012: 4) contends that the Mano Dura⁸⁸ policies of the Salvadorian government were responsible for the scattering of the gang and facilitation of their growth into organised crime. The Mara Salvatrucha became a transnational criminal organisation because of the policies implemented by the Salvadorian Police. There is now a greater consideration being given in the literature to viewing the policing of gangs as transnational criminal organisations (Manwaring: 2009; Rodgers, Muggah & Stevenson: 2009; Sullivan: 2009; Dudley: 2012). This is a concerning development in that such depictions of gangs as counterinsurgents and transnational organisations, lend weight to arguments for bringing in the military to fight gangs, as we have also seen in South Africa.

The growth of gangs in Latin America and Mexico has been attributed to the United States policy of deportations of gang members found guilty of crimes in the United States (Wolf: 2012). This view is supported by Dudley (2012: 8) who provides statistics on the number of deportations from the US and the concomitant growth of the gangs, organised criminal groups and transnational criminal organisations. It appears that apart from the accelerated deportations which numbers 129,726 to Central America, between 2001 and

⁸⁸ "Hard Hand". This was the name given to police operations in Salvador against gang members.

2010, the long wars and insurgencies in Central America also accounted for the growth in the criminal gangs. He argues that as combatants and guerrillas became unemployed after the wars, they started to become involved in human trafficking and drug running. From his research, we can deduce that the approaches of policing the problem from the United States has, in fact, had the unintended consequence of growing the Mara Salvatrucha 13 gang and the resultant threat it poses.

Tough 'law and order' approaches towards the policing of gangs do not appear to work. It has had the opposite effect and clearly appears to harden the gang resolve and gang solidarity. In South Africa, gang operations as we shall see, followed a similar trajectory.

Providing the reasons for gang operations is always at the behest of politicians, community groups and the media. The brilliant exposé of the failings of Operation Hammer which was launched in 1988 in South Central Los Angeles is laid bare by Mike Davis (1992: 265) in his seminal study, *City of Quartz*. Davis relates how the Los Angeles Police Department (LAPD) unleashed Operation Hammer to fight gangs in the inner City. It failed spectacularly⁸⁹ after mass arrests were undertaken. The arrested were mostly young, black males. Police officers with sledge hammers went into the homes of black and Latino youth, destroyed inner walls of homes and made mass arrests in the process. This approach of the police only strengthened the resolve of the gangs to resist the actions of the police. But the process reinforced very clear police governance through control of communities because of operations against the gangs. But this very attempt at extending its governance through operations had an unintended outcome. So, while the police appear to have subdued communities in which gangs operate, the gangs became more organised and their governance of communities was enhanced in the process of police operations as Davis points out.

The Rampart Division of the LAPD was also at the forefront of establishing the Community Resources against Street Hoodlums (CRASH) unit that declared a 'war on gangs'. This police unit then became involved in criminality itself. In court evidence, over 70 police officers of the division allegedly engaged in 100 incidents of physical abuse of suspects, corruption, extortion, drug dealing and racial abuse against the local population they were

⁸⁹ The Operation Hammer only served to cement social solidarity between gang members against the police and did not fundamentally alter the structure and recruitment strategies of gangs.

policing, all as part of the 'fight against gangs' (Gutiérrez-Jones: 2001: 6). The police engaged in spectacular brutality against Latino and African-American males with a very clear labelling approach that all of them were gang members (Wolf: 2012: 91). The CRASH gang unit was subsequently closed down as a result of police brutality and corruption.

In the favelas in Latin America, police brutality is common (Arias & Rodrigues: 2006: 58). Investigating the role of drug traffickers, they selected four favelas in Rio de Janeiro and documented the practices of drug traffickers and the police. They found that a repressive policing style existed towards the traffickers and rogue police officers involved in the drug trade routinely murdered traffickers. The police also perpetrated a huge amount of violence on the communities in the favela. The result was that the residents of the favela ended up going to the drug gangs for assistance in finding stolen goods, or mediating certain problems.

This approach by communities to the gang leader(s) to resolve their problems is confirmed by Horace Levy (2009: 30) in his description of the garrison towns ruled by 'Dons'. Dons control powerful armed gangs who fight rival political parties entering their areas and are part of the criminal enclaves. They also exact punishment for offenders who have committed crimes as Levy (2009: 30) indicates:

"To recover a stolen article or deal with a rapist, they simply went to the don rather than the police, the offender usually receiving prompt and harsh punishment."

In Stockholm, according to Peterson (2008: 104), police officers harass young men and "face off" against them when they are in groups. In her research in socially marginalised immigrant groups in Stockholm, she observed two groups of police officers dealing with youth. One group's approach was not to seek confrontation, but to inform that they wanted to share the space with the group. The other group of police officers, known as the 'street peace group', sought confrontations with local youth, and accomplished their (police) authority through a 'contest of face'.⁹⁰ In this way, the police demonstrated that they could achieve respect and authority through these contests, and in so doing, controlled the streets.

⁹⁰ Peterson suggests that police officers make young men uncomfortable in the manner they stare down young men and react to the same stares from young men.

The trends emerging from these international examples are that the police are most likely to use brutal and forceful methods when it comes to policing gangs and that they launch operations that target minorities. An unintended consequence of such strategies may be to advance the influence through governance that gangs exercise. There is very little evidence that such approaches are effective⁹¹ and get the required results, as Wolf (2006), Arias & Rodrigues (2009), Manwaring (2009), Rodgers, Muggah and Stevenson (2009), Sullivan (2009) and Dudley (2012) demonstrate in South and Latin America. Similarly, Davis (1992), Katz and Webb (2004), Greene and Pranis (2007), note a similar approach by police in North America, while Levy (2009) and Peterson (2009) also agree that nature of policing in Jamaica and Stockholm respectively, is coercive. Lastly, in communities where there are violent gangs, the communities appear to be working with, or rather turning to gangs to resolve conflicts rather than go to the police.

Instead of curbing the growth and influence of gangs, repressive policing assists in the growth of gangs and their institutionalisation (Hagedorn: 2007). This is a theme that we will explore when we turn to the policing of gangs in South Africa and consider the outcomes of such policing approaches.

Now that we have briefly considered how policing gangs internationally is taking place, we can turn our attention to the policing of gangs on the Cape Flats. While routine policing is expected to include the policing of gangs at a station level, nine high-profile gang operations have been launched by the police in Cape Town since 1994. We consider these operations later and discuss the effectiveness and outcomes of each of these operations. Before we get there, however, we need to turn to the South African police approaches on gangs.

5.2 South African Police operations against gangs

Gang violence on the Cape Flats has intermittently presented major problems to both the state police and the affected communities. Since 1994, the 'gang problem' has also been

⁹¹ Effective in this context means distilling the influence and governance of gangs in community settings. In the discussion section I discuss this further.

featured in political party jostling during election campaigns. This holds true in other parts of the country where there is a strong prevalence of organised violent gangs.⁹² The Cape Flats has been the epicentre of gang violence over the last 20 years because of the key roles gangs play in the distribution of drugs in the province. During a provincial parliamentary committee meeting on safety and security held on 9 September 2011, the provincial Police Commissioner's office revealed that they had confiscated drugs worth R8.5 billion in the Province between April and November 2011.⁹³

The link between the gangs on the Cape Flats and drugs had been established by Legget (2001) who researched drugs and gangs and found that the gangs are involved in the distribution of drugs. The police have used a quasi-military approach, not dissimilar from other approaches in South and Latin America, which some theorists have been presented as counterinsurgency approaches.⁹⁴

The theoretical and philosophical underpinning of the police's 'stabilisation and normalisation' approach is the basis of all its methodologies and designs to police gangs. These theoretical foundations clearly emerged from the war against the *Total Onslaught* against South Africa which called for a *Total Strategy* against the liberation movements. The normalisation and stabilisation language which emerged out of this strategy is military speak to gain control over the population.⁹⁵

The stabilisation and normalisation mantra of the police is born out of the old (Apartheid) state security logic which was based on counter-insurgency strategies. In such a scenario, the police (it is argued) could only 'stabilize' the crime problem and some 'other' government department(s) must 'normalise' the situation.

In this respect, the understanding of normalisation is taken from Foucault's (1977) definition of normalisation. He defined normalisation as a means for power assemblages to

⁹² Westbury and Alexandria in Johannesburg, Gelvandale in Port Elizabeth, Merewent and Wentworth in Durban are some of the communities across the country that all exhibit similar gang problems.

⁹³ <http://www.iol.co.za/capeargus/drug-crimes-soar-in-cape-1134426>, accessed 9 January 2017.

⁹⁴ For more on this see Cawthra, G. (1992). *South Africa's Police: From State Police to Democratic Policing?* Zed Books, London.

⁹⁵ See Seegers, A., *South Africa's National Security Management System, 1972-90*, *The Journal of African Studies*, (1991), 29 : pp 253-273

extend and hold onto its power through disciplining society. The need for society to conform and play its part in holding together its norms (accordingly strengthen the dominant power), is specifically insidious. It therefore asks that its citizens accept the norms and therefore the need to normalise behaviour, much in the same way that Jeremy Bentham's panopticon disciplined and regulated the behaviour of inmates to conform to rules. This normalisation of the body was then the way society complied (normalisation) and made up the body of the society.

Diane Taylor (2009) explains that with the rise of modernity, the norm was tied to disciplinary power. Included in the rise of modernity was the idea that the sovereign state could not control the new forms of emergent power which arose from the complexities of society (Taylor: 2009: 49). The police argued that gangs on the Cape Flats were dominant and that these gang areas were not normal. It was something else, out of sync with society because of gang violence and therefore required of the state to 'normalise' the gang areas. It could only be normalised if there was an intervention, by the Apartheid police. Such then was the genesis of the terms normalisation which was so easily used by the police. In their own words, they define stabilisation as bringing the areas 'under control' (of the state). The Apartheid state used its counter-insurgency approach to develop the 'win the hearts and minds campaign' (WHAM) which was first rolled out in Namibia, but was not as successful in South Africa (Cawthra: 1992).

5.3 Gangs on the Cape Flats

Gang violence on the Cape Flats has presented major problems to both the police and politicians, and to communities. The problem has become political in that the 'gang problem' has been used by various political parties during election campaigns.⁹⁶ Violent organised gangs on the Cape Flats are small, tightly-knit groups of men coalescing around a central leader. Some of the most violent gangs are the Americans, Hard Livings, Sexy Boys, Nice Time

⁹⁶ Gang violence surfaced as a political issue in the Western Cape in all elections since 1994.

Kids, and Fancy Boys.⁹⁷ They have branches in different communities on the Cape Flats and have a presence⁹⁸ in others. The point must be made however, that there are smaller and less organised gangs as noted in the research of Pinnock (1984) and Standing (2006). For purposes of this doctoral research however, I focused on the bigger, more violent and organised gangs.

In communities where these violent, armed organised gangs do have a presence, but are not the dominant group and those communities are dominated by other rival gangs, they can call on the support of other branch membership when they do engage in fights. Without exception, these gangs can muster a significant number of their members within a matter of minutes in the areas where they operate. These gang members are armed, conduct different criminal enterprises such as extortion, murders, illicit entertainment such as gambling, armed robberies, theft and drug rings, and control sex workers. They do this in some cases with the tacit support of corrupt police officers.

In the last police operation that was launched, called Operation Combat, in 2014, the police concentrated on 14 communities where the gangs had a presence and where there was the most fighting.

5.3.1 Policing the gangs

The police effected many high-profile arrests of gang leaders in all the operations but failed to hold them for long periods. This caused gang leaders to develop ‘celebrity statuses’⁹⁹ amongst the poorer sections of the communities in which their gangs were based. This characterised the form of most of the operations launched by the police after 1994. Certain sections of the media were fed information about where the police were going to hit next and who they would raid thereafter and so on.

⁹⁷ It is important to note that these gangs are not static and are continually in a state of flux and change. They shift in influence as their fortunes changes.

⁹⁸ This is when there are too few members to form a branch and have a critical mass to challenge other dominant gangs in the areas they are located in.

⁹⁹ This was an unintended outcome of the fact that the police often arrested gang members because of political and community pressure, but then had to release them in a blaze of publicity which often enhanced their status as “untouchables”. They very quickly attracted a media following and members of the communities supported them.

But the police actions against the gangs helped gang members to learn from the actions of the police and develop better responses to police operations. A senior police manager¹⁰⁰ responsible for operations described how gangs organise their governance responses to police operations thus:

“They also know some of the specialised units used for the big operations. These specialised units have tough, sophisticated and speedy ways of entry. Nowadays, we find that certain of these drug dens are more difficult to penetrate because they built defences around them so that what is different now is that we use our specialised units in a selective way. If we know it’s going to be a big catch, we use them, but we don’t use them in a random way. You will find before the task team acts, some senior guy would order them come and the task force would hit every little drug house you find. And the task force’s method of penetration was similar. Every time they would enter in the same manner, it was guaranteed to work...hard, fast, and speedy. Now you find that the guys (gangs) have caught on. One drug dealer has now built a cement roof. Those are issues that we have to deal with. Then in a way also you find that arms ...each gang had its own arsenal. Now you find that gangs are renting the firearms for specific hits and you never going to link that. If you get the gun and it’s linked to five murders, you never going to find that guy because the gang shootings never seem to make sense related to that gun.”

Understanding gang organisations as learning organisations as part of the governance arrangements contesting police governance helps us conceptualise the interactions, competition and improvement in gang technologies, as nodal governance in action. As pointed out and confirmed by a key gang leader:¹⁰¹

“It’s impossible because here are now more gangsters than ever. Their (the police) ways have only made the gangsters cleverer. The gangsters rolled with the times and the more modern the *boers* (police) tried to become, the more modern the gangsters too became.”

It appears that the reason police managers start gang units is to appease members of the public that ‘something is being done’ to deal with the gang problem. This approach is also what led to the establishment of the first gang unit in the South African Police Force in 1989. As we shall see later in this study, the gang unit was also not effective in its approaches to the gang problem and one of the key considerations and the purpose of this study is whether police occupational cultures have played a significant role in policing and reproducing gangs.

¹⁰⁰ Interview with JP on 3 July 2008.

¹⁰¹ Interview with PD on 17 July 2007.

Previous studies of police operations on the Cape Flats have largely focussed on structural analysis (Van Onselen: 1984; Pinnock: 1984; Glaser: 2000) of the period of vigilante urban terror (Dixon & Johns: 2001; Rashied & Gamieldien: 1996; Boshoff, Botha & Schonteich: 2001). In South Africa, there is a developing literature on police operations against gangs. Standing (2006), Kinnes (2009), Samara (2011), Petrus (2014) and Goga (2014) all comment on different gang operations. Boshoff (2001) and to a limited extent Jensen (2008), presented a view of the policing of vigilante violence and the war on gangs on the Cape Flats. They outline the operations conducted by the police against the People Against Gangsterism and Drugs (Pagad) and the gangs and suggests that the police operations against vigilantes have had limited success and have been similar in nature to policing gangs.¹⁰²

In his book on crime and governance in Cape Town, Tony Samara (2011) details the workings of neo-liberal governance in the City of Cape Town. He notes that the City, through its Metro police, launched two operations against crime. Operation Clean and Safe was launched in August 1998 and Operation Reclaim in May 1999. Samara indicates that the City of Cape Town was not able to sustain the tough approach it had to cleaning up the City CBD (Samara: 2011: 67). Cleaning up the City though did not specifically focus on dealing with gangs, but rather the urban petty crime perpetrated in the inner-city areas of the City. It was not designed to deal with the hard edge of policing gangs that were operating on the periphery of the City.

My work builds on the work of Samara by examining the way police operations affect the gangs, particularly with respect to contested governance. In this respect, Samara goes further than other scholars by looking at most of the operations that were launched by the police.

The purpose of this chapter is not to discuss the history of gang units, but rather to examine policing through operations against the gangs and unpack how police attempt to exercise their governance through these gang operations. While the literature on gang units are important and tell us more about how the police deal with gangs, they tell us little about the operational approach used to police gangs. Through capturing the methods of police

¹⁰² See Kynoch (1999:71) and Glaser (1998; 2000) who both point out how the state played a role in developing vigilantes.

officers and gangsters during operational planning, actual operations and the nuances and complexities during execution of operations, illuminating the practices and methodologies, and, as I will demonstrate, the futility of such police approaches.

5.4 Police governance through gang operations

Between 1994¹⁰³ and 2014, the police have launched several high-profile operations against the gangs on the Cape Flats. None of the operations specifically targeted violent, organised gangs. This was significant in that there was always a greater emphasis on ‘the gangs’ as if they were one entity even though there were real and complex differences between the armed organised gangs and other smaller gangs. The gangs, despite being similar in criminal enterprise, were very different formations, operating in different communities and some of them specialised in very specific criminal activities such as hijacking, extortion and drugs, while others were focussed on armed robbery.

Despite this, the police launched the following high profile operations between 1994 and 2014 all with the stated aims of reducing gangsterism, ridding the streets of gangsterism and making the streets safer for residents of the Cape Flats.

Only in one exception was an operation launched to fight the vigilante organisation, Pagad. Table 2 hereunder summarises the operations:

Table 2: Police Gang Operations

OPERATION	START DATE	END DATE	OBJECTIVES	OUTCOME
<i>Gang-Bust</i>	June 1994	September 1995	Rid Cape Flats streets of gangs	Unclear
<i>High Density</i>	16 August 1996	Unclear	Combat Cape Flats Gangs	Unclear

¹⁰³ This is not to say that the police did not launch operations prior to 1994. They did, but many of those operations dealt with political suppression instead of policing gangs. The thesis focuses on this period from 1994 to 2014.

<i>Recoil</i>	23 October 1997	16 September 1998	Counter Media speculation about Gangs	Unclear
<i>Saladin</i>	12 January 1998	January 1999	Urban Terror & Pagad	Unclear
<i>Good Hope</i>	23 January 1999	Unclear	Saturation operation and urban terror	Limited effect
<i>Crackdown</i>	1 April 2000	April 2001	High-density intelligence-driven operation	Unclear
<i>Slasher</i>	March 2001	November 2001	Combat gang violence and gang structures	Limited effect
<i>Lancer</i>	March/May 2000	March 2001	Pagad	Limited effect
<i>Combat</i>	July 2012	June 2016	Bring down gang bosses	Limited effect

It is important to note that not all the dates for the operations were provided by the police and ascertaining exact dates were incredibly difficult. The basis for defining whether an operation was successful or not, was defined by the police based on the number of arrests, which was a questionable indicator. What, however, is striking, is that most of the operations conducted did not fundamentally affect the structural dimensions of the violent, organised gangs in Cape Town. I discuss this later in the chapter. I do not discuss Operation High Density in this chapter. I also discuss each of the operations and the impact of the operation on the gangs.

5.4.1 Police operations

As already stated earlier, the police launched several operations against gangs and Pagad. It would also assist if we make a distinction between operations launched against the gangs and those operations used almost exclusively against Pagad. These operations had many different names, almost all however, signified that the state was taking the fight to its new common enemy (the gangs) after Apartheid was defeated.

It can be argued that these operations were a means of extending police governance of communities by making the gangs the 'common enemy' and in so doing, won political and policing space on behalf of government and by extension, 'the community'.

Police operations against the gangs were temporary events and did not usually have a long-term goal attached. It relied heavily on saturation policing and then the forces were withdrawn. This did not have any lasting effect of ridding the streets of the gangs, except to bring an imagined order and temporary control for the police. It had the unintended consequence of enhancing gang solidarity. An example of this was when gangs started to co-operate with one another and share intelligence of Pagad and police targets during some of the operations.

A different approach was taken when the police operations against Pagad was planned and launched. The Operation Lancer was a more intensive and focussed operation to dismantle the Pagad G-Force.¹⁰⁴ What follows is a summary of the operations launched by the police.

5.4.2 Operation Gang Bust

In a post-Apartheid democratic South Africa, Operation Gang Bust was launched by the first MEC¹⁰⁵ for Community Safety in the Western Cape, Patrick Mackenzie in 1994. The focus of the operation was to 'rid the streets of gangs'¹⁰⁶, particularly in Manenberg. Over 200 police members were deployed to Manenberg¹⁰⁷, the plan of the operation being to 'sweep the area clean of gangsters'. It appears that the operation was a very well organised attempt on the part of the authorities to show that they were 'doing something' to fight the gangs.

¹⁰⁴ G-Force Military wing which the police blamed for carrying out all the urban terror and bomb attacks. They were organised in small cells and police used counter-terrorist approaches to neutralise their impact. It was an operation that generally lasted longer than the gang operations as it was far more difficult to penetrate the G-Force cells. The G-Force was not a gang and the operation was not approached as they approached gang operations as there was far more planning involved.

¹⁰⁵ Member of the Executive Council

¹⁰⁶ Patrick Mackenzie, MEC for Community Safety, personal communication in a meeting with the Western Cape Anti-Crime Forum in September 1995.

¹⁰⁷ At that stage, Manenberg was considered the epicentre of the gang violence.

The general trend during all the operations was one of sustained saturation search and patrols by police of areas where there was gang conflict, together with a contingent of media accompanying the police (to show their success). As the New York Times reporter who followed Operation Gangbust found at the time, the operation was more of a public relations event:

“Instead, the 200 officers who descended on Manenberg one day at the end of May were deployed to root out the violent gangs that have plagued this and other townships on the flat plains east of Cape Town. As strategy, the effort was more public relations than policing. Few arrests were made, and no weapons seized, as the officers moved through the town and searched a number of dwellings, trailed by reporters, photographers and television crews.”¹⁰⁸

This view was confirmed by the WCACF, an amalgamation of community police forums on the Cape Flats, who challenged the police about the successes of Operation Gang Bust (Kinnes: 2000: 32). Although dedicated to fighting gangs almost exclusively, Operation Gang Bust failed to make an impact on the ability of gangs to continue their activities within the communities that were feeling the effects of their violence. Soon after the withdrawal of the police from the Manenberg and other Cape Flats areas, the gang wars continued unabated. Several newspaper articles appeared thereafter about the threats that gangs posed together with interviews with the MEC.

In Manenberg, the operation did not achieve its stated aim and the gang members drew closer together as they indicated that they were the targets of the police and had to prepare for further engagements with the police. Members of rival gangs, particularly the Jesters and Hard Livings started to form alliances with which to fight their rivals such the Americans. Some gang leaders were briefly arrested but the charges were soon dropped.¹⁰⁹ This enhanced their image and standing in the eyes of their supporters (and youth on the periphery of the gang) in the community. Members of the Manenberg community also called

¹⁰⁸ Holmes, S., South Africa Tries to Take the Force Out of Police, New York Times ,18 June , 1994 <http://www.nytimes.com/1994/06/18/world/south-africa-tries-to-take-the-force-out-of-police.html?pagewanted=all&src=pm>, accessed 24 October 2011.

¹⁰⁹ Most of the charges were dropped because the police did not have any evidence of criminality. They were brought to court and the prosecutors refused to prosecute what they considered trivial cases.

the operation a damp squib in interviews with the media as no weapons were confiscated or found.¹¹⁰

5.4.3 Operation Recoil

Operation Recoil was launched at the end of October 1997 and the objective of this campaign was to oppose the 'media-driven' public perception that the gangs were involved in fighting each other (Boshoff: 2001). This was so because during this period, there was an escalating war on the streets of the Cape Flats between the gangs and vigilantes in Cape Town. Bombs were being set off against civilian targets, police stations and places of entertainment. Newspapers were full of reports almost daily of the attacks, shootings and bomb attacks against gang members, police officers, correctional services officers and magistrates. The reason for the police launching Operation Recoil was the fact that a delegation of the WCACF had a meeting with President Mandela and complained of the numbers of people that had been killed and injured on the Cape Flats because of the gang and vigilante wars. They accused the President of not caring for the people on the Cape Flats. The operation was born, when the next day, the President summonsed his security cabinet and officials to explain why they were not dealing with gang violence.¹¹¹

The South African National Defence Force (SANDF) was included in the operational planning concept and provided a support role in cordoning off areas that were targeted for search and seizure during high density operations.

Police reported that they had numerous successes in Operation Recoil against the gangs by producing statistics for the period 23 October 1997 to 16 September 1998: 28,207 arrests were made for varying offences, including murder, robbery and drug-related offences. Eight hundred and eighty-five people were arrested for murder, 1,087 for possession of illegal firearms, 2,395 for drug-related offences and 4,873 for crimes against women and children.¹¹²

¹¹⁰ See Du Toit, P., (1994). Residents ask for help with the gangs, Die Burger, 4 June 1994 available at: <http://152.111.1.87/argief/berigte/dieburger/1994/06/04/2/2.html> , accessed 22 April 2015.

¹¹¹ Personnel reflection of author who was part of the delegation.

¹¹² SAPS Provincial Commissioner of the Western Cape presentation to the Western Cape Provincial Standing Committee on safety and Security of Western Cape parliament on 16 September 1998

It was clear that the police wanted to counter perceptions in the media that they were 'unsuccessful' against the gangs.

They tried to do this with the numbers of firearms they recovered and mass arrests made. While the arrest of gang members was prolific, the police were again unable to hold onto gang leaders they had arrested as they had very little evidence against them and had to release them, again in a blaze of media publicity.¹¹³ This operation only enhanced the image of gang leaders (Schärf: 2001) as 'untouchable' and consolidated solidarity between gang members who saw themselves as victims of police targeting.¹¹⁴

It appears that this operation was conducted to deal with both gangs and Pagad. In their report to parliament on Operation Recoil on 25 February 1998, the police indicated that Pagad was responsible for 111 attacks and the gangs for 75 attacks (Boshoff: 2001). What is interesting in this operational design was the fact that the investigating arm of the operation had as its objectives to establish a gang investigation task team to concentrate on gang activities and a Pagad investigating arm which concentrated on Pagad related attacks (Boshoff: 2001). The fact that it focussed on both gangs and Pagad may have been a problem as it caused some confusion in police reporting lines. Although from a design point of view the investigations were separate, in practice, they were managed by the same people who did not draw the necessary distinctions between Pagad and the gangs.

5.4.4 Operation Saladin¹¹⁵

Per Boshoff and colleagues (2001), Operation Saladin was established on 12 January 1998 with the objective of ensuring a decrease in incidents of urban terrorism in the Western Cape. This operation also involved the SAPS crime intelligence, SANDF military intelligence

¹¹³ See <http://152.111.1.87/argief/berigte/dieburger/2013/05/09/KS/10/KS-Ougat.html>, accessed 30 April 2015

¹¹⁴ During my interviews with gang members, they all indicated that they were targeted by the police during operations.

¹¹⁵ Operation Saladin was originally not designed to deal with gang violence, but rather to deal with "urban terrorism". Invariably, police sources interviewed informed that the resources were used to also fight gangs and it was lumped together in the stated aims of the operation.

and the National Intelligence Agency (NIA). The objectives of the operation were more specifically designed:

- to detect and monitor perpetrators of acts of urban terrorism in both gangs and Pagad;
- to provide early warning, on-the-spot operational intelligence, visible policing, and to assist with Provincial Operational Coordinating Committee (PICOC) operations;
- to frustrate the access of perpetrators of urban terrorism to their intended targets; and
- to ensure the effective interception of perpetrators of acts of terrorism both before and after attacks.¹¹⁶

Per Samara (2011: 118), Operation Saladin was introduced in January 1998 as part of Operation Recoil and focussed specifically on urban terror, targeting Pagad. It also focussed on attacks on security forces and police stations and high-profile Muslim businessmen. Its design was aimed at preventing further attacks by Pagad and drew on other government departments such as the National Intelligence Agency and the Defence Force. Boshoff (2002: 54) argues that the success of the operation was its ability to act as a deterrent to perpetrators of urban terrorism and gangsterism, arresting them prior and after committing the bombings.

It is debatable if the operation succeeded because it did not stop the mobilisation of Pagad, nor their attacks on police stations, private businesses and other government targets. For example, a pipe bomb was defused by police at the New York bagels restaurant on 22 May 2000. On 10 June 2000, a car bomb exploded outside the New York Bagel restaurant in Sea Point, which injured three people. This demonstrated a new determination on the part of the bombers to sink public confidence. A magistrate hearing some of the Pagad matters was also killed, as well as a police detective investigating Pagad cases. It is this determination and the selection of state targets that moved the police to merge both Operation Recoil and Saladin to start Operation Good Hope.

It is significant that there was no formal and extensive evaluation¹¹⁷ of either operation or how they impacted on the threat of gangs or urban terror.

¹¹⁶ Boshoff et al: 2001, 54.

¹¹⁷ This is except the reports provided to the National and Western Cape Provincial Parliament.

5.4.5 *Operation Good Hope*

According to Samara (2011: 118), Operation Good Hope was a merger, or rather a coming together of operation Saladin and Recoil, in January 1999. Operation Good Hope was a saturation operation, where many areas on the Cape Flats were saturated with the extra police deployments from other provinces. By this time, key tourism attractions, such as the Victoria & Alfred Waterfront and Planet Hollywood had become targets and were bombed. The case remains unsolved to this day. The operation did not yield any significant arrests of suspects and no one was convicted for the bombing of these two tourist attractions.

In fact, some of the commissioners that were charged with leading the operation complained of interference from other police leaders. As one commissioner¹¹⁸ noted:

“Within, there was a lot of animosity, a lot. I think that was the biggest threat to the operation. I think that there were also certain people appointed internally to investigate and deal with the drug intelligence whose mindset was not right. They did not get it right. This was one of the biggest stumbling blocks, I kept on complaining.”

Very soon after the operation was launched, there were media reports of attempts to kill the police commissioner leading the operation. Police bodyguards were rolled out to protect him. He indicated that it was a difficult time, because he never understood the nature of the threat:

“It was serious, serious. I have never in my whole life felt so threatened, so scared. I must be honest and say that I really did not know how we were going to deal with it. I felt that the Pagad group was so well organised from within that to crack it would have been extremely delicate and difficult.”

Power struggles in the SAPS with units competing for intelligence, resources and prestige led to the police being ineffective in combating urban terror and gangsterism.¹¹⁹ But

¹¹⁸ Interview with DG on 29 September 2008.

¹¹⁹ For more on this, see Schärf, W., and Vale, C., (2001). Bombs, Bungles and Police Transformation: When is the SAPS going to get smarter? In Steinberg, J., (ed.) Crime Wave: The South African Underworld and its Foes, Witwatersrand University Press, Johannesburg, 50 – 64.

what is more telling is that Schärf (2001) admits that Operation Good Hope was not a success because the police were just scratching the surface:

“It’s not an operation that will only deal with them; it’s a continuous planning that you have to undertake. So my personal opinion is that we definitely did not succeed with Pagad, but also not the gangs. We just scratched the surface.”¹²⁰

De Lange (2000) tells us that the operation was almost exclusively focussed on urban terror and offers the following definition of “urban terror”:

Urban terrorism is a crime tendency involving the perpetration of stealth assault attacks against civilian or statutory targets by armed groups, or such extensions of civil society organisations, as means to either intimidate or eliminate whom or what such group believes to be their opposition within an urban and/ or pre-urban geographical context.¹²¹

He indicates that by the end of 1997, there were 667 urban terror attacks which included pipe bomb attacks, petrol bomb attacks and drive-by shooting incidents, for which 168 Pagad members and 140 gangsters were arrested (De Lange: 2000: 51). De Lange suggests that there was a host of problems with the management of the operation. He mentions that the budget allocation of the operation was exceeded and not spent in some areas, the operational commander did not have any decision-making powers as he reported to Pretoria, the national units deployed did not fall under his command and reported directly to Pretoria and lastly, the operational plan for Operation Good Hope was only finalised one month after the operation was already launched (De Lange: 2000: 56).

The reasons for the failure of Operation Good Hope to stem the tide of gang and vigilante attacks was simply that the operation did not allow for co-operation with local stakeholders who were frozen out because it was perceived to be a ‘national operation’. However, on a provincial level in the Western Cape, it was purportedly focussed on urban terror.

¹²⁰ Ibid.

¹²¹ De Lange (2000: 14).

De Lange (2000) indicates that the levels of co-operation was a major problem and highlights an incident where detectives argued about who should take a case:

“It is also clear from the interviewees that a lack of trust existed amongst internal police agents within Operation Good - Hope, i.e. during 1999 in Mitchell’s Plain a shooting incident occurred where both the SAPS Gang Unit and SAPS Pagad Task Team arrived at the scene, arguing who should handle the case.”

¹²²

The approach by SAPS to operational planning and launching operations against gangs and vigilantes confirms Schärf’s findings that the police bungled operations. While Schärf (2001: 51) lists the bumbles, in-fighting and incompetency of police against gangs in Operation Good Hope, not everyone agrees with him. While Boshoff (2001) agrees that co-ordination of the tactical intelligence and investigative units was a challenge for the operation, he finds that Operation Good Hope was a success.¹²³ According to him, it was able to drastically reduce the number of urban terror incidents (Boshoff: 2001: 56).

This did not, however, prevent an increase of gang attacks which spiked during 2000. It did lead to another operation, this time led by the newly-appointed National Commissioner of Police, Jackie Selebi, called Operation Crackdown.

5.4.6 Operation Crackdown

Operation Crackdown was launched in April 2000 (Samara: 2011: 119). According to Boshoff (2002: 57), the objectives of the operation were to execute integrated high-density, intelligence-driven operations in the identified crime-combating zones.¹²⁴ This operation emerged in a context where it appeared that the country was losing the fight against violent crime and was beginning to affect the investment landscape of South Africa as a safe investment zone. In a speech to Parliament in 1999, President Thabo Mbeki called for a new multi-disciplinary approach to dealing with violent crime nationally.¹²⁵ It was also the time

¹²² De Lange, p63.

¹²³ I deal with elements of successful operations elsewhere in this thesis.

¹²⁴ It should be noted that such language provided for a broad operational concept which would allow the police to place any target, such as gangs, vigilantes or urban terror under its aegis.

¹²⁵ Mbeki, T., (1999) State of the Nation Address, Parliament, 25 June 1999.

when a new National Commissioner, Jackie Selebi was appointed to lead the South African Police Services.

The difference of this operation was that it was nationally-driven and led by the Deputy National Commissioner of Police, Andre Pruis. In his research, Tony Samara argues that the operation was launched at a time when the war on urban terror was in decline (Samara: 2011: 119). Operation Crackdown also was a high visibility campaign by SAPS in response to the national crime situation to show that SAPS was 'in control' of the situation. It is important to note that police deployed thousands of extra members from other parts of the country to saturate the areas of the Western Cape Province with police officers.

The operation focussed attention on the 140 police stations that contributed the most to violent crime in the country.¹²⁶ It did not only deal with gangs, as by March of that year, the focus changed to policing taxi and bus violence. The operation was labelled by SAPS as successful because of the number of firearms (381) they recovered on the Cape Flats.

The operation focussed on dealing with violent crime and organised crime and had a limited time frame from April 2000 to April 2001. The strategy for the first time also saw the clustering approach where groups of police stations were clustered to give better effect to the management and command and control of police officers.

Although the operation was designed to deal with violent crime at a national level, in the Western Cape, it dealt with gang and vigilante violence much in the same way that other operations were designed to do (Boshoff *et al*: 2001).

In order to emphasize that the operation was 'successful' in its outputs, the police stated that 621 vehicles; 365 revolvers; 2 AK-47 assault rifles; 11 shotguns and 2,928 rounds of ammunition were recovered (Boshoff *et al*: 2001: 59). The problem with the statistics released by the police is that the statistics are not disaggregated on a provincial level, so it is difficult to judge whether the police made any progress in the Western Cape Province.

¹²⁶ Legget, Op Cit, 597.

It is doubtful if the police version of 'success' really constituted successes against the gangs or Pagad, as the violence continued unabated.

5.4.7 Operation Slasher

Operation Slasher was initiated in 2001 by the SAPS as an effort to address the threat posed by gangs, including the violence initiated by the gangs in the following areas: Mitchell's Plain, Philippi/Hanover Park, Manenberg, Bishop Lavis, Elsie's River and surrounding police station areas.¹²⁷

In view of the high numbers of violent clashes between gangs, Parliament decided to hold a special hearing on the gang violence in the Western Cape. Information relating to Operation Slasher was made available to a Joint Sitting of the Safety and Security Portfolio Committee and the Select Committee for Security and Constitutional Development in Parliament during 7 November 2001.¹²⁸

Operation Slasher was launched in March 2001 with the aim of attaining stability and normality in gang-infested areas by means of pro-active policing. Its objectives were amongst others to:

- stabilise the then high levels of gang violence in the identified areas to enable normal policing to take place;
- understand the nature of gang violence;
- win the trust and confidence of the local community in assisting in combating gang violence;
- obtain the assistance of crime intelligence;
- arrest and assist in the prosecution and conviction of perpetrators (especially prominent gang leaders);
- monitor and assess trends regarding gang violence to address such incidents pro-actively;
- identify individuals responsible for gang violence, as well as the identification of premises utilised as drug and liquor outlets and premises used as strongholds for gang groupings; and

¹²⁷ Annual Report of the National Commissioner of the South African Police Services, 2001/2002, p49.

¹²⁸ Parliamentary Monitoring Group (2001), Minutes of a Safety and Security Portfolio Committee and Select Committee Joint Sitting: Gangsterism in the Western Cape, available at: <http://pmg-assets.s3-website-eu-west-amazonaws.com/docs/2001/minutes/011107pcsafety.htm> , accessed 11 April 2015.

- to actively combat gang structures that ultimately contribute to violence (including gang leaders and high flyers).

The operation was launched during March 2001 and concentrated in five communities of the Cape Flats: Mitchell's Plain, Philippi/Hanover Park, Bishop Lavis, Manenberg and Elsies River. The police reported that the aim of Operation Slasher was to attain stability and normality in gang infested areas by way of pro-active policing. Director Pillay noted that it was only possible if SAPS attained co-operation and support from local communities.

Sixty-three people were arrested for murder and 71 for attempted murder. In addition, 170 people were arrested for possession of illegal firearms, while 73 were arrested for drug-related offences. A total of 62 people were arrested for armed robbery, while 97 firearms, 1,265 rounds of ammunition and 50 stolen vehicles were recovered. The police also netted 371 crack crystals (methamphetamine), 1.04kgs of cocaine and 116.1 kg of marijuana. In addition, 570 ecstasy tablets and 17,054 mandrax tablets were confiscated.¹²⁹

After Operation Slasher took over the work of the Gang Unit, they arrested 327 suspects in 236 cases and received convictions for 11. As is with many of the operations, the head of the operation discovered corruption and thus, lambasted his senior colleagues for corruption. Operation Slasher was closed and the head of the operation suspended. In a local newspaper report, the head of the operation lambasted his colleagues for being corrupt and claimed that there were over 1,500 dockets of police officers being corrupt.¹³⁰

The allegations that police officers were in league with the gangsters were not new and certainly captured the attention of everyone in the criminal justice cluster. It appeared that this was the way SAPS had continued to fight the war against gangs on the Cape Flats.

After successful operations against Pagad, primarily, a measure of calm returned to the Cape Flats which lasted for about four years, but in 2006 one of the biggest gang wars erupted on the Cape Flats between the Americans and the Taliban or Ghetto Kids in Hanover

¹²⁹ Minutes of the joint sitting of the Portfolio Committee on Police and the Select Committee on Security and Justice, 7 November 2001, available at <http://www.pmg.org.za/>.

¹³⁰ The Cape Argus, 21 August 2002, Iced Gangbuster guns for 'corrupt top brass', available at: <http://www.iol.co.za/news/south-africa/iced-gangbuster-guns-for-corrupt-top-brass-1.91781?ot=inmsa.ArticlePrintPageLayout.ot>, accessed 23 April 2015.

Park. This war lasted for the better part of six months. Between 2006 and 2012 there were numerous gang attacks in different areas of the Cape Flats, but no gang operation was launched again by the police until 2012.

5.4.8 Operation Lancer

Per Tony Samara (2010: 203) the objectives of Operation Lancer was aimed specifically at urban terror. In his analysis, the police launched four key operations in the Cape Flats war (1996-2002). In his view:

“The roots of the operation in Lancer and the relationship between Crackdown and the CFRS are key links for understanding the post-*Apartheid* evolution of paramilitary anti-terror policing into a more broad-based war and the securitisation of development policy.”¹³¹

Per one of the respondents interviewed for this thesis, Lancer was the operation which broke the back of Pagad’s G-Force. According to Ramsamy (2009: 69), Operation Lancer was a discreet operation that was launched four days after 9/11 and was based on intelligence-driven investigations. The SAPS confirms in its 2001/2002 Annual Report¹³² that Operation Lancer was launched to deal with urban terrorism in the Western Cape. No details are provided. While the operations against gangs are not part of the urban terror operations, the war between the gangs and Pagad certainly allowed the police to use the term to lump both gangs and Pagad under the same banner of urban terrorism, although the wisdom of doing so should be questioned.

Unlike other operations that focussed both on gangs and Pagad, this operation had better successes because it focussed solely on the G-Force of Pagad. Most of the leading figures in the G-Force were arrested and convicted during its investigations. There were very few success with respect to the gangs. It is important to note that Operation Lancer did not last as long as other police operations because it had a defined lifetime.

¹³¹ Samara (2010: 203)

¹³² Annual Report of the National Commissioner of the South African Police Services, 2001/2002, 49

5.4.9 Operation Combat

Operation Combat was launched in July 2012 to become the operational arm of the Provincial government's gang strategy.¹³³ The strategy was adopted by the provincial cabinet in 2008, but never implemented at a provincial level. The reason for this was that the strategy had been developed while the ANC was in power in the Western Cape government. During 2009, the Democratic Alliance (DA) won control of the provincial legislature and dumped the provincial gang prevention strategy without considering its merits because it was deemed to be an ANC document. Politics interfered with normal operational policing.

In 2012, the province was again under the grip of gang violence and this caused the police to dust off the provincial gang strategy and develop their own operational response. In this way, Operation Combat was born.

The objective intervention operation was to stabilise the levels of violence that emanated from the gang fights and it later developed into the operational arm of the gang strategy. Another objective was to mobilise communities affected by gangsterism to develop a 'counter gang culture'.¹³⁴ It was based on saturated deployment of police officers who were trained in medium intensity threats. It also relied on information management and adopted a long-term investigative approach to gangs.¹³⁵

There were initially 100 police detectives and personnel involved in the Operation and it was based at 23 key stations across the Cape Flats. The Operation also aimed to build capacity of police stations where it was involved.

Amongst the successes claimed by the police is the conviction of Mallick Petersen and 16 members of his gang, the Fancy Boys, on a range of charges including murder. They

¹³³ Social Transformation, Gang Prevention, and Intervention Strategic Framework (2008), Department of Community Safety

¹³⁴ There is no explanation of what this means from the police.

¹³⁵ The information is based on an interview conducted with the Provincial Head of Police Intelligence on 23 April 2015.

received various sentences ranging from 3-28 years in prison. Operation Combat also claims to have 'stabilised' gang hotspots such as Hanover Park and Lavender Hill.

Significantly, the Head of Operation Combat and the Head of Police Intelligence who assisted with the design of the strategy was removed from leading the Operation in 2016 and redeployed because of them investigating police officers working with gangsters by selling firearms.

The connections and networks between police and gangsters is one that is organised and especially prevalent when it comes to the corruption of police. In a recent trial of a senior police colonel attached to the Central Firearms Unit, it was revealed that he sold over 2,000 guns to gangsters through a middleman. The details are made public in a court case involving the demotion of senior police officers who investigated the link between police officers and gangsters who were subsequently demoted. In their court papers, the officers attached to police intelligence and Operation Combat point out the following:

1. Criminal gang activity constitutes a major threat in the Western Cape. It is the biggest contributor to crimes of murder (18% to 20% annually of the reported and recorded crime figure) and attempted murder (38% to 40% of the annual recorded figure);
2. There is a key link between illegal firearms and narcotics and the generation of gang violence;
3. Investigations into key gun suppliers to gangs led to the conviction of Colonel Prinsloo, a senior police officer;
4. A total of 888 firearms of the two thousand firearms supplied by Colonel
5. Prinsloo were forensically connected to 1,066 murders. That is for the period 2010 to 31 May 2016

It should be noted that the above is but one key example of how the gangs of the Cape Flats have organised their governance arrangements to recruit police officers who were in business relationships with them by selling them hundreds of firearms. Notably, the key police commanders who headed Operation Combat were removed because of their efficiency in investigating other police members who were involved in corrupt relationships with gang leaders. Significantly, the stolen firearms sold to gangsters caused 1,066 murders. The court

documents did not indicate how many people were injured. However, the police operations against gangs also had an unintended consequence: Gang solidarity.

5.4.10 Growing inter and intra-gang solidarity

As far back as 1995 with Operation Gangbust, the state pressure on gangs had the effect of gangs who had never worked together previously, co-operating. Members of gangs started the Community Outreach Forum (Core) which was aimed at defending their interest in the war with Pagad in 1996. Core enhanced the inter-gang solidarity and co-operation between former gang rivals.¹³⁶ Gang solidarity was as strong as police solidarity, such as when a police officer has been killed. When this happens, police officers, in most cases, want revenge and they usually arrest suspects within a short space of time. Gang solidarity is also demonstrated and triggered by several factors, one of which is the brutality meted out to gang members or supporters during police operations.

On 22 September 1996, shortly after the killing of one of the leaders of the Hard Living gang by Pagad on 4 August 1996, over 3,000 gang members from all gangs, including those who were at war with each other, marched on parliament to demand that the government set up an independent inquiry to investigate the death of Rashaad Staggie, co-leader of the Hard Livings. They also demanded that government set up a Truth Commission for gangsters to organise amnesty for offences committed by gangsters, as well as work opportunities.¹³⁷

The fact that members of rival gangs united to fight Pagad and the police was a significant development because they did not previously consider themselves as a united front against the police or the community. It was politically symbolic because during the 1994 elections campaign the ANC met with the gangs of Manenberg to warn them against interfering in the elections.

¹³⁶ It is important to note that the operations against the gangs enhanced gang solidarity because Core was formed by previous gang adversaries and sworn enemies. They grouped together to fight Pagad and the Police.

¹³⁷ Aranes, J. (1997). Government and Core in war of words, Cape Argus, 29 August 1997.

The inter-gang solidarity displayed by the gangs in the fights against the state and vigilantes helped them craft an organised response to police operations and was a way of expressing their governance. Police operations also had the unintended consequence of consolidating intra-gang solidarity, as members of the same gangs could set up branches in other areas to consolidate the gang operations.

More significantly, gang members could recruit young people who were on the periphery of the gang and not involved in gang operations because of the heavy-handed approach by the police during operations. During the many police operations I observed, I often watched young boys on the periphery of the gang being roughed up by the police. The police routinely searched the wrong houses, often roughing up the occupants as well as bystanders. Often young people on the edges of the gangs joined the gang to resist police actions. It became routine for young people (and parents) who lived near the gangs to stone and attack police officers when they wanted to arrest leading gangsters.¹³⁸ By default, these actions by the police helped to consolidate intra-gang solidarity.¹³⁹

Don Pinnock (1984) showed us that the gang problem existed in almost every area of the Cape Flats and counted over 100,000 gang members. He listed the names of the different gangs in about 42 areas of the Cape Flats. That typology has since changed as many of the stronger organised gangs has been able to swallow smaller gangs and they have been able to set up branch structures in many of the communities originally listed by Pinnock (1984:107).

This was confirmed by Standing (2006: 38) who indicated that there were about 130 gangs operating in Cape Town.

5.5 Discussion and evaluation

¹³⁸ Mzantsi, S. (2016). Manenberg residents “targeting police”, Cape Times, 15 February 2016.

¹³⁹ During my own numerous observation of police operations over a 20-year period, the attacks on police in the poorer areas of the Cape Flats have almost become routine when police attempt to arrest prominent gang leaders. This is also found in Jamaica when police attempted to arrest Christopher Coke, a prominent gang leader, he had armed the gang members to protect him. It took the police six months to arrest him.

5.5.1 Reasons for police gang operations

This section aims to evaluate the manner in which police operations against gangs have been operationalised. I use a three prong strategy to deal with the evaluation by looking at what the stated reasons by the police for the operations were. I then look at the impact of gang operations before considering the causes of failure. I draw on an analysis of interviews with police officers and gang leaders in order to propose hypotheses. The interviews are suitable for this purpose because they provide insights into the factors which give rise to police operations and the effects of such operations.

In the mid-1990 policing was influenced by the National Crime Prevention Strategy (NCPS). As Singh (2008:31) notes the NCPS required the state to be assisted by partners in civil society and business with crime prevention. State efforts to deal with organised crime saw the promulgation of the Prevention of Organised Crime Act (POCA) in 1998 and later the National Crime Combating Strategy (NCCS). Section 4 of POCA made provision for the prosecution of gang members. Injected into the language of police operational planning has been notions of “normalising and stabilising” areas that were affected by gang violence. Normally police operations carried out by the specialised units such as the old Internal Stability Unit (later changed to the Public Order Policing Unit), had to use a heavy-handed approach, establish control over the streets before normal policing was to take effect. The police have always believed that they can only “stabilize” the gang problem and that it was up to other government agencies to “normalise” the situation in communities. An analysis of the National Crime Combatting Strategy (NCCS) which designates phases to police operations against crime, shows that this strategy is based on notions of normalisation and stabilisation.

Examining these police operations has important lessons for policing violent gangs. Such operations say more about the police institutional culture and their mentalities than about the gangs. We return to this issue later in the discussion.

The “stabilisation and normalisation” philosophy has its roots in the National Security Management System of the Apartheid state. National security became the policy of the state

as Hansson & Van Zyl Smit (1990: 29) shows. “Stabilisation and normalisation” has nonetheless remained the mantra for policing gangs in South Africa even though it appears to have lost its effectiveness as a strategy. More recently, the National Crime Combating Strategy (NCCS), unlike the National Crime Prevention Strategy (NCPS) was ostensibly designed and managed by the police with little public input and consultation. The NCCS was also broken into two phases: “stabilisation phase” (2000-2004) and “normalisation phase” (2004-2006). The police planning process vis-à-vis gangs have been run in this way for a very long time and emanates directly from the national security management system.

There is very little available evidence that this approach has worked anywhere in any of its operations against the gangs. Evaluating policing performance is difficult because the police are not always prepared to make information available. As Leggett et al (2003:35) states:

“It is difficult to evaluate police performance. The goals of the SAPS are often vague and information about police performance is not always made public. Claims that crime levels have stabilised do not withstand careful scrutiny. Any variation in the number of crimes recorded cannot be ascribed primarily to police action.”

This securocratic language, style and mentality have hampered police in their dealing with gangs, as one police intelligence officer I interviewed lamented:

“A lot of these Afrikaners are still in senior or middle management positions and also because there was no active effort to actually de-politicise the language of the police. We put some senior people there, but there was no serious cultural change. There was no effort to change the culture of the police and even when you listen to our Minister speak: *kragdadig*. In the new government if they just adopted the discourse of pre-1994. When you listen to how they speak, our own senior black police officers, they also talk about *hase*. Now *haas* is a particular word that denotes a civilian, but there is a particular connotation attached to it which they have also adopted and the language has endured beyond the political system. We haven't been active in defeating the language within the police.”

As we can see from the interview, the culture is prolonged due a lack of transformation in a number of areas within the SAPS, least of which is language, culture and politics. The

political practices of the old police continued to shape the cultural practices of the new SAPS. The “stabilisation and normalisation” ideological straightjacket is perpetuated through the imposition by the leadership on SAPS planning frameworks, trapping the police in its institutional culture and mentality.

5.5.1a The hidden functions of police operations

All gang operations of the police served the purpose of showing the politicians and the community that the police are doing something. The principle function of the operations was to extend the governance of the police, especially when dual power arose and the new democratic state started to flex its muscle. Being tough on crime through gang operations provided a new common enemy and allowed the new state to establish its credentials with the populace as representative of “the people”.

Gangs were easy targets that allowed the masses to be mobilised and their focus was turned away from the inability of government to deliver economically with respect to jobs, health and housing for the poor. Fighting gangs was a way of uniting and building the new South African nation. Besides, gangs were exerting their own forms of governance in the communities in which the government and the police needed to exert control. So the operations conducted by the police on behalf of the state, were largely symbolic with lots of resources provided to show that the new government was in control. During many of the mediations I facilitated between gangs, the police were involved, despite publicly indicating that they did not speak with gangsters.

5.5.1b Political pressure to “do something”

As in many other countries responding to gangsterism, on the Cape Flats too, in most cases, the police have responded to gang violence as a result of community and political pressure on them to “do something”. But “doing something” has, at most, amounted to a temporary response to appease those who are influential politicians, newspaper editors or community leaders (Boshoff, 2001: 50). Indeed, these elaborate police campaigns and

operations to fight gangs have been an exercise in visibility, but, as such, did not really dent the structures and operations of the established violent gangs on the Cape Flats.

My hunt for any proper police evaluation document on police operations led me searching all over the province and to the police head office in Pretoria. I found none, leaving me with no option but to conclude that the basis of police planning was not to really deal with the gangs or Pagad, but to be seen to be "doing something" as a result of public pressure.

Police are able to develop operations against the gangs and often these operations are accompanied by a phalanx of print and television journalists, especially when there is political pressure on the police "to do something". The former head of the gang unit in Cape Town confirms that they were started as a result of pressure by politicians and the community for the police "to do something" against the gangs :

"During the period 1988-89/90 there was huge gang violence within the Coloured areas of the Cape Flats. And there was a political and community outcry towards the police to develop a response to dealing with the high degree of gang violence."

According to gangsters I interviewed, police operations are ineffective because they are mere "afskrikmiddels" (temporary deterrents). When questioned about the effectiveness of operation Good Hope, one gang member put it as follows:

"It was an afskrikmiddel (temporary deterrent/warning). The searching in the courts (flats) was an antidote. The police and the gangsters saw it wasn't working and they did not change."

The gangster is explaining in simple terms that the operations launched by the police were not effective because such operations did not affect gang operations. Similarly, a police commissioner interviewed during this time explained why the police launched operations against the gangs:

"Let me tell you, I felt very disappointed because there is pressure. You have the political pressure from the political heads; you have pressure from the general public; you have pressure from your internal structures, the National Commissioner, who want you to make a difference and bring these guys to book."

Community and political pressure play an important role in formatting the response of the police to gangs. Often the police ministers announce that an operation will be launched against gangs without consulting the police. To be seen to be supporting the politicians, police commissioners have no choice but to launch operations against the gangs, even if they do not have the budget and resources available. Police officers do not want to be seen to be “doing nothing” in the face of pressure.

In a report to Parliament on 7 November 2001 on the gangs, the police reported that they were using Operation Slasher as a means to effectively neutralise the gangs in Cape Town. The objective of Operation Slasher was to:

“Stabilise the present high levels of gang violence in the identified areas so as to enable normal policing to take place.”

As a measure of the success of their operation, in the same report to parliament, they tabled the following statistics: The detectives held 1,211 dockets since 15 June 2001; they made 198 arrests in 134 cases which included murder and attempted murder. They also indicated that in five hotspot areas, a total of 41 gangs were active.

Although these statistics tells us very little of the long-term efficacy of the police approaches to the gang problem on the Cape Flats, police held these up as a measure of their success against gangs and crime.

5.5.2 Effects of police gang operations

5.5.2a Stabilising and normalising operations

Previous research on gangs has only marginally addressed the outcomes of operations aimed specifically against gangs and vigilantes. Schärf (2001) showed that the police are divided, do not share information and generally distrust each other during operations. Jensen (2008:125) noted that different police units have different relationships with the streets. In most cases, operations lead to violent confrontations with residents. The inter-relationships between police and gangs are complex and demonstrate mutual dependencies and

contestation of governance. Indeed, the networks and inter-relationships between members of the police and the gangs create an approach by the police that leads to the reproduction of gang culture.

As already indicated, the work of Albert Mehaan (2000), Katz and Webb (2004), and Decker (2007) all focus their attention on the efficacy of gang units. Greene and Pranis (2007) have come to the conclusion that the police emphasis on gangs is misplaced. While most of the research is from the North American continent, some interesting research has been done in South America. The work of Rodgers and Muggah (2009) leads us to an understanding of the deep cultural embeddedness of gangs in Nicaragua. While their work does not particularly focus on police operations, they do give us a better understanding of the cultural spaces in which gangs operate. Duran (2009) provides us with a direct view of police as “legitimated oppression”. By building on the work of Davis (2002) Duran (2009) shows how police discrimination and violence against the Hispanic community in two American cities led to a greater distrust between the police and the community. He notes that aggressive policing leads to greater distrust between the police and the community.

How gangs are constructed by the police is important because it provides us with vital clues as to how they will react to gangs. Race and racial issues remains a major feature in policing gangs in Cape Town, as my data shows and in the emerging work of Rodgers and Muggah (2009), Rodgers and Jensen (2009) Jensen (2008) and Durán (2009).

However, none of these studies, except for the work of Samara (2011) focuses on a sustained attempt to analyse police operations over a number of years. It is instructive to note, though, that in the space of three years, the police launched five operations against the gangs and Pagad. In a period of 18 years, it has launched nine operations. This indicates that not much thought has been given to the efficacy of operations. It could also show that the operations are really not effective in the first place and therefore others should be launched, or it could show that very little planning and evaluation was put into the operations as one of the police planners alluded to earlier. Today, the gangs are still as active as they were in 1994, while Pagad, to a lesser extent, remains active. These operations appear to have been a reaction to community and political pressure and did not really dent the influence of the gangs amongst the community.

Policing gangs through operations has its benefits such as increasing police presence, the promotion of a greater awareness of gangs by the community and possible recruitment of informers. There are, however, many problem areas when it comes to the current operational approach used by the police which provide opportunities for the gangs to reproduce when operations fail.

Firstly, communications between different units in the police are generally poor when it comes to policing gangs. During the period of research it became evident that police units did not really communicate effectively with one another. This was demonstrated by the detectives and intelligence unit's contestation of each other's information and their subsequent refusal to cooperate with each other.

Secondly, there are clearly no available documents where there is any evidence that the police were able to conduct proper and thorough evaluation of their operations. If there was, then it becomes another pillar of evidence of police institutional culture where those who have undertaken such evaluations do not want it shared with anyone.

Thirdly, operations were used for other targets because of the expediency of having available resources. Police used the resources allocated to fighting Pagad, to simultaneously fight gangs. The manner of changing operations in the middle of others did not do the police any favour. Police changed operations when they realised that they were not turning the tide.

An important lesson in the manner in which police have dealt with gangs and Pagad shows that the police have not really analysed the difference between the two formations, because at its heart, Pagad was a social movement that started to challenge the authority of state by bombing police stations, killing police officers and attacking civilian targets. Their classification as urban terrorists by the police did not help change the methods of policing the problem. Stabilisation and normalisation was the norm and designing operations around this philosophy was the outcome. It demonstrates that police have not really scientifically analysed the difference between the gangs and Pagad. In fact, they labelled Pagad as "just

another gang” (Kynoch, 2007: 56). Resources that were meant to police gang violence was sapped and ploughed into investigating Pagad. The social construction of Pagad as another gang paved the way for the police to use their same old methods of policing gangs, against Pagad.

Fourthly, arrests are seen as the key indicator of the success of an operation against gangs. In their reports to the provincial and national parliament, police have emphasised arrest records as evidence for their success. However, the arrests of gangsters during such operations had the unintended effect of enhancing the image of the gang leaders (Kinnes: 2000).

Lastly, by their own admissions and from the interviews conducted, it is clear that many of the operations were compromised by corrupt police officers. Commissioners, police planners and gangsters all agree that corrupt police officers have played a role in informing gangsters about raids and operations.

There are also a number of other areas that influence the success of operations.

5.5.3 Causes of failure

5.5.3a Why “Stabilisation and Normalisation” failed

The police’s concept of urban control through “stabilisation and normalisation” appears to be their own misleading mantra. That this tactic has failed is evidenced by findings elsewhere that police do not control areas where gangs are active (Kinnes: 2009). Yet, throughout all their operations, the police continue to use the mantra as if it provides some magic solution to gang violence. Steinberg (2008) also documents how the police have to seek the consent of those policed in order to maintain a semblance of order. Despite police actions and operations against gangs in hotspots, there is repeated and regular gang violence in those hotspots. Police are reduced to impotent enforcers in gang areas, because they are unable to fundamentally challenge and replace the control that gangs exercise. In fact, during the period

of the police operations, some of the communities experienced an increase in gang violence, as the police statistics confirm.

During the period 2003-2006, provincial police statistics show that illegal possession of firearms increased by 17% from 1,912 to 2,252 cases, while drug related crime increased by 74%, from 19,940 to 34,788 cases. In earlier work, I pointed out that gangs now use firearms as their weapons of choice (Kinnes: 2000). Standing (2006) and Jensen (2008) question the assumptions of earlier researchers and draw distinctions between street gangsters and drug dealers. They suggest that failure to make a policy distinction between these two categories create a problem in that police plan and target gangs, but that drug dealers are more significant because they enrol gangsters. Police operations against the gangs of the Cape Flats have an unintended consequence: greater gang organisation, cohesion and solidarity, and as a result, better governance.

5.5.3b Lack of operational planning and non-cooperation

Instead of managing a “war on gangs” as the police claimed, the battle plan was being subverted from within the police. During the research process, it became apparent that the greatest threat to police efficacy is not gangs or any other criminal group, but the police themselves. Institutionally, the structural arrangements of the different policing units (gangs, intelligence and detectives) attempting to deal with gangs created recurring divisions and distrust. The result is an institutional environment characterised by uncooperativeness.

Observing the police at work then leaves one to conclude that the real “war” confronting the police is their own institutional culture, which gives rise to competition within the police bureaucracy and secret surveillance and investigations by police officers of each other.

Police operational planning processes are fundamentally flawed because such processes do not take into account the many variables in fighting gangs. These include corrupt police officers, unwelcoming and hostile communities, and police officers and units who compete with each other for resources, prestige and accolades, and actively refuse to co-

operate. The refusal to share intelligence is a feature of police occupational culture everywhere. This is a hallmark of police agencies internationally (Reiner: 1992; Ericson: 1989; Shearing: 1981; and Bayley: 2006). However, the old South African police culture has been dominant because of the political role the police institution played defending the Apartheid government. My data reveals that police officers are held captive to the various vestiges of police occupational and institutional cultures.

Police officers compete with one another over resources, prestige and recognition. This competition is structurally embedded in the institutional culture of the police and thus, when it comes to handling operations, the reason and motivation for the operation is often lost between officials.

It appears that protecting resources are more important to some of the police officers when operations take place. Some police officers prefer not to follow orders and find excuses why they cannot comply. There is no deliberate failure to co-operate or share resources; it is rather a structural failure of policing in South Africa that allows for this kind of behaviour. The result of this inter-unit conflict and rivalry is to create professional jealousies, which pits all officers of all ranks in all units against each other.

Non-cooperation between police units affects the outcome of operations against the gangs. For instance, the levels of non-cooperation between police intelligence and the detective branches of the police is an old one which affects all policing agencies throughout the world. Detectives sometimes question the reliability of information gathered by intelligence units as they rely on gathering evidence against accused and this sometimes causes conflicts between units. As one detective¹⁴⁰ I interviewed put it:

“Detectives take cognisance of all the information from intelligence, it’s ultimately important. But the most important thing in being a detective, and perhaps that is where we are falling short today, is that your matter must be driven for the purposes of a prosecution. You must accumulate evidence. It must be evidence-driven, not intelligence-driven. I believe that there is a difference. Intelligence is often not tested and when tested, it shan’t be rubbished. The world is a mess because faulty intelligence sent the

¹⁴⁰ Interview with Commissioner B, 19 August 2008.

Americans into Iraq. Evidence can never be faulty. You have various dimensions of the police force not always working to the same drum. This is not necessarily a bad thing.”

While competition between individual police units could have positive spin-offs in an ideal world (forensic investigators and intelligence units could co-operate with one another for instance in order to arrest criminals for instance), it unfortunately becomes self-destructive behaviour when such conflicts take place in the police’s institutional and operational settings. Institutionally, the police stand to lose moral authority when individual police units start fighting with one another. But detectives, too, are not above reproach in their methods of gathering information.

5.5.3c Lack of Evaluation of police operations

Evaluation processes are important for police agencies to ascertain whether they are achieving their stated goals and objectives. Any proper evaluation of police operations must consider the stated objectives, key activities, planned outputs and the key delivery indicators. But police planning for operations against gangs do not conform to this format if one looks at their annual reports to parliament. It becomes a report of performance against set targets which are set in the police’s strategic plans. In these plans, there is no provision for policing gangs. It requires that the police co-operate with those who conduct the evaluation and this is not easily attainable as police do not readily share information with outsiders.

Planning operations appear to be a knee-jerk reaction to pressure applied to the police institution when the gang problem becomes unmanageable and there is a public outcry. Researchers have long ago established how moral panics create new categories of crime such as mugging (Hall et al: 1978. Moreover, gangsters are aware that the police do not have the capacity to police their communities around the clock. There appears to be no consistent measuring instrument by which police assess when operations ought to be launched, when it should be ended, and whether it has been successful. They zigzag from one target to another, from one operation to another.

Moreover, evaluation after police operations was absent in most of the operations. As one Commissioner¹⁴¹ interviewed put it:

“Yes, because they don’t have evaluation as such. What you would have and I am just going back...my recollection of that would be that you won’t have evaluation processes as you would have in the corporate sector, or maybe some NGO’s where maybe you embark on a programme and you have certain outcomes and you have a time period for that programme; then you measure that against the outcome and you look at the resources and you see if the resources were well spent in relation to the outcomes and measure that qualitatively and quantitatively. You don’t have that in the police.”

Operations Recoil and Slasher were the only two operations where the police publicly made available information about their successes, using arrest statistics during operations as an indicator of success. In view of the fact that the police placed a moratorium on police statistics during June 2000, after the NCCS was launched in April 2000, Leggett (2005: 599) argues:

“Since the strategy is to stabilise crime statistics via “crackdown operations”, the success of the strategy cannot be evaluated.”

However, arrest statistics alone cannot be a means for evaluating police successes against gangs. There should be other criteria to determine whether an operation has succeeded. From the evidence on whether police operations against gangs on the Cape Flats have succeeded, there are a number of issues that require attention. One of these has to do with the question of race and the idea that gangs are a Coloured problem.

5.5.4. Indicators for successful police gang operations?

As already indicated in the beginning of this chapter, there are a number of indicators which I listed for successful operation against gangs. The number of people arrested during operations is not a good indicator of the success of an operation because invariably

¹⁴¹ Interview with Commissioner HZ, 1 October 2008.

the gang members are quick to return to circulation in the community because police often do not have sufficient evidence to prosecute them.

It is questionable whether the police were successful, as numbers of arrests and the confiscation of illegal firearms is hardly a useful indicator of success against criminals. Rosenfeld, Fornango and Baumer (2005) evaluated three projects, which included COMPSTAT in New York, Boston's Operation Ceasefire and Richmond, Virginia's Project Exile. All three cities developed policing projects and operations to deal with gangs and crime and violence. The study found that in some cases, police used a variety of indicators of success: the reduction of gunshot reports; a reduction in murders, and a reduction in increases in juvenile and adult arrest rates for murders. The study found that the data in the different cities must be comparable to draw conclusions about the success of the programmes. The researchers suggested that for a programme to be considered successful, it had to adhere to four criteria.

These were that the intervention programme (1) differs significantly from corresponding changes in comparison cities; (2) occurs during or after but not before the intervention period; (3) occurs in the specific type of homicide targeted by the intervention; and (4) is independent of other influences (Rosenfeld *et al*: 2005: 428).

If we were to apply these criteria to the gang operations, then it will be clear that the operations made no significant difference to the gangs in any of the communities of the Cape Flats. This is so because all the operations (except one or two) were launched not because of deliberate and effective planning, but as a reaction to political and other pressure. Another reason is during the Cape Flats war, operations were launched while others were still in the process. The targets of the operations were changed in the middle of the operation and the leadership did not appear to be in control of the operation. It is only Operation Lancer and Slasher where visible tangible results were achieved relating to measurable reductions in bombings and gang shootings.

However, we should also not discount the role played by gangsters in responding to police operations. As already indicated, this was the way the gangs organised their

governance arrangements. As a leading gang leader explained about the role of gangs during police operations:¹⁴²

“It is true that the police ruled because it was their work. We ruled because of fear. We had structure. We had different task teams. So we had our hit men and we were more organised because when the police would raid, they would never find evidence or stuff. The other factor was that the police was involved (with us). So with the gang organisation, the involvement of the police meant that the police could never be more organised than the gangs.”

Lastly, the gangs endured because of greater social solidarity because of the manner in which people were frisked, homes were searched and brutality meted out to innocent bystanders in the course of the gang operations. One of the unintended consequences of the police operations was the establishment of the Community Outreach Forum (Core).¹⁴³ It was established in 1996, shortly after the death of Rashaad Staggie, a co-leader of the Hard Livings gang, and the launch of the High Density Operation on 16 August 1996, 12 days after the death of Staggie.

5.5.5 Police dependency on gangsters

Despite their different roles, police are displaying a dependence on gangsters when it comes to investigating gang cases. In many cases, the prosecution of gangsters collapsed because detectives chose to use gangsters to testify against rival gangsters.¹⁴⁴ Once the matter is before the courts, such witnesses withdraw their testimony or affidavit, contradict it, or are even killed before being able to testify, leading to a collapse of the case.¹⁴⁵ When challenged about this practice of using gangsters to give evidence against other gangsters

¹⁴² Interview with WM on 16 October 2009.

¹⁴³ Legget, T., (2001). *Rainbow Vice: the Drugs and Sex industries in the new South Africa*, David Philip Publishers, Cape Town, p57

¹⁴⁴ See <http://www.sundaytribune.co.za/six-state-witnesses-slain-1.1067865> , accessed 18 October 2011 and Duffy, A., (1998) Baqwa slates cops for shielding gangsters, available at: <http://mg.co.za/print/1998-03-06-baqwa-slates-cape-cops-for-shielding>, accessed 23 June 2012.

¹⁴⁵ Desai, A., (2004) *The Cape of Good Dope? A Post-Apartheid Story of Gangs and Vigilantes*, A case study for the UKZN project entitled: *Globalisation, Marginalisation and New Social Movements in post-Apartheid South Africa*, Centre for Civil Society and School of Development Studies, University of KwaZulu Natal, p11., available at: <http://ccs.ukzn.ac.za/files/Desai%20Pagad%20Research%20Report.pdf>, accessed 23 June 2012.

during an interview, one of the senior police commissioners responsible for detectives responded as follows:

“Many a case that I solved, my colleagues solved and that are probably being solved today are solved with information that comes from gangsters! You know a detective does not get his information in a church.”¹⁴⁶

Working with known gangsters to solve crime has its benefits and drawbacks. It could be argued that gangsters possess information that people who are not members of gangs will not possess. There are of course gangsters who are offered the opportunity by police to testify against rival gang leaders in exchange for some benefit, such as not being prosecuted but they run the risk of being killed when they do so. The police, however, continue to use this approach, because, according to a senior police commissioner¹⁴⁷ interviewed:

“I don’t believe the scum of the earth can ever be on the permanent books of (the police) organisation. But it’s a contractual thing. If you come along and you bring me information, I am bound to pay you. The reward offered is between me and the general public. **We don’t say ten thousand rand reward: gangsters need not apply!**” (my emphasis)

This approach of working with gangsters, despite its drawbacks, has still not been reviewed by the police. Perhaps Schärf’s (2001: 53) analysis of this aspect of police institutional culture neatly captures the point:

“Moreover, existing specialised units (especially the “murder and robbery” variety - the former elite) have an interest in frustrating the efforts of newly-established units (Scorpions, Operation Good Hope, etc), in case it becomes apparent that they are no longer as significant as they used to be. These are empires built up over a long period, with strong cop-culture of solidarity and secrecy towards other arms of the SAPS, and much to hide from the previous era...”

Police officers also did not see the need for sharing their resources and even did not send their best personnel to be part of the operations. It was focussed on protecting their resources. It is a question that is discussed elsewhere by Altbeker (2005: 182) who documents

¹⁴⁶ Interview with KL, 19 August 2008.

¹⁴⁷ Ibid

how detectives during the transformation saw their resources as 'belonging to them'. As one police planner¹⁴⁸ lamented during his interview:

"It is almost the ownership of resources in the police by the individual who happens to be entrusted with those resources. It's just not about material resources like vehicles, it's about personnel. So if I have to detach some of my staff to an operation, I am a station commissioner at a station, say in Khayelitsha, and I have to give staff to a provincial operation, I will resist as much as I can and if I really have to, then I will send the useless people."

Most areas affected by the violence between organised violent gangs have been in the grip of fear as results from victim surveys show.¹⁴⁹

5.5.6 Outfoxing the Police

It is significant that the gang learnt good lessons from the fact that police operations targeted their leaders. In one case, the police raided the home of the leader of the Hard Livings home several times. During one of the last operations against him, the police struggled for several hours to gain access into the house because he built mediaeval arches in front of the house with re-enforced bars to protect against entry. The police had to gain access through the roof. The second drug dealer raided a few years thereafter, put a steel door in the roof to try and prevent police from coming through the roof. In most cases, prominent gang leaders and drug dealers started to keep Pitbull terriers on their property to delay police access during raids, giving them enough time to get rid of drugs. Other means of outfoxing the police involved buying up the houses in two streets directly behind each other which then allows them to have two addresses and when the police raid one address, they escape through the house parallel to the one the police are raiding. I saw this during mediation with two prominent gang leaders during two separate wars.

¹⁴⁸ Interview with AD conducted on 5 February 2009.

¹⁴⁹ Camerer, L., Louw, A., Shaw, M., Artz, L., and Schärf, W. (1998) Monograph 23: Crime in Cape Town: Results of a City Victim Survey, ISS Monograph no 23, ISS Pretoria and Burton, P., Du Plessis, A., Leggett, T., Louw, A., Mistry, D., and Van Vuuren, H., (2004). National Victims of Crime Survey South Africa, 2003, ISS Monograph no 101, ISS Pretoria.

One of the most endearing tactics of gang leaders was to use corrupt police officers to raid the homes of their rivals and confiscate their drugs which are then resold to their opponents (Reed:1984). Lookouts were also posted outside the homes where firearms and drugs were kept. There were lookouts in all the streets leading up to the houses and invariably it was children who fulfilled this role.

5.5.7 Race and Coloured identity

The key question that should be asked is why the police made the same perceived mistakes with respect to gangs on the Cape Flats over a five-year period. These mistakes included alienating people when policing the Cape Flats; consorting with gangsters; being corrupt and brutal towards the local population they were policing; and seeing it as a 'Coloured problem'. Tony Samara's (2011: 112) label for the period 1996-2001 – 'the Cape Flats War' – provides some clues, in addition to the failings attributable to the police institutional culture, dealt with earlier in this thesis.

First, the period under review coincided with the national integration of all police forces and the new lateral entrants¹⁵⁰ from the old liberation movements, such as uMkhonto we Sizwe.¹⁵¹ Nationally, the data shows that police officers from the old South African Police Force did not trust the new lateral entrants. This resulted in tussles between detectives and intelligence divisions over the bombing campaign of Pagad. When a bomb was set off in the Victoria and Waterfront restaurant, Planet Hollywood, the police could not agree amongst themselves who was responsible (Kinnes: 2000, 2009; Schärf: 2001)

In the Western Cape too, there were constant allegations of racism between members of the newly-integrated police. One of the black commissioners interviewed indicated that racial disharmony affected policing during this period in his comments about the commander of the Operation Good Hope:

¹⁵⁰ The creation of the new SAPS from 11 police agencies saw the integration of former members of the liberation movements into SAPS. These entrants into SAPS were not respected by the old order cops and were seen as *plastic cops* as alluded to in Chapter 7.

¹⁵¹ The Spear of the Nation, the armed wing of the ANC.

“I think it can be a race issue because he is a Coloured officer and a lot of white people were appointed, even people from head office were appointed and they totally undermined him.”¹⁵²

An inescapable fact about the Western Cape police has been the fact that most police officers in the province at that stage were Coloured.¹⁵³ Many of those interviewed noted that police had family members that were gangsters and that race was synonymous with corruption. As one commissioner stated:

“Unfortunately, most of the policemen who are in the Western Cape, grew up in the Western Cape amongst the gangs, had friends in the gangs, and had family members who were gang members. That on its own, was a major problem. As I was saying, it’s very difficult for a policeman who grew up in the Western Cape; many of his family members are gangsters. His father in law for that matter might be a gangster.”¹⁵⁴

The racial issues in the province affected the police in the province to such an extent that the Parliamentary Portfolio Committee on Safety and Security called public hearings in which the police were asked to explain its lack of transformation and its attitude towards racism in the ranks. At one of these meetings, which were held in the middle of the war on vigilantes and gangs in October 2001, the Police union, Popcru labelled allegations of racism against the provincial police management.

At the heart of these allegations of racism was a fight between ‘old-’ and ‘new order’ cops. It was accepted that lateral entrees into the South African Police Service were not real cops, but *plastic cops* because they did not undergo training at a police college (Kinnes, 2009: 186). The leadership of certain units within the SAPS became contested as candidates jockeyed for positions, and the management of the provincial leadership was almost all white. This created huge discord for the unionised members of the SAPS and those that integrated from former liberation movement groups.

¹⁵² Interview with LA conducted 28 August 2008.

¹⁵³ I use Coloured in the pejorative sense that it is a racial category constructed by the apartheid government to label people of mixed racial descent and still used by the police. For more on this, see Adhikari, M., (2006): Hope, Fear, Shame, Frustration: Continuity and Change in the Expression of Coloured Identity in White Supremacist South Africa, 1910–1994, *Journal of Southern African Studies*, 32:3, 467-487.

¹⁵⁴ Interview with WL dated 3 February 2008.

In fact, this became a huge problem for some of the commanders of operations such as Crackdown and Good Hope. One commissioner clearly expressed himself on this, but added a further dimension that was peculiar to these operations: 'the Coloured thing'. The interviewee expressed how the operations against Pagad were seen by Pretoria:

"That was the biggest problem because it was a Coloured thing. It was a colour, race issue and therefore I think that.... was very fortunate before I even realised. I think when I realised; I was already in the operation."¹⁵⁵

Prior to 1994, gang violence was seen by police officers as something that only affected Coloured people. This mentality was carried over to the new SAPS by many of its members and the irony is that they expected Coloured police officers to 'sort it out', often under the leadership of white officers. For instance, the head of the gang unit was white, while the operational heads were from Coloured and Indian race groups.¹⁵⁶

Racial disharmony plays a large role in the way the police construct the gangs and what the gangs do. Almost all the people interviewed for this paper noted the race problem in policing gangs, noting that it is essentially minorities that are involved in gangs and as such they require different treatment from the senior police management who were white. Jensen (2008) provides a useful analysis of the objectification of the Coloured *skollie* and the consequences of making respectable Coloured women. While there exists a dearth of research on identity (Goldin: 1987; Erasmus: 2001; Adhikari: 2006; Jensen: 2008), the reality is that for years in the construction of the gang problem, white managers defined the parameters of that construction. One of the senior Coloured police managers noted that murders in the Coloured community were seen as *klein* (small) murders, but murders in the white community were seen as *opspraakwekkende* (sensational) murders.¹⁵⁷

The way the police management saw the gang problem is also reaffirmed by a senior deputy provincial commissioner,¹⁵⁸ who noted that at a management perception level, it was seen as a 'Coloured issue' and even the Gang Unit had to have Coloured members:

¹⁵⁵Ibid.

¹⁵⁶ Interviews with HK on 9 July 2008 and KL on 19 August 2008.

¹⁵⁷ Interview with HZ dated 1 October 2008.

¹⁵⁸ Ibid.

“Many would have agreed that it was a Coloured phenomenon, something that happened in Coloured communities; therefore Coloureds could best deal with it. Even if you look at that gang unit that was set up, it was largely constituted of people that were classified as Coloured. So it’s your problem, you deal with. We don’t care much about it unless it spills over to our areas, then it becomes an issue. At the time, you must remember that people were referring to...I don’t know what the English translation is directly, when they were looking at murders, they would refer to *opspraakwekkende moorde*. Spectacular murders, now those *opspraakwekkende moorde* would have been those murders of white people that would have been considered as significant. But when people were dying on the Cape Flats as a result of gang-related incidents, then it would just be one of those. That is what Coloured people do because Coloureds are gangsters and it is a Coloured phenomenon.”

Ironically, gang members also raise the spectre of the Coloured identity (which was perceived to be synonymous with the gangster or skollie identity) but regarding the police:

“The man who comes from the ghettos whose father was a gangster and whose mother is a drug peddler, they are the rubbish that you have to worry about... who are affiliated somewhere, somehow. If you look into his family tree, you will see...you don’t get gangsters amongst the white families. Like my grandfather, he was also a gangster. Maybe his father was also a gangster, I don’t know. You got the *skollie* element in the police.”¹⁵⁹

5.6 Conclusions

Every police operation better prepares the gangs to deal with the police. It enhances their social solidarity, social organisation and criminal enterprise at outfoxing the police. More importantly, it galvanises anti-police sentiment from those young people on the periphery of the gang who have been victims of police stop and searches, face humiliation by policemen, and have been accused by police of being gangsters. These actions draw such youth closer to the gang and reproduces gangs. While stating this, it should also be remembered that there are other structural reasons which draw young people into gangs. The point I make here however is that police operations constitute another reason why young people on the periphery of the gangs, eventually join them.

¹⁵⁹ Interview with PD dated 17 September 2007.

In the beginning of this chapter, I noted that I wanted to show how police operations entrench gang solidarity. I also indicated that I would provide an overview of police operations in the last 20 years to be able to draw out critical difference and common features. I also suggested that the police's strategy of normalisation and stabilisation amounted to an ideological straightjacket that hamstrings their ability to be effective against gangs.

In the process, there has been a shortage of qualitative information on how the police evaluate their own operations. This shortage of information is directly attributable to the police themselves and speaks volumes about their own institutional and operational planning processes when it comes to gangs.

Generally, the police only share such practices when they are under scrutiny of a parliament or a public enquiry, such as the Lawrence Commission of Inquiry in 1999 into institutional racism in the British police has shown.¹⁶⁰ In South Africa too, in most cases, it's only when they report to parliament on their budgets and spending patterns when the police divulge information. Even when they have to answer questions, it appears the police are loathe to divulge the entire methodology, possibly because they fear it would come under scrutiny and their shortcuts would be exposed.

In this chapter I have shown that police operations as an expression of governance are not well planned, and ultimately make no difference to the continued existence of the gangs. Yet, they have persisted with the same approach to deal with the gangs. Police planners and commissioners that were interviewed for this thesis all agree that they have been ineffective against the gangs and require a new approach.

In considering the question why they have continued the same approach to policing gangs, despite its futility, I suspect that the answer lies somewhere in between the police's occupational culture and the inability to admit failure. The inability of the police to break the cultural practice of quasi-military techniques in their approach and their appropriation of power in the relationship with the people who they are policing, contribute to the lack of success.

¹⁶⁰ <http://www.archive.official-documents.co.uk/document/cm42/4262/4262.htm>, accessed, 1 November 2011

The answer can only be that the police occupational culture and planning processes are so regimented, and the culture of command and control so clearly ingrained, that it only leads police planners in one direction. Hierarchies, regulations and standing orders prevent and discourage, rather than encourage, creativity in planning processes. What the police approach has delivered instead, has been a strengthening of gang ties and formations, nodes and networks. The Cape Flats has recently been involved in one great inter-gang war across many of the communities.¹⁶¹ Gang violence has peaked at various periods throughout the last 20 years, as originally shown in the beginning of this thesis.

I have shown that the police compete with one another by refusing to collaborate, fail to share intelligence and resources, and allow racism to cloud their judgment. These factors contribute to an ineffective police operational approach against the gangs.

What we learn from this is that the police do not have the monopoly of power in their relationship with the gangs. In fact, the gangs have only viewed the police operational approach as temporary deterrents and have survived operations despite and because of the police. These operations against gangs in a post-Apartheid South Africa have not shown the desired results because the police themselves have been divided. The question of how police operations entrench gang solidarity is a gap in the literature and through answering it, I hope to contribute to answering that gap. In the next chapter, I consider how the governance of communities is contested between the police and gangs.

¹⁶¹ A total of 28 people were killed in three weeks on the Cape Flats. For more on this see: Eggington, S., (2012) No let-up as gang turf wars claim more lives, Sunday Times, 15 July 2012, p2.

CHAPTER 6

Exercising and contesting police and gang governance.

6. Introduction

In the previous chapter, I mapped out the reasons why and how the police launched operations against gangs and vigilantes. I showed how these operations failed to change the social structure of the gangs, but rather enhanced social solidarity between the gangs.

This chapter will consider the governance arrangements of both the police and gangs in communities, and how they contest each other's governance. I examine the notions of respect; authority and belonging that is clearly present in both the gangs and the police institution. The findings examine how the two institutions interact with one another through their own practices during gang wars and otherwise. This chapter will consider the question: *How do gangs and police exercise and contest each other's governance of communities?*

The police played a direct role in governing South Africa during the Apartheid years (Seegers: 1988; Cawthra: 1992; Nathan: 1994). This involved more than policing criminals. They actively participated in the National Security Management System which was aimed at exercising social control over the local population through a variety of coercive methods (Barnard: 2015).

In an earlier chapter, I indicated that three critical areas of police occupational culture remain present during their interaction with gang members: *respect, authority and belonging*. The notion of contestation tells us that nothing remains intact as a result of the contestation, however, I will show how these three elements of *respect, authority and belonging* is also present in gang culture. In this chapter, I will show how *respect, authority and belonging* is something that is intrinsic and important to gang organisation and how it has consequences for the contestation of policing. The gangs on the Cape Flats will not be able to sustain their governance and extend their control over the Cape Flats if they do not show young people that are potential recruits that they have strong organisations which have firm values. One of these is respect which is a quality that potential gang members look for. Showing *respect*

when they are recruited is central to the youth that were on the periphery of the gang that I spoke with during my observations of police operations. The *authority* of the leaders were also an important demonstration that the discipline that goes with running an organisation such as a gang required astute leaders who had the necessary power. Lastly, the notion of *belonging* was the glue that held the gang members together and some of the members I spoke with indicated that they would rather die for their brothers in the gang than ‘chicken’. This was the unwritten rule of the Hard Living and American gangs. Members showed no fear from rivals and the police, precisely because they *belonged*.

This reflects a wider and well established set of assumptions about the nature of governance and the role of states, and state agencies, in governance.

This way of understanding governance has been challenged by scholars (Bayley & Shearing: 2001: 2) who have been influenced by the thinking of theorists such as Foucault (1977) and Latour (2005). Sheridan (1980: 84) neatly summarises Foucault’s (1977) theory by stating that power is everywhere, not because it is exercised everywhere, but because it comes from everywhere. Latour (2005) makes a similar point when he argues that political power should not be seen as arising from a single source, but as having many sources.

This understanding of power has been developed, within the domain of security governance, through the concept “nodal governance” (Burriss, Drahos & Shearing: 2005). In this conception of governance, power is being exercised by all sites, or nodes, that have governance capacity.

In this chapter I use this nodal conception of governance to look afresh at gangs-police-community relations on the Cape Flats. I argue that, looked at through a “nodal governance” lens, a very different understanding of these relationships emerges, which fundamentally challenges our established understandings of these relationships.

To do this, I ask two sub-questions:

1. How do the established gangs of the Cape Flats exercise governance?
2. How do gangs and police influence and regulate each other?

These two questions relate to the title of the thesis by creating understandings of how gang governance work in the face of police contestation of such governance. It also shows how the police and gangs influence and regulate each other's activities through the exercise of their own forms of governance.

Answering these questions will help to understand the complexities and significance of gang governance and the contestation of police governance, thus contributing to the literature that seeks to understand the governance relationships between gangs and policing. Gang governance is complex and ill-understood because there are inter and intra-gang conflicts that emerge daily, with members switching allegiances to joining rival gangs in exceptional cases. Rival gang leaders also co-operate with each other when their members are fighting with each other. These are only some of the complexities we should contend with when analysing gang governance.

However, it is also important to summarise some of the main areas of what nodal governance is and how it links with the analysis of the governance that is practised by gangs and the police.

6.1 Networks and nodal governance

It is common knowledge that gangs on the Cape Flats are involved in armed violence.¹⁶² Every violent gang fight is an opportunity to contest the authority of the police and, in so doing, establish a particular gang's own form of governance in a community. Gangs also contest the authority of other gangs, as much as they contest the authority of the police. Conversely, the police also challenge governance practiced by gangs through a gang's operations. This is all part of their governance practices in and of communities. Indeed, when we look at the structure and hierarchy of both gangs and police, there are similarities in the way they establish their respective forms of governance. Both gangs and police use force and fear, uniforms and discipline, and both use violence as means of enforcing their will. One

¹⁶²Lewis, E., Bid to nail gang bosses, *The Argus*, 1 August 2011, p1. Also see Dowdney, L., (2003) Dowdney, L. (2007).

could argue that both are influenced by the other's occupational culture. Here, I argue that the gangs influence and impact the behaviour of the police when they interface.

By impact, I mean that the behaviour, actions and mentalities of the police are influenced and affected by the attitudes, mentalities and actions of the gangs. This understanding of regulation is illustrated by Biradavoelu and colleagues (2008) in their research on sex workers in India. They describe how sex workers, with the assistance of a non-governmental organisation (NGO), succeeded in regulating the behaviour of the police. In this case, the police used brutality towards sex workers and refused to investigate cases involving sex workers. Because of the advocacy work of the NGO in support of the sex workers, the behaviour, approach and methods of the police, when dealing with sex workers, subsequently changed, and in turn, the sex workers started to change their attitudes and behaviour towards the police.

Black (2002) argues that we should get used to the idea that regulation is "de-centered" from the state. Regulation can and should include categories other than state regulation, because the state is not the only node of governance. As Burris, Kempa and Shearing (2008: 3) point out:

"Once it was dogma that our collective world was divided into two fundamentally different spheres: the public sphere which was the realm of governance, and the private sphere - the realm of the governed. This crucial distinction has eroded. States do not enjoy the monopoly on governance, and themselves are often governed by non-state actors."

Manuel Castells (2000: 19) argues that networks are a useful way of looking at forms of governance, because they dissolve traditional centres of power and hierarchies:

"Networks dissolve centres; they disorganize hierarchy, and make materially impossible the exercise of hierarchical power without processing instructions in the network, according to the network's morphological rules."

From this theoretical viewpoint one could argue that gangs constitute a security network in communities and, these networks are constantly contesting and influencing one another, as well as other nodes of power within the gang environment. The police and police

associated organisations also form their own networks. Different police units, security companies and vigilante organisations constitute different nodes in the policing networks. For instance, during the period between 1996 and 2002, a state of undeclared war existed between the gangs of the Cape Flats, the police, and a vigilante group called People against Gangsterism and Drugs (Dixon & Johns, 2001). In this sense, Pagad (in its 1996 form) would form part of another network that focuses on achieving security outside the law. In such a scenario, some gangs are more violent than others, and have far more access to street power because of their resources.

One of the significant theorists on nodal governance tells us that gangs also constitute a security node as part of the informal security node and therefore exercises governance. This is alongside the formal security nodes run by the state. As Martin (2012:6) posits:

“A security node may take practically any institutional form as long as it exhibits temporal durability. Formal constitutions or internal hierarchies are not required, only sufficient coherence so as to maintain a recognisable structure is necessary. For this reason, a gang, for example, may constitute a governing node, whilst a mob cannot.”

Nodal governance theory and approach proposed by Burris, Drahos and Shearing (2005) is a useful framework to analyse the interaction between gangs, Pagad and police. If we take a closer look at the relationships between gangs and the police and gangs and their rivals, it becomes clear that the network of gangs constitute a node of power and governance contesting other nodes of power and governance within the same geographical space.

Burris, Drahos and Shearing (2005) propose the nodal governance model as a tool for analysing power and governance arrangements between nodes and networks. They posit that nodes have four essential characteristics:

- A way of thinking (mentalities) about the issues that the node has emerged to govern;
- A set of methods (technologies) for exerting influence over the course of events;
- Resources to support the operation of the node and the exertion of influence; and
- A structure that enables the directed mobilisation of resources, mentalities and technologies over time (institutions) (Burris, Drahos & Shearing: 2005: 37).

These mentalities, technologies, resources and institutions employed by the gangs (and the police), during for instance inter and intra-gang violence, influence policing on the Cape Flats. I use the nodal governance lens to systematically answer the sub-theme of my research questions, as posed earlier in this chapter.

6.2 How do the established gangs of the Cape Flats exercise governance?

Gangs produce and reproduce their own space.¹⁶³ Philippe Bourgois (1995) commented on the production of space through his ground-breaking ethnographic study how crack drug gangs produce their space and how they were policed in East Harlem, New York, in the mid-1980s. He explored the issue of how gangs govern the *barrio* through the selling of crack. The underlying context of the study is the equally important and sensitive issues of social marginalisation, segregation, racism and poverty and the reaction of the urban youth to them. His study on the life of his prime character, *Primo*, explored the question of how the unintended consequences of the activities of a local crack gang govern community spaces through the selling of crack cocaine.

Since this early body of research, much has changed. First, the extent to which gangs control and exert influence over socially marginalised sections of communities across the Cape Flats has deepened.¹⁶⁴ Gangs have been able to extend their control over marginalised areas to the point that as far as criminality and criminal enterprise is concerned, nothing much happens in such communities without the knowledge of organised gangs that inhabit the same geographical space. Moreover, the way gangs control communities of the Cape Flats, is an expression of their form of governance. One of the gangsters interviewed (BM, 8 July 2008) boldly asserted:

“The gangsters were governing the township. They were running the welfare system. If you don’t have rent, you go to the drug dealer.”

¹⁶³ See Brotherton & Barrios (2004); Dowdney (2003, 2007); Glaser (2000); Hagerdorn (2005, 2007), Jensen (2008); Rodgers (2006, 2007) and Venkatesh (2008).

¹⁶⁴ Today, unlike the early 1980s, the gangs have branches across the Cape Flats much like the police.

Paying rent of tenants in the rental housing units owned by the City is one of the most common things for gang leaders to do, especially when they are interested in using the house for other criminal purposes such as using it as a drug outlet. In this respect, there have been many people who have fallen victim to this type of enterprise where gang leaders own the occupants of the homes where they have paid the rent. The debt is never fully repaid and the tenant remains in the debt of the gang leaders forever.¹⁶⁵

And, as is evident from the statement of a former police commissioner who was interviewed (ML, 4 August 2008), the police are aware of the practice:

“The one thing is that the gang phenomenon has got its roots in the social circumstances of the people. They first vested themselves in a particular community, especially the poor communities. They are seen as the providers, the alternative to government.”

Secondly, Cape Town gangs have undergone a transformation. I have argued elsewhere that the nature and extent of gangs have evolved (Kinnes, 2000). Since the political transformation in South Africa, we have seen a greater level of social organisation amongst the gangs. The changing nature of gang structures shapes police responses and mentalities in policing gangs.

The gang typologies identified by Pinnock in 1984 have been eclipsed by new forms of street organisations that have blurred the former neat categories he once identified. Criminal syndicates have grown in number in post-Apartheid South Africa, especially as a result of the growth in the drug economy. In 1984, Pinnock identified four major gang typologies: the *street or defence gang*, the *family mafia*, the *syndicates* and the *prison gangs*. The *reformatory gangs* have long since died out. Pillay (2002: 44) has contested Pinnock’s structural formulation. As he puts it:

“Conventional explanations of gangsterism in the Western Cape tend to be reductionist, essentialist and descriptive. They underplay the role and construction of cultural symbols and meanings and the relationship between the local and the global in gang identity formation.”

¹⁶⁵ The tenant has provided favours such as storing drugs, guns or keeping silent in the face of criminality. The homes are used for different purposes as suits the gang leader. The City of Cape Town has pursued an approach of evicting tenants from Council-owned flats for exactly that purpose, but it has not been effective.

As the new democratic state struggled to assert itself, the bigger, more established gangs quickly underwent major changes. This process has been ongoing. In their study on the Firm drug syndicate, Schärf and Vale (2006), noted that as the state prepared legislation to deal with asset forfeiture¹⁶⁶, gangs began to decentralise their activities. They soon set up areas of specialisation for different leaders and took responsibility for different aspects of criminality, such as extorting money from taxi drivers, supplying firearms and drugs, extortion of nightclub owners, running and managing nightclubs and sex workers. My own interviews with gang leaders have revealed that gang leaders prefer to see themselves as “business people” rather than gangsters (Interviews with WM on 16 October 2009, PD on 17 July 2007).

Research by Schärf and Vale (1996), Kinnes (2000) and Irish-Qhobosheane (2007) all found that gangs in Cape Town have become more organised.

I have argued elsewhere in this thesis that in gang organisation there is both formal and informal organisation. But to understand how this duality of organisation plays itself out, an understanding of three critical elements of gang culture is required: “belonging”, “respect” and “power/authority”. We will also see how “respect” and “respectability” in the gender relations of the Cape Flats intersect and give rise to different sources of power.

6.2.1 *Belonging and new recruits*

Knott, Shapiro and Theron (1990) argue that the need for social acceptance is the result of the non-acceptance that the families of gangsters show them. To satisfy this need, they are drawn to each other and find a sense of belonging in the solidarity of other gang members. Young people who experience challenges communicating with their families and tend to deviate are often looking for people who ‘understand’ them. Gang leaders generally do not discriminate against anyone that could potentially be an asset to the gang. They are welcoming and make a point of demonstrating the necessary empathy, patience, understanding and mentorship towards the young potential new recruits. It is this ‘close’ style

¹⁶⁶ The Prevention of Organised Crime Act (121 of 1998).

that persuades the young person to remain in the company of gang members, and to eventually become a gang member.¹⁶⁷

Belonging is something that is not taken for granted and, in exchange, loyalty is expected. Not only is loyalty expected by the leadership, the recruit is immediately made to understand the consequences of disloyalty. Of course, some young people on the Cape Flats are forced to join gangs for their own safety.¹⁶⁸ When young people who are not gang members associate with neighbours or friends who belong to gangs, the former are often considered as members of that gang by rival gang members even if they are not. In gang wars they are often targeted, forcing them join the gang for protection.

A new gang member knows he belongs to the gang when he is privy to acts or events, which by virtue of his presence at the scene of the crime, incriminates him, and therefore binds his future to that of the gang. Furthermore, a common recruitment method is to request a young person to accompany a friend (who is already an initiated gang member) on an errand. The recruit is not aware that the initiated gang member could have been given the instruction to rob, kill, maim or injure a member of a rival gang. The new recruit is driven with the initiated gang member who then for example commits a drive-by shooting on another gang member (Valdez: 2003: 27).

By virtue of the fact that the new recruit is in the vehicle, is a witness to the action, and thus faces possible criminal sanction, he is unable to extricate himself from the gang. Any attempt to do so will have violent consequences for him and his family. In the process, he also becomes a legitimate target for the opposition gang. He now “belongs” to the gang.

On the other hand, young men living near a gang often join it through a sense of social solidarity (Green & Pranis: 2007), particularly after being caught up and roughed up by police during operations against the gangs, despite (in some cases) being an innocent bystander.¹⁶⁹

¹⁶⁷ Personal observation.

¹⁶⁸ I ascertained this method after numerous informal interviews with young people inside gangs.

¹⁶⁹ There have been many reports and complaints to the local community-based organisations and the Independent Complaints Directorate (ICD) that used to investigate complaints against the police about police officers beating up young people that are picked up on the side of the street during police operations in Manenberg. Police attempt to implement their own curfews and rough up anyone found walking on the streets. Their actions are illegal, yet they continue to do the same thing. According to the 2013/14 Annual Report of the

This type of police action only drives young people on the periphery of the gang, deeper into the gang.

Once that need for ‘belonging’ has been satisfied through joining a gang, ‘belonging’ assumes new meanings. It has both benefits, such as acceptance and unconditional protection, and drawbacks, such as a lack of autonomy to do much outside of the gang, and inevitably a criminal record.

6.2.2 *Respect and respectability*

Respect and respectability plays a big role in the life of a gang and helps with the social solidarity in the gang. However, I do want to note that I will deal with different dimensions of respect in this section.

Knott, Shapiro and Theron (1990) and Pinnock (1997) argue that there are many reasons why young people make cost-benefit decisions to join gangs. One of the key motivations for joining gangs is that young people find a sense of self-respect in gangs that they are not afforded in their own families and communities.

Gang members receive recognition and respect from their fellow gang members. Respect is a commodity that has real currency in a gang and is also a means to affirm the individual. Gang identity is affirmed, recognised and valued when potential gang members demonstrate their individual ability to dispense violence (Lewis: 2006: 27). The more violent and ruthless he is, the more respect he earns. However, the same ability to dispense violence is also celebrated when the same gang member acknowledges and shows respect towards other gang members. Gang members who are in awe of such violent members, feel that they are valued members of the gang when such violent men show the less violent member respect. In such circumstances, it is unexpected and valued. Respect is central to the definition of a loyal gang member.

Independent Police Investigative Directorate, there were 3,916 assaults reported against police officers. It should be noted that not all the reported cases are gang-related.

Conversely, in the interaction with community members, and in particular older people and older women (Salo: 2005), gang members have to show a different level of respect. The meanings and underpinnings of this respect are different from that of the respect shown to gang members. Respect shown to gang leaders by its members is mostly about fear and authority, while the respect shown to community elders by gangsters is about acknowledgement of their role and power. From my research findings, however, respect for community elders may be on the decline: One gang leader (PD, 17 July 2008) describes how older gangsters respected their community:

“In previous years, if we had a gang fight and an older woman would pass by, we would stop and allow her to pass. Thereafter we would continue to shoot at each other. Now they shoot, they kill the older women. We had respect for our community.”

Elaine Salo (2005) tells us that gangs and masculinity must be seen within the context of men and gangs' relations with women. In her seminal study on gender relations in Manenberg, Salo (2005) argues that it is older women who mediate the concept of respectability - what she calls *ordentlikheid*. Per Salo, younger girls are mentored by their mothers (who tolerate gangsters because they know of their violent actions) and mediate notions of meaning and respectability. Steffen Jensen (2008), in his study of gangs in Heideveld, examines gender and respectability by arguing that the Apartheid authorities were able to emasculate young men on the Cape Flats through a series of control measures. The labelling of a young man as a *skollie*¹⁷⁰ was meant to deny him dignity and power. As Jensen (2008: 168) notes:

“State officials and township residents were on a constant lookout for signs of the *skollie*, leaving men little room in which to manoeuvre. Parallel with this, the everyday exigencies on the streets of the city, the violence and the poverty compelled many men to engage in practices that were associated with the gang and the criminal.”

From my own participant observations, it is interesting to note that while older women set the parameters for respectability and interfacing with government by mediating the social grant system, it is the younger women who are attracted to the power of the gang.

¹⁷⁰ Gangster.

Although Salo (2005) and Jensen (2008) go to great lengths to describe the roles women play in the communities, they stop short of commenting on the sensitive issue of the role of women in gangs. In this regard, it should be noted that women have a very marginal role when it comes to the more organised gangs on the Cape Flats. Their role in the gang is marginal despite their significant place in shaping *ordentlikheid* in the community. This is not because they choose the peripheral role, but because gang leaders do not provide the space and opportunity for them to play another role¹⁷¹.

Getting the necessary respect from other gang members is something that often leads to gang wars. Insults, refusal to show respect and failure to acknowledge the other can cause gang leaders to react in violent ways. Often many of the gang wars where I mediated, leaders wanted the acknowledgement of respect from their rivals. In this way, the balance of power in communities, particularly from amongst the stronger gangs are kept in check. Respect is also something earned and the prison ties that bind the gang, kicks in when there are conflicts between the gangs.

Lastly, gang members want respect from the police. One of the gang members indicated that police officers force respect through their badge (PD: 17 July 2007):

Interviewer: It's a career that is respected?

PD: The police say: Let me see if I can get that respect. If I don't get it, then I will force it.

Interviewer: They force it?

PD: Yes, they force it through their badge. At the end of the day, if he gets to his superior, he reports that you have been abusive and swore at him, but he swore at you.

Much in the same way that police officers want respect, it also eludes gang members and their leaders. Gang members want to be treated with respect when the police deal with

¹⁷¹In all my work with gang mediation, I have not come across a female gang leader of one of the organised violent gangs on the Cape Flats. There have, however, been prominent female drug dealers who have been killed by Pagad.

them. Jensen (2008: 124) indicates how the police treat drug dealers differently from gangsters:

“Whereas violent encounters with the police provided the street gangster (and to some extent the township youth) with a source of respect, the drug dealer would want more amicable relationships with the authorities, since conflict was “bad for business”.”

Ultimately the respect demanded by gangsters is the same as that demanded by the police from the people they police. It is elusive and has caused many conflicts between the gangs and police. The need for respect is an important element in the governance arrangements of both the police and gangs.

6.2.2.1 Recruiting informers. Leaders of organised, violent gangs have succeeded in recruiting informers inside the police and in the community. These informers are on the lookout for police when the gang is busy with illegal activities such as selling drugs and weapons. One of the main roles of these groups of informers is to get information of police movements and investigations against gang bosses. Apart from providing information, they are also used as lookouts when police raids take place. They are to secure the firearms storage places chosen by the gang leader and act very quickly to move firearms when police raids take place. Gangs often post what is known as lookouts when they have a weapons stash nearby. Often gang leaders receive a telephone call when a police raid is about to take place and they issue instructions to move firearms. The gang informers do not only report on police movements, but also watch their own members for collusion with the police. Community members are also watched, particularly those who lead community organisations in campaigns against the gangs.

In an interesting development, one of the biggest gang leaders was convicted of rape because he ordered the rape of a woman in his gang after discovering that she was a police informer.

The court case is instructive as it opens our understanding of how the gang deals with police informers discovered in their ranks. In the court transcript of the trial of the leader of

the Hard Living gang, the police informer who was raped by members of the gang on instruction of the leader was identified as a traitor by gang members:¹⁷²

“The complainant returned to her flat, but left again for Nazli’s home after the television soap opera ‘Days of Our Lives’ began. Before reaching Nazli’s home, however, the complainant came across one, Nico, who went by the nickname of ‘Muis’. He was a member of the Hard Livings gang. The complainant asked ‘Muis’ if he had spoken to Des. He replied, however, that he did not have time for traitors. The complainant thought at that time that he must have spoken to Des who knew that she was a police informant. Although ‘Muis’ walked away from the complainant, she followed him and asked for a cigarette as she wished to speak to him.

‘Muis’ told her that he did not give cigarettes to traitors. The complainant nevertheless followed him to the ‘hok’ where he bought two ‘outfits’. He then went to his home. The complainant knocked on the door and then entered. After passing one, ‘Barcelona’ coming out of ‘Muis’s’ room, she entered ‘Muis’s’ room. In the room she saw ‘Muis’ and Des, both of whom were smoking. At that time the complainant realised that she had been exposed as a police informant and left.”

In this case, the entire gang was appraised that she was an informer. They knew that by virtue of the fact that the police tried to recruit another female member of the gang who subsequently reported the member who was then raped. She was labelled as a traitor and isolated. The leader of the gang decided on the punishment. She had to be raped by three other members of the gang. In this way, the gang’s governance over its members and informers is established and gang discipline enforced. However, at the same time, the actions of the gang challenges how the police governance is contested.

6.2.3 Authority and power

Authority in a gang is derived from an innate ability to provide leadership in times of crisis. On the streets of the Cape Flats, many young people are confronted with the daily crisis of survival. Invariably such people look for shortcuts, hand-outs and an easier route for survival. Such a scenario presents gang leaders with opportunities to establish themselves as authorities in communities. While not all situations are the same, it is when the helping hand,

¹⁷² Sarkin, A.J., *The State vs Rashied Staggie and Randall Bosch*, High Court of South Africa, Cape of Good Hope Provincial Division, Case No: SS131/2002, 28 January 2003.

in the form of gang leaders, emerges that the crisis is temporarily solved for the young person. The solution lies within the gang. It is the gang leader with his perceived fearlessness, experience, problem solving skills, solutions and violence that captures the respect (and fear) of the youth. Reputation is the hard currency of the street gangs and is what provides the authority and power to the gang leader (Whyte: 1943). Respect and authority mutually reinforce one another as separate and distinct concepts. In this way, gang leaders can force obedience from the rank and file members of their own gang, and by dispensing violence, and thus fear, they can maintain their social dominance over rival gangs and the community.

One of the gang leaders interviewed about the gang's power and their relationship with the police noted that they would not give up their power (HJ: 7 July 2008):

Interviewer: Do you think the government and police have succeeded in stopping gangsterism?

HJ: The government cannot stop gangsterism because people (the gang) won't give up their power. They won't do this. They (the police) will not have the authority in Manenberg.

Gang leaders clearly are convinced that by virtue of their power, they will remain in control of the streets of Manenberg, and by extension, the Cape Flats. Their authority and power, despite police operations is entrenched and enhanced by (police) operations.

6.3 Policing gang space

In the gang node, gangs play a very specific role when protecting their turf and trading spaces from rival gangs. While they contest each other's governance, they perform their own form of policing. They engage in informal policing of the area as Bayley and Shearing (2001: 5) point out:

“Unfortunately, the economic interests active in constructing security are not always legal. In many parts of the world, criminal enterprises, such as crime syndicates and juvenile gangs, play a significant role in organizing security. They do so in their own interests, of course, and usually in direct opposition

to government. But in so doing they govern security for the people among whom they live, becoming in some places the only effective police that exist.”

First, to protect their own interests, they set themselves up to protect “their turf” from attempts by rival gangs to establish a basis from which to sell drugs. The more established, violent gangs such as the Americans and Hard Livings place lookouts all over ‘their territory’, particularly in times of gang wars.¹⁷³

The role of these lookouts is to alert the leaders when rival gangsters enter ‘their space’. These lookouts also appear when they are guarding their weapons or protecting their drugs. They have a complex job in that they should be able to identify enemy gangsters who intend to do drive-by shootings against them in times of gang wars. They should also identify potential police officers wanting to snatch their guns or drugs. The key is to communicate with leaders through sign and body language, when danger is around the corner. They do so effectively while they are ‘*op ‘n pos*’.¹⁷⁴ But they do not only look out for police. They also look out for community members and gang rivals that they know could possibly snitch on them. This role of the lookouts are similar to police officers on the patrol beat, except they appear to be friendly to friends and the immediate community, but observant and alert with unknown persons.

Attempts by rival gangs to enter areas and spaces under the control of a particular gang result in retribution attacks, often with fatal consequences. The boundaries of the spaces controlled by a particular gang appear invisible to the outsider. These could be a street or a landmark, such as a school or public library.¹⁷⁵

One of the most interesting developments are when during a gang war, as has now become the case, members of rival gangs defect to the stronger gang. This often leads to the

¹⁷³ Initially I was not too concerned about these lookouts who appeared to be ordinary young boys hanging out on solitary street corners, appearing to be waiting for someone. But on closer inspection I found that they have a very important and difficult job. If the gang’s resources (firearms and drugs) are taken by the police during a raid, then the lookouts will be disciplined seriously. When there are no guns, or drugs to guard, the lookouts walk away, or disappear. They also do this when a raid is about to happen. The weapons are then quickly moved, making any advanced intelligence the police has useless.

¹⁷⁴ On sentry duty.

¹⁷⁵ There are many such artificial borders in Manenberg. The local library has installed bullet proof windows after it was shot out countless times. The numerous attacks on the local housing office has forced it to close and relocate.

stronger gang claiming more spaces and to then start placing their lookouts in the “conquered territory”. In this way, the gang establishes and extends its governance of the community spaces inhabited by gangsters.

In the mediations that I have been involved in, gang leaders would often say that life in their community required a self-imposed form of restriction, because their movements were limited. They could only move around in their own territory when there were gang wars. They referred to this as ‘living in a box’.¹⁷⁶ During peacetimes, they developed a greater spatial mobility to move around in the community.

6.3.1 Policing the ghetto

Gangs mete out justice to errant members of their own gang, while larger, more established gangs police their space by mediating disputes among smaller gangs.

Where gangs have such dominance and control over sections of their communities, they take on the role of the police by keeping the peace between residents.

Sometimes residents choose to use the gang to mete out “justice” and keep the peace instead of going to the police. As Daniel Reed, a film producer who produced a documentary on the Hard Living gang recalls in his written work (1994:161) on the production of the documentary:

“The lack of a credible police led to the emergence of gangsters’ kangaroo tribunals (the equivalent of ‘people’s courts’ in the Black townships). One morning in Manenberg, the parents of a teenage boy came to Rashied (leader of the Hard Livings gang) with a problem. They pointed out their son, tall, good-looking, about 16 or 17. They said he had tried to rape his ten-year-old sister. If they called the police he would get a record, a few days in the cells, a few months in the ‘formatory’. The parents said the boy must be punished so that he never did it again.”

¹⁷⁶During my work with members of the Hard Living gang, most used that phrase to describe their existence in Manenberg.

The boy was severely assaulted by the gang and they broke his arm as punishment in full view of members of the public assembled (Reed: 1994: 161). He was then taken to hospital.

Delivering information about threats and potential gang violence is a service provided by gangs to the immediate surrounding community where they are based. During gang wars, they usually inform people to take their children off the street, or get them from school because they were going to be attacked by rivals, or they were going to attack rival gangs. It would cause pandemonium as mothers rush to the schools to get their children before the shooting starts. These warnings by gangs were, however, no guarantee that their rivals would not mount a surprise attack.

6.3.2 Closing down government services

In both Manenberg and Hanover Park, the gang violence brought essential government services in health, education, transport and local government to a standstill during the period of the 2013 gang war. The government was forced to close 14 schools because it was too dangerous to send children to school as there were fears that they would get caught in the crossfire.¹⁷⁷ The closure of the schools in Manenberg was one of the most serious challenges to the authority of the state. In previous years, gangs succeeded in temporarily closing the local clinics, housing offices and libraries in both the Manenberg and Hanover Park communities. When such violence affects the community and the state is unable to stop the violence, then there is clearly a crisis facing the state to deal with armed, organised violent gangs. There are, of course, other scholars (Manwaring: 2005) who argue that the violence that is perpetrated by gangs is organised and therefore there is a need to treat it as an insurgency, which justifies the engagement of the armed forces against violent organise gangs.

¹⁷⁷ John, V. (2013). Fourteen Cape Town schools to close after surge in gang violence. *Mail & Guardian*, 14 August. Available at: <http://mg.co.za/article/2013-08-14-fourteen-cape-town-schools-to-close-after-surge-in-gang-violence> (accessed on 14 January 2015).

Rodgers (2006) argues that gang violence in Nicaragua should not be seen as chaotic, but rather as established local regimes of order in the face of the state and social breakdown. Jensen (2010) shows that the nexus between security and development takes specific forms in the war on gangs approach in Cape Town. The war on gangs takes on a counterinsurgency approach and that it in effect is a response to the problems of governance.

The City of Cape Town municipality was rocked by allegations that members of the Hard Living gang were able to muscle in on a contract to re-develop a City urban renewal programme in Manenberg. Per a new report, members of the Hard Living gang were hired by a contracting company hired by the City to rebuild blocks of flats in Manenberg. According to the report, residents stated that it was a well-known fact that the leader of the Hard Livings in Manenberg owned the construction company.¹⁷⁸

There appears to be agreement that the problems faced by government with respect to gangs are not easily solved. The supposed challenge to the sovereignty of the state is not solved through tougher paramilitary and counterinsurgency approaches which feeds off a 'war on gangs' approach. It only increases gang solidarity and entrenches violence.

However, such agreement does not lead to workable solutions in addressing the fact that there is a challenge to the authority of the state in the way gang governance is exercised. The complexities of gangs fighting each other must be considered, especially since there is no clear evidence that gangs go out to challenge the authority of the state by closing schools.¹⁷⁹ The disruption of governance and governance processes is an unintended outcome of violence and arises because of weak governance practices by the state and its institutions. There are also other facilitating factors which must be considered, such as the cyclical nature of the violence.

¹⁷⁸ Dolley, C., (2015). 'Gangsters may have been hired', Cape Argus, 14 June 2015, available at <http://www.iol.co.za/news/south-africa/western-cape/gangsters-may-have-been-hired-1871412>, accessed 13 January 2017.

¹⁷⁹ This is rather an unintended consequence of gang fights, particularly when gang members approach the schools where there are perceived members of rival gangs.

Finally, gangs contest and often usurp the authority and governance role of the police where the opportunity presents itself through the structural dysfunctionality of the policing process, that is, where the police institution is too weak to perform its role.

6.3.3 Dual power

The inability of both the police and the state in the late 1980s and early 1990s to extend its control over communities across the Cape Flats led to increased resistance on the part of the communities and provided an opportunity for gangs to occupy the space left by the illegitimacy of the police. The period between 1990 and 1993 was an 'in-between moment': the (Apartheid) state was too weak to govern in its own name and the anti-Apartheid resistance movement, the ANC, had yet to assume power. It had to negotiate a transfer of state power with the old Apartheid government.

In many local communities, and notably on the Cape Flats, a situation of dual power emerged. The police, as the public face of the Apartheid government, was challenged by ever-stronger communities, aware of their own power, not only to consult with the communities they policed, but to change the way in which they policed (see Marks: 2005).

This situation of dual power allowed gangsters in some communities to move into the governance vacuum. In 1993, there was a surge of gang violence on the Cape Flats. The South African Police Force Internal Stability Unit (Manenberg) Force report (1994:2), on Operation Gang Bust in the communities of Manenberg and Philippi, provides the following arrest statistics for the three-month period June to August 1994: murder: 11; assaults: 49; possession of unlicensed firearms: 54. For the same period, police searched 149 homes, 2,716 people, and confiscated 27 firearms and 7 homemade guns.

In 1995, the gang war continued and from January to July of that year, there were 2,026 gang fights in eleven areas, resulting in 89 deaths. Between 1 October 1994 and 30 March 1995, in the Manenberg area alone, there were 44 murders committed, of which 28 (63%) were gang-related. Similarly, in Bishop Lavis for the same period, 49 murders took

place, of which 25 (51%) were gang-related. In 1998, there were 353 gang related shootings on the Cape Flats (Kinnes: 1996:17).

I have suggested elsewhere in the thesis that the gang violence during this period was about gangs claiming space and governance of communities, which they anticipated occurring immediately after the first democratic elections in 1994. But, it could also be argued that gangs had become the *accidental governors*¹⁸⁰ in certain communities on the Cape Flats. The net result, however, was that the police were not able to solve the problem of gangsterism on the Cape Flats. During one of the interviews with a gang leader (HJ, 8 July 2008), it became clear that the authority of the government was not recognised in Manenberg.

“The government cannot stop gangsterism because people won’t give up their power. They won’t do this. They will not have the authority in Manenberg.”

In 1997, this duality of power took on a further complexity, not from the contestation for governance between the police and the gangs, but by the emergence of a community group calling themselves People Against Gangsterism and Drugs (Pagad). It is debatable whether this group was seen as being vigilantes (Dixon & Johns, 2001), but that they made up a third and significant node of power is unquestioned.

As indicated in the previous chapter, a state of war existed between gangsters, Pagad and the state during the years 1997-2000 (Boshoff: 2001). He avers that by 2000, a total of 437 gang incidents and 22 Pagad-related incidents had occurred. In the Western Cape Provincial Commissioner’s *Report to Portfolio Committee on Community Safety in Western Cape Parliament*, dated 16 September 1998, the police reported that for the period 1 October 1997 to 31 August 1998, there were 624 urban violence incidents, of which 429 were attributed to gangs. Of the 624 incidents, there were 86 pipe bomb attacks, 33 petrol bomb attacks, 377 shooting incidents and 126 violent incidents, which included stabbings and assaults (South African Police Service: 1998: 7). Most of these were directed toward Pagad.

¹⁸⁰This is so because gangs moved into the vacuum left by the police when everything they did was challenged by community police forums during the early years of its establishment. In some parts of the Cape Flats, armed organised gangs became the *de facto* governors of those parts where political parties and the state could not effect change. It was accidental as they just happened to be strong and the state weak and they moved into the space normally occupied by the state. Nothing happened there without the say so of these organised armed gangs

6.4 How gangs and police influence and regulate each other

The act of exercising governance requires the consent of the community (Steinberg, 2008), the use of force (Marks, 2005) and new ways of seeing the people they police (Sacks: 1971; Van Maanen: 1978).

From the data of my research, when viewed through the lens of nodal governance, it emerges that the police make sense of gangsters and gang violence through a set of attitudes (mentalities), practices (technologies), and resources which construct gangsters as people that have to be dealt with violently.

6.4.1 *Mentalities*

In many ways, police and gang institutional culture mirror each other. The police mentality regarding gangs is that violence is required when dealing with gangs. Gangsters are violent people that require a violent response. One of the gang leaders (PD, 17 July 2008) described the police as having no respect for the policing profession and that they have developed attitudes toward gangsters:

“These people (police) don’t know how to interact with you; they don’t even know how to speak with you. They see your tattoo and then they develop attitudes.”

As a former head of the gang unit (HK, 9 July 2008) explained during one of my interviews:

“There was no community policing focussed methods of dealing with the gangs. Often, violence was met with violence. I think to some extent, the gang unit did influence the nature of gang violence.”

Quoting a police shift commander’s view of what is required to do his job, Jensen’s (2008: 135) research reiterates this mentality, quoting a police officer reflecting on his job:

“You have to be violent to do this job. Believe me, I hate myself for having to act in that violent manner but if you don’t, you will not be able to do this job.”

Reiner (1992: 118) labels vulnerable marginalised groups, such as sex workers, homeless people and drug addicts groups as being ‘police property’. Police live up to this label in the way they police gangs. Because they ‘own’ the gang problem, they exact their own methods to deal with gangs.

Institutionally, the bigger gangs in Cape Town have developed a worldview, a philosophy known as ‘the book’ and the structures to carry out their governance approaches (Steinberg: 2004; Parker-Lewis: 2006). The “book” of the gangs is essentially the laws of the prison gangs that recruited members adhere to. They internalise these laws and introduce them into society when they are released. In her book on prison gangs, Heather Parker Lewis (2006: 27) describes the ‘book’ as follows:

“Members of The Number refer frequently to *The Book of the 26*, or *The Book of the 28*. These “books” - also called *Makhulu Book* (big book) - are not in any written, tangible form, but have been passed on orally from one generation of inmates to the next. They are memorised - or to be repeated to the letter when required - and cover the history of the gangs, codes, rules, laws, regulations, punishment rituals, structure (judicial, civil and military), hierarchy, uniforms, insignia, roles of each rank and even *drillbaan* specific instructions for the drilling of the soldiers - as well as detailed instructions on how, when and where the leadership of the three branches of The Number may meet to communicate with each other.”

The book is to the gangs what the police standing orders and regulations are to policemen. It provides the standard operating procedures for prison gang members. There are certain rules which members of the 26s and 28s gang members will not transgress. For instance, it is not part of the philosophy for members of the 26s gang to rape. They are primarily focussed on robbing people. If they transgress the rule, they are disciplined inside prison.

As already pointed out, it is the unquestioning obedience through fear that keep young men in gangs loyal to their leaders. It is this loyalty bred out of fear that engenders a certain type of fearlessness and resistance towards police. Having observed numerous police

actions and operations¹⁸¹ against gangs, it has become evident that the two institutional cultures – that of the gang and that of the police – mutually reinforce each other. When police operations against the gangs occur, it is usually the younger gang members who offer the most challenge to police authority. They have more to prove to gain the respect of other gang members. Conversely, it is also the younger, more inexperienced police officers who show the greatest eagerness to deal with the gangs; this is their way of gaining the respect of their superiors and more experienced police officers. It challenges the police's own institutional culture of bravado, machismo and fearlessness.

Furthermore, whilst the showing of respect is one of the unshakeable codes of gang members, another is being dismissive of and showing disrespect for police. Police label gang members as *skollies* (Jensen, 2008), but, conversely, gang members label the police, and socially construct police officers, as *vuilgatte* (dirty asses), *mapuza* (dirty dogs) and as having *skollies* (gangsters) in their midst (interviews with WM on 16 October 2009 and PD on 17 July 2008). Labelling police officers in the same way that the police label gangsters makes it easier for gangsters to show their disrespect.

It is this disrespectful, provocative behaviour of the younger gangsters that the police respond and react to when they interact with them. We also should examine the technologies the police and gangs have at their disposal in their respective nodes to facilitate their governance.

6.4.2 Technologies

In an earlier work, I set out to show how the police deal with the problem of gangs mainly by taking sides against opposing gangs (Kinnes: 2009: 191). Fear and force, however, appear to be key technologies used by police to govern communities: force against gang

¹⁸¹ During and prior to the research process, I have witnessed numerous operations against the gangs by the police. The operations were carried out by police officers who displayed a strong sense of being "in control" with lots of operational support and firepower. In the process, for all their actions, gang members who were stopped and searched, or even arrested, displayed a challenging attitude to the authority of the police.

members and the subsequent fear that is spread amongst gang members and the community. As one community leader (WG, 8 July 2008) who was interviewed put it:

“The people also complained about police brutality and corruption. Out of fear, people did not trust the police.”

Both gangs and police rely on fear as a technology of governance, but under the Apartheid system, gangs colluded in the security system’s use of fear as a governance technology. Apartheid created an all-powerful police force that that steadfastly relied on fear, coercion and co-option as a means of getting people to comply, self-regulate and spy on others. In the true sense of the word, the Foucauldian (1977) emphasis on self-regulation was acted out in practice by Apartheid society.

Some members of the Coloured and black communities actively participated in the Apartheid project, including well-known gangsters. During South Africa’s Truth and Reconciliation Commission hearings (Vol 3 of 1998: 461), evidence emerged that confirmed that gangsters co-operated with the Apartheid police against members of their own communities.

However, during the early 1990s, when it became clear that the lifespan of the Apartheid government was coming to an end, many established gang leaders did a cost-benefit analysis and changed political sides, realising that political power was fast shifting and that it would be beneficial for them to build new political alliances (Kinnes: 2000).

The police recruited informers such as sex workers, gangsters and *shebeen* owners. They often used these informers to provide evidence, especially gangsters to give evidence against other gangsters.

Conversely, gangs recruit informers within the police. From the interviews conducted, a central theme that both police and gangs agree on is the fact that police officers are recruited as informers for the gangs. Gangsters bribe police officers to alert them about imminent raids and operations against them. Consequently, police have difficulty policing gangs. As one gang leader (WM, 16 October 2009), when commenting on the police, stated:

“They do good work, very good work. For example they come and search me but I know about four hours before the time that they are going to come and search my premises. It gives me enough time to stash away everything that I have. That’s for a price. In other words, they are on a payroll, they get wages. They get wages every week. You are told when they will raid you; you are phoned to inform which of your people are being sought. He will be given information from police officers and told to bring his people who need to be arrested and they (police officers on the payroll) will arrange bail for them. Before the individual is arrested, he already knows that he will get bail. That’s why I say the gangs regulate the cops, not the other way round.”

Almost all of the police officers and gang members interviewed for this thesis have indicated that police corruption existed. Police officers saw it as a problem of their colleagues while gang members saw the police as performing “good work” by policemen who were on their payroll. Recruiting gang members as police informers is key to the capacity of the police to divide and rule gangs. It is part of the police crime intelligence standard operational procedure to recruit informers. It is also the most direct way in which the police exercise their governance over the gangs and by so doing source information about drugs, shootings, weapons and so forth. During one of my interviews with a senior gang leader, he shook his head and refused to answer questions of police recruitment of informers in his gang.

Conversely, gang members also recruited police officers as informers. In this the way the gangs exercise their governance of the community and contest the governance of the police. They do this by sourcing information about police raids, access and steal police docketts of investigations and glean information about police witnesses who are invariably shot and killed. Police informers on the gang payroll really deliver and do “good work” and this sharpens the governance of the gangs.

6.4.3 Resources

Resources have never been a problem for the more organised violent gangs of the Cape Flats. During gang wars, most of the attacks happen through drive-by shootings. These gang wars have required a lot of resources such as firearms, vehicles, food, accommodation

and intelligence. In many respects, a gang war resembles all the assemblages of modern wars. They have planners, intelligence, resources and a strategy for beating their rivals. And all wars cost money.

Vehicles which are used for drive-by shootings are stolen from shopping malls, hospitals and train station areas to provide mobility. The firearms are procured from other gangs, or simply stolen. In the worst-case scenario, police officers are bribed to provide firearms from their confiscated firearm stores.¹⁸²

Shooters (or assassins) are hired from other areas so that they are not known when they commit the drive-by shootings. Residents of areas where there are high levels of gang violence always remark that there are strange people congregating at the yards of some of the violent gangs prior to gang-fights.¹⁸³ Unlike the lookouts, these individuals participate in the gang fights for a price. They get paid to shoot. The firearms are returned to the gang after the shooting.

While the gang fight is proceeding, women are ordered to cook pots of food at the yards of the gang leaders. The gang members are then fed in this way. It is also clear that drug dealing suffers during the gang fights as it often attracts a heavy police presence.

Much in the same way that gangs recruit foot soldiers and assassins from other areas, the police undergo a similar process when they have operations against gangs. Police officers from other police areas are mobilised nationally and brought to the Cape Flats. The police officers are placed on detached duties for the duration of the operation. Sometimes the costs of the operations became a problem for the police.

Lastly, gangs recruit police officers and members of opposing gangs as informers so that they have early intelligence of any raids and gang attacks that are planned. If any of the resources dries, up it is easily replenished through robbery or theft.

¹⁸² It was recently revealed that firearms confiscated by the police and destined for destruction was found in the possession of local gangsters. See statement by Dan Plato, MEC for Community Safety in the Western Cape available at: <http://www.gov.za/speeches/statement-dan-plato-western-cape-minister-community-safety-23-mar-2015-0000> , accessed 5 May 2015.

¹⁸³ This is often an indicator that there will be renewed shootings and violence.

6.5 Discussion

Answering the question of how gangs and police exercise and contest each other's governance of communities helps that we better understand the notion of contested governance in the security governance node. It is a lacuna in the literature which I believe up to now has not been answered and it holds much consequence for what we already know about how police *police* gangs. This chapter has helped us understand the nodal governance approach as proposed by Burris, Drahos, and Shearing (2005) through amplifying contested governance between gangs and the police.

Much has happened during the interaction between police and gangs and some of the events only re-enforces the actions of the actants in the gang node when it comes to contested governance.

During a community march against gangsterism in Manenberg in March 1995, which attracted about 8,000 people, the community organisations, together with the police, marched to all the gangs in Manenberg warning them to stop their activities. Most of the gangs co-operated and listened to community leaders. When the march reached the Hard Living gang space, its members organised their own protest at the jailing of their leaders. They refused to speak with the leaders of the march and hoisted their own posters calling for the release of their leaders, Rashied and Rashaad Staggie. They did not accept that there could be peace without their leaders.

This action epitomised the gang's contestation of police governance and authority in the Manenberg community. The fact that the march was organised with the full support of the police was a problem, and the gangs made it clear that they would not accept the authority of the police in that instance.

Gangs of the Cape Flats proceeded to establish their own institutions, such as churches, football clubs and welfare organisations. All the institutions gave them the

necessary legitimacy in the eyes of certain sections of the community.¹⁸⁴ The actions of paying rent, supporting immediate residents financially to bury loved ones when there was a death in a family, and providing transport to certain places all provided the gangs with governance leverage. People knew where to go to in times of need.

A significant portion of the governance of organised gangs was the practice of “buying” sections of the community. The Hard Livings gang in Manenberg could do so successfully and Keith Gottschalk (2010: 144) gives us a very succinct account of how they are able to do this. As Gottschalk reminds us:

“The Hard Livings were creative in bribing policemen and low-ranking court officials, and buying community support by paying an unemployed person’s rent, or making a contribution to a funeral. (Cape Times, 6 August 1996). The Staggie brothers sponsored the Crystal Palace and Benfica soccer teams, buying them togs, plus sponsoring a netball team. (Cape Times, 11 June 1996). Rashaad Staggie allegedly gave money on the Grande Parade to clothing workers who were on strike.” (The Argus, 6 August 2016).

The police certainly was not a place for residents to go to for financial and social support. The actions of the gangs constituted their governance to contest the legitimacy of the police and provide the necessary support to the gangs in times of trouble. As described earlier in this chapter, Reed (1994) documents how the HL gang dispensed popular justice to a young man after he sexually molested his sister.

In this scenario, police governance was equated to corruption (which the gangs systemically engaged in) and made out to be an institution that could not be trusted because of their brutality and uncaring attitude. In this respect, the gangs succeeded in many instances to successfully challenge the governance practices of the police and the police also succeeded in some instances of challenging the governance arrangements of the gangs.

While the governance of police is well known in the way they police poorer communities and gangs through police brutality, operations and torture, the governance

¹⁸⁴ It is important to distinguish here that certain sections of the communities on the Cape Flats, most notably some of the people who lived around where the gangs were based, actively supported their activities. They were the same people who were able to mobilise other members of the community to support the gang against anti-crime organisations and the police.

practised by gangs requires more attention. The gangs of the Cape Flats set themselves up as an alternative governing node in areas of the Cape Flats by buying community support from sections of the community (Kinnes: 2000; Gottschalk: 2010). They recruit informers from amongst the police to spy on their rivals and work for the gang. The gangs also make association with the police unpopular by labelling the police as *vuilgatte*, *mapuzas* and *skollies*.

Labelling police officers has the required effect to enhance gang solidarity, especially when police officers undertake operations against gangs (as shown in the previous chapter).

Gang governance is also expressed when gang members mobilise sections of the communities to attack police officers who want to arrest their leaders. Since gangs claim space by policing the ghetto to protect the community in their immediate surrounding areas provides the gang with a very interesting role in policing, not previously explored.

Despite the many fights that gangs engage in, gang leaders also talk to each other and negotiate with each other when they are involved in distributing drugs, or are at war with one another. As Mullagee and Bruce (2016: 11) notes:

“The gangs also hold talks with one another, negotiate and enter into alliances, much like political parties do. Divisions among gangs may also be interconnected with political divisions, with some alleging that political parties often depend on gangs to mobilize support.”

This aspect of gang governance is not well known as many people, including the rank and file members of the gangs, do not know the associations of the gang leaders. Many gang leaders forged their connections and networks inside prison through the prison Number gangs (Steinberg: 2008) which allows them to speak directly with their rivals, even when there is a gang fight.

Operations conducted by police against gangs constitute how the police extend their governance of communities (and gangs). Door-to-door searches, stop-and-search tactics and mass saturation operations all are part of the repertoire when it comes to police governance.

The action of the two nodes, one gang-centred and informal (Martin: 2012), and the other state-centred and formal (Burriss *et al*: 2005), provides us with a useful opportunity to

understand the notion of contested governance in action. Much like atoms bouncing off each other and bumping around the same space, these nodes of governance provide the impetus for improvement in governance arrangements. The continuous contestation of governance of the different nodes provides the opportunity for the gangs to improve their array of technologies, mentalities and resources to exercise their governance. This also applies to the policing node.

6.6 Conclusions

In the beginning of this chapter, I sought to find answers to the question of how the police and gangs contest each other's governance. I looked at two sub-questions that considered how gangs police themselves and how gangs and police regulate each other.

Where other researchers have looked exclusively at the police (Wilson: 1963; Reiner: 1992; Ericsson: 1982; Brodgen & Shearing: 1993; Bayley: 2006) or gangs (Thrasher: 1927; Klein: 1971; Van Onselen: 1982; Valdez: 2003; Whyte: 1943; Hobsbawm: 1969; Venkatesh: 2008; Glaser: 2000; Spergel: 1995; Jensen: 2008; Bourgois: 1995; Steinberg: 2004), I have found that the gangs and police influence and regulate each other's behaviour and mentalities. In doing so, I bring new evidence to bear on an explored question.

I have used a conceptual framework (nodal governance) to illuminate contested governance practices between nodes of power, in this case the nodes of power being the police and the gangs on the Cape Flats.

Gang security nodes also interact with one another, influence one another and react to police nodes, and in the process influence and regulate the police. The nodes employ their own technologies, mentalities, attitudes and frameworks for governing their own environment and making meaning of everyday life.

Police governance consists of the mentalities, methods, technologies and structures used by the police to extend control over the areas in which they have jurisdiction.

While using this nodal governance framework, I have come to new insights into how forms of governance are practiced by established gangs. This matters because we have not observed these developments in the literature previously. It is a gap in the literature that I have identified and engaged. In this chapter I have produced evidence of how the gangs contest police governance and how the police attempts to contest gang governance.

I have also indicated why the occupational culture of violent organised gangs in its interface with the police creates alternative governance arrangements in marginalised communities. In addition, the mentalities and resources gangs employ to contest the governance of the police is fragmented and refined in some instances.

At a cultural level, I have shown how the three key institutional elements of gang culture: respect, authority and belonging are also common to police institutional culture and reinforced by the way the police *police* and attempt to regulate the gangs. The methods used in policing gangs, only re-inforce social solidarity and organisation amongst the gangs (Greene and Pranis, 2007). It is also clear from the chapter that gangs do play a policing role within their node.

Lastly, I have shown the similarity in the elements of police institutional culture and subcultures and that of gangs reinforce each other in their contestation for power.

In conclusion, there is uniformity of understanding and a mutual recognition amongst these two adversarial nodes that neither the police nor the gangsters are sole governors of community security on the Cape Flats. They merely regulate each other's behaviour by contesting the space and governance arrangements of the other. In the next chapter, I consider the question of how the occupational cultures of the police and gangs impact on each other.

CHAPTER 7

Complexities of police cultures

7. Introduction

Understanding gang governance and contestation of policing requires that we understand the complexities of police culture. There is common agreement amongst scholars (Bayley: 1977; Ericson: 1982; Manning: 1997; Reiner: 1982; Shearing: 1981; Skolnick: 1966) that police culture entrenches the police's vision of the institution and that of the outside world. The personalities that make up the police vary and so do the manner in which they patrol and what they see (Van Maanen: 1978). The institutional culture of policing gives rise to a rigidity of operational procedures when following orders and investigating crime. These methods and cultures of policing all contribute to the complexity of the policing culture.

The methods used in the policing of gangs are complex and ill-understood. Many factors influence the way gangs are policed. Such factors include the nature and levels of violent conflict associated with gangs; the nature of the relationship between gangs and communities; the nature of the relationship between gangs and the police, the relationship between gangs, operational capacity and the amount of resources at the disposal of the police, and the way in which police understand gangs. The relationship between gangs and the communities in which they live is characterised as symbiotic co-existence. There is much ambiguity in this co-existence. On the one hand, gangs provide livelihoods and security to some members of communities in which they reside. On the other hand, they act in ways which are detrimental to community security and wellbeing. Gang violence tends to disorganise communities and creates division between neighbours and within families and communities, and yet, is also a source of cohesion. Attempts to arrest and prosecute gang leaders who have cultivated community support may provoke solidarity and in turn fuel conflicts within communities.

Inextricably linked to the way gangs are policed is the way the police view their jobs more generally, and how they view gangs more specifically. Police officers see themselves as

*better than the people they police*¹⁸⁵ and this contributes to their world view of criminals, including gangsters. Police culture is a factor which shapes the operational responses of the police to a wide variety of situations and target groups such as gangs. This chapter attempts an exploration of police culture(s) and subcultures on the policing of gangs as part of exercising police governance in the security node.

In this chapter, I turn to the important question of the police occupational cultures and subcultures of the police and how such cultures and subcultures impact, influence or hinder the policing of gangs. I will primarily discuss some of the key areas where such subcultures have impacted the policing gangs. While I have touched on police operations against gangs, this chapter will provide a deeper look into the inner workings of the South African police as an organisation when they launch gang operations and how the gangs respond to this. I conclude with a discussion on the consequences of police cultures and subcultures.

7.1 Police occupational cultures

Much has been written about police institutional and occupational cultures (Bittner: 1967; Bayley: 1977, 1996; Manning: 1997; Ericson: 1982, 1989; Reiner: 1992; Shearing: 1981; Altbeker: 2005, 2007). In this chapter, I intend to explore the intricacies of police culture by looking at complexities of intra-police co-operation in the process of policing gangs.

There are several issues affecting the policing of gangs as far as the police are concerned. From the interviews with senior police managers and a few senior gang members, several factors emerged. The discussion below attempts to organise – albeit in broad terms – views from the field relevant to a consideration of the challenges confronting the policing of gangs.

¹⁸⁵This is a comment attributed to a policeman elsewhere in this thesis.

7.2 The absence of reliable information on gangs

One of the challenges which police confront in the policing of gangs is the absence of reliable information. There is little in the way of agreement on the size of the gang problem in South Africa. The oldest estimate of the number of gang members in Cape Town dates back to 1984 when Don Pinnock placed the number of gang members in the City at 100,000.¹⁸⁶ Twenty eight years down the line, this very figure still crops up in research (Kinnes: 2002: 12). In 2003 Häefele (2003:11) noted that “the latest estimate is that there are more than 100,000 gang members in approximately 137 gangs in the Western Cape”. Standing (2006: 38) placed the number of gangs slightly lower, at 130. Police estimates fare no better. The absence of more reliable estimations of the size of the gang problem clearly bedevils police strategies everywhere, as the analysis of Greene and Pranis in Los Angeles, and Lemmer and colleagues¹⁸⁷ in Chicago, indicates.

It was only in 2014 (through Operation Combat) when the police started to make available their own information on gangs.¹⁸⁸ Prior to that, they did not keep separate gang statistics. They indicated that there were 12 major gangs and three prison gangs that were responsible for much of the violence in several Cape Flats communities. They listed the following communities as being the 16 stations with the highest incidents of gang violence for the 2012/13 financial year:

Table 3: Police stations with the highest gang incidence (2012/13)

No.	Police Cluster	Police station
1.	Delft	Delft
		Belhar
		Ravensmead
2.	Wynberg	Steenberg

¹⁸⁶ D Pinnock, *The Brotherhood* (1984) p4

¹⁸⁷ Lemmer, Thomas J., Gad J. Bensinger and Arthur J. Lurigio ‘An analysis of police responses to gangs in Chicago’ (417-430) in *Police Practice and Research Journal*, 9 5 (2008)

¹⁸⁸ The police presented information to Parliament during their annual budget hearings.

		Grassy Park
3.	Kuilsriver	Kleinvlei
		Mfuleni
4.	Kraaifontein	Kraaifontein
		Scottsdene
5.	Bishop Lavis	Bishop Lavis
		Elsies River
6.	Worcester	Worcester
7.	Mitchell's Plain	Mitchell's Plain
9.	Nyanga	Nyanga
		Manenberg
		Athlone

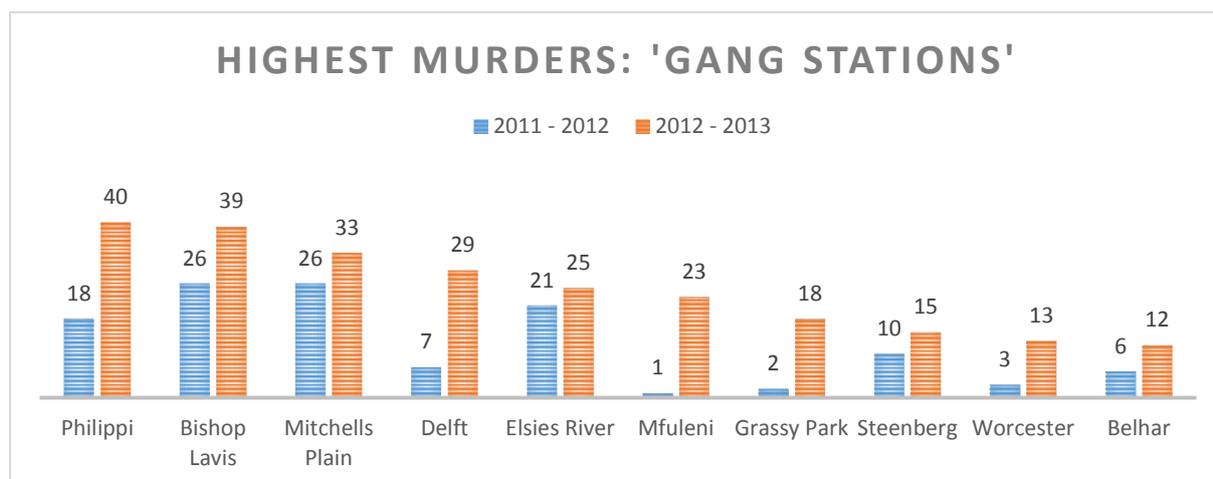
Source: SAPS

The police reported that if we consider the amount of gang-related incidents of violence and its contribution to the 2012/13 crime statistics, then gang murders account for 12% of murders and 30.4% of attempted murder statistics. That figure changes in 2013/14 with the provincial commissioner of police placing the murders that gangs are responsible for at 18%.¹⁸⁹

Table 4 below provides us with the areas where gang murders have been most pronounced between the years 2011-2013, according to the SAPS.

¹⁸⁹ It should be noted that this is the first time that the police in Cape Town placed a figure on gang murders.

Table 4: Gang Stations with the highest murders (2011-2013)



Source: SAPS

During 2012-13 there has been a very dramatic increase in the incidence of gang murders, up by over 120% between the two years. Gangs killed 120 people in 2011/12 and that figure more than doubled in 2012/13 when 247 people were killed. The increase is attributable to several factors, which includes an increase in gang conflicts on the Cape Flats. In most cases and in all of the areas listed in 2011/12, there was a dramatic increase of murders in comparison to the previous year’s figures.

If we, however, take into account the total number of people killed at these same stations in the Western Cape for the same years, we find that a total of 660 people were murdered as indicated in Table 5:

Table 5: Gang-related murders (2011-2013)

Area	Gang Attempted Murders		Total Attempted Murders	
	2011/12	2012/13	2011/12	2012/13
<i>Elsies River</i>	21	25	36	40
<i>Delft</i>	7	29	87	113
<i>Mitchells Plain</i>	26	33	66	91

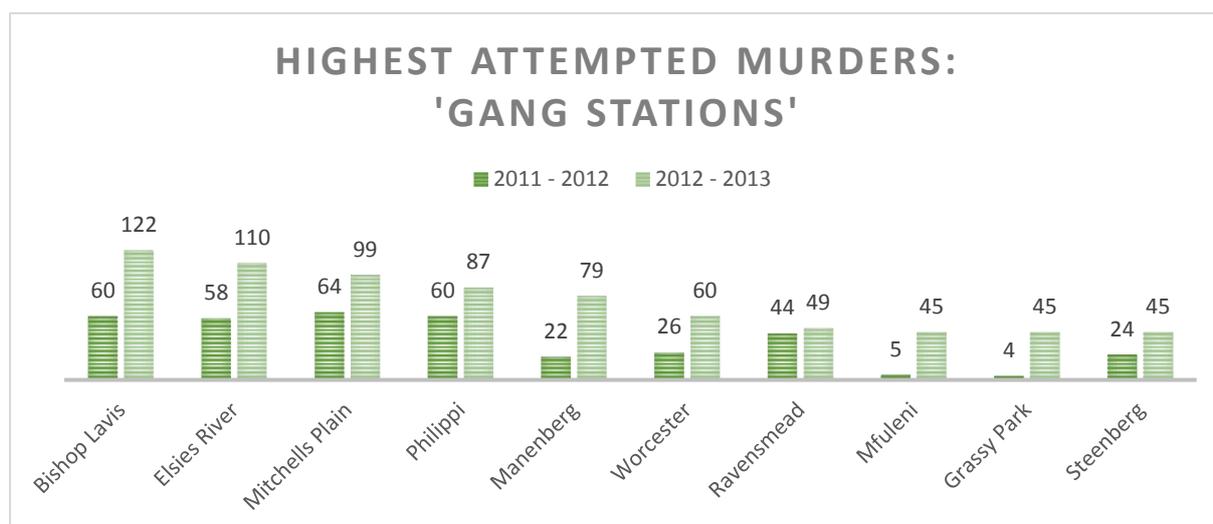
<i>Bishop Lavis</i>	26	39	54	59
<i>Philippi</i>	18	40	35	71
<i>Mfuleni</i>	1	23	67	99
<i>Grassy Park</i>	2	18	15	35
<i>Steenberg</i>	10	15	23	22
<i>Worcester</i>	3	13	45	45
<i>Belhar</i>	6	12	14	26
<i>Manenberg</i>			29	35
<i>Ravensmead</i>			15	24
TOTAL	120	247	486	660

Source: SAPS

Considering the figures provided by the SAPS for gang-related murders, we will see that for the 2011/12 financial year it totalled 120 out of 486 (24.6%) murders and increased to 247 out of 660 (37.4%) murders for the 2012/13 financial year. The police's estimates of 12% of murders being gang-related, which they provided to parliament, is unreliable. The figure is much higher. The point should be made about the reliability of official police statistics (Sutherland & Vechten: 1934) being questionable as many gang members do not report to police when there have been attempts on their lives. They tend to retaliate and prefer to settle the score with their rivals without involving the police.

The figures for attempted murder, which provide a better indicator of the level of violence in the community, tell a different story. The attempted murder figures show a huge increase, from 367 in 2011/12 to 741 in 2012/13, an increase of over 100% as table 6 below shows:

Table 6: Attempted murder (2011-2013)



Source: SAPS

From the statistics, it is clear that many of the gangs were engaged in violence through gang fights. The dramatic increase in the killings and shootings¹⁹⁰, indicate that the attacks were widespread and showcased the ability of the gangs to make use of their own technologies in fighting each other. It is significant that while Manenberg had one of the highest figures of attempted gang murders, the area did not show on the graph for murders as being a priority station.

If we represent the numbers for gang-related attempted murder as against the total provincial attempted murder figures, we also get different figures and percentages. The total number of gang-related attempted murder charges are represented in Table 7 below:

Table 7: Highest Attempted murder stations (2011-2013)

Area	Gang Attempted Murders		Total Attempted Murders	
	2011/12	2012/13	2011/12	2012/13
<i>Elsies River</i>	58	110	90	159
<i>Delft</i>	-	-	77	129

¹⁹⁰ Most of the attempted murder cases were firearm-related.

<i>Mitchells Plain</i>	64	99	141	216
<i>Bishop Lavis</i>	60	122	89	174
<i>Philippi</i>	60	87	69	126
<i>Mfuleni</i>	5	45	68	115
<i>Grassy Park</i>	4	45	20	80
<i>Steenberg</i>	24	45	42	60
<i>Worcester</i>	26	60	47	85
<i>Belhar</i>	n/a	n/a	19	60
<i>Manenberg</i>	22	79	44	136
<i>Ravensmead</i>	44	49	51	58
TOTAL	367	741	757	1398

Source: SAPS

Out of a total of 757 attempted murders for the 2011/12 financial year, 48.4% were gang-related, while out of a total of 1,398 attempted murders for the 2011/13 financial year, 53% were gang-related. This figure also contrasts to the officially provided figure of 30%.

There are two reasons why the police has been reluctant to make available gang crime statistics. Firstly, the national policy of the police is that they only release crime statistics once per year, in September.¹⁹¹ The reason is to provide a 'true and accurate account of crime' in the country. Many sceptics have, however, claimed that the police are doing this because

¹⁹¹ This has now been amended to have the stats released every quarter.

they cannot accurately account for the runaway crime statistics and the annual process of releasing crime statistics is an attempt to manage and massage the figures.¹⁹²

Secondly, is the fact that they do not keep separate statistics on gangs or gang crime. There is no provision in the Crime Administration System (CAS) database for such crimes to be recorded separately. So, all murders attributed to gangs are included in the general violent crime picture.

Thirdly, the police have indicated that only since 2013, under Operation Combat, have they started to keep separate gang statistics.¹⁹³ It is therefore doubtful how accurate the provided statistics are, given many unreported shootings¹⁹⁴ and in view of the demotion of the heads of Operation Combat, whether they will continue to keep such gang statistics.

Lastly, the provided figures show that gang killings and shootings have more than doubled since 2011/12, which does not reflect well on the police's performance scorecard. The increase in gang-related killings and attempted murders is indicative of the increase in gang rivalries and gang fights over the period 2011-2013.

Furthermore, the proportion of violent crime for which gangs are responsible for is also shrouded in some mystery as there is no facility within the SAPS crime capturing system to register crimes committed by gangs.¹⁹⁵ In August 1999, the police, however, claimed to have implemented a 'gang card monitoring system'. It was based on the 'field identification card' used by the American police.¹⁹⁶ As part of this system, police station commissioners are supposed to keep statistics of the numbers of gangs and gang members in their station precinct and report them to the crime intelligence component. The crime intelligence officers then use the information to develop strategies to deal with gang crime. These profiles and statistics were, however, not made public.

¹⁹² See criticisms levelled at the SAPS by Dr Johan Burger and Gareth Newham of the Institute for Security Studies in 2014.

¹⁹³ Private Communication with JP.

¹⁹⁴ Gangsters as a rule do not report failed attacks on shootings to the police. As a rule, if they know who the perpetrators are, they tend to resolve it on their own by launching reprisals against their opponents.

¹⁹⁵ At the time of writing the thesis, the police were unable to confirm if they had indeed launched such a register.

¹⁹⁶ This system was introduced after a visit to the US by the head of the Provincial Gang Unit. It was launched and continued until the appointment of the new Provincial Commissioner Mzwandile Petros, who stopped the practise in 2006.

Due to competition within the police, the new police commissioner appointed in 2003 stopped the practice as he did not believe that gangs constituted a threat. To date, little is known about the efficacy of police operations supposedly informed by the data generated through the gang card monitoring system. The gang card system has since been abandoned by the police after the gang unit was dissolved in 2006.

However, for the police to be effective and reduce gang violence, they must rely on each other and work together. The question of trust remains an impediment with police units, as the question of competition and distrust grew in the face of failed operations against the gangs.

7.3 The Culture of the Police

The real culture of the police was displayed in times of crisis when the different sections - including detectives and crime intelligence - had to work together to fight gangs and vigilantes associated with the Pagad led urban terror campaign.

7.3.1 Real cops, plastic cops and *Hase*

Upon closer scrutiny, the lack of cooperation within the South African police organisation stems in part from political roots. The context for the ad-hoc operations involving gangs and Pagad relate to the divisions rooted in processes of amalgamation and integration of liberation fighters into the post-Apartheid police service. In particular, there were tensions and divisions between the detectives controlled by the former old order elements and the intelligence units which contained members of the former liberation elements that merged to form the South African Police Service. As another police commissioner¹⁹⁷ explained:

“The Staggie murder had a major detrimental impact in that it caused a major rift with crime intelligence and the detectives charged with investigating it...But the most important thing in being a

¹⁹⁷ Interview with Commissioner KL, 19 August 2008.

detective, and perhaps that is where we are falling short today, is that your matter must be driven for the purposes of a prosecution. You must accumulate evidence. It must be evidence-driven, not intelligence-driven... We were not being told the truth by crime intelligence, a lot of animosity was built up.”

During the Staggie investigation, covert and overt units of the police refused to cooperate with one another and share intelligence. The police subpoenaed Benny Gool, a photographer who captured the killing on camera. They threatened to prosecute him with old Apartheid-style legislation if he did not hand over the film. One of the Pagad leaders was fingered as the person who pulled the trigger and he was prosecuted. The police lost the case against him, and in so doing, unintentionally created a lot of sympathy for the leadership of Pagad. This caused accusations and counter-accusations within the different units investigating Pagad. This conflict arose because the intelligence section was controlled by elements of the newly-integrated police officers, while the detectives were from the old order in the police.

During the integration with the old non-statutory units to form the South African Police Service, members of the old non-statutory bodies such as uMkhonto We Sizwe (The Spear of the Nation) were viewed with suspicion by existing officers recruited during the Apartheid era. To develop legitimacy, integration involved promoting junior members of the police to ensure representivity in the police. Because of transformation and integration processes, lateral entrants were head-hunted and appointed to the top echelons of the leadership and management corps of the new SAPS. However, members of the old police viewed such entrants with disdain and did not respect them because they did not undergo basic police training. One deputy provincial commissioner¹⁹⁸ confirmed how her subordinates viewed her entry into the police hierarchy:

“You are a cop only if you have gone through the college. You are a plastic cop if you have not gone through the college.”

It was assumed that lateral entrants were not fit to be called police officers. In fact, it was part of the police culture to refer to former non-police officers in the employment of SAPS as hase

¹⁹⁸ Interview with OR, 28 July 2008.

("hares"). A former provincial commissioner indicated that there was something called police culture. He insisted that there was a particular culture that police officers shared:

"Of course, the policeman has a specific outlook on his job, and what he thinks should be done in curbing crime. You know we call people who are not in the police; we even call them a specific name; if you not a policeman, in Afrikaans, jy is "n haas. I still catch myself saying, "Ek het met die haas gepraat". The police are a group that really think that they are different from the rest of the society as far as crime investigation and crime prevention is concerned which has a lot of benefits. They have a feeling of belonging to each other, protecting each other, standing with each other and fighting together."

7.3.2 The importance of uniforms and Superman

Police are susceptible to the same pressures and pains that ordinary people have to endure. The difference is that police officers wear uniforms which give them power (perceived and real) over those they police. The uniform elevates the position of the bearer in society and provides (symbolic) resources to mediate the day-to-day problems the police officer encounters along the way. Elsewhere in the literature, the uniform is recognised as an important cultural symbol which allows the police officer to exercise power on the ground.

During the research process, both police and gang-aligned interviewees alike noted that the uniform plays an important role in the policing of gangs. Per one interviewee, the uniform created a 'superman complex' in some police officers. A gang leader explained how the police officer changes when he puts on a uniform.

"A policeman, if he puts that uniform on, then he turns into Superman. Because now he has power! He treats you like nothing; he treats his own community like nothing." (Gang Leader C)

Police interviewees agreed that the uniform bestows a certain authority on a police officer. In this view, the uniform acts as a buffer, a sort of insulation against external dangers. A senior police officer commanding the gang unit suggested:

"I believe that visibility is one of the cornerstones (of policing) and I believe also that the uniform... creates respect. A smart, fit young man in uniform has an authority, that which a man in jeans and t-

shirt does not have. And to take our streets back, I believe that you must have authority.” (Police Commissioner B)

From the above, it would follow that a certain loss of power accompanies the removal of the uniform. Here the observation of a gang member is relevant. The interviewee argued as follows:

“Then you find the same police officer on weekends, on his off days or on holiday, without the uniform... The same police officer that was playing the role of Superman! I get him in a different place with a pair of jeans, a pair of sandals and a sweater and unfortunately I find him in a shebeen. I find him drinking there. I see he is not drunk and he is being smacked around. He does not have the power to resist.” (Gang Leader C)

The gang leader in question recognises that there is a lack of respect for a police officer without a uniform and this has consequences for the relationship between police officers and gangsters.

When the gang unit was first established in 1989, the police in the unit were in plain clothes. It was only in 1996 when a new command took over the management of the unit that officers were required to be uniformed. The management equated the wearing of uniforms with a more professional stance. This point was made as follows by one senior officer:

“You create professionalism also in the way you dress. Let the people look like something. I get worried when I go to the police stations and I look at the people and I think this is a bunch of skorrie morries! We are better than the people that we are locking up. Therefore, we must look better, we must act better and we must speak better.” (Police Commissioner B)

The emphasis on police officers wearing uniforms presents a challenge to the police who are responsible for policing gangs because they are then subject to the police regulations with respect to discipline and following national instructions. When they are not in uniform, they melt into the general population making it easier to watch gangsters. However, the gangs appear to be respectful of the police officers in uniform (because they become Superman) and disrespectful of officers not in uniform.

7.4 Organisational Structure of Police Culture

7.4.1 *Internal conflict and distrust within the police organisation*

The South African Police Service (SAPS) came into being in 1995 with the amalgamation of 11 police agencies, including those in the Apartheid designed “independent” Bantustan homelands. After 1994, with the formation of SAPS, part of the negotiated settlement between the political parties was that the police agencies integrate and accommodate the former armies of the ANC’s Mkhonto We Sizwe (MK) and the POQO¹⁹⁹, the armed wing of the Pan Africanist Congress (PAC).

There was much resistance from the old Apartheid managers to this arrangement which immediately gave rise to conflict and competition within the new SAPS. Old Apartheid police managers found themselves having to work side by side with people they had previously hunted, tortured and interrogated. In some cases, the newly integrated black members became the managers of the white police officers.

The lines between the old securocrat faction and the newly integrated MK faction in the police were clear. In many cases, some of the old MK commanders were swallowed up by the bureaucratic apparatus of the SAPS. In other cases, there was resistance and this found its way into the manner in which specialised units performed their investigations.

In his research on the police, Wilfried Schärf (2001: 53) suggests that the police was its own worst enemy by refusing to cooperate with one another during investigations into high-level incidents such as the Planet Hollywood bombings:

“Moreover, existing specialised units (especially the ‘murder and robbery’ variety - the former elite) have an interest in frustrating the efforts of newly-established units (Scorpions, Operation Good Hope, etc.), in case it becomes apparent that they are no longer as significant as they used to be. These are empires built up over a long period, with strong cop-culture of solidarity and secrecy towards other arms of the SAPS, and much to hide from the previous era...”²⁰⁰

¹⁹⁹ They were later renamed the Azanian People’s Liberation Army (APLA).

²⁰⁰ Schärf, W., *Bombs, Bungles and Police Transformation: When is the SAPS going to get Smarter?* in Steinberg, J., (ed.) *Crime Wave: The South African Underworld and its Foes*, Witwatersrand University Press, Johannesburg, 2001, p53.

It is not uncommon for the level of coherence and focus within law enforcement circles to be challenged by internal competition. During the interviews, some police interviewees touched on the issue of competition in their explanation as to why so many anti-gang operations, for example, were launched in such a short space of time. They suggested that intra-organisational competition arose amongst the several units charged with dealing with various categories of crime. A former senior counter-terrorist police specialist, for example, indicated that the reason that the police could not effectively police the gangs was because of the failure of the police to have a unified organisational approach. The inconsistencies in planning and launching operations against gangs were brought to light by one interviewee²⁰¹ as follows:

“They don’t even start one after the other. Halfway into the one, another emerges...As it unfolds, it becomes evident that the operation will not be successful in the substantial sense. It becomes evident to some people who then, on their own, proceed to develop an alternative tactic. So then you find suddenly Operation Saladin, so there was no announcement that Operation Good Hope was done. It’s a success or failure and now we are moving to Saladin. It’s almost like rolling mass action where one thing rolls into the other and it’s free flowing.” (Police Captain E)

Internal competition within police circles meant a lack of cooperation and an unwillingness to share intelligence. Such a failure to cooperate is not very different from practices among policing agencies around the world, where a lack of cooperation is a common feature. The reason for this is varied, but it is linked with competition for resources, as indicated by the same police officer:²⁰²

“I think there isn’t a culture of cooperation in the police. There is a culture of following orders, but simultaneously there is a culture of ownership of my little fiefdom. These two things are contradictory and in real life when it plays out, this contradiction, sometimes people will follow orders and other times they will protect their resources, as they see it.”

The difficulty in getting the police units to work together was a huge source of frustration and created serious divisions with respect to resources, operations and trust within the SAPS. Several of those interviewed made it clear that it was difficult for them to work together. Refusal to share intelligence with one another was a common feature which

²⁰¹ Interview with Police Captain E on 5 February 2009

²⁰² Ibid.

emerged from the interviews. Some argued in much stronger terms that units routinely sabotaged each other by refusing to provide support during operations and by leaking information about operations to the press.

7.4.2 Other sources of friction

Promotions within the SAPS became a major issue of contention. The context of promotions was that for serving members of the police organisation who had long service, they expected to receive promotions. Within the country, affirmative action became the policy of the new government and it meant that black people had to be advanced within institutions. The old police were unhappy and often when black people were promoted over the heads of the old established police, tensions arose.

During the Planet Hollywood bombing investigation, senior police officers in different units started to investigate each other for a range of infractions.

The establishment of trade unions such as Police Prisons and Civil Rights Union (Popcru) also became a contentious area for police officers that had been in the police for longer periods. Popcru was associated with supporting the new political dispensation and the new government and wanted openness in the police. This caused much unhappiness within the old establishment because it was unheard of during the heyday of Apartheid for the police to have trade unions representing them. Most of the new lateral entrants of the police became members of Popcru.

Lastly, in 1997, black police officers launched the Black Officers Forum in SAPS which aimed to continue the fight for political transformation and professionalism within the SAPS. The BOF promised to engage the management vigorously on some of the issues relating to transfers, promotions and placement of black officers. When Jackie Selebi was appointed to replace George Fivaz as national Police Commissioner, he dissolved the BOF and offered management positions to most of the senior leaders of the BOF. This action also heightened tensions within the SAPS between old established police officers and the *plastic cops*.

7.4.3 *The instrumentality of violence and a bit of “madness”*

Prior to 1994, the use of force was a standard feature which accompanied the policing of gangs. The post-1994 dispensation brought with it an explicit commitment to human rights. New rules were introduced to define operational strategies – including operations involving gangs. During one interview, a senior police officer who led a gang unit, spoke about the difficulties of adapting to a change in legal rules and ethos:

“It’s almost a psychosis of that time that police officers...that we came from a culture of policing where it was not offensive and a violation of any human right structure for us to engage in violence with our suspects. I still remember around 1992 or so, we had to sign the Peace Accord where we undertook not to use violence. That was a huge orientation process for us, as if one day you can use violence and the next day you can’t. It was almost an accepted method.” (Police Superintendent C)

The use of violence seems a common practice in the interaction with gangs, as evidenced by the comments of the police. At one point, sixteen members of the gang unit were convicted on a charge of culpable homicide after beating a gangster to death in Hanover Park in 1989. Physical altercations between police and gangs were common, as in the use of pickaxe handles (or *piksteel*). As one police officer who managed the gang unit put it:

“That was one of the standard operating methods, the *piksteel*” (Police Superintendent C)

A special kind of police officer was required to police gangs. According to one, you needed a police officer with a bit of “madness”, a degree of fearlessness. As he put it:

“Two police officers in a police van, or even four police officers, would not be able to stop the Hard Livings and Americans from fighting. You need a hellavu lot more than that. You need police officers that have a bit of madness in them.” (Police Superintendent C)

7.5 Policing gangsters: Policing “rubbish”?

Both Manning (1997) and Ericson (1982) argue that the social organisation of policing is deeply influenced by the culture of the police. In studying police patrol work, Ericson

suggested that a policeman develops a working personality and attitude towards his work, and in the process, assumes different personalities when dealing with different types of criminal offenders and victims. It is reasonable to assume that the methodology used to police gangsters is greatly influenced by the police's organisational culture and by the typification of gang members as 'police property'.²⁰³

It is of some interest to enquire about the views of those who have been at the receiving end of police action against them, in order to develop an understanding of what they consider as police culture. These people are the gangsters of Cape Town. What may we ask are their views of police constructions of gangsters and of police operations vis-a-vis gangs? Much more research, of course, is required to arrive at a more informed understanding of the issues and dynamics involved. The sample of interviews conducted with gang leaders only allows for some broad comments. Interviewees spoke of the routine use of violence against members of gangs. The adoption of divide and rule tactics too were emphasised in police attempts to play off one gang against another. One gang leader interviewed on the police's approach to his gang summed up the police's methods as follows:

"They were sent in, but did not have the experience of the area. They did not have any effect. They have helped to increase the gangs. It's because the police activities had to conform to what the politicians wanted. The politicians have made promises to the people and they could not keep their promises. This also contributed to gangsterism." (Gang Leader' A)

Police see and define gangsters as "rubbish" (Reiner: 1992: 119). Gang members and their cases against police officers and other gangsters are not worth investigating and it appears to quite standard to use force when dealing with gangsters. The same gang leader recounted how the police dealt with his gang when they were fighting with another gang called the Stalag 17:

"I was often targeted by the police. I was locked up for many things I did not do because I was the leader. I was picked up with a few friends. When we got to the police station, they threw us into a cell with our enemies. It was the Stalag 17 gang which we were fighting. They were about 20 people and we were 12. We were stabbed." (Gang Leader A)

²⁰³See P K Manning (1997) and R V Ericson (1982).

Some gangsters argue that nothing happens to police officers who mete out brutality to gangsters. They receive automatic support from their colleagues when dealing with gangsters, even if they used illegal methods. A conspiracy of silence appears to follow police officers, much in the same way gangsters refuse to point out their guilty partners. Police officers stick together against 'the scum'. They will tend to support each other against gangsters, much in the same way as gangsters will stick together against their rivals and the police.

When the police, in fact, refuse to investigate the cases of gangsters because they have socially constructed gangsters as 'rubbish'²⁰⁴, they are in fact creating their own (sub) culture. This reinforces the view that complaints from gangsters are not worth investigating and are viewed as time-wasting.

"Look, a gangster's case is not really accepted. You are rubbish and you treated as rubbish. They wanted to kill us." (Gang Leader B)

It is at another level that some of the most telling statements of why the police treat gangsters, ordinary working class people and other less privileged members of society, the way they do. A senior gang leader argued that the police were recruiting individuals from the poorer areas, while his gang was attracting members of the middle or respectable classes. According to him, it was the working-class people who grew up in the same circumstances as the gangsters who meted out the most brutality when they encountered or confronted gangsters:

"All the kids from the ghettos are becoming policemen. I see a lot of these kids. They drink over weekends with the gangsters, they associate with the gangsters and on Monday he returns to being a policeman. In addition, his mother was a drunkard, his father abused drugs and he was abused very often since childhood. He is so traumatised from childhood days that when he sees you as a gangster, then he wants to make his point. He wants to show you that he is superior." (Gang Leader B)

This gang leader suggests that the life stories and inter-generational traumas and pains suffered by the parents of the police officers from poor areas have a lot to do with their

²⁰⁴ Comment by gangster B of the Mongrels gang on how he thought the police viewed them as gangsters.

cultural reaction to gangsters, including the way force is used. And a former provincial commissioner stated that the police are prone to information leaks because:

“As I was saying, it’s very difficult for a policeman who grew up in the Western Cape; many of his family members are gangsters. His father-in-law for that matter might be a gangster.” (Police Commissioner A)

7.6 Taking sides, regulating each other

Police officers are quite often accused of taking sides in gang wars. Such partiality undoubtedly happens, as has been found in other parts of the world. A police officer may take a dislike to specific gangs, or manipulate them by favouring one over the other. One reason may be the wish to protect certain gang members who provide useful information and this speaks to the whole issue of police reliance on informants who are themselves criminals. It remains one of the most intractable problems known in the literature. But also the police officer concerned may be on the take from the gang. Corrupt police in cahoots with certain gangs, or at least the perception of a corrupt relationship, obviously affects views on how effective the police are in dealing with the gang problem (Jensen: 2008: 120). One gang leader interviewed related an experience of his with partisan police:

“The police take sides. One day we came to attack a certain gang. The police was in the house which we attacked. When we got there, the police were there. They were detectives. They shot back and they hated us. They chose sides. We hated them. Everywhere you go, it was like that.” (Gang Leader A)

There is also the problem of the cultural adoption of gangster language, attitudes, symbols and styles among some police officers, leading to a perverse and inverted power relationship between the gangs and the police. Gangs, for example, do not adopt the cultural and symbolic practices of police officers. Police officers making gang hand-signs create the recognition of gang power and influence in particular zones. The police officer’s bantering approach in speaking *sabela* (the prison gang language of gangsters) is not demonstrative of a good policeman. One gang leader suggested that the behaviour of the police ultimately is regulated by the gangs because the police adopt their cultures and style:

“Today the police want to be gangsters. The police want to *sabela* [speak prison gang language], but we don’t want to anymore. I am an *ndota* and for 23years of my life I was in the prison gangs and you have not once heard me say, *ngamphela salute* in my speech because I no longer speak that way. It’s surprising for me to hear police officers use that language and this tells me that they are so institutionalised that where they should regulate the gangs; the gangs regulate their behaviour because they adopt practices from the gangs but the gangs adopt nothing from them.” (Gang Leader C)

This is a telling statement by a senior gang leader in Cape Town about the way some police officers approach the difficult job of dealing with the gang problem.

7.7 Discussion

The governance police exercise is subject to limitations of its own occupational cultures and subcultures. Such limitations are created in the structures of accountability of the police and who they report to. Competition and distrust amongst uniformed police officers and detectives, specialised units and intelligence are areas of police occupational culture that policing scholars have researched (Bayley: 1977; Punch: 1985, 2009; Manning: 1997; Ericsson: 1982). Effective governance of communities through crime prevention operations are diluted by the internal occupational cultures particular to police forces across the world.

Significantly, the police also exhibit the same types of division that gangs display. In Cape Town, the Metropolitan City Police announced that they were ‘going it alone’ to fight gangs as they felt that the National Police were ineffective in the height of the gang fights that erupted on the Cape Flats.²⁰⁵ There is clearly an issue of non-co-operation with their national counterparts.

While occupational cultures, competition, distrust and non-co-operation between different units of the police have been extensively dealt with by scholars (Bayley: 1977, 1996;

²⁰⁵ Prince, N.(2014). City to go it alone to fight gangs, available at, <http://www.iol.co.za/news/crime-courts/city-to-go-it-alone-to-fight-gangs-1637300>. Accessed 18 January 2017.

Shearing: 1981; Klockars: 1985; Reiner: 1992), very little has been researched on the impact such internal competition and distrust has on the policing of gangs.

The police are subject to their own limitations when it comes to policing certain categories of offenders such as gangs. These limitations have a lot to do with their own structural and occupational cultures and the way they are used. The establishment of special units such as the gang unit brings with it competition and distrust amongst the members of the police, as Schärf (2001) has shown. They have difficulty co-operating with other units in the police because of transformation that came with the establishment of the new SAPS. This development is not specific to South Africa, as Bayley (2006) has shown.

There have been numerous attempts to restructure the working relationships between units of the SAPS, particularly in the Western Cape, but this has not delivered the desired results. The changes in provincial commissioners have also not yielded the required results. In fact, one of the Commissioners was charged with corruption after allegations of his taking money in exchange for favours exploded in the media.²⁰⁶ This is an interesting development as the police changed Commissioners in the Western Cape at regular intervals. In fact, the province had seven Provincial Commissioners between 1994 up to 2014, and nine Members of the Executive Council for the same period. The gang leaders of the big organised violent gangs have not changed in the same period, save for those leaders killed by Pagad or the police.²⁰⁷ The gang leadership was clearly more stable and there is better continuity of leadership thus. The leadership of the Hard Living, Sexy Boys, Mongrels and 28s gang has not changed since 1994²⁰⁸ and these are the gangs that are the most organised. The leadership of the Americans gang have also not changed since 1998.²⁰⁹

Competition and distrust is normal in police organisations across the world as officers in elite units compete with those not in such units. The competition for arrests, promotions

²⁰⁶ See <http://www.iol.co.za/news/crime-courts/lamoer-mum-over-corruption-claims-1750918> , accessed 21 August 2016.

²⁰⁷ The leaders of the Americans and the Mongrels were killed in 2008.

²⁰⁸ Significantly, the leaders of the Mongrels and Americans were assassinated in 1998, but the second in commands took over the gang and continued the legacy.

²⁰⁹ See Carter, C., and Merten, M. (2008). Gangster's fast life, hard death, available at: <http://mg.co.za/article/1998-11-13-gangsters-fast-life-hard-death>, accessed 7 February 2017.

and recognition all contribute to distrust and tests the perceived loyalty of police officers, especially those in specialised units dealing with gangs.

Police occupational culture often stands in the way of progress as police officers abide by the codes that have kept police gang operations on track. Police occupational cultures have been challenged by new appointees and lateral entrants in the policing environment, which often give rise to conflicts within the police institution.

The SAPS has not been able to effectively deal with its own internal conflicts and manage subcultures and this has led to its failure to effectively combat gangs through its operational approach over the last 20 years. It has to radically depart from coercive practices in policing gangs as a result of its occupational and cultural practices. Terril and colleagues (2003) suggests that police officers who are more immersed in police culture are those who have a greater inclination for coercive practices.

The uniform is symbolic of authority given to police officers and they use it to enforce respect from the policed and signal their belonging to the police institution. But the police uniform has come to symbolise resistance from the poor communities that has been at the receiving end of police abuse for over five decades in South Africa. Gangs, in particular, have resisted the uniforms and authority of police officers.

The governance of the police structure presents numerous problems, especially when such a structure has undergone radical changes moving from an untransformed police force to a *police service* as part of its transformation process. Not all police officers accepted the democratic dispensation in the way they policed gangsters. They did not really investigate gang cases, routinely used violence against gangsters and believed that they were better than the people who they were policing through wearing the uniforms. As Crank (1998: 234) reminds us about the authority of the uniform:

“Police uniforms, with sigils of rank, authority, and weaponry, were powerful reminders of the authority of the police.”

Significantly, during the interviews, police professionalism appeared to suffer as police were accused of taking sides by gangs. These actions by the police can be interpreted as police

extending their governance over gangs. In this way, the police are able to extend their control over certain sections of the community. As I have already shown elsewhere, these operations were a temporary deterrent to the gangs. But all of these technologies of governance employed by the police have not effectively helped them break the governance of the gangs. Where they have succeeded, their efforts have been temporary and as a stopgap measure through their operations. Their organisational and occupational culture has been the biggest stumbling block to effectively challenging gang governance. The literature has up to now not dealt with this aspect of police security governance.

7.8 Conclusions

Police governance of gangs and communities is diluted and ineffective because of the limitations that a competitive police occupation places on such policing. The struggle to integrate 11 police agencies to form the South African Police Services in 1994 brought different occupational cultures into the new policing for South Africa. Whereas the gangs could demonstrate resilience through leadership continuity, the police were not. The leadership in the Western Cape has changed at least seven times. These actions weakened the ability of the police to apply and extend its governance in the community.

Although it is generally accepted that gangs are responsible for some of the worst crimes against the communities across the Cape Flats, very little has been written about the way the police have dealt with the gangs. It often appears that the police have been given *carte blanche* in the past to work with the gangs in any way they feel fit. However, this has had unintended consequences for policing. The police's social construction of gangs and their resulting actions have not created a sustainable policing approach to the gangs. In fact, the very behaviour of some police officers has helped to develop a culture of policing that reinforces the myths and stereotypes regarding gang members, which in turn has influenced police occupational culture. Until such time that the police recognise their limitations that stem in part from their occupational culture, it appears that their governance of communities and gangs will not be effective.

Simultaneously, gang and vigilante violence have undermined effective community initiatives to bring about a measure of local peace and security. Managing the gang problem implies that the police can provide fear-ridden communities with effective policing that respects the rights of all people they encounter, including gangsters. Where there have been genuine attempts from the police management to set up gang databases, they have fallen flat due to inconsistency, changing police priorities and weak management structures. Moreover, the mechanistic ad-hoc way the police have dealt with policing gangs has opened the door to the emergence of vigilante organisations. This will have further consequences for both the police and the people they are meant to protect.

In this chapter, I have shown how police occupational culture impacts on gang culture and on the police governance. This has not previously been studied in the literature and contributes to the theory of policing and governance. I have presented how police manipulate crime statistics on gangs for their own purposes. The police have also adopted a particular social construction of gang members, refusing to investigate complaints made by gangsters, seeing them as *rubbish* and using force and coercion against them.

These approaches by the police have limited their effectiveness against the gangs who have adapted their strategies and used their own governance against them.

During my interviews, many police officers were quite open about the roles they had played and the frustration they experienced. They spoke freely about aspects of police administration, police subculture, Pagad and gangs. They all pointed to the failures rather than the successes of police action vis-à-vis gangs. All the police interviewees identified corruption within police ranks as a critical factor, as well as the politics of turf and competition between police unit.

Gangsters too, were forthcoming on the issue of police problems. They listed police officers as being corrupt, taking sides in gang wars and not respecting their policing profession. They also noted that the police were brutal in dealing with members of gangs. From this exploratory enquiry thus begins to emerge certain themes relevant to the complex interaction between police and gangs which further research would do well to investigate more closely.

In the next chapter I look at the state policy environment and consider which policies were developed by the state and the police to combat gangs and how they fared against the gangs.

CHAPTER 8

Gang policies, mediation and community mobilisation

8.1 Introduction

Policing gangs on the Cape Flats has been subject to several policies and legislation developed in different countries because of community and political pressure on police. Unlike gangs in cities in North America and Europe, the Cape Flats gangs have actually been responsible for hundreds of deaths and injuries since 1994, as we have seen in the previous chapter. While much of the attention has been on the violence meted out by gangs, the focus on state policies and legislation that have shaped the policing of gangs since 1994 deserves another look. Apart from Standing (2006) and Samara (2008) who have considered the policy and legislative frameworks in their work, very few scholars have discussed the impact of such policies on the Cape Town gang environment.

While the previous chapter discussed how police occupational cultures have impacted the policing of gangs, this chapter considers to what extent the development of state policies and legislation shaped the policing and governance of police and gangs. It will consider how communities and the state have mobilised against gangs and responses to mediation processes with gangs. It seeks to address the question: What are the policy implications of the complexities, nuances and inter-relationships between gangs and the police?

While it is a well-known fact that policies and legislation do not reduce the incidence of gangsterism, it helps to shape a legal framework in which the state seeks to control the rules of engaging gangs as part of its governance. In any democracy there are rules by which governing nodes of security engages criminal nodes of governance. For state governing nodes these frameworks are endorsed by international instruments such as the UN Convention against Transnational Crime and the UN Convention against Corruption for example.

This section will be followed by a consideration of gang mobilisation and consider how gangs have responded to such community mobilisation. Lastly, I consider how the police responded to the public outcry over the gangs before drawing the necessary conclusions.

8.2 Contextualising gang policy frameworks

After 1994, the government moved very fast to cement its governance by passing legislation on several matters that emphasised equality in the society. These included the provision of housing, health, water, and sanitation to most of the population. But after freedom was attained, the country required a 'new enemy' to focus its attention on. By 1995, with the loosening of social controls²¹⁰, crime had started to engulf the country.

Organised crime and gangs became the focus of the new democracy (Gastrow: 2001). Goga (2014) argues that while the crime problem was huge, it was an exaggeration to suggest that South Africa was a criminalised state. He suggests that South Africa could put in place policies and regulations that assisted it in the fight against crime. This occurred against a backdrop of violent gang fights and the implementation of community policing.

A public outcry over crime²¹¹ set a new agenda for the new government and by the end of 1995 the community demand for tougher sentences for gang members saw the Western Cape anti-Crime Forum (WCACF) launched with representation from about 30 communities across the Western Cape Province. This is not dissimilar to other countries undergoing political transition from dictatorships to democratic governments, such as those in Latin American, and East European and Baltic states where there was public mobilisation against crime (Stille: 1995).

At the end of 1995, the WCACF, together with the Secretariat for Safety and Security and the National Institute for Crime Prevention and Re-integration of Offenders (NICRO), convened the first Community Crime Prevention conference in Cape Town. Over 350 delegates from communities across the country, officials of the criminal justice system departments such as police, correctional services and justice all attended. The conference was addressed by the Minister of Justice, Dullah Omar, who mapped out the path to a crime-

²¹⁰ The death penalty was revoked, Apartheid laws were scrapped, free political activity was allowed and policing was far less repressive immediately after 1994.

²¹¹ In this respect, by 1995 there was a huge public march against crime in Cape Town which gave rise to the Western Cape Anti-Crime Forum. The local dailies such as the Cape Times and the Cape Argus, as well as the Weekend Argus, reported on the gang violence on a regular basis in the second half of 1995.

fighting strategy. The conference laid out the basis for many policies that were developed in later years and used against the gangs. Delegates were told that there was a huge “sea of crime”²¹² for the police to deal with, and that was why new community partnerships were needed to fight crime. One of the key areas that the conference dealt with was the increase in gang violence across the Western Cape, and the Cape Flats.

The clamour for ‘more effective’ legislation²¹³ and policies was led by the WCACF which had mobilised communities of the Cape Flats and facilitated the establishment of community police forums (CPFs) throughout the province.

Against this backdrop, the new democratic government adopted the Reconstruction and Development Plan (RDP) for the development of the economy and to provide housing, health, electricity, water, housing and safety for all people. The RDP department was mobilising government departments to work in an integrated fashion to deliver services to the communities. Simultaneously, and flowing from the first community crime prevention conference, the Secretariat for Safety and Security developed the National Crime Prevention Strategy (NCPS) in May 1996.

However, it should be noted that the WCACF as a community based organisation was only one of the many formations that contested the position and legitimacy of the old state structures. Whether it succeeded in reducing gang violence and supporting the police transformation in order to ensure safety is another matter which should be debated.

8.3 The National Crime Prevention Strategy (NCPS)

The National Crime Prevention Strategy (NCPS) was one of the first strategies that was developed by government and the police, where an extensive consultation process between communities and the police took place. It was based on a four-pillar approach to fighting crime: Making the criminal justice system an effective and efficient deterrent in the fight

²¹² Comment attributed to the Deputy National Commissioner of Police, General John Manuel at the conference in June 1995.

²¹³ It is doubtful if the legislation called for could ever be effective as the criminal justice departments were weak and divided.

against crime; reducing crime through environmental design processes and thereby reducing opportunities for crime; emphasising public values and education by using public education as a means of mobilising communities; and trans-national programmes aimed at improving cross-border traffic controls and transnational crime.²¹⁴ The NCPS set the conditions for fighting crime and proposed integration of government departments, with co-operation between departments one of the key outcomes of the strategy.²¹⁵ The NCPS was perhaps ambitious given that the government departments meant to collaborate with the police did not do so consistently. While the consultation around the NCPS was extensive, and its strategic thrust laudable, the ability of the government to effectively implement its proposals was sorely lacking.

Van Der Spuy (2000: 169) confirms the view that policy implementation of the NCPS was weak:

“Sweeping as the strategic framework of the NCPS may have been, two years after the unveiling of the NCPS, critics were quick to lament that although the strategy was strong on policy, it was dismally weak on implementation.”

In analysing the efficacy of the NCPS, Rauch (2004: 21) concludes that the NCPS never matched up to its original motive and that the only aspect of the NCPS that was seriously pursued was the re-engineering of the criminal justice system.

By 2000, the police had developed a new National Crime Combatting Strategy (NCCS) which did not have the vigorous community consultation process which the NCPS had undertaken. The police launched Operation Crackdown as part of its geographic emphasis on crime combatting.

As the state was implementing its new approach of community policing, one of the key policies was that the police should become more transparent and accountable. In South Africa, one of the objectives of community policing per section 18(1) (e) of the South African Police Service Act (68 of 1995), was to liaise with the community with a view to:

²¹⁴ National Crime Prevention Strategy, p6.

²¹⁵ De Lange (2000:4).

“improving transparency in the Service and accountability of the Service to the community.”

This objective of liaison with the community and the improvement of openness and accountability was in a measure underestimated by the police. Coming so soon after political freedom as it did, many communities were hyper aware of their new rights and the police were challenged in almost every community police forum about their style of policing. The NCPS was developed the same time as government was closing down its Reconstruction and Development Programme (RDP).

Dixon (2006: 178) suggests that there were differences between the Reconstruction and Development Programme (RDP) and the NCPS:

“The key difference between the RDP and the NCPS is that the former was a general statement of policy encompassing just about every field of government activity issued in the early warmth of an historic electoral battle whereas the latter contained a much more limited plan of action directed at an urgent social problem by a government trying to come to terms with the harsh realities of power.”²¹⁶

Initially, the NCPS certainly got the country working, with government departments all working together, but it was not sustained. The police decided to move onto a new strategy which would tackle crime where it mattered most.

8.3.1 *The National Crime Combating Strategy (NCCS)*

The National Crime Combatting Strategy (NCCS) was established in 2000 by the SAPS as the strategy to deal with crime in 145 selected stations that were contributing to a significant proportion of crime (50%). This approach led to the launch of Operation Crackdown.²¹⁷ The objectives of the NCCS were to “normalise” policing by way of targeted visible policing; target organised crime and the flow of drugs into South Africa; target crimes against women and children; broaden the intelligence capacity of SAPS and to develop a

²¹⁶ Dixon (2006: 178).

²¹⁷ Rauch (2004: 23).

special operational approach which was needed to address the issue of and co-operation between various departments.²¹⁸

The NCCS strategy went hand-in-glove with police operations Crackdown and Recoil. From previous chapters we have seen that those operations were not necessarily effective and appeared to be more of a fire-brigade approach augmented by heavy police saturation strategies. While there was extensive consultation with community partners to develop the NCPS²¹⁹, that did not appear to be the case for the NCCS. The police unilaterally announced it and expected all other government departments to support its work. The NCCS appeared as if the police were very clearly saying: we have given community policing a chance, now we will do crime fighting the way we have always known – tough law enforcement. They were supported by the politicians who spoke about criminals in very condescending ways.²²⁰ In many ways, it was easier to go back to what was familiar for the police as this also entrenched their own social solidarity and occupational culture. Community consultation was difficult and hard, and so was the criticism they had to endure from community organisations and CPFs. The return to old methods and approaches through the NCCS brought with it many complaints against the SAPS.

Per the Independent Complaints Directorate (ICD)²²¹ who monitored and investigated complaints against the police, the numbers of complaints against the police for misconduct increased (Samara: 2009: 206-207).

8.3.2 *The White Paper on Safety and Security*

In 1998, government published a White Paper on Safety and Security (the White Paper) to lay down the government's policy on the strategic issues facing crime fighting in the country for 1999-2005. The White Paper made a number of proposals which included shifting

²¹⁸ General Pruis in the SAPS presentation to Parliament on 1 November 2001.

²¹⁹ There was extensive consultation with CPFs, religious groups, child rights groups, women's rights groups and anti-crime organisations.

²²⁰ The Deputy Minister of Police urged police officers to: "shoot the incorrigible bastards" available at: <http://www.thesouthafrican.com/shoot-the-bastards-says-mbalula/>, accessed 20 January 2017.

²²¹ The forerunner to the Independent Police Investigative Directorate (IPID).

the emphasis of policing to crime investigation, visible policing and improved services to victims. It also proposed that the question of law enforcement and crime prevention should be co-ordinated and interlocking. Other proposals included developing a definition for crime prevention, institutional arrangements for the various policing agencies and the creation of a National Crime Prevention Centre. Lastly, it proposed a targeted approach to specific crimes and involved all government departments at local, provincial and national level in crime prevention.

The White Paper (1998) was forward-looking and developed a vision of what crime fighting ought to look like in the future. However, despite its appeal at the time, the White Paper was never implemented as other priorities overtook the Department of Safety and Security. Attempts are now being made to review and revise the White Paper in order to develop new policing legislation. Central to the thrust of the approach is working with civil society.

Dixon (2006: 181) suggests that developmental, situational and community interventions co-ordinated across government, required the active participation of civil society.

8.3.3 Asset Forfeiture

Asset forfeiture was specifically introduced because of a visit by the head of the Western Cape Provincial Gang Unit to the United States. In his report to police management after the visit, he proposed that the police set up their own asset forfeiture unit and target gang proceeds of crime.²²²

As part of the repertoire of the state's technologies against gangs, an asset forfeiture provision was included in the Prevention of Organised Crime Act of 1998. The provision was based on the US RICO Act and determined that when the proceeds of crime has been used to

²²²Harri, K., (1987). Policing gangsterism in the next millennium, p15.

procure assets, such assets would or could be forfeited to the state. The state moved fast and soon set up a national Criminal Assets Recovery Account (CARA).

Despite this provision, however, Schärf and Vale (1996: 34) noted that the organised criminal formations such as the Firm²²³ had already begun to prepare for such asset forfeiture legislation:

“Our reading of the offers, threats and ultimatums of the FIRM is that some of its leaders are ready to make the transition to doing business within the law, and that they are hoping to negotiate the right to keep enough of their spoils to make the transition a comfortable and prosperous one. Alternatively, they are hoping that the intensive efforts their lawyers have made over the last few years to cover the trail of dirty money will enable them to access it even if the state succeeds in confiscating all their discoverable assets.”

It took quite a few years for the government to prosecute gang leaders and confiscate their assets. There were several attempts in the late 1990s which failed in court and sent the National Prosecution Authority (NPA) back to the drawing board.

8.4. Legislative frameworks

To strengthen the fight against gangs, the government employed the Constitution, the South African Police Services Act (68 of 1995), the Prevention of Organised Crime Act (1998) and the newly-introduced Financial Intelligence Centre Act (FICA). While the Constitution (1996) protected the rights of everyone, in crime narratives, it was often blamed for ‘giving criminals too many rights’ or ‘giving criminals more rights than the victims of crime’. This was a regular refrain from rank and file police officers when confronted at community police forum meetings about runaway crime.

8.4.1 *The South African Constitution*

²²³ A consortium of gang and drug leaders that controlled the drug business on the Cape Flats.

The new South African Constitution Act (108 of 1996) was promulgated in December 1996. Included in the Constitution was a Bill of Rights which was aimed at providing protections for all citizens per Chapter 2, section 9 of the Bill of Rights. Prior to the adoption of the Constitution the police were used to torturing suspects to gain confessions. In this way, many suspects were sent to the gallows while the death penalty was still in force in the country.

However, despite its good features, there was much criticism from far-right groups in the country against the Constitution, in particular, the Bill of Rights.

Much of the criticisms towards the Constitution came from police officers who had difficulty applying the provisions of the Constitution to their work and lost their cases in court. They were used to taking shortcuts and forcing confessions from suspects. In the new political dispensation, this did not apply and an evidenced-based system was required. In many cases, they told the victims of crime that the Constitution 'gave the criminals much more rights than the victims'. This caused an uproar and many civil society groups clamoured for a review of the Bill of Rights²²⁴ and others called for a return to the death penalty.

After 1994, some groups re-organised themselves and called for the death penalty to be returned. At many of their demonstrations, Pagad demanded the return of the death penalty for gangsters and drug dealers.

8.4.2 *The South African Police Services Act (68 of 1995)*

The SAPS Act (68 of 1995) was introduced by the state in order to give effect to the establishment of a new South African Police Service. The emphasis was on democratic policing that was accountable, transparent and under civilian control. The recommendations of the Goldstone Commission (Kinnes: 2013: 16) were used to inculcate new operating standards for a police service in a democracy. The purpose of the SAPS was to prevent, investigate and

²²⁴ Of course it was untrue that criminals had more rights than ordinary citizens. The Bill of Rights provides equal protections to everyone that it had to deal with. It was, however, in the unequal application of the rights enshrined in the Bill of Rights that victims blamed the Constitution.

combat crime and secure the inhabitants of the Republic, per section 205(3) of the Constitution.

Coming so soon as it did after the democratic elections in 1994, the SAPS Act was the first line of defence against rampant criminals. However, the revelations of police death squads and the Third Force²²⁵ was soon to contribute to a greater distrust of the SAPS as their dirty past started to catch up with the institution. Section 18 of the SAPS Act provides for the establishment of community police forums to partner with the police. It is premised on openness and accountability of SAPS members and intends to foster a better relationship and consultation by the police with the community in the fight against crime. In terms of the provisions of section 18, the police must liaise with the community through community police forums and area and provincial community police boards:

- a. establishing and maintaining a partnership between the community and the Service;
- b. promoting communication between the Service and the community;
- c. promoting co-operation between the Service and the community in fulfilling the needs of the community regarding policing;
- d. improving the rendering of police services to the community at national, provincial, area and local levels;
- e. improving transparency in the Service and accountability of the Service to the community; and
- f. promoting joint problem identification and problem-solving by the Service and the community.

The police were expected to police crimes committed by all criminals, including gangsters, and in the early years of the democracy there was much confusion about the role they were expected to play, powers of arrests and compliance with the provisions of the new Constitution.

To arrest crime, much was made of the operations against gangs that in the eyes of the media and politicians seemed to be the reason for the dramatic increase in crime. The

²²⁵ See Ellis, S., (1998). The Historical significance of South Africa's Third Force, *Journal of Southern African Studies*, Volume 24 , no. 2, 261 – 299, available at: <http://dx.doi.org/10.1080/03057079808708577>, accessed 10 February 2015.

police used their new powers granted in the new SAPS Act to make their presence known in communities where the levels of trust were at an all-time low.

It should be remembered that the police were facing a lot of problems with the integration of the eleven agencies, including the military wings of the ANC and PAC. In addition, reports surfaced that the police officers of the old 'independent Bantustans' had all given themselves promotions prior to the creation of the SAPS in order to have higher ranks, salaries and benefits. These problems, together with ill-discipline, transformation and protection of human rights, all presented severe challenges to the new SAPS leadership at national, provincial and local levels.

But the state also claimed other weapons in its arsenal to fight crime, particularly gang crime. It introduced the Prevention of Organised Crime Act (Poca) in 1998.

8.4.3 The Prevention of Organised Crime Act (POCA)

The state primarily relied on the Prevention of Organised Crime Act (POCA) which criminalised the participation and membership of a gang. The provisions of section 9 of the legislation define a gang member as:

1. Any person who actively participates in or is a member of a criminal gang and who:
 - a. wilfully aids and abets any criminal activity committed for the benefit or, at the direction of, or in association with any criminal gang;
 - b. threatens to commit, bring about or perform any act of violence or any criminal activity by a criminal gang or with the assistance of a criminal gang; or
 - c. threatens any specific person or persons in general, with retaliation in any manner or by any means whatsoever, in response to any act or alleged act of violence, shall be guilty of an offence.
2. Any person who:
 - a. performs any act which is aimed at causing, bringing about, promoting or contributing towards a pattern of criminal gang and activity;
 - b. incites, instigates, commands, aids, advises, encourages or procures any other person to commit, bring about, perform or participate in a pattern of criminal gang activity; or
 - c. intentionally causes, encourages, recruits, incites, instigates, commands, aids or advises another person to join a criminal gang.shall be guilty of any offence.²²⁶

²²⁶ Prevention of Organised Crime Act (121 of 1998)

Despite POCA and its firm provisions, the police struggled to secure convictions of the most violent gang members until 2007 when it finally succeeded in the case against the members of the Fancy Boys. In the early years, after the promulgation of the legislation, the state struggled to effectively use the legislation against gang leaders and lost cases against prominent gang leaders such as one known as Ougat Patterson of the Wonder Boys gang.²²⁷ The POCA legislation was supported by community police forums and the Western Cape anti-Crime Forum (WCACF).²²⁸ The convictions were overturned on appeal.²²⁹ It was not until 2013 when the provision of POCA was successfully used when the police managed to secure the conviction of an entire gang of 16 members of the Fancy Boys gang.²³⁰

The POCA legislation, however, was not a panacea to the Cape Flats gang problem, although it did provide the police with an ability to investigate common purpose offences which gang members had the tendency to commit. It required painstaking police investigations over a longer period of time. More than that, it required a partnership with the community.

8.5 Community mobilisation

Community participation in policing took off after 1993 with the development of community policing as a policy and eventually legislated for in section 8 of the SAPS Act. Despite the provisions for policing to be open, accountable and transparent, it was a long way for communities to mend the relationships and trust in the police, destroyed by Apartheid policing. There was a small window of opportunity between 1994 and the first half of 1996 for the police to build trust with the community. They were unable to foster a good relationship of trust with the community in view of their previous role of political policing.

Significantly, it was a task that was left to the gangs (by default) to nurture the trust relationship between the community and the police. This was an unintended consequence of

²²⁷ Merten, M., A brotherhood sealed in blood, *The Mail and Guardian*, August 2 to 7, 2002.

²²⁸ New bill to tackle organised crime, *The Cape Times*, 8 May 1998

²²⁹ See *Eyssen v S* (746/2007) [2008] ZASCA 97 (17 September 2008).

²³⁰ 16 Gangsters convicted of murder, *the Cape Argus*, December 2013, available at: <http://mobi.iol.co.za/#!/article/16-gangsters-convicted-of-murder-1.1620514> , accessed 28 May 2015.

persistent gang violence in communities across the Cape Flats. It had the effect of community resistance and mobilisation against the gangs. But it also had the effect of more communities beginning to work more closely with the police and so the levels of trust in the police were slowly built.

As already indicated, the mobilisation of communities was a response in great measure against the gang violence at the time. One of the effects of the gang violence was that more and more communities began to associate with the police through community police forums. But there was also the move to start regional anti-crime movements.

After a protracted battle in Manenberg between the Hard Living and American gangs in 1993, members of the community started the Manenberg anti-Crime Forum in 1994. They protested against gang violence and poor police service delivery. They soon realised that they could not continue to fight gangs alone and they sent out invitations to other communities across the Western Cape to start a regional anti-crime movement.

8.5.1 *The Western Cape Anti-Crime Forum (WCACF)*

The Western Cape anti-Crime Forum (WCACF) was established in 1995, representing over 30 poor communities across the province. The objectives of the WCACF were to combat all forms of violence in communities throughout the Western Cape; to ensure community participation in the courts; instil a process of transparency and accountability in all components of the criminal justice system; and, strive to develop a better relationship between the community and the police.²³¹

A partnership with other non-governmental organisations such as NICRO²³² was started and the first Community Crime Prevention conference was held in Bellville 12-13 May 1995. The second National Conference on community crime prevention was held on 9-13 September 1997 and key partners in that conference was the WCACF, NICRO, the Secretariat

²³¹ Western Cape anti-Crime Forum, Bi-annual Report, Secretarial Report, 3 August 1997, p2.

²³² National Institute for Crime Prevention and Re-integration of Offenders.

for Safety and Security and the Ministry of Police. That conference was the forerunner to the National Crime Prevention Strategy.

The WCACF trained communities in conflict resolution, first aid responses, citizen's arrest procedures and neighbourhood watch administration. They also trained communities in the provisions of the police act on community policing. In this way, they assisted in building trust and promoted accountability of the police institution. Submissions were made to parliament on several pieces of legislation, including the POCA, the Police Act, the Independent Complaints Directorate (ICD) and the Witness Protection Act.

Gang members clashed with members of the WCACF on several occasions and shot and killed two of the members of the Forum in Belhar during the Cape Flats war.²³³ During that war, the Minister of Justice and Constitutional Development, Dullah Omar approached the organisation to mediate between the gangs and Pagad. The WCACF initiated several meetings with the gangs and Pagad after it consulted the Joint Forum on Policing.²³⁴

During October 1997, it became clear that the casualties were mounting and that something needed to be done. The WCACF wrote an open letter to the President, Nelson Mandela, asking him to intervene in the gang violence. On 15 October 1997, the President met a delegation of the WCACF and promised to act on the recommendations they made. The next day he arranged a helicopter tour of the affected areas, together with the leaders of the WCACF.

This laid the basis for a new policy perspective on gangs. The foundations for the Prevention of Organised Crime Act (POCA) were laid because of the encounter.

The WCACF decided to work with government as a critical partner and became a vocal critical ally of the police in the fight against gangs, which caused friction with other community-based organisations (such as Pagad) which wanted to engage in vigilante attacks

²³³ 1996-2002.

²³⁴ The Joint Forum on Policing was a non-governmental organisation comprising of a range of NGOs working in the field of policing.

because they believed that the police were part of the problem and were unable provide safety for the community.

Neighbourhood watches of the Cape Flats among the organisations. Since the neighbourhood watches were mass-based, armed and patrolled the communities on foot, they became a prime recruiting ground for Pagad. The WCACF then developed a training course, together with the Centre of Criminology, to counter-act the role of Pagad. The training was a nine-week course aimed at understanding the law, powers of arrests, first aid to victims of violence, and so on. Over 450 members of neighbourhood watches were trained during this period. They eventually played a useful role during a tornado that hit Manenberg during September 1999 in which the WCACF co-ordinated disaster relief processes.²³⁵ The WCACF eventually closed its doors in 2007 due to a lack of donor funding.

8.5.2 *People against Gangsterism and Drugs (Pagad)*

Pagad was formed in a suburb of Cape Town in late 1995 with the sole objective to rid the streets of the Cape Flats of gangsterism and drugs. The movement grew very quickly through its marches to the homes of drug dealers and gang members. Its confrontational approach was often followed by clandestine attacks on the homes of drug dealers and gangsters who had received an ultimatum to stop their drug dealing. These attacks would end in shootings, and petrol or pipe bomb blasts, resulting in death and injury.

The Pagad Code of Conduct for Marches²³⁶ lays out the procedure for issuing a 'mandate' to a drug dealer:

- A mandate will be given to all drug dealers by a designated person. The mandate will inform the dealer to stop all drug-related activities immediately.
- If Believers act against drug dealers the next day, week or month, Pagad shall not be held liable for any public reaction after the mandate has been handed over.

²³⁵ <http://www.iol.co.za/news/south-africa/i-saw-terror-twister-hit-manenberg-10595>, accessed 12 December 2016.

²³⁶ Pagad code of Conduct for Marches, p4, available at: <http://www.pagad.co.za/wp-content/uploads/2011/04/BranchGuideline.pdf>, accessed 16 May 2015.

In the Code of Conduct, Pagad exonerates its members from responsibility of subsequent attacks on the drug dealer(s).

At its peak, Pagad drew up to 10,000 people to its marches and rallies against gangs and drugs (Gottschalk, 2004: 6). An interesting development was that Pagad had no effect on the growth of gangsterism, despite having killed over 24 leading gang leaders by the end of 2000. As Gottschalk (2005:7) notes, the number of Pagad and gang attacks:

“Police estimated that between October 1997 and January 1998 Cape Town saw 195 attacks by Pagad on gangs and 429 attacks by gangs on each other and on Pagad. In 1998, Pagad was thought to have committed another 168 bombings and other incidents. By 2000, Pagad had killed 24 gang leaders, plus street drug dealers.”

Pagad did succeed in making people on the Cape Flats aware of the effects of gangs and drugs, but it lost community support when it started to attack police stations through its paramilitary arm, the G-Force. The WCACF approached Pagad soon after the start of the Cape Flats war in an attempt to mediate between them and the gangs. Pagad rejected such attempts and attempts by the police to mediate between them.

As one of the senior police leaders²³⁷ interviewed explained, the police engaged in negotiation with Pagad in an attempt to stop their marches and attacks on drug dealers:

“Then at one stage I was recalled and we were sitting down with what we called the Pagad executive, and we came to an agreement with them that they will stop their marches for three to four months as long as they supplied us with information. That is what they have done, they gave us a lot of information.”

The mediation process with Pagad was initiated by black senior police officers attached to the area commissioner’s office and a few meetings with the Pagad leadership were held which was facilitated by an independent mediator. However, not all in the police shared in this approach. They were stopped from within the police by the provincial leadership, as rival police factions opposed to the mediation process attempted to scuttle their mediation process, as one police commissioner interviewed noted:

²³⁷ Interview with LA on 28 August 2008.

“So it went quite well and at one of the next meetings, when I arrived at the meetings, there were three white directors, instructed by the provincial commissioner to join the negotiations. The first thing the one guy said to me was that he doesn’t negotiate with criminals.”²³⁸

The fight inside the police structures related to the question of whether the police should mediate with Pagad and the gangs. The mediation approach was supported by communities and civil society, but in the police, a fight ensued on account of this approach.

8.5.3 Mediation with gangs

In contrast to the attempts at mediation with Pagad, the police management did not want any mediation with gangs. They firmly opposed it, even though some station commanders were engaged with local mediation between gangs.

However, for people affected by it, one key methodology to stop gang violence was to engage in a mediation process between the warring gangs. But these were mostly facilitated by community and civil society groups. A lot of pressure was placed on the police to stop gang violence and gang mediation became one of the possible solutions that was suggested. Scholars have questioned the wisdom of states engaging in mediation processes with gangs and organised crime because it carries with it the risk of criminalising the state as Whitfield (2013: 6) suggests:

“Moreover, experience has demonstrated that government-led mediation with groups that engage in criminal violence and other forms of organised crime carries with it the risk of the criminalisation of government institutions.”

A great deal of disquiet was evident in the dilemma which confronted the police. In the effort to stop gang and vigilante violence and subsequent war, was mediation necessary as a tactic or strategy, and what would the consequences of such approaches be? Gang members, after all, were criminals some police officers argued.

²³⁸ Interview with LA on 28 August 2008.

At police station level, there was no question that the police did routinely, engage in mediation processes with gangsters to stop gang violence at a local level. From my own mediation practices and facilitation, I was engaged in mediation practices with the police and rival gang members who were at war in communities in places like Steenberg, Manenberg, Ottery and Philippi.²³⁹ Some of the meetings were held at the police stations. These mediations were not publicised, but were conducted quietly and only where there were successful outcomes, were the results announced at public community meetings convened by the community police forum (CPF).

After the formation of Pagad, however, the approach of mediating with gangsters by the community was seen as unfashionable. Pagad introduced a radical approach of seeing gangsters as the embodiment of pure evil, to be eradicated at all costs. In such a scenario, you were not to consort with or talk to the 'enemy of the people'. After the approach by the Minister of Justice to the WCACF to engage in a mediation process between Pagad and Core (Community Outreach Forum), the attempts at mediation failed. Pagad issued a statement that it did not negotiate with gangsters.²⁴⁰

Significantly, following the public stance by Pagad, a decision was taken by the Western Cape provincial government in September 1997 that the Secretariat for Safety and Security in the province should not engage in any talks with any organised crime groups.²⁴¹ It is clear that in this instance, Pagad was able to influence the public stance that government took with respect to mediation processes with criminal gangs and organised crime.

Such decisions create a lot of pressure on the provincial police leadership to follow suite and the police too took a position of not talking to gangsters. This was even though as an institution, the police were already engaged in mediation efforts with various gang leaders. One senior police leader²⁴² argued that talking to gangsters was a way of giving them power:

"You acknowledge the gang as a power block. That is part of the problem that I have. And therefore they are the holders of peace or no peace. If you accept that, then you must accept that they are here

²³⁹ Some of these meetings were variously held under the auspices of the Centre for Conflict Resolution or NICRO in association with the CPFs.

²⁴⁰ PAGAD statement delivered immediately after the WCACF approached it for mediation with CORE

²⁴¹ Western Cape Provincial Cabinet decision dated 10 September 1997, Minute No. 406/1997.

²⁴² Interview with JP, 3 July 2008.

to stay and therefore they have got like any power, the power enables the ability to punish or not punish.”

Police officers, despite the official view from their own and government leaders (which took a long-time filtering to the rank and file police officers), did not have a clear policy about talking to gang leaders. It is something they have been doing for a long period and the official view from the police leaders I interviewed appeared not to be in sync with that of their station commissioners.

Mediation with gang leaders and vigilante organisations was difficult and organisations such as the Western Cape Anti-Crime Forum (WCACF) facilitated these sessions. Below are some of my field-notes on how I encountered Pagad leaders during mediation in which I played a part:

Encountering Pagad during mediation – a personal reflection

During the mediation process²⁴³, meetings were arranged with Pagad and Core over two evenings in December 1996.²⁴⁴ In the first meeting between Pagad and the WCACF, the WCACF facilitation team met with the leadership of Pagad, including the G-Force. Six armed men filed into the school classroom where the meeting was being held. They all had scarves which covered their faces and were armed with shotguns. Two stood guarding the door. Within a minute after the scarfed men entered and took up positions in all the corners of the room, the four leaders of Pagad walked in. They too, carried scarves, except for one. Outside the classroom there were about 30 members of the G-Force assembled with all sorts of firearms. They also had bullet proof vests.

Pagad immediately indicated that they would not stop the attacks on gangsters and that they were not committed to talking to gangsters. The meeting almost descended into chaos when the leader of the WCACF grabbed the scarf of the Pagad commander-in-chief from his head and stated:

²⁴³ This is based on a personal reflection of the author who was deeply involved in the mediation process

²⁴⁴ See WCACF Bi-Annual Report, Secretarial Report, 3 August 1997, p9.

“Take off your scarf when you talk to me. We were not elected to kill people!”

This triggered the four men in the corners and the two at the door to step forward, guns in hand, and wanting to hit one of the mediators with the back of the shotgun rifles. Sanity prevailed when the Pagad commander realised what the consequences of the move would be and asked his men to step back. The meeting regained its composure. The Pagad leaders were clear of their own perceived power during the talks and spoke to the mediation team as if they were speaking directly to the government. They had no regard to the loss of life and mayhem which was affecting ordinary people not involved in the gang violence. They pledged to continue with their campaign.

The meeting failed to make any headway even though there were vague promises to consult with their executive before coming back to the WCACF. They never did. Their war against the gangs continued.

Mediation with gangsters was routinely happening at police stations as one gang leader indicated. During gang wars, police officers approached them to stop the violence. As one Manenberg gang leader explained:²⁴⁵

“There were times they [the police] came to talk; they asked if we could stop the gang fight. They would say to us: “*Gaan aan met die smokkelry, maar hou op met die gangfights.*” (Continue with the drug dealing, but stop the gang fights).”

What is interesting is that the police appear to be desperate to stop the violence, but appear to be subtly encouraging the gang leader to continue with his drug dealing. This was the trade-off police were willing to make with gang leaders in times of violence and clearly indicated that the police were not able to effectively challenge the governance that gangs exercised.

Desai (2004: 22) documents and confirms that the police were talking to gangsters and that, as a result, gangsters have become involved in the development processes:

²⁴⁵ Interview with HJ, 7 July 2008.

“The police have started to talk to gangsters. Gangsters have become involved in development projects.”

The animosity created by the police leadership as to engaging conflicting gang parties in one respect (re)created the gangs as the common enemy, but it also provided a spanner in the works for police officers hoping to end the violence through tactical approaches such as mediation. The police, in fact, attempted to mediate with Pagad to get them to reduce their marches for one month.²⁴⁶ Pagad initially agreed to the proposal during mediation, but then reneged on the agreement. An unintended consequence of the formation of PAGAD was the political mobilisation of gangsters in the new democracy.

8.6 Gang mobilisation

A corresponding event occurred in 1997 which signalled that gangs could mobilise in a manner that had not been seen before. Over 3,000 members of all gangs united and marched to Parliament to demand protection and provide government with an ultimatum to stop Pagad attacking their members.²⁴⁷

They marched with old South African flags to indicate where their loyalty lay and were quite vociferous that they would be defending their rights in the new political dispensation. Interestingly, the gang members were joined by members of the prison gangs and individual members of private security companies.

Per Dixon and Johns (2001: 14), the gangs started to mobilise and formed the Community Outreach Forum (Core) as Pagad underwent a series of splits which started as a leadership struggle between the Qibla²⁴⁸ faction and the more moderate leaders in Pagad.

The Community Outreach Forum's (Core) arrival on the scene was based on an unholy alliance²⁴⁹ between members of the 26s and 28s prison gangs, which was not possible

²⁴⁶ Aranes, J., (1997). G-Force probe continues in spite of PAGAD pact, The Cape Argus, 8 October 1997.

²⁴⁷ Aranes, J., (1997). Government and CORE in war of words, The Cape Argus, 29 August, 1997.

²⁴⁸ A radical Muslim organisation that promoted religious support for Palestine.

²⁴⁹ Members of the 26 and 28 prison gang have never sat together previously as they are considered rivals.

previously. This was because the prison gangs had different rules and traditions and were historically opposed to each other. The American and Hard Living gangs also co-operated with one another to fight against Pagad, something they have never done previously.²⁵⁰

Gang leaders of Core went on a roadshow on the Cape Flats to have mass rallies with many of the residents of the Cape Flats to profess their innocence. They positioned themselves as victims of Pagad and the police. These impromptu rallies attracted many hundreds of people in areas such as Steenberg, Hanover Park, Lavender Hill, Bishop Lavis and Manenberg. In these roadshows, the gang leaders of the Hard Livings, Mongrels and Sexy Boys all appealed for support from the public and made a commitment publicly to peace. Although the roadshows were designed to rival Pagad's marches, it did not stop the war. Below, I describe an encounter with the Core leadership during the mediation process from my field notes:

Encountering the gang leadership of Core²⁵¹

We entered the premises of Ernie La Pepa.²⁵² It turned out to be a nightclub with lots of mirrors, lots of seating, tables and a makeshift bar. The place was packed with gang members. There were about 40 gang members seated and talking to each other and having beers. Others were playing pool. It was accompanied with a cacophony of laughter and lots of noise from the music being played.

In the left hand corner, a smaller group had congregated around a table. On closer inspection, we found that it was the leadership of Core. In contrast to the Pagad encounter, we had a warm reception. No one appeared to have firearms, or at least, we did not see any. They argued with us about the merits of killing Muslim business people. We explained to them that we were sent by the Minister of Justice who had asked for mediation and that it was a well-known fact that they were the ones behind the killings.

Interestingly, the gang leaders actually debated the merits of talking to Pagad, were more receptive to the idea of mediation, although some of them insisted on killing Muslim

²⁵⁰ See Kinnes (2000).

²⁵¹ This section is based on a personal reflection of author who was deeply involved in the mediation process.

²⁵² One of the gang leaders subsequently killed by Pagad.

business persons. One of the gang leaders, Rashied Staggie, took a different stance and indicated that maybe they would consider the requests given where it was coming from. It appeared that some of them felt “honoured” that the Minister of Justice felt it necessary that they should be approached. I could not help thinking that this felt good to them because it reinforced the notion that they believed that they were powerful and held the fate of many people in their hands.

The mediation episode with gang leaders resonated with Erving Goffman’s (1973) *Presentation of the Self*. Here, the gang leaders were presenting themselves as they were all-powerful and willing to kill as they wanted, knowing that they would be held accountable. But they were simultaneously seduced by the idea that the state had to contend with what they saw as their own power. Core made no promises to stop their attacks and demanded that Pagad should be disarmed. The WCACF facilitators left empty-handed.

The killings continued after the efforts of mediation process failed and the war intensified. One the reasons for the failure of the mediation process was that Pagad issued a public statement that it ‘did not talk to gangsters’. Secondly, Pagad continued its marches and attacks on gang leaders. Gang leaders were interested in continuing the negotiations on condition that Pagad would stop its attacks. It never came and the war continued.

Attacks on Muslim businessmen started in Cape Town’s Northern suburbs in areas such as Belhar and Elsie’s River as the rival gangs co-operated with each other.²⁵³ This co-operation did not last too long, however, as most of Core’s leadership was attacked and killed. Up to 60% of the group of gang leaders in Core were killed by Pagad in the ensuing war. Some of the gang leaders who survived became born-again Christians and joined churches.²⁵⁴ It was the best way to ensure their own survival.

In an earlier publication (Kinnes: 2000: 32), I indicate that the Core formation eventually failed because it started to extort money from different gangs to build up a war chest in the preparation for its defence in the war against Pagad. The Americans gang, in particular, who were also rivals of the Hard Livings gang, reneged. This caused friction in the

²⁵³ See <http://mg.co.za/article/1997-09-26-pagad-violence-hits-soft-targets>, accessed 19 May 2015.

²⁵⁴ Abarder, G., (1999). 'Reborn' Staggie to prove it in court, *The Cape Argus*.

leadership of Core. In the interviews with gang leaders it became clear that some of these internal conflicts were settled between the gangs and Pagad was blamed for attacks.

The gangs through Core, succeeded in negotiating with Cape Town's Olympic Bid Committee for jobs, but the process was stopped after Pagad threatened the Committee (Gottschalk: 2005: 4). The incessant marches and attacks by Pagad, coupled with internal conflicts, eventually led to the demise of Core after 1999.

The police and the state had also played a role in applying pressure on Core which had succeeded in delivering a memorandum of demands to the police after a march from Manenberg to Bishop Lavis Police College in 1996. Most of the gang members were armed and initially the police could not find any officer from amongst their ranks that was willing to accept the gang memorandum. It was left to the former Manenberg Police station commissioner to accept the memorandum. These actions by the police (to allow the march of hundreds of armed gangsters without official permission and then to accept the memorandum) indicate that at the time of the conflict, the police clearly did not know what to do. They appeared to have no workable strategy to fight gangs, and at best they appeared to be reactive to the violence perpetrated by gangs.

8.7 Policing responses

During the height of the Cape Flats war in September 1998, the police were summoned to Parliament to explain what it was doing to contain the violence and the resultant community fear of gangs and Pagad.

The police response was to report on their operations against gangs and Pagad. But interestingly, they introduced a new concept of "urban terror" into the policing landscape. According to the police:²⁵⁵

²⁵⁵ Address by the Western Cape SAPS Provincial Commissioner to the Portfolio Committee of the Western Cape Parliament, 16 September 1998.

“Urban terrorism’ is a crime tendency involving the perpetration of stealth attacks against civilians or statutory targets by armed groups, or such extensions of civil society organisation, as a means to either intimidate or eliminate whom or what such groups believe to be their opposition within an urban and/or peri-urban geographical context.”

Members of Parliament heard that between 1 October 1997 and 31 August 1998, there were 624 incidents of urban terror, of which, 194 incidents were attributed to Pagad and 429 attributed to the gangs. The 624 incidents comprised of the following types of incidents:

- 86 Pipe bomb attacks
- 33 Petrol bomb attacks
- 377 shooting incidents
- 128 Other violent incidents which included stabbings and assaults

The police sketched a picture of how the attacks initially were against drug dealers, gangsters and *shebeens*. The attacks shifted to Muslim-owned businesses, while academics and clerics critical of Qibla were also then targeted. In the last quarter of 1998, there were bomb attacks at police stations and Planet Hollywood at the Waterfront tourist attraction, the Blah Bar in Sea Point and the Cape Town international airport.

The police concluded their report by indicating that despite the successes of Operations Recoil and Saladin, they required special legislation to deal with urban terrorists, as well as longer periods of detention:

“In respect of terrorism, sabotage, sedition and public violence, etc., special legislative measures are urgently needed to restore peace and order and to prevent, investigate and combat the commission of these offences. ...It is suggested that National Parliament consider the introduction of legislation that would provide for longer periods of detention, subject to conditions similar to those mentioned in section 37(6) of the Constitution (without the obligation to declare a state of emergency).”²⁵⁶

It was very clear that the police would follow their old ways of asking for increasing the number of days they could detain “urban terror” suspects through increased legislative powers. This did not happen and there were no amendments (on detention) to the Criminal

²⁵⁶Ibid. at 18.

Procedure Act (Act 51 of 1977) with specific reference to gangsters, except the development of the Poca legislation.

8.7.1 *New police gang strategies*

In 2003 the Department of Community Safety developed a response to the gang violence through a Provincial Gang Prevention Strategy. The police did not agree with the strategy because it instructed them what to do. It complimented the Urban Renewal Strategy by introducing a law enforcement component as the other part of the strategy. It was focussed on urban and rural activities of gangs and developed a policing response, together with mobilisation of communities to fight gangs. Standing (2006) questions the strategy as being one that did not adequately address gang problems and was based on inadequate information.

By 2008, a new Western Cape Provincial Social Transformation and Gang Prevention Strategy (PSTGPS)²⁵⁷ was developed and adopted by the ANC-led government. The objectives of the strategy were:

- To integrate law enforcement approaches with social development and social transformation initiatives of government and the community to reduce opportunities for gang formation
- To rapidly respond to gang violence to stabilise communities
- To provide prevention, education and re-integration support systems for the targeted communities
- To effectively manage gang information to support the PSTGPS
- To ensure the co-ordinated action to implement the PSTGPS

The premise of the strategy was to integrate law enforcement approaches with social transformation strategies which required government departments working together. It also relied on regular assessments and financial contributions of all departments to the strategy. It was focussed on 21 priority areas where gang crime was understood to be very high. It laid out very specific responsibilities for the police (SAPS and Metro Police), the Revenue Services, the National Prosecution Authority (NPA) and a host of other government departments. The

²⁵⁷ Western Cape Provincial Social Transformation and Gang Prevention Strategy, 2008.

Police management, through the provincial commissioner of police, balked at the strategy and informed the drafters of the strategy that 'no one decides for the police what to do'.²⁵⁸

Despite this letter, the drafters went ahead with the milestones required from the police and the provincial Cabinet adopted the strategy. It was stillborn, because despite the police's non-co-operation, a new Democratic Alliance (DA) provincial government was elected and took office in 2009. The gang strategy was discarded as an ANC document. The strategy has, seven years after it was drafted and adopted, been brought before the Provincial Cabinet.²⁵⁹

8.8 Discussion

It was a natural development for communities to mobilise against gang violence as it did on the Cape Flats in the face of police failures to protect them. The plethora of legislation and policies did not help as the non-implementation of such legislation did not bring joy to the many people who were living in fear.

The governance of gang violence from the perspective of the state was not effective and the gang security nodes endured with their own form of governance of communities, despite the popular mobilisation by organisations such as Pagad and the Western Cape anti-Crime Forum. The gangs endured and it was only when operations such as Operation Combat was started that after three years, the police started to see results. The ability of gangs to challenge the authority of the state through closing down day hospitals and schools, albeit for a few weeks at a time, clearly spoke volumes about their ability to use effective resources and technologies to undermine the governance exercised by the police and communities.

At the height of the Cape Flats war, public opinion was sharply slanted against the way the police handled the gang and vigilante attacks and bombing campaign. A picture emerged

²⁵⁸ Letter from the Provincial Commissioner, Mzwandile Petros to Mr Romeo de Lange of the Department of Community Safety, dated August 2008.

²⁵⁹ Private communication by a government official on 19 May 2015.

of an inept police institution that was investigating its own members, some who were involved with gangsters and vigilantes.²⁶⁰

In addition, the political context was loaded with calls for transformation of the SAPS as they could not stop the violence. Police officers were fighting different crime tendencies such as gangsterism, vigilantism and urban terror. But these officers were in the same units and a distinction between the two types of criminals was easily glazed over during police operations. They also had to contend with members of the old order and newer ‘plastic cops’.

These factors affected, and in many ways, influenced the ability of the SAPS to effectively exercise their own governance in communities. In addition, despite the provisions of POCA, the police lost their initial cases against drug dealers and gangsters during 1998. This caused a loss of morale of ordinary rank and file police members.

It is questionable whether the policies and legislation developed to counter the gangs were effectively implemented during the period of the Cape Flats war. The police struggled to keep a very afraid public satisfied that they were doing the “right thing”. The state only began to benefit from its strategy with respect to investigations and prosecutions of gangsters late in 2015 with the conviction of a prominent gang leader and 17 of his gang cohorts. The George Thomas judgement²⁶¹ provides some insight into the process: He was tried under the provisions of Poca and convicted on a string of seven murders and a further 53 other charges, together with his gang members.²⁶²

It is clear that it has taken the better part of 15 years²⁶³ before the POCA legislation, which was promulgated in 1998, aimed specifically at gangs, had begun to benefit the governance resources of the police and the state. This was a considerably long period for the police to get its own house in order at the expense of a far more organised gang organisation(s).

²⁶⁰ Schärf (2001).

²⁶¹ Also known by his nickname “Geweld” which means violence.

²⁶² Malgas, M., (2015). Defence plans to appeal conviction of 28’s gang boss, Eyewitness News, available at: <http://ewn.co.za/2015/05/15/Defence-plans-to-appeal-28s-gang-conviction>, accessed 19 May 2015

²⁶³ The first conviction under POCA was in 2008 which was overturned on appeal in the case: *Eyssen v S* (746/2007) [2008] ZASCA 97 (17 September 2008).

Another key factor in considering the progress made by government and particularly the police, is the impact of the mediation with gangs.

Whitfield (2013) lays out the way the Salvadorian government mediated with gangsters and the consequences of such mediation processes. She suggests that the mediation process took years and that the church was involved in the process. It resulted in a truce which helped to reduce the homicide rate in El Salvador and although there were doubts from sceptics, the truce assisted in bringing a level of peace to the community. Per Whitfield (2013: 16), the mediated truce between gangsters and the Salvadorian government:

“In addition to the obvious benefits of the dramatic reduction in homicides, it has brought recognition to the social phenomenon the gangs represent and normalised the idea of dialogue with their leaders – both achievements that can only be viewed positively given the long history of failed attempts to curb gang violence by means of repressive measures alone.”

One of the key ingredients for successful mediation is that the government did not directly mediate with gangsters, but used proxy organisations such as the Church and other non-governmental organisations. It was required that for the mediation to succeed, there should also be a willingness on the part of gang leaders to change.

As research by Greene and Pranis (2007) have shown, enforcement tactics of the police have failed and the money that has been pumped into policing gangs did not make any significant difference to the governance arrangements between violent gangs and the policing of such gangs.

Similarly, in Cape Town, the mediation with gangs did not immediately reduce the violence perpetrated by them. In fact, there were temporary peace deals which only served as a ceasefire for a few months before another rival gang would break such peace, making mediators start the process all over again.

The marches by Pagad forced the police and politicians to publicly take a stand against such mediation processes. Privately, however, police authorities were supporting mediation at local stations. In fact, some of the mediations took place at the stations and in the offices of the station commissioners. Unofficially, these commissioners were, however, engaging and

mediating with gangs through intermediaries such as the WCACF and community police forums at police station level. This disjuncture between official policy and practice of the police weakened the resolve of the police to challenge the governance of gangs.

The resources of the police also were employed to police Pagad which they eventually labelled as a 'just another gang'²⁶⁴ and this blurred their attempts to police gangs and Pagad effectively, or see it as separate crime tendencies.

As indicated earlier in this chapter, the police were singularly unable to reign in Pagad and the destructive force of the gangs during the Cape Flats gang war which raged on between the years 1996-2002. It took much soul searching, fights and many deaths for the police to apply a new approach in policing gangs which was embodied in Operation Combat.

The Cape Flats war, in many ways, demonstrated that policies alone would not solve clear criminality practiced by gangs. It requires much more than that. It required a resolve on the part of the police, better planning and co-operation between different units, good relationships between the police and the communities they are meant to police, as well as non-interference by political leaders in order to effectively police gangs. The governance of the policing nodes in the Cape Flats war was exposed as conflicted within itself, whereas the governance of the gang node was united, intact and with a common purpose.

8.9 Conclusions

The various policies and legislation that was set up by the state to fight its "new enemy", the gangs, and extend the governance of the police, did not significantly change the structure and impact of gangs on the Cape Flats. Nor did it succeed as a technology of expanding and entrenching police governance.

There is much to learn from viewing the application of policies and legislation and the manner that it was applied in stop-starts and failures on the Cape Flats. The impact of the Prevention of Organised Crime Act was hailed by politicians as one of the most important

²⁶⁴ Dixon & Johns (2001: 15.)

pieces of legislation that was available to fight gangs. In many respects, the police failed to effectively apply the provisions of POCA to gangs within the first 15 years of its promulgation. It was a trial and error process that led to many failures on the part of the police. In hindsight, Standing (2006), who was very critical of the approach of POCA in view of the fact that POCA was a direct replica of the Californian Rico and Step Acts, was correct. It took the better part of 15 years before they saw the required results of prosecution under the POCA Act.

In the beginning of this chapter, I indicated that I would be looking at the various policy instruments that were developed by the state to combat gangsterism. I also pointed out that I would look at the impact of such policies on the gangs. I stated that I would then show how the communities of the Cape Flats mobilised against the gangs and how gangs mobilised against the communities. Lastly, I also suggested that I would show how the police responded to the gang and vigilante wars on the Cape Flats.

As already shown, the development of policies to fight gangs was underscored by the lack of capacity to implement such policies on the part of the police and the state. The performance of the National Prosecution Authority (NPA) and the police was dismal in prosecutions against gang leaders and drug dealers in the early stages of the Cape Flats war. It took the better part of 15 years for them to reach successful prosecutions of gang bosses.

Secondly, the community mobilisation against the gangs did not stop gang and vigilante violence. The formation of community police forums and the WCACF helped to build better relationships between the police and the community. It was an unintended consequence of gang violence that this trust between the community and police was repaired for a short while during the war.

The Cape Flats war only stopped after there were sufficient casualties on both sides of the conflict. During the conflict, police officers and intelligence officers were found to be involved in the conflict. In particular, the formation of Pagad would in many ways shift the response of the state and police rightward for a short while from 1996 to 1998, when the attacks on the police were at its worst. The police also responded with a rightward approach, of the National Crime Combatting Strategy, emphasising law enforcement which did not have the required results in the short term.

Thirdly, the mobilisation of gangsters under the banner of the umbrella body Core, was unprecedented in that rival gang members united to fight Pagad under the banner of Core. Despite its flamboyance, Core had deep divisions, as did Pagad in its formative years. Core succeeded to unite sections of the gang community under its banner and fought Pagad. It also used the cover of the fight against Pagad to settle its own scores against certain gang leaders.

Lastly, the internecine gang and vigilante violence led to a renewed distrust in the police which had to be rebuilt from scratch.

In the next section, I will draw final conclusions from the thesis and its relevance and application for future research. I will also identify new gaps that are apparent in the literature and implications for new research.

CHAPTER 9

Conclusions

9. Introduction

In the beginning of this thesis I indicated that the focus of criminology has principally been on the way in which institutions of criminal justice have sought and maintained the law. But put differently, the governance of illegality has focussed on the efforts of state institutions and their hegemonic institutional cultures. In this view, governance was equated with what states engage in. More recently, however, there have been numerous studies on governance which have turned this view on its head. Therefore, it is now readily recognised that security governance is complex, diverse and given to contestation. A wide range of actors, both within and outside of the state, participate in processes of governance more generally, as well as processes involving the governance of policing.

The notion of decentred regulatory environments as suggested by Ostrom (1990) provides us with the perspective that illuminates the governance exercised by gangs in the nodes and networks of governance (Shearing: 2000; Shearing & Wood: 2003). My conceptual framing of my research question adopted the nodal governance framework for examining the key research question and sub-questions.

My thesis has argued that gangs constitute participants in a network of security. The relationship between police and gangs is characterised by contestation and mutual influence.

The unity and conflict of the networks of security governance is contingent on the mentalities, resources, and technologies that each governance node exercises. In this respect, I argued that gangs and police are in different networks of security. They contest and impact each other's governance nodes.

Having adopted such an approach have led to new understandings of how two adversarial entities involved in governance from different nodal location, exercise such governance and impact on each other's governance processes and efficacy.

The thesis has shown that the police is not the only actor involved in the business of policing. Indeed, the organised, armed gangs of the Cape Flats are also involved in aspects of policing each other, and in so doing, regulate their own behaviour, as well as that of the police.

Violence perpetrated by gangs in cities is not new or exceptional. The social organisation of gangs, too, is always changing and is contingent on several developments in communities where gangs are prevalent. Gangs constitute networks in nodes of security governance and contest the security governance of other networks, for example, those to which the police belong. There is continual change in the gang node with new entrants competing for power and business. In such a scenario of contested governance, it is the disjointed and often incomplete and uneven responses of the police that assist in the reproduction (as opposed to eradication) of gangs. Police actions may, in fact, enhance the social organisation of gangs.

In a reflexive piece of scholarship, David Brotherton (2008: 63) suggests that scholars reinsert resistance into the analysis of gangs as opposed to the pathological view of gangs. He suggests that lots of change has become evident in the studies of gangs over the decades. So, for example, a growing hybridisation and inter-penetration of cultures between street and prison gangs have become much more widespread.

Such an understanding of gangs is both innovative and holds many possibilities for future studies. In a world of transnational and globalised operations (Hagedorn: 2008), gangs presents much more than could be explained by the pathological views of scholars as suggested by Brotherton (2008). It provides opportunity for further engagement on the changing texture of gangs in the face of global power and cultural challenges to the existing order. But the changing face of gangs present many more challenges for policing as explored in this thesis.

In the beginning of this thesis, I set out to answer several questions relating to the policing of gangs. I asked the question: *How are gangs policed?* To better answer that question, I have developed a set of sub questions to significantly contribute to the gaps in the literature:

1. How does the police's operational approach entrench gang solidarity?
2. How do police and gangs contest each other's governance of communities?
3. How does the institutional culture of the police and gangs impact on each other?
4. What are the policy implications of the complexities, nuances and inter-relationships between gangs and the police?

I found that the inter-relationships between the police and gangs are complex when it comes to police operations against the gangs. There is much ambiguity in the way the police relate to gangs, especially when there is pressure on them from politicians and the community for them to 'do something'. The relationship between the police and gangs is one of mutual co-existence. The police recruit informers in gangs, and gangs recruit corrupt police officers to work for them. Both the police and gangs rely on respect, authority and discipline to manage their own institutions. Both depend on hierarchies of power to enforce decisions. The police require good enemies and gangs see a role for the police.

In this chapter, I will briefly review and summarise the questions I posed and the main arguments I make regarding policing of gangs. I discuss the contribution to the literature on gangs and I conclude with the possible areas for further study.

9.1 A review and summary of the Chapters

In Chapter 1, I provided a historical analysis of the gangs on the Cape Flats. In the development of the new post-Apartheid democracy, this reproduction of gangs appeared to have become more organised and more decentralised with multiple links to numerous networks (Gastrow: 1998; Kinnes: 2000; Goga: 2014; Goga, Salcedo-Albaran & Goredema: 2014). But these gangs have emerged as a network in a node of power and this conception of gangs is contingent on an understanding of contested governance. Understanding gangs in this way draws on the relevance of the theoretical underpinnings of the nodal or polycentric governance model as proposed by Burris, Drahos and Shearing (2005).

Chapter 2 considered the main question posed in the thesis namely how gangs are policed. This question considered the relevant literature, together with the theoretical framework, in understanding the nuances and complexities of gang - police governance and

contestation. I drew on the theoretical underpinnings of nodal governance as reflected through the work of Burris, Drahos and Shearing (2005) in considering the question.

Viewing gangs from the perspective of the pathological as proposed by Brotherton (2008), presents a jaded picture of gangs. The new changes that have emerged in academic scholarship imply that the policing of gangs is an area that has not received much attention by scholars in the past.

This chapter addressed some of the theoretical arguments and illuminated some of the nuances, complexities and cultures prevalent in the policing approaches to gangs. It provides a historical introduction of the international gang literature before going on to consider the South African gang literature. In both perspectives, the gaps in the literature are addressed with respect to how gangs are policed. I drew on four sets of literature: police culture literature, nodal governance and regulation literature, as well as the literature that exists on police operations against gangs.

What emerges as a central theme in the contemporary literature in the scholarship of Rodgers and Muggah (2009), Hagerdorn (2007), Sheptycki (2003), Jensen and Rodgers (2009), is the understanding of the weakening of the state as a condition for the resultant growth of gang governance.

Nodal governance (Burris, Drahos & Shearing: 2005) provides a very useful conceptual framework and model for viewing the developing scholarship of gang and police governance and regulation and how it is contested. I have used this approach to develop a model of gangs contesting the governance exercised by police through examining three elements common to both the police and gangs: respect, authority and belonging. The nodal approach to governance is useful because it explores the mentalities, technologies and resources of both policing and gangs and its impact on the other. The contestation of each other's governance is continually evolving and shifting through innovations in nodes and networks and competition with each other.

Chapter 3 provided a contextual and historical analysis of the gangs of the Cape Flats and considers the changes in gangs over a period of 20 years. The Cape Flats, situated in the

Western Cape, has a strong history of gang violence that spans over many generations. The setting has important contextual relevance in that South Africa has recently come through political transition. Social and everyday life has been changed. More particular has been the social movements that have emerged as a response to such gang violence.

Chapter 4 addressed the research methods used in collating research data from which the empirical questions were formulated after a process of coding. The thesis used an ethnographic methodology to uncover some of the governance practises between competing contestants in the gang and police nodes. I relied on my own participant observation over a period of 20 years to document operational practices, particularly with respect to police operations against the gangs. I reflected on the mixed loyalties and moral dilemmas faced by the researcher during the enquiry.

Chapter 5 sought to answer the sub-question: How does the police's operational approach entrench gang solidarity? This empirical chapter provided an examination of how the police's operational approach to the gangs, aided and abetted the social organisation and social solidarity of gangs as an unintended outcome of the approach. In this chapter, I drew on the emergent work of scholars like Rodgers (2006, 2007), Jensen (2008) and Samara (2010, 2011), who had a critical approach to the state's approach to policing gangs. This question relates directly to the main question based on the operations conducted by police as a means of policing gangs. The answers put forward are informed by the research data which was elicited from the interviews of gang members and police officers. The police's operational approach of establishing numerous anti-gang operations, and their lack of communication and co-operation often undermine the efficacy of their operations against the gangs. The establishment of gang units is considered in line of the models and assessments presented by critical researchers such as Katz and Webb (2004) and Greene and Pranis (2007). They view the effectiveness of such units as superficial, lacking in efficacy and an exercise in appeasing politicians and the public. Whether it makes any difference in the communities is another matter. The chapter findings confirm this view and argue that police operations had the opposite effect of entrenching gang solidarity.

Chapter 6 built on the foundations of the previous question, by asking the sub-question: How do the police and gangs contest each other's governance of communities? The

effect of contestation of governance has implications for how gangs in communities are policed and what mechanisms they use to respond and indeed contest the governance of the police. The theoretical assumptions implicit in the police's approach are based on social control theories emphasising Foucault's theory of power and normalisation. As already explained, the police's emphasis on stabilisation and normalisation is derived from its own definitions of social control. The police used the win the hearts and minds campaign (WHAM) to attempt to socially control large sections of the communities they policed. They have used the normalisation and stabilisation mantra to plan every operation, despite its limited successes.

The normalisation theory is better applied by the gangs in its contestation of the police's approach. The organisational and occupational cultures associated with both the police and gangs make use of mentalities, technologies and resources to contest each other's governance of communities. Gangs make use of alternative governance arrangements through a process of symbiotic co-existence with both the communities within which they are located and the police. *Authority, Respect* and *Belonging* are explored as indicators of cultural practices which are common to both the gangs and police. At a police institutional level, it has similar but different effects for the occupational culture and resonates with control theories. Gangs police their own space, emphasise the importance of loyalty and belonging and force respect amongst its members.

The question of power (and authority) is mediated through the symbolic images of power found in the 'uniforms' of gangs. These symbols, ranks and mentalities of gangs are sources of symbolic power that are used to contest the symbolic power of the police and their uniforms and symbols.

I concluded the chapter by arguing that both the gangs and police are two adversarial nodes in different networks locked in contesting power and governance. There is mutual recognition that neither are the only governors and guarantors of security on the Cape Flats. They merely contest, contribute to and regulate the symbolic order and other physical spaces in which governance arrangements take place.

Chapter 7 addressed the sub-question: How the institutional cultures of the police and gangs impact on each other? Answering this question had consequences and was contingent on the main question of how gangs are policed. This chapter therefore analysed the complexities of police occupational culture and subcultures and the impact thereof on their ability to effectively police the gang problem. The work of Bittner and Bayley (1984) helped to place the police culture characteristic of Cape Flats policing into perspective. The chapter illuminated how police officers plan operations against gangs without reliable information, and their failure to make available information available to the public. In addition, one of the important themes that emerges is of non-cooperation between different police units. This is particularly important, coming so soon after the integration and establishment of the South African Police Services.

The question of transformation of the police, competition and distrust because of political interference, all presents challenges to police management. Organisational turbulence affects the policing of gangs on the Cape Flats. The fact that the '*plastic cops*' challenged the old order police officers, led to the ineffectiveness of policing of gangs and vigilantes through poorly planned and implemented operations. A picture emerges of police officers contributing to the disorder (unlike Ericson's reproduction of order) in the wars between gangsters and vigilantes. In such a scenario, the resultant outcome of the way gangs are policed, is the reproduction of gang violence, disorder and the contestation of governance.

Chapter 8 considered the policy implications of the complexities, nuances and inter-relationships between gangs and police and how that inhibits or supports the manner in which gangs are policed. This chapter shows how policies and legislation, particularly the Prevention of Organised Crime Act was appropriated by the police for their own purposes: to show that they were doing something about criminal gangs. In addition, the ability of the community, through the community-based structures such as WCACF and Pagad, to mobilise against the gangs is discussed, together with how the gangs respond by counter-mobilising.

More importantly, the chapter also discussed the implications of attempts at mediation by looking at official stances on mediation and talking to gangsters by the state and Pagad. The outcomes of such mediation attempts belie the real and desperate approaches to

mediation at station level where it happens despite official denial by the police leadership. The police leadership is inconsistent in approaching the gang and vigilante war by engaging in mediation in a rather selective manner. Lastly, the chapter explores the complexities of the implementation of anti-gang policies and legislation in the face of a divided police institution. There are many complexities and nuances in the relationship between police and communities, including the vigilantes and gangsters.

9.2 Contribution to the literature: How are gangs policed?

The answers provided to the question: *how are gangs policed?* is an important contribution to the literature on contested governance and that of policing gangs. Posing the question is the result of over 22 years of involvement with observing police-gang operations. It contributes to the extant literature by considering several sub-questions as raised in the empirical chapters. In this respect the work of Blok (1988) shows us how gangs and the mafia became stronger in the face of a weaker state. The nodal governance framework, as elucidated by Burris, Drahos and Shearing (2005), provides a useful model for the analysis of gang-police interactions and governance arrangements. Thus, we now know more about how the policing of gangs occur and to what effect. The fact that gangs are part of nodal governance networks has also been documented by Jaffe (2013) in his study on crime and citizenship in urban Jamaica. He suggests that criminal actors are part of the hybrid state, an emergent political formation consisting of multiple governmental actors. The police and gangs need each other. The police need gangs to show that they are doing something – justifying their own existence in the war-torn Cape Flats, and the gangs need the police to show that they exercise control of their communities. The governance of communities is contested because of police and gang interactions. The work of Das & Poole (2004: 26) confirm that the state is increasingly challenged by networks on the periphery.

Gangs are policed by temporary police arrangements, instant operations that are not evaluated, and implemented by competing (and sometimes corrupt) police officers. Gangs, too, take part in policing their communities and other gangs in their own forms of community governance.

Both the police and the gangs rely on networks of communities, state officials and legislation to provide legitimacy and social control of the other. In the research process, I found a few surprises.

Firstly, organised armed gangs of the Cape Flats have become learning organisations. They learn from the failures of policing operational approaches. Police operational approaches that are not well thought through have the effect of entrenching the social solidarity and social organisation of the gangs. It also better prepares the gangs for the next round of police operations. The resultant outcome is a reproduction of gangs through police operations.

Secondly, during the Cape Flats war, the police planned operations without having a picture of the nature, extent and numerical strength of the gangs. While this point seems moot, it is very important, especially considering the hundreds of police officers (and soldiers) that were roped in to 'fight the gangs'. I have searched for official South African estimates of the gangs and evaluations of police operations, and have found none. It is not simply because police officers refuse to share information, it is because they have very little. This is interesting because in seven years of asking, this lack of evaluation was finally admitted by one of the senior police officers now leading a new police-led gang strategy for the Cape Flats.

Thirdly, gang governance is strengthened by division (and incompetence²⁶⁵) on the part of the police and growing innovation on the part of organised, armed gangs. In this respect, the gangs are growing stronger and faster than previously imagined. This has serious consequences for social cohesion of communities, especially if the strengthening of its governance arrangements are contingent on police failures.

Lastly, the gangs have, in some places, become social movements and have started their own welfare institutions (such as the Faith Welfare Organisation)²⁶⁶ and churches to give them space in the community. In this respect, they are far more adept at organising and claiming space.

²⁶⁵ Schärf (2001).

²⁶⁶ The Faith Welfare Organisation was started by the gang formation CORE.

9.3 Reflexive creativity

My own journey into researching gangs has thrown up interesting changes and challenges through my reflexive creativity in considering the policing of gangs. Initially moving from a community activist mobilising communities against gangs, to becoming a gang mediator, and finally moving towards researching gangs has taught me to reconsider my stances on policing gangs. I have been drawn to the approach of nodal governance, seeing as the gang problem is not something that will disappear in the foreseeable future. In fact, we will see adaptation and new innovations from gangs, especially in a situation where the state is weak. The incapacities of the police during a transformation process (especially if it moves from an authoritarian to a democratic police service) will be prolonged as the police institution faces more and more contestation to their operations, methods and legitimacy. In such a scenario, the gangs have become stronger in the face of a weaker state.

9.4 Opportunities for further research

This reflexive approach has led me to raise other problems which this research has not been able to address. There remains a huge gap in the literature on police officers and gang leaders recruiting each other's members. It appears that on the face of it, the recruitment by gang leaders of police officers to inform them of raids is extending their governance, while the opportunities for police officers to recruit gang members are closing down as gangs decentralise.

An important area for further research is how the police manages corruption in its own ranks. Conversely, how do gangs enforce discipline and manage their own members who steal from them? This is an important area to explore in further research.

Lastly, one of the areas I have not been able to examine is the changing recruitment patterns for new gang members in the face of continued police operations. How and why do gangs retain their strong appeal for young men and women to replenish their ranks? Answers

to these questions will greatly contribute to what we already know about in the literature on policing gangs.

9.5 Concluding remarks

This thesis has provided a theoretical contribution to the question of how gangs are policed. While it is by no means the only answer to the question, it intends to contribute to the discourse on contested governance and policing gangs. It was found that gangs and police contest each other's governance through employing their own innovating technologies, mentalities and resources against each other. While not the intention at the onset of the thesis, it has contributed to the discourse on governance more generally, and contested governance more specifically.

The framework used for analysis has been useful and has opened up very surprising results in terms of the findings. Contesting governance arrangements between the police and gangs have more to do with their own legitimacy than previously imagined. More particularly, gang governance is inextricably contingent on police disorganisation for its success, and police governance is dependent on gang innovation and organisation. Police governance is highly contested by both the community and gangs. This thesis has sought to make an original contribution to the literatures on gangs and policing. It has sought to answer the question: how are gangs policed? My findings in this respect are that we have much to learn from such contested interactions between gangs and police and the governance processes it shapes between the two.

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