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‘THE UNTOLD STORIES’

**An Exploration of Police Views Regarding the Policing of LGBTQI+ Hate
Crimes in Cape Town, Western Cape, South Africa**

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Research dissertation presented for the approval of Senate in partial fulfilment of the requirements for the Master of Philosophy in Criminology, Law and Society in approved courses and a minor dissertation. The other part of the requirement for this qualification was the completion of a programme of courses.

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Declaration

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Dedication and Acknowledgements

I want to dedicate this minor dissertation to the memory of all LGBTQI+ individuals who have died because of prejudice-motivated hate crimes in South Africa, Africa, and the world.

I would also like to take this opportunity to thank the following for their endearing words of encouragement and support:

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Abstract

In South Africa, despite constitutional safeguards, research has shown Lesbian, Bisexual, Gay, Transgender, Intersex, and Queer (LGBTIQ+) individuals who experience hate-related incidents based on their sexual orientation and gender identity expression (SOGIE) do not report their cases to the police for fear of secondary victimisation. Much of the complaints against the police cite homophobic and heterosexist work cultures that leave victims feeling disenfranchised from accessing justice. While this may be the case, little to no research exists regarding the perceptions, experiences, and challenges faced by frontline police officers in policing LGBTIQ+ hate crimes. Drawing on qualitative interviews with 30 police officers from five police stations in the Cape Metropole, South Africa, this research investigates the dynamics underlying the policing of LGBTIQ+ hate crimes and the ways in which personal, institutional, and national cultural identities intersect. The research finds that police officers' perceptions of policing LGBTIQ+ hate crimes are influenced by societal and institutional culture. Within these spaces, police officers are constantly negotiating parts of their identity to fit society and the SAPS' organisation cultural narratives. The research finds that discretion is central to how police officers conduct the policing of LGBTIQ+ hate crimes. Discretion is observed in processes and how they define what constitutes criminality. The research further finds that the policing of LGBTIQ+ hate crimes occur in spaces with limited resources. Resource constraints combined with burn-out and low morale negatively impact the SAPS service delivery standards. The research concludes with recommendations of a SOGIE-based hate crimes education for all, improving LGBTIQ+-police relations through community liaisons and reducing police officers' stressors to improve employee wellbeing.

Keywords: LGBTIQ+, Hate Crimes, Police, Culture, Discretion

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CHAPTER ONE: INTRODUCTION

Problem Statement

In 1996, post-apartheid South Africa adopted a constitution enshrined with the principles of equality, social justice and human dignity protecting individuals based on race, gender, sex (including intersexuality), and sexual orientation (Nel & Judge 2008). However, despite such constitutional safeguards, incidences of hate crime victimisation based on sexual orientation and gender identity expression (SOGIE) continue to be reported (Triangle Project, undated, OUT Wellbeing, 2016).

Chakraborti (2010: 14) defines *hate crimes* as ‘criminal acts committed against an individual or group with a prejudiced motive’. Prejudiced perpetrators commit these crimes based on a wide range of social markers or identity categories (Triangle project, undated). Furthermore, research on the prevalence of hate crimes shows similar trends among minority groups such as the LGBTQI+ community, religious groups, racial/ethnic minorities, and people with disabilities (Iganski & Lagou, 2014). In the past two decades in South Africa, there has been an increase in reports on violence targeting foreign nationals in attacks commonly referred to as ‘xenophobic violence’. According to Breen and Nel (2011), foreign nationals experience attacks on their businesses as well as personal attacks. In another form of hate crimes targeted towards women and in particular, black lesbians, there has been accounts of sexual assault or what is known as ‘corrective rape’ by straight men to fix their sexual orientation (Brown, 2012). Rape as a hate crime, in this case, has been weaponised to maintain a sociocultural status quo in which ideals of heterosexuality are enforced (Morrissey, 2013). Other studies have focused on the nature of victimisation experienced by members of the LGBTQI+ community in South Africa (Theron, 1994; Wells & Polders, 2006; Nel & Judge, 2008).

Whereas the above may be the case, hate crimes are often a contested category. As just a few of these contestations, Jacobs and Potter (1998:8) list definitional challenges on what constitutes prejudice, what and who must be protected under hate crime laws, and how criminal justice actors should respond. These contestations arise because, however one looks at it, enforcing hate crime laws will always lead to someone crying foul that their fundamental rights are being violated. It becomes even more complex for criminal justice actors such as the police working in spaces where these laws are not clearly defined. For example, despite the

constitutional safeguards and the Promotion of Equality and Prevention of Unfair Discrimination Act that protect identity markers such as gender, race, sexual orientation, and nationality, in South Africa, there exist no laws that clearly define hate crimes. A chance to have this legal definition has been stalled by political bureaucracy because the Hate Crimes Bill has been on South Africa's parliament floor since 2016. Without such a law, the challenge for the police becomes how to classify a crime reported as a hate crime when no such category exists. Official crime statistic reports from the South African Police Service are a testament that such crimes do not have a separate category. Implicitly what this means is that when say, for example, an LGBTQI+ individual reports their victimisation and such a category does not exist, their case will be recorded under another category. Macdonald (2002) notes under-recording of cases leads to perceptions that such crimes do not occur and police institutions not allocating enough resources to prevent such victimisation.

Amidst these legal definitional challenges, in general, policing in South Africa is happening in a context marred with 'high levels of violent crimes, distrust in the police, and political interference' (Bezuidenhout & Kempen, 2021: 259). Withstanding the history of apartheid in post-democratic South Africa, scholars identify socioeconomic inequality as one of the causes of high levels of crime and violence (Stuurman, 2021). One anticipates that the police are the first resort for safety; however, studies have shown that most South Africans, to a greater extent, do not trust the police (Fry, 2013). Conversations linger on corruption and a dysfunctional police service that cannot protect people from high crime levels (Stuurman, 2021). Police officers themselves are inundated with the institutional failures of an organisation they are a part of, leading to low morale and absenteeism (Dhlewayo et al., 2021). In thinking about hate crimes thus, one wonders the extent to which such perceptions influence how victims report their cases to the police. What is currently known through research is that victims, predominantly minority groups such as the LGBTQI+ community in South Africa, rarely report their victimisation to the South African Police Service (SAPS) (Wells & Polders, 2006).

It should be noted that, a growing body of research has come to explore how victims of hate crimes experience services offered by the police. In South Africa too, research on LGBTQI+ hate crimes tend to focus on victims' experiences of the police (Nel & Judge, 2008; Wells & Polders, 2006). There is a dearth of research that explores the subject of hate crime

victimisation from a police officer perspective. Understanding the above context, it is with regards to this gap that this research enquiry sets out to make a modest contribution.

Research Question and Aims

In this minor dissertation, thus, the research explores the central question, ‘What are the perceptions, experiences, and challenges of frontline police officers in the Family Violence, Child Protection and Sexual Offences (FCS) and Visible Policing (VisPol) Units in policing LGBTQI+ hate crimes in Cape Town, Western Cape, South Africa?’ This research aims to begin building an understanding of perceptions and experiences that the SAPS officers hold and the challenges they confront in their interaction with LGBTQI+ victims of hate crime.

Structure of the Dissertation

This dissertation comprises seven chapters. Chapter one is the introductory chapter defining the problem, setting the research question, and aims. Chapter two delves into the existing literature from victimology and criminology that focuses on the nature, prevalence, and impact of LGBTQI+ hate crime victimisation by drawing on South African and some international data. It also highlights challenges to policing hate crimes, issues around police culture and briefly policy trends in South Africa and other jurisdictions.

Chapter three describes the qualitative research and analytical methods adopted to achieve the objectives of this research. In this research, 30 police officers from the Family Violence, Child Protection and Sexual Offences (FCS) and Visible Policing (VisPol) units in Khayelitsha, Nyanga, Athlone, Sea Point, and Mowbray were interviewed. A reflection on some ethical considerations and limitations, such as access to the SAPS for research, are also discussed. The chapter ends with an analytical framework that describes the three themes - perceptions, experiences, and challenges as overarching frameworks through which the research findings are analysed in subsequent chapters.

Chapter four discusses research findings relating to the perceptions held by frontline police officers concerning the policing of LGBTQI+ hate crimes in Cape Town, Western Cape, South Africa. Definitions of what hate crimes and who LGBTQI+ individuals are, inclusive of the crimes they experience, are highlighted from a police officer’s perspective.

Chapter five builds on the perceptions of police officers to consider their actual experiences as they police LGBTQI+ hate crimes. The chapter first explores the kinds of cases reported and recorded at the police station. It also describes from a police officer's perspective processes and procedures victims of crime undergo while highlighting some challenges experienced. Further, feelings on whether police officers are well-prepared to handle LGBTQI+ hate crimes are analysed. Some key initiatives the SAPS currently uses to reach out to the LGBTQI+ community are also emphasised. Overall, this chapter shows the complex nature amidst limited resources in which the policing of hate crimes occurs in the City of Cape Town, South Africa.

Chapter six turns to a consideration of the challenges experienced by police while policing LGBTQI+ hate crimes. Issues around lack of motivation, adequate training, and the relationship between societal versus institutional culture are discussed and analysed. The chapter shows how personal and institutional cultural narratives can positively or negatively impact service delivery to victims. Chapter seven concludes this research and offers recommendations to the SAPS centred on education, improving staffing and the well-being of police officers.

CHAPTER TWO: LITERATURE REVIEW

Introduction

Microblogging social media sites such as Twitter, Instagram, and Facebook have become tools in recent years for highlighting the gruesome murders of LGBTQI+ individuals and the extent of hate crime victimisation in South Africa. More recently, harsh tags such as #JusticeforLuyolo, #JusticeforAubrey #JusticeforPhelo #JusticeforQueerSA followed with pictures and news stories are becoming more visible on these social media sites. In 2016 James Fletcher, a British Broadcasting Corporation (BBC) News correspondent in South Africa produced a podcast titled, 'Born free, killed by hate - the price of being gay in South Africa'. In this podcast, Fletcher documents stories about black lesbians beaten, raped, and murdered because of their sexual orientation or gender identity expression. He goes on to give voice to families of the victims as well as LGBTQI+ organisations working to find justice through the police for the crimes committed. "The police are failing us big time." "The feeling we got from the police is that they expected us to do all the work for them," "They are good at talking but not at acting," are some of the views captured in Fletcher's podcast (2016). Fry (2013) in his research on police trust in South Africa, highlights that, victims of crime and indeed the public do not trust the police, often perceive them as corrupt, and unable to adequately do their jobs. Such accounts from LGBTQI+ victims of hate crimes and the community do not paint a good picture of the SAPS. An institution mandated by the South African Constitution to ensure the fundamental rights of every person are guaranteed and safeguarded per the Bill of Rights and to ensure police officers respect victims of crime (South African Police Service (SAPS) Act 68 of 1995, as amended, 2012: C1).

In what follows, scholarly research and literature on the prevalence of LGBTQI+ hate crime victimization in South Africa compared to international jurisdictions will be engaged. It will consider perceptions of victims on policing to ascertain their experiences. It will investigate policing practices from South Africa and elsewhere while factoring in discussions on institutional culture and procedures. Historical perspectives and as well as current policy trends in policing LGBTQI+ hate crimes around the world and in South Africa will also be highlighted.

Nature, Prevalence, and Impact of LGBTQI+ Hate Crime victimization

South African LGBTQI+ persons have been on the receiving end of hate crime victimisation. Homophobic and heterosexist cultures, as Hattingh (1998) and Eliason (2000) discuss, are at the root of SOGIE-based hate crimes, with violence (both physical and psychological) occurring because of the perceived or actual SOGIE. Nel and Judge (2008) discuss SOGIE-based bias as not just violence against an individual alone but part of a ‘larger system of domination against the LGBT community’. When an LGBT individual experiences a form of hate crime victimisation, the perpetrator tries to send a message to the entire LGBT community reminding them of their supposed deviant status against societal norms (Nel and Judge, 2008: 22). Others, such as Reid and Dirsuweit (2002), highlight that the perpetrators use violence to assert power and control. It is important to note that homophobic discrimination and sexual and physical violence enforce hegemonic masculinity and heterosexist cultures that ‘other’ those who do not ascribe to such social norms (Nel & Judge, 2008; Wells & Polders, 2006).

South Africa in 1996 adopted a constitution that decriminalised consensual same-sex activities as sexual orientation and gender identity expression were among the protected categories under the Bill of Rights (Nel & Judge 2008). Whereas this may be the case, it is important to note that nearly three decades later, crimes generally considered as hate crimes based on these two protected identities are not legally defined and official crime statistics from the police do not show such categorisation (Breen & Nel, 2011). However, local victims of crime surveys from researchers and non-governmental organisations working towards non-discrimination advocacy for the LGBTQI+ community, highlight a prevalence of victimisation.

In their research, Wells and Polders (2006) sampled 487 self-identifying LGB people living in the Gauteng Province of South Africa. The research revealed that sexual abuse/rape victimisation happened at similar rates across all genders (9 per cent for black men, 5 per cent for white men and 10 per cent for black women and 4 per cent for white women) (Wells & Polders, 2006:23). These results suggest that gay and lesbian individuals, are seen as a threat to the heterosexual construction of what it means to be a male or female or to ideal notions of hegemonic masculinity. Ideas that one must fit a particular standard to be a man- often ‘white, thin, male, young, heterosexual, Christian and financially secure’ (Polders & Wells, 2004; Perry, 2001).

The above statistics are just a snapshot of a broader problem in South Africa where sexual violence, particularly against women, is rampant. For instance, the Department of Women, Youth and Persons with Disabilities, in its 2020 strategic document on gender-based violence, reports that 1 in 3 women in South Africa experiences some form of sexual or physical intimate partner violence (p.20). While this may be the case, studies also show that most women do not report their victimisation to police, especially in sexual offences, for fear of repercussions and feelings of not being taken seriously. Machisa et al. (2011:9) in 2011 conducted a study in Gauteng Province and found that, despite over 51.3 per cent of women experiencing some form of gender-based or intimate partner violence, only one in 13 reported cases where a non-partner was involved, and one in 25 women, in general, reported to the police. The above signifies that a higher percentage of cases are not reported to the police.

Similarly, studies involving the LGBTQI+ community have generally shown that people who experience hate crime victimisation shun reporting their cases to the police in South Africa for fear of re-victimisation (Nel & Judge, 2008; Polders and Wells, 2004). Research involving 1 165 LGBTQI+ participants conducted by Out LGBT Wellbeing in 2015 reported across the gender divide, 91 per cent and 85 per cent of females and males respectively who took part having had not reported their cases to the police (Out-LGBT Wellbeing, 2016). Reasons for not reporting included the police judging the offence as not severe enough, police not wanting anything to do with the complaint, fears of repercussion in cases where the offender is known to the victim and fears of being further victimised (Ibid; 14). Similar sentiments are identified in the 2014 Khayelitsha Commission of Inquiry Report, where LGBTQI+ victims much like victims in general, bemoaned a breakdown in their relationship with police. In the report, Ms Funeka Soldaat recounts experiencing homophobic attitudes from members of the SAPS in Khayelitsha when she went to report her experience of rape victimisation (Khayelitsha Commission, 2014). Here we notice that homophobic attitudes from the police are among the many reasons for the underreporting of LGBTQI+ hate crimes by victims.

From what is known above, it is not surprising to observe the low number of cases in relation to LGBTQI+ hate crime victimisation on record in the South African criminal justice system. Consider a report from the Department of Justice and Constitutional Development through the National Task Team (NTT)¹ on SOGIE-based violence highlighting that as of June 2021, there

¹ The mandate of the NTT is discussed in a later section in this literature review.

were 42 murder and rape cases pending and of which 29 of those were reported as from the year 2020². Further, 16 and 13 cases are either on the court roll or under investigation, respectively. The NTT also reveals that 8 cases have been finalised with imprisonment sentences as penalties, and 14 cases have been closed due to the lack of evidence. What is somewhat interesting in these statistics is that they do not offer a full picture on who is victimised and how these cases were recorded by the criminal justice actors such as the police and courts. The table below presents a snapshot of the pending murder/attempted murder and rape, respectively per province in South Africa.

Table 1: Number of LGBTQI+ Hate Crimes recorded as of 29 June 2021 per province in South Africa

Province	Murder/ Attempted Murder	Rape	Total
Western Cape	9	3	12
Gauteng	5	6	11
KwaZulu-Natal	5	1	6
North West	3	1	4
Limpopo	3	0	3
Eastern Cape	3	0	3
Mpumalanga	1	1	2
Free State	1	0	1
Total cases pending	30	12	42

Source: Media statement, Department of Justice and Constitutional Development, 2021

One begins to question the extent to which the above low numbers are because of no legal hate crimes category existing and thus impacts police crime statistics in South Africa. Further, if these are just symptoms of crimes that are either under-reported as discussed earlier, or it is because most of the cases reported to the police are either re-categorised or not recorded at all. According to Pina-Sánchez et al. (2021:2-3), police crime statistics tend to be ‘deeply flawed with both systematic (under-reporting and under-recording) and random (inconsistencies in recording across time) measurement error’. Several factors from a policing perspective are at

² Jeffery, J., 2021. Deputy Minister John Jeffery on National Task Team on the Protection of the rights of people of different sexual orientation, gender identity, gender expression or sex characteristics to equality. [online] Gov.za. Available at: <<https://www.gov.za/speeches/deputy-minister-john-jeffery-national-task-team-protection-rights-people-different-sexual-1>> [Accessed 19 December 2021].

play for some of these systematic and random errors. It is already established that when victims do not report their cases, the police do not get a complete picture of the prevalence of victimisation. However, added to this layer is discretion or how police officers decide what constitutes a crime and how it is recorded. Boivin and Cordeau (2011) note that both legal and extra-legal factors influence discretion for police officers. The former refers to their ability to understand what a criminal or non-criminal infraction is and latter, values or biases they hold informed by the victim's/offender's characteristics such as race, age, gender, nationality, to mention but a few (Boivin & Cordeau, 2011:188). This means that to begin thinking about hate crime victimisation and the cases recorded in South Africa, we would need to interrogate police discretion and its impact on how victims experience service delivery.

State-Sponsored Homophobia and police victimisation of LGBTQI+ individuals

Another theme in the literature identified is the state's role in perpetuating homophobia through legal prohibition in Africa. The International Lesbian, Gay, Bisexual, Transgender, and Intersex Association (ILGA)³ in its 2019 report entitled 'State Sponsored Homophobia' revealed that 32 African countries still criminalise consensual same-sex activities, with punishments upon conviction ranging from a minimum custodial sentence of 14 years to the death penalty (Mendos, 2019). In recent years, there have been several news reports where LGBTQI+ individuals are arrested based on their SOGIE by law enforcement officers after tip-offs from community members. In Uganda, the Associated Press (AP) reports in 2019, 16 LGBTQI+ individuals arrested by the police and charged under the Anti-Homosexual Act introduced by the government in 2014 (AP, 2019). In Nigeria, the BBC reports of more than 40 men arrested by the police on allegations that they were performing homosexual acts at a hotel in 2017 when in fact, they were at an HIV/AIDS conference (BBC, 2017). In Zimbabwe, in August 2012, the police arrested 44 members of the LGBTQI+ community attending the Gays and Lesbians of Zimbabwe (GALZ) Rights Violation Report launch without charge, reports NEWS24⁴. In Cameroon, the Human Rights Watch (HRW)⁵ reports that in 2021 there

³ According to their website, ILGA is a worldwide federation of 1,940 member organisations from 168 countries advocating and campaigning for lesbian, gay, bisexual, trans and intersex rights since 1978. As part of their advocacy, they research state-sponsored homophobia. Accessed through <https://ilga.org/about-us/annual-reports-documents>

⁴ NEWS24 (2012), '44 gays arrested at Zimbabwe party'. Accessed on: <https://www.news24.com/news24/44-gays-arrested-at-zimbabwe-party-20120813> (Accessed on: 19/12/2021)

⁵ According to the website, the Human Rights Watch is a non-profit organisation defending the rights of people in 90 countries around the world, spotlighting abuses and bringing perpetrators to justice. Accessed: <https://www.hrw.org/>

was an intensification of state-sponsored sanctions against the LGBTQI+ community, with security forces arresting at least 27 people on charges of gender nonconformity or alleged consensual same-sex conduct (Allegrozzi, 2021). In Ghana, the HRW reported that an Anti-LGBT Bill criminalising LGBTQI+ individuals and the promotion of human rights with regards to the said community was introduced in parliament in July 2021. The HRW also accounts that in ‘March 2021, 21 people were arrested and charged for unlawful assembly at a paralegal training on how to document and report human rights violation of LGBT people’ by the Ghanaian police and other security forces⁶.

The above are just a few stories in which the police enforce state-sponsored laws that victimise the LGBTQI+ community. In many jurisdictions in Africa police institutions have clear mandates often politically driven to enforce the law but on other, there is proof that police in some jurisdictions do not enforce the law. For example, despite there being laws that prohibit consensual same-sex activities in Mauritius, the police do not enforce such laws- they in fact to a greater extent offer protection to the LGBTQI+ community and those who are victims of hate crimes (Sichinga, 2019).

Police conduct and the LGBTQI+ Community in South Africa

The adversarial relationship between the LGBTQI+ community and the police in South Africa has a long history, quoting a 1996 article published in the Sunday Express titled ‘Police drive against vice “clubs”’, Müller (2019) discusses how the South African Police (SAP) tracked ‘organised homosexual activity’ through ‘probing the activities of about 25 000 known homosexuals in the Witwatersrand’ (p.10). The goal for SAP was to trace and closedown homosexual clubs in Johannesburg (ibid). Here we notice how historically because of criminalisation, the relationship between the South African Police Service and the LGBTQI+ community was an adversarial one.

According to Retief (1993; 27-28), police officials beat and raped those detained in cruising areas and fabricated evidence under ‘public indecency’ and ‘soliciting’ clauses as well as make

⁶ Human Rights Watch (2021), Ghana: LGBT Activists Face hardships after Detention- Extreme Anti-LGBT Bill Strokes Hostility. Available at: <https://www.hrw.org/news/2021/09/20/ghana-lgbt-activists-face-hardships-after-detention> (Accessed on 19/12/2021)

public the names of those arrested. Here, one observes that homophobia and violent heteronormative practices were used by the apartheid police.

Police culture: a theoretical concept for understanding LGBTQI+ policing of hate crimes

The research aims to investigate the subjective perceptions and material experiences of the police in the policing of LGBTQI+ hate crimes. Police culture, it is argued, offers a theoretical lens for purposes of analysis. Much has been written on culture and in particular, police culture both in the South African and global contexts by several scholars (Chan, 1997; Schein, 2004; Bacon, 2014; Faull, 2019).

Defining police culture

According to Schein (2004), it is difficult to come up with one universally accepted definition of culture because it is dependent on social cues and processes different groups develop among themselves. For Schein (2004: 11-13), groups develop overarching identities by sharing artefacts such as language and behaviour; develop similar belief and value systems that inform underlying assumptions and how they interact with others. For Bacon (2014:10), concerning the police, he contends that culture provides police officers with the 'lens to view things, practical knowledge, coping strategies and 'common sense' understanding about their external environment'.

Within policing literature, a distinction between 'culture' and 'subculture' or 'official organisational culture' and 'occupational subcultures' is observed. '*culture*' or '*official organisational culture*' refers to procedures, values, symbols, norms systematically organised to be embedded in the consciousness of members of an organisation (Farkas et al., 2020: 77). For Ganapathy and Cheong (2016:325), '*subculture*' or '*occupational subculture*' refers to informal values and norms derived from how police officers in rank-file structures make decisions and interact as they conduct their work. Paoline III (2003) considers that official police organisational culture takes a top-down approach shaped by standard operating procedures and occupational subculture, a bottom-up approach with informal rules set by police officers in their interaction.

Understanding this distinction is crucial because it helps us begin conceptualising police behaviour as they interact with LGBTQI+ victims of hate crimes and other victims in South Africa. In conducting their duties, police officers constantly navigate between formal and informal rules of engagement set by the organisation and the societies, they come from.

Acculturation

Bacon (2014) extensively discusses processes of acculturation that police recruits undergo through when they join the organisation. For starters, these trainees do not join the police as empty vessels without cultural beliefs and values. Trainees arrive with cultural dispositions shaped by the contexts of their upbringing. They hail from social structures in which culture is predominant and that influences how they too view and conduct their policing duties. Withstanding codes of conduct, they also have agency in making decisions as they conduct their duties based on what they have learnt before coming into the police. Thus, to begin thinking about the acculturation process is to consider how they learn to interact with public members or even how to maintain loyalty to colleagues in dangerous situations (Bacon, 2014).

On an individual level, several factors such as age, race, gender, education, and level of police experience influence how police officers adopt, adapt, and interpret police culture. As part of acculturation, Bacon (2014; 109) notes that social interactions and networks that police officers join become means through which 'culture is learnt, expressed and sustained'. The more significant part of this is acknowledging that conversations among police officers are a unifying factor that aid socialisation and thus the transfer of culture among themselves. Shearing and Ericson (1991 cited in Bacon, 2014: 109-110) look at the impact of storytelling as a means through which communication and transfer of knowledge about policing occurs among officers. For them, stories can solidify intergenerational knowledge passed on between novice and experienced police officers to conduct themselves in the craft.

Stories: police culture and personal identity

Andrew Faull (2017), writing on '*police culture and personal identity in South Africa*', provides another framework for conceptualising police culture. According to him, the organisational culture of the police is 'best understood as a product of overlaps and entanglements of three broad narrative spheres- The national, the organisational or police

cultural narratives, values, and attitudes, and personal identity' (Faull, 2017:332). He adopts this framework from Chan (1996), who uses Bourdieu's habitus or cultural dispositions and the field (structural and socio-political contexts) to discuss police culture (p.333). Faull (2017), like many other scholars (Chan, 1997; Marks, 2007, Reiner, 2017, Beek et al., 2017), argues that the production of police work and culture, is shaped by social context. What this means is that the act of policing will take meaning in the context (or country) in which it is being practiced. Often these practices are influenced by the sociocultural and political landscape in which the police exist.

In explaining the three narratives further, Faull (2017) discusses that the national narrative involves stories on how police officers' lives are engrossed in socioeconomic and political uncertainties such as poverty, inequality, violent crime, the supernatural and religion. Personal identity evolves around stories police officers tell themselves that are believed to be true in their pursuit of 'ontological security' (p.333). As a concept, *ontological security* is defined by Anthony Giddens (1991: 92) as 'the confidence that most human beings have in the continuity of their self-identity and the constancy of the surrounding social and material environments of action'. In this definition, Giddens emphasises emotions and feelings of trust that people attach to persons and things found in their environment. In this instance, to think about the police and the stories they tell is to think about their identity and how attached they are to society in general. For Faull (2017), it is the overlap between the personal and national narratives that, in turn, shapes the organisational narratives of the police.

Police Culture: A challenge for reformation in South Africa

How does police culture impact the organisational change of police organisations? Naomi Phillips (2011) discusses the challenges to police reformation in post-apartheid South Africa. She proposes police culture as one of the challenges to reformation in the SAPS. It helps to understand how police practices can significantly differ from official policies and the law (Phillips, 2011: 54). By analysing race and gender, Phillips (2011: 53) argues that police culture within the SAPS can threaten the SAPS' official policy goals and, with that, the ability of the organisation to 'protect the rights of South Africans'. Police culture, thus, may be at odds with the official policy projected by the police at any time.

The above discussion on culture, subculture, and challenges to reformation, in this study, helps us to understand how police officers negotiate both societal and institutional culture and subcultures to police LGBTQI+ hate crimes. The conversation becomes even more pertinent in a South African context where the policing of LGBTQI+ hate crimes is happening when no legal definitions exist, and the SAPS faces institutional operational challenges.

Challenges in Policing Hate Crimes

Writing on policing and hate crimes in the United Kingdom (UK) Paul Giannasi (2018) notes the operational challenges faced by police officers in ‘their efforts to prevent hate crimes, bring offenders to justice, and build positive relationships with affected communities’ (p. 332). Giannasi (2018) looks at hate crimes experienced by several groups. Of particular interest to this discussion, is the under-reporting by victims and under-recording of hate crimes by police officers. For Giannasi (2018), data integrity is of critical importance in addressing hate crimes.

Paul Johnson (2014) provides a detailed discussion of the challenges faced by police officers in policing hate crimes in the UK. He mentions that the non-harmonisation of legal definitions of hate crimes based as set by the Association Chief of Police Officers (ACPO) as one of the challenges. Some police stations will either define hate crimes as incidents considered criminal offences motivated by ‘hate’ or ‘prejudice’ and others will replace the use of the word ‘hate’ with categories such as race, sexuality, religion, gender identity and disability as the basis on which such offences can occur (Johnson, 2014: 321). Having a uniform definition of hate crimes is essential for police officers and the public to understand a wide range of criminal behaviours for reporting and record purposes (Garland and Chakraborti, 2012 cited in Johnson, 2014: 322).

Another challenge Johnson (2014) identifies is how police record hate crimes. Training becomes vital in ensuring that police officers respond to hate crimes with clarity to accurately identify and classify as hate crimes. He argues for an enabling environment that equips police officers with problem-solving skills rooted in an understanding of hate crimes (P.324). To achieve this, training of police should address the contextual factors that feed hate crimes and consider the impact of such crimes on victims. According to Johnson (2014) a general lack of awareness is another challenge police officers grapple with regarding hate crimes. Furthermore,

it is crucial to ensure that police officers are adequately trained in understanding what constitutes hate crime and applying the law in a consistent manner (Johnson, 2014).

Finally, Johnson (2014: 327-329) identifies police officers' ineffective responses to victims' complaints as challenges. The police have duties of providing support and assurance to the victim while also ensuring that adequate investigations are conducted (Dyfed Powys Police, 2012 in Johnson, 2014: 327). Policies and guidelines developed in the police should aim at assuring victims that their hate crime cases will be investigated and that they will be supported through the process of prosecution (p. 328). Police attitudes vis-à-vis hate crimes matter, Forester et al. (2015 cited in Johnson, 2014: 328) observe that police personnel in the UK treat hate crime policing as 'fluffy and pink' and consider it not being 'real' police work rather more of 'social work'. Such attitudes are bound to impact on service delivery to victims.

It would be interesting to see how the above-identified challenges that encompass cultural, attitudinal, and operational aspects to policing of hate crimes in the UK play out in high crime developing contexts such as in the South African context.

Trends in Policing of LGBTQI+ Hate Crimes

Policy trends around the world

In jurisdictions where SOGIE decriminalisation has occurred, and anti-LGBTQI+ hate crime laws and legislation have been adopted, the police have started building their community relationship with LGBTQI+ persons by introducing internal and external programs aimed at improving the experiences of victims in pursuit of justice. For example, in Australia, to address issues around perceptions of police officers in the New South Wales Police Service (NSWPS) being prejudiced, Gay and Lesbian Liaison officers were appointed as of 1990 who would respond to LGBTQI+ hate crimes victimisation (Thompson 1993 in Mason et al., 2017). Furthermore, in another example, Mason (2009) discusses that in 1997 there were collaborative efforts by the NSWPS, the regional government and non-governmental organisations working with victims of LGBTQI+ hate crimes to develop a sexual and gender diversity policy to be used by police officers. The above initiatives, and policies were enacted to protect vulnerable and marginalised communities by calling for tolerance and inclusion (Mason, 2009). Such initiatives are aimed at improving the police's service delivery to minorities.

Giannasi (2018) cites initiatives employed in the UK to improve the reporting of hate crimes by those affected. One such initiative is the third-party reporting of suspected hate crimes through both formal state and local informal support groups. The police have recognised the challenges victims face in accessing justice. Support groups become structures through which victims or those close to them can report cases to the police. The advantage here is that even in instances where a victim wants to report anonymously, the police can record the number of incidents that have occurred. This initiative, as Giannasi elaborates further, working with community-based groups in Manchester in the 1990s, the police would set up outreach centres in social spaces frequented by LGBT individuals (p.333). The Metropolitan Police then placed mobile police stations in these areas and staffed them with LGB police officers (Giannasi, 2018). Such initiatives helped to build a closer working relationship between the LGBTQI+ community and the police. It is important to note that such initiatives are not without their shortfalls. For example, a review of third-party reporting schemes by the ACPO in 2008 found that most of these schemes failed to achieve their intended purpose and had short-term delivery (Giannasi, 2018: 334). Wong et.al (2020) too identifies low budget allocation, limited number of case workers, as well as low levels of operational knowledge and education on how to handle victims of hate crimes, as some of the reasons for the inconsistency in the provision of third-party reporting schemes across the UK. The police in the UK have also been able to develop a website - True Vision (www.report-it.org.uk), providing information to professionals working with victims and victims themselves on hate crimes and where they can be reported. This website has had a positive impact. Giannasi (2018:334) writes that the website was frequently visited with closely to 10 000 visitors per month and 3 000 reports on hate crimes being recorded in 2012. The True Vision team, in their 2015 report on hate crimes recorded highlight, across all 46 policing areas in the UK, a 14 per cent increase in case recorded from the previous⁷. Further, in 2015, 12 220 out of 14 738 convictions were on hate crimes generally, of which 1 037 out of 1 277 and 503 out of 666 were homophobic and transphobic hate crimes, respectively⁸.

⁷ Report-it.org.uk. 2021. Older data reports. [online] Available at: <https://www.report-it.org.uk/older_data_reports> [Accessed 20 December 2021].

⁸Report-it.org.uk. 2021. Older data reports. [online] Available at: <https://www.report-it.org.uk/older_data_reports> [Accessed 20 December 2021].

In the Netherlands, the Amsterdam Police Department runs the Pink in Blue unit, which was started in 1998 during the Amsterdam Gay Games to help improve community relations and provide service to the participants. Though the unit is open to all police officers, it is run mainly by LGBTQI+ persons. The extent to which this unit has effectively improved the police-community relationship is discussed in research conducted by Feddes and Jonas (2016, 2020). The authors found high levels of trust in the police, notably the Pink in Blue unit. Research participants reported that the police responded promptly to reports on LGBT hate crime victimisation. Amongst police officers who took part in the study (n=14), Feddes and Jonas (2016, 2020) reported that all the participants were familiar with the work of the Pink in Blue unit. LGBT participants highlighted the unit's role in improving external functions such as being in touch with civilians and advising LGBT victims of hate crimes on their rights, how to report a case, and file a complaint (Feddes & Jonas, 2016: 53). The research found that the Pink in Blue unit worked to improve external/ police-community relationships and build an institutional culture of tolerance and professionalism within the police organisation.

In both contexts discussed above, the police undertook different initiatives that protect the rights of LGBTQI+ persons. These policies have provided clear definitions of hate crimes and protocols for handling and recording any cases experienced by victims of LGBTQI+ hate crimes. The policy documents have equally called for more inclusive strategies in policing LGBTQI+ hate crimes in general to improve police-community relations.

Policy trends in South Africa

Post-apartheid, the South African Police Service Act 68 of 1995 saw the introduction of community police forums to improve and strengthen the police relationships with once marginalised communities (Human Rights Watch, 2003: 210). Between 1998 and 2000s the SAPS produced booklets, videos, and posters to aid in sensitisation on equal protection for all as enshrined in the Constitution (HRW, 2003: 198). However, they also note that despite such initiatives, the SAPS was slow in implementing some of the programs, training police officers and tackling misinformation within the organisation on equality. This gap between policy and practice became a ground for mistrust from the LGBTQI+ community (ibid).

Another notable policy initiative in South Africa of relevance for the LGBTQI+ community has been the forming of the National Task Team (NTT) on Gender and Sexual orientation-based Violence by the Department of Justice and Constitutional Development (DOJ & CD) in 2011. In response to reports on ‘corrective rape’, the NTT was formed and mandated by the minister in charge of DOJ&CD to develop the *National Intervention Strategy (NIS) for the Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI+) Sector* for the period 2014-2017 (DOJDC, 2014). The policy framework emphasises prevention programmes on SOGIE-based violence, improved response of the criminal justice system and strengthening public service institutions to deal with LGBTQI+ related matters (DOJDC, 2014: 9).

Adding to the above mandate, the NTT was tasked with developing a multi-sectoral approach to service delivery, involving Chapter 9 institutions, various government departments and community-based organisations (CSOs). This mandate can be seen in the operationalisation of the NIS, in which the NTT has constituted a Rapid Response Team (RTT) made up of the National Prosecuting Authority, DOJ & CD, SAPS, and CSOs to solve pending hate crime cases against LGBTQI+ individuals in the South African criminal justice system as earlier highlighted. The NTT on its website reports further developing provincial task teams for easy access by LGBTQI+ victims of hate crimes⁹.

In 2019, the SAPS was able to use the NIS as one of its guides in developing the Standard Operating Procedure (SOP) to protect, respect, and promote LGBTQI+ persons’ rights. The SOP signals the intention of a police organisation that wants to improve its relationship with the LGBTQI+ community. The document contains clear definitions that help police officers know the differences between SOGIE as they interact with the LGBTQI+ community. The SOP also outlines organisational values and procedures to be followed by police officers interacting with LGBTQI+ victims. It remains to be seen how the police organisation will enforce the SOP and drive institutional changes on SOGIE-related issues. One of the objectives of the SOP is to provide training for police on procedures and SOGIE-based issues (SAPS, 2019). It would be interesting to track training initiatives. As Bacon (2014: 113) points out, lower ranks often ‘dislike and dismiss certain organisational rules and procedures and engage in informal work practices to circumvent or subvert them’. This means that there is no

⁹ Nationallgbttaskteam.co.za. (2021). Contacts Directory - Representatives for the LGBTI Provincial Task Teams - nationallgbttaskteam. [online] Available at: <<https://www.nationallgbttaskteam.co.za/contact-us/representatives-for-the-lgbti-provincial-task-teams?site=1>> [Accessed 20 December 2021].

guarantee that implementation will be successful. Generally, suppose police officers have well received the SOP, in that case, it is one step towards improving the SAPS relationship with the LGBTQI+ community and for victims of SOGIE-based hate crimes accessing justice.

Much more recently, in the Constitutional Court (CC) of South Africa in the case *Qwelane v South Africa Human Rights Commission and Another*, the court upheld a ruling that found Mr Qwelane guilty of hate speech against the LGBTQI+ community. Details of the case are that Mr Qwelane- a columnist wrote an article published in the Sunday Sun newspaper in 2008 titled, “call me names- but gay is not okay”. In this article, Mr Qwelane compared lesbian and gay people to animals and argued that they contributed to the degeneration of values in society. His words caused an uproar, with the South African Human Rights Commission (SAHRC) receiving over 350 complaints- he was taken to the Equality Court that found him guilty. When Mr Qwelane appealed rulings of the lower courts citing that Section 10 of the Equality Act was not in line with Section 16 of the Constitution, the CC ruled that in consideration of whether the words that appear in section 10- “hurtful”, “harmful”, and “to incite harm” grounds on which Mr Qwelane was making his arguments were vague, it upheld that only the term “hurtful” was vague. Therefore, this would mean that section 10 of the Equality Act was unconstitutional based on the inclusion of the term “hurtful”. To make this section constitutional, the CC directed that Parliament be given 24 months to amend that provision of the Act. The CC further directed that while Parliament was amending this provision, Section 10 (1) was to read:

‘... no person may publish, propagate, advocate, or communicate words that are based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to be harmful or to incite harm and to promote or propagate hatred. (De Vos, 2021)

While the *Qwelane v South African Human Rights Commission and Another* case has been making rounds in the judiciary, the DOJ & CD had initially in 2018 introduced the ‘Prevention and Combating of Hate Crimes and Hate Speech Bill’ before the South African Parliament for enactment. Suppose this Bill becomes law per the Constitution, in this case, it will further protect the rights of every citizen in line with international human rights instruments on all forms of discrimination. The Bill would also clearly define offences of crime and hate speech offences and would further provide for the prosecution of such offences. The Bill would equally

impose appropriate sentences on persons who commit such hate crimes and hate speech. It also provides for means of preventing such hate crimes and hate speech. It would equally provide reporting mechanisms on the Act's application, administration, and implementation. Furthermore, it would aid in amending other Acts of Parliament connected to hate crimes and hate speech.

It is important to note, pending the outcome of Qwelane case which would impact the Equality Act concerning hate speech, proceedings of the hate crimes bill had been put on hold by Parliament, reports the Parliamentary Monitoring Group (PMG)¹⁰. The PMG reports that in the parliamentary committee on the DOJ & CD tasked with developing the hate crimes bill that sat in August 2021, the deputy minister in the department highlighted the Qwelane judgment now had mandated the amendment of the Equality Act, but however it was also the belief that Parliament could go on with proceedings in considering the Hate Crimes Bill. The ruling only applied to the Act and not the Bill.

The above policy and legal advances that have been made in South Africa are a step in the right direction in ensuring the rights of the LGBTQI+ community are upheld and further that they are protected from discrimination and threats of victimisation. For this to be a reality for LGBTQI+ individuals, there will be a need for institutional acceptance of policy (in the case of the SAPS) and political will (in the case of Parliament) to speedily enact the Hate Crimes Bill as the number of hate crime reports of victimisation continues to soar in South Africa.

¹⁰ Parliamentary Monitoring Group, 2021. Hate Crimes and Hate Speech Bill; State of Masters office: briefing by Department; with Deputy Minister | PMG. [online] Available at: <<https://pmg.org.za/committee-meeting/33389/>> [Accessed 21 December 2021].

CHAPTER THREE: METHODOLOGY AND ANALYTICAL STRATEGY

Introduction

This chapter details the methodological approaches through which the research question, ‘what are the perceptions, experiences and challenges faced by frontline police officers in the FCS and VisPol units in policing LGBTQI+ hate crimes in Cape Town, Western Cape, South Africa’, can be explored. As this research sought to understand the perceptions, experiences, and challenges of police officers in their line of duty, a qualitative research paradigm was deemed appropriate. A qualitative research paradigm uses research methods to gain an insider perspective on social phenomena (Barbie & Mouton, 2017). For this research, the goal was to use an inductive approach (Bryman, 2016) that aids in developing theoretical insights into policing LGBTQI+ hate crimes in the South African context. Most research that seeks to observe and understand social phenomena using a qualitative research paradigm make use of interviews, focus groups, participant observation and/or document analysis as research methods (Bryman, 2016; Barbie & Mouton, 2017). In what follows, I will elaborate further on key aspects of the research. By way of conclusion details relating to the analytical strategy will be provided.

Method

A wide range of qualitative methods were considered. In the end, interviews were selected because they allow the researcher to have direct contact with participants whose experiences are told from their perspective without influence from others (Patton, 2002). Interviews can be conversational (unstructured), structured (interview guide) or standardised open-ended questions (Patton, 2002). For this research, standardised open-ended interviews were used. Unlike unstructured interviews, where no research instrument is used in the evaluation, standardised open-ended interview utilises a research instrument that focuses the research and facilitates more straightforward analysis (Patton, 2002). Standardised open-ended interviews were also selected because even though there is some structure, they offer flexibility for the researcher to note down new developing topics that might not have been included in the initial structure (Bryman, 2016).

In practice, having standardised open-ended face-to-face interviews allowed for some flexibility. For example, when conducting interviews in Khayelitsha, because of time constraints, the handler released five research participants working with the VisPol unit simultaneously. As we set up the interview and the participants signed the consent forms, two dropped out because they received an urgent call on the radio to attend to an active crime scene. I was fortunate enough that the remaining three who participated were able to reveal their insights without reservation despite being in a group.

Research sites

Initially, when I was planning this research, the plan was to interview frontline police officers at five different police stations in the City of Cape Town namely, Mowbray, Seapoint, Gugulethu, Khayelitsha and Athlone. These sites were shortlisted from the list of police stations in the Western Cape based on general crime rates, geographical location, and demographic diversity. Emails and phone calls went unanswered at Gugulethu SAPS, and when interacting with the station commander for Athlone, a new site- Nyanga FCS which deals with cases from the areas (Nyanga, Athlone, Phillipi East, Phillipi, Lansdown, Manenburg, and Gugulethu) was included as a contingency.

General crime rates around sexual offences, crimes against the person and contact-related crimes, recorded by the South African Police Service in the past ten years, revealed a high prevalence in the selected areas except for Seapoint (SAPS, 2019). Crime rate is used as a proxy since no separate crime category for LGBTQI+ hate crimes exist, as mentioned in the literature review. The assumption is that those police officers would have interacted with LGBTQI+ victims who reported their cases under the above distinct crime categories.

Geographically, the five sites are in the City of Cape Town, one of the cities in South Africa known for high violent crime rates (Western Cape Government, 2019). The Western Cape Government in its 2017 provincial profile and 2019 strategic document highlight that there is a high prevalence of violent crimes as indicated in national statistics. I now turn to a brief description of the demographic and socioeconomic features of the research sites.

Khayelitsha

Formed as an unplanned settlement by the apartheid government in 1983 for Black African workers, Khayelitsha is situated on the south-eastern side of the City of Cape Town (See Appendix 1 for visual presentation). The area is made up of 11 sub locations¹¹ connected by five main arterial roads and a railway with five stations. There are three police stations- Khayelitsha Site B police station, which serves areas around Site B, Site C, TR, RR and BM informal settlements. According to the 2011 general Census statistics as reported by the City of Cape Town, In 2011 Khayelitsha had an estimated population of 391 749 people from 118 089 households. The majority of whom were Black African. Thirty-six per cent of people aged 20 years and older had completed grade 12 or higher. Sixty-two per cent were engaged in informal and formal work, and 72 per cent earned a monthly income of R3 200 or less. In 2011, 45 per cent of them lived in a formal household.

Mowbray

Mowbray (see Appendix 2 for visual representation) is one of the locations in the Southern Suburbs of the City of Cape Town. According to the 2011 populations statistics recorded by the City of Cape Town, the population is predominantly mixed between Black Africans (44 per cent) and White (36 per cent), 90 per cent of those above the age of 20 have either completed grade 12 or higher. This higher number might be because the area mainly houses students who attend tertiary institutions. Ninety-two per cent of this number are employed, and only 29 per cent earn less than R 3 200 per month. About 99 per cent of households live in what can be considered formal dwellings. This area is serviced by one police station.

Athlone

Athlone (see Appendix 3 for visual representation), also located in the Southern Suburb had a population of 45 084 people who are predominantly coloured (62 per cent). Fifty-nine per cent of those above the age of 20 are considered to have completed either grade 12 or higher. Eighty-eight per cent are employed, with about 31 per cent earning R3 200 or less per month. Ninety-five per cent of the households are formal. Athlone also has a sizeable Muslim community. This area is serviced by one police station.

¹¹ These areas include Site C, Site B, Ilitha Park, Lingeletu West, Green Point, Mandela Park, Harare, Endlovini, Makhaza, Kuyasa and Enkanini.

Sea Point

Sea Point (see Appendix 4 for visual representation) is a location on the Atlantic seaboard of the City of Cape with 16 164 people according to the 2011 population census. It is predominantly occupied by white people (70 per cent), with 84 per cent completing grade 12 or higher. Ninety-five per cent of that population is employed, and 21 per cent earn less than R 3 200. Most of the people (99 per cent) live in households considered formal dwellings. The area is served by one police station.

Nyanga

Located on the Cape Flats, Nyanga (see Appendix 5 for visual representation) has about 57 966 people. The majority were Black African (99 per cent), according to the 2011 population census. Thirty-one per cent of this population have completed grade 12 or higher, with 55 per cent in the labour force and 74 per cent earning R3 200 or less. Sixty-seven per cent of the households in this area are formal dwellings. The area is served by one police station.

Sample

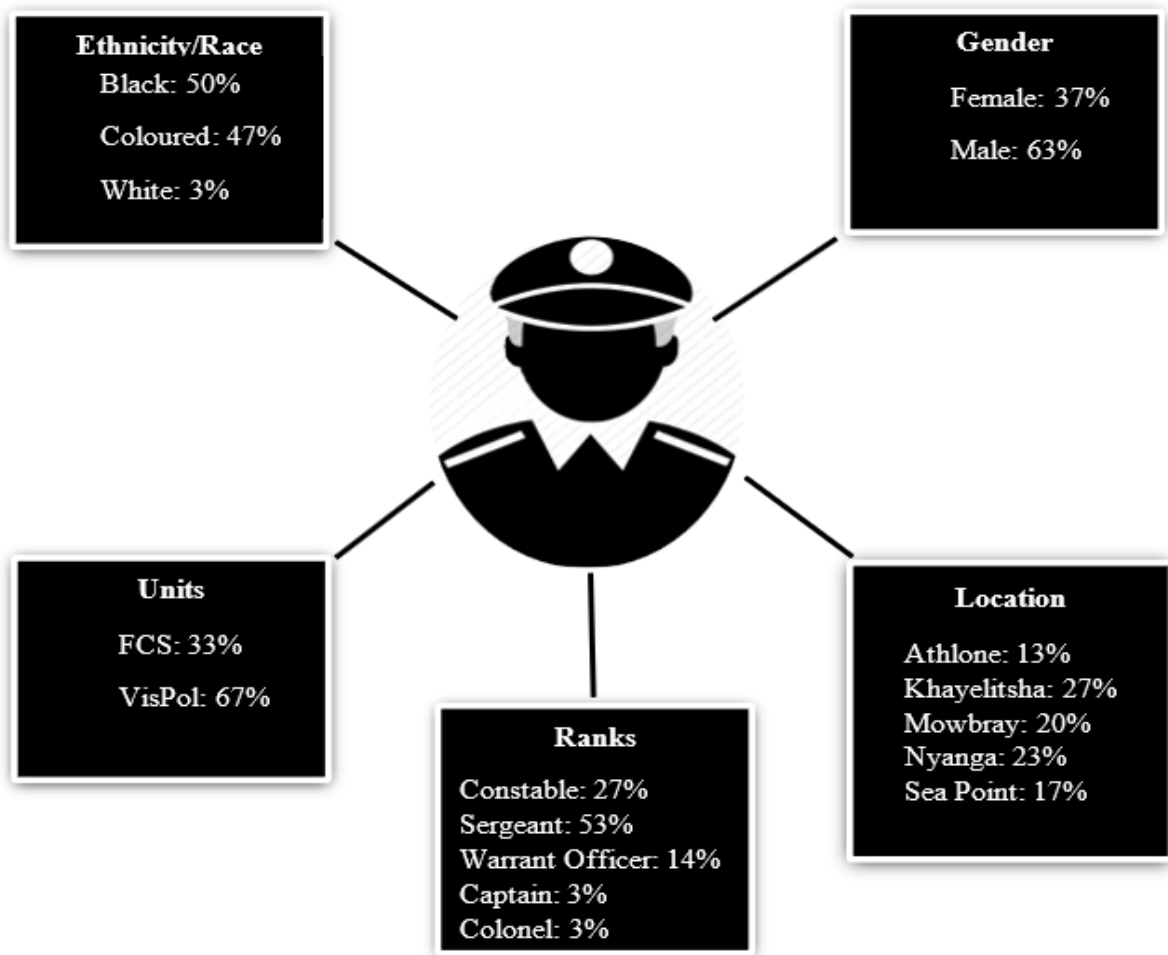
The initial plan was to interview 25 respondents - 20 officials working with the Visible Policing (VisPol) Unit and five other specialised units dealing with cases of sexual offences, respectively (See note¹²). The number (n=25) was set to allow for data and theoretical saturation (Bryman, 2016). Bryman (2016: 412) defines theoretical saturation as the ‘point when emerging concepts have fully been explored, and no new theoretical insights can be generated’. When I set the sample (n=25), I was hoping that this would not only allow for theoretical saturation, but I also took into consideration that participants who might have initially agreed to participate may drop out at any stage of the interviews.

During the field work 30 police officers were interviewed. The increase in the number of police officers had to do with the receptiveness of some station and unit commanders releasing more

¹² While conducting fieldwork at Mowbray, I acquired the language of the FCS Unit being tasked to handle cases of sexual offences. I was told the unit does not necessarily have offices at the station but is called upon when such a case arises. The same applied for Sea Point and Athlone except for Khayelitsha, which had the FCS Unit command cluster at the station.

police officers for the study. In terms of descriptive statistics, of the total (N= 30), 67 per cent (20) officers were working with the VisPol unit and 33 per cent (10) with the FCS Unit. On gender, 37 percent (11) presumably were female and 63 per cent (19) males (They were not asked to self-identify on gender). On ethnicity/race, 50 per cent (15) were Black, 47 per cent (14) Coloured and 3 per cent (1) White. On locations they served, 13 per cent (4) came from Athlone, 27 per cent (8) Khayelitsha, 20 per cent (6) Mowbray, 23 per cent (7) Nyanga and 17 per cent (5) from Sea Point. The ranks ranged from 3 per cent (1) Lieutenant Colonel, 3 per cent (1) Captain, 14 per cent (4) Warrant Officers, 53 per cent (16) Sergeants, and 27 per cent (8) Constables. Figure 1 below captures the social demographics of the respondents.

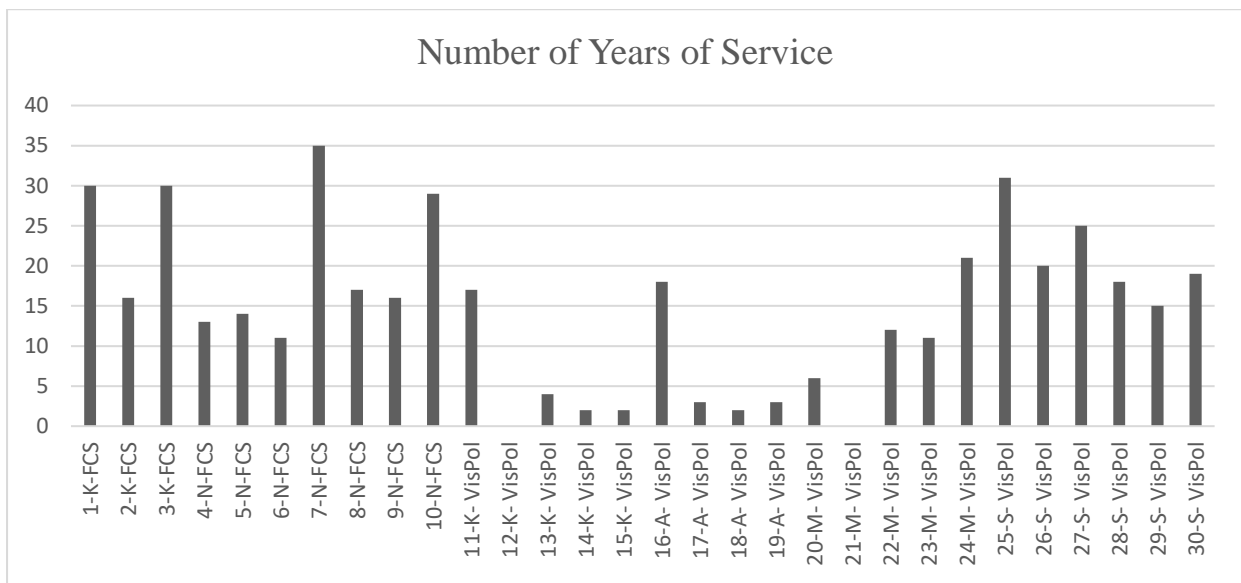
Figure 1: Social demographics of the Sample



Source: own visualisation

In terms of the number of years of experience of all 30 police officers, 15 years was the average number of years they have worked for the SAPS. There was a vast range, with four police officers who had worked for the SAPS for over 30 years while the least having been in service for just under five years. Figure 2 below provides a visualisation of the number of years all 30 participants have worked for the SAPS. (Note: two participants did not succinctly state how many years they have worked for the SAPS).

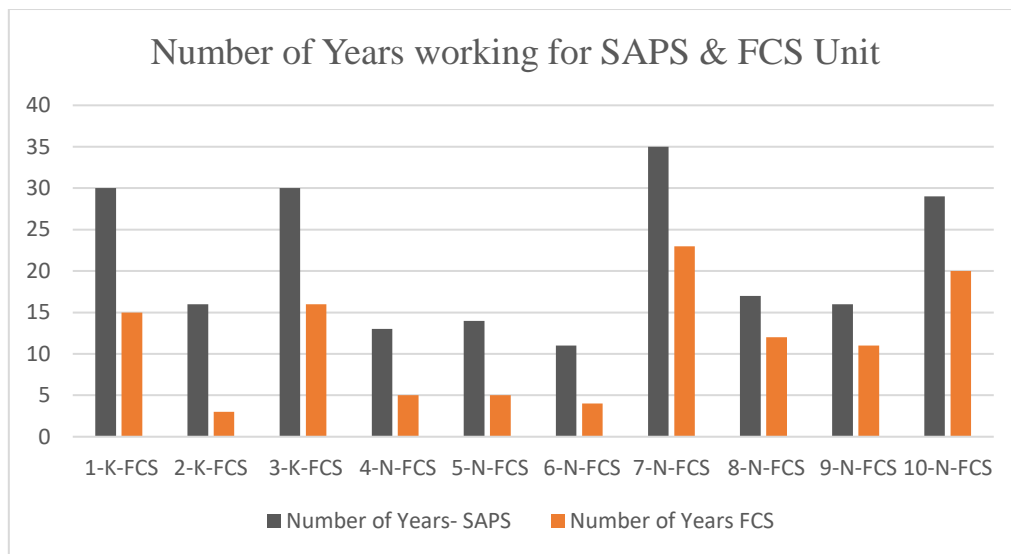
Figure 2: Visualisation of number of years working in the SAPS



Source: Own visualisation

Figure 3 below further zooms in on the number of years participants who currently work with the FCS unit have been in active service. The average number of years across all 10 participants have worked for the unit is approximately 11 years, with the highest being 23 years and the lowest being three years.

Figure 3: Visualisation of number of years working for both the SAPS and the FCS Unit



Source: Own visualisation

Sampling strategy

As means of selecting the respondents ($n = 30$), generic purposive sampling was used (Bryman, 2016). To be included in this research, participants must have at least met either/or the following criteria: first, they must have worked for the SAPS for at least two years either in an investigative, front-desk or any internal specialised unit. This number considers that the SAPS officers train for 24 months (SAPS, 2019), and the assumption is that they have gained enough experience to comment on their experiences, inclusive of institutional culture. Second, the officers must have been stationed at the site for at least two years. This had been set to help understand their perceptions of the topic concerning the community they serve. Barbie and Mouton (2017) suggest that researchers consider inculturation (acquisition of culture), current involvement and adequate time as part of the criteria when recruiting participants. Whereas sexual orientation and gender identity were not included as part of the criteria, it was indirectly hoped that police officers to be recruited could either identify as members of the LGBTQI+ community or heterosexual. This would allow for understanding experiences of policing LGBTQI+ hate crimes across SOGIE lines.

Recruitment of police officers that had worked with the SAPS for two years or had been stationed at a particular police station for at least two years happened in collaboration with station and unit commanders. Commanders as gatekeepers (Andoh-Arthur, 2019) have access

to personnel who might have worked on LGBTQI+ hate crimes cases. It is crucial upfront to note that though all gatekeepers had been told that police officers to participate in this research could identify as either part of the LGBTQI+ community or not, they were not obligated to reveal such information when releasing participants. In practice, some gatekeepers were very much comfortable revealing their officer's sexual orientation.

Station commanders were first introduced to the research via emails crafted by my supervisor and I and subsequently paid courtesy visits at the police stations to agree on the research diary. These commanders would then also delegate to different unit commanders or those in the communication department to help identify potential police officers for the study. These secondary gatekeepers became crucial to the success of this research because they would either take it upon themselves to arrange the research diary or further delegate to a relief commander (a person in charge of a specific shift) to release participants. Importantly, though they knew what the research was about, they would release participants without telling them precisely what it was about. I think this helped maintain the integrity of the research and hindered police officers from being prepped beforehand. They were also systematic in releasing participants by scheduling police officers in different shifts, depending on how busy the shift was and who was available. What is important here to note is that with each of the three gatekeepers and chain of command, some form of negotiation and social diplomacy had to be employed for respondents to be released.

Despite the criteria set, depending on the environment and who had access to information, I also made use of snowball sampling. In this case, respondents already identified lead a researcher to the next participant or convenient sampling in case someone presents themselves (Bryman, 2016). In this case, snowball and convenience sampling happened when some police officers who had initially been identified to participate in the study refused to be interviewed. In part, when this happened, I would go back to the commanders, who would either reschedule or direct to other participants. At one police station, the commander identified the first participant, but they declined, citing that they had just come to the unit; they then suggested another colleague with more experience to be interviewed.

Data collection instruments

As mentioned earlier, standardized open-ended interviews were conducted by asking police about the policing of LGBTQI+ hate crimes. The interview guide (see Appendix 10) contained a mixture of questions to explore perceptions, experiences and challenges relating to the policing of LGBTQ+ hate crimes. The questions were broadly divided between trying to gauge knowledge on issues such as definitions, policy documents and operational procedures. There were also questions set on understanding how police officers perceive communities in relation to the LGBTQI+ individual. There were also questions set to understand both discretion and the challenges they experienced while conducting their duties. General questions solicited for information on the rank and the number of years police officers have worked for the SAPS, including the stations and units they were serving.

To aid in data collection, a digital voice recording application software- otter.ai and notebook were used. Otter.ai was used to both record the conversation and to transcribe it. Depending on the accent, the transcription was not always 100 per cent accurate, so I had to re-listen to the audio for further re-transcription. The notebook was used to take note of physical cues, generate new questions along the way, and act as a backup in case otter.ai failed to record or stopped recording. Generally, police officers did not show any opposition to being recorded; however, in two interviews, participants requested that they are not put on record for a personal response that was to be given. The recording was paused for that section and continued as usual after that.

Ethical considerations

Barbie & Mouton (2017) identify voluntary participation, doing no harm, confidentiality, and not deceiving participants as ethical principles to consider in research that involves interaction with other people. I intended to speak to police officers recruited from five sites as outlined above. In the inclusion criteria on participation, it was mentioned that they would be recruited at the direction of station commanders or any leaders of specialized units as gatekeepers. Whereas this was beneficial to gain access to participants, I was aware of the ethical implications and how that influences the data. To meet the voluntary participation principle, a participant information sheet (see Appendix 8) describing the research as well as the rights of the participant was administered. An informed consent form (see Appendix 9) was also given

to participants to sign. The two documents are essential because there was an external influence (station commanders or other unit commanders). Therefore, it was important for respondents to be still given a chance to know what they were participating in and make their own decision (Patton, 2002 & Bryman, 2016).

Considering the sensitivity of the research topic, a trauma-informed approach (Campbell, Goodman-Williams, & Javorka, 2019), in which participants are informed upfront of the identified risks of participation and are being given an opportunity to opt-out of the process at any stage, was used. This is important not to trigger any psychological emotions that might harm the participants. This comes from a critical understanding that working for the police in South Africa and the world over is considered highly risky, and police officers often carry trauma based on the social contexts they serve (Young, Koortzen and Oosthuizen, 2012). For South Africa, trauma is compounded and acquired through working in communities marred with high violence and systemic oppression. Thus, in developing the research instrument, though there were no foreseen questions that would trigger such emotions. For example, I had wanted to ask what the sexual orientation of the police officers was, but, in the final edit, the question was dropped out to ensure that they were not prejudiced in any way.

On confidentiality, I understood that notetaking and voice recording might cause participants to be reluctant to participate because of the potential risk. However, participants were assured that no identity markers or features such as names or police numbers would be used. Voice recordings will be transferred to a secure password encrypted drive that only I, as a researcher, have access to. As earlier mentioned, in general, most police officers were comfortable being recorded throughout the interview.

The participant information sheet outlined in specific detail what participation would look like. In general, ethical clearance to conduct research had been acquired from the University of Cape Town Law Faculty Research Ethics Committee (see Appendix 6), which obligated me to act in a manner that protects the participant's rights.

Limitations

Setting up for the research fieldwork started in October 2020, when already existing Corona Virus- 19 (COVID-19) cases were projected to rise in the coming few months. COVID-19 posed a challenge to conducting face-to-face research interviews. Hence, UCT developed a policy on conducting research in COVID-19 times that tasked all researchers to consider conducting research in a manner that reduces the risk of transmission (Moult, 2020). Should COVID-19 have made face-to-face interviews impossible, alternative forms of qualitative interviewing, either using voice calls through telephone calls or new media such as WhatsApp, Zoom or Hangout, were planned. In the end however, face to face interviews became possible as the police and unit commanders had put in place measures such as wearing face masks, surface decontamination, and maintaining adequate social distance between the participants and I during the interviews. In hindsight, considering how busy police officers were during this research, I assume that it would have been harder to recruit police officers to actively participate through these methods.

One challenge worth mentioning is around the access to police stations as research sites. It can take 2 to 3 months for permission to be granted by the SAPS' research office. This process usually starts with researchers sending their applications to the SAPS national research office for clearance. This office then sends the application to the provincial police for further approval. The provincial office sends the researcher the SAPS legal documentation for indemnification before granting full access to the police stations requested. When all documentation is done, the provincial research office grants their approval in writing and forwards a copy of that approval to police stations requested in advance. For this research, the application for the SAPS clearance happened in October 2020 and approval was only granted in February of 2021 (See Appendix 7). Even when the provincial office had granted the permission to research the five police stations, access to police officers to interview was still to be arranged by station commanders. Though I had station commanders who were very willing to release some officers, it proved futile to get hold of others. For example, despite my supervisor and I making efforts to reach out via email and phone calls, Gugulethu SAPS did not respond. We had to drop this potential research site. Even at police stations where they had become responsive such as Athlone SAPS, access still proved a challenge. On two occasions, I had made appointments with the station commander, and on both instances, they could not release participants, citing capacity and how busy the community service centre was. It was

only until the station commander referred me to the VisPol commander that I made progress in conducting the research. With the VisPol commander, we had to adapt times to conduct my research from day to night when the community service centre was less busy. But also, one thing that helped is that the VisPol commander had further referred me to the relief commander for that shift who was willing to release participants to interview.

Language barriers were also a limitation. For example, on two occasions, police officers who were uncomfortable communicating in English but in isiXhosa refused to be interviewed. Another despite the research questions being simplified, could not adequately articulate themselves. I wonder if the outcome would have been different if a translator was used or this was just an opportunity to politely refuse to take part in the study.

Another challenge was time availability. In my participant information sheet and analysis of the time to interview initial police officers, I discovered that one interview would last 35 to 45 minutes. When most police officers identified would be told this, their attitude towards me would almost instantly change, and they would cite that we needed to be done quickly as they had other competing tasks in the work environment. Interestingly when the interviews started, and I prioritised what to ask them, most would eventually end up being invested that we take the initial time I had estimated.

Analytical Framework

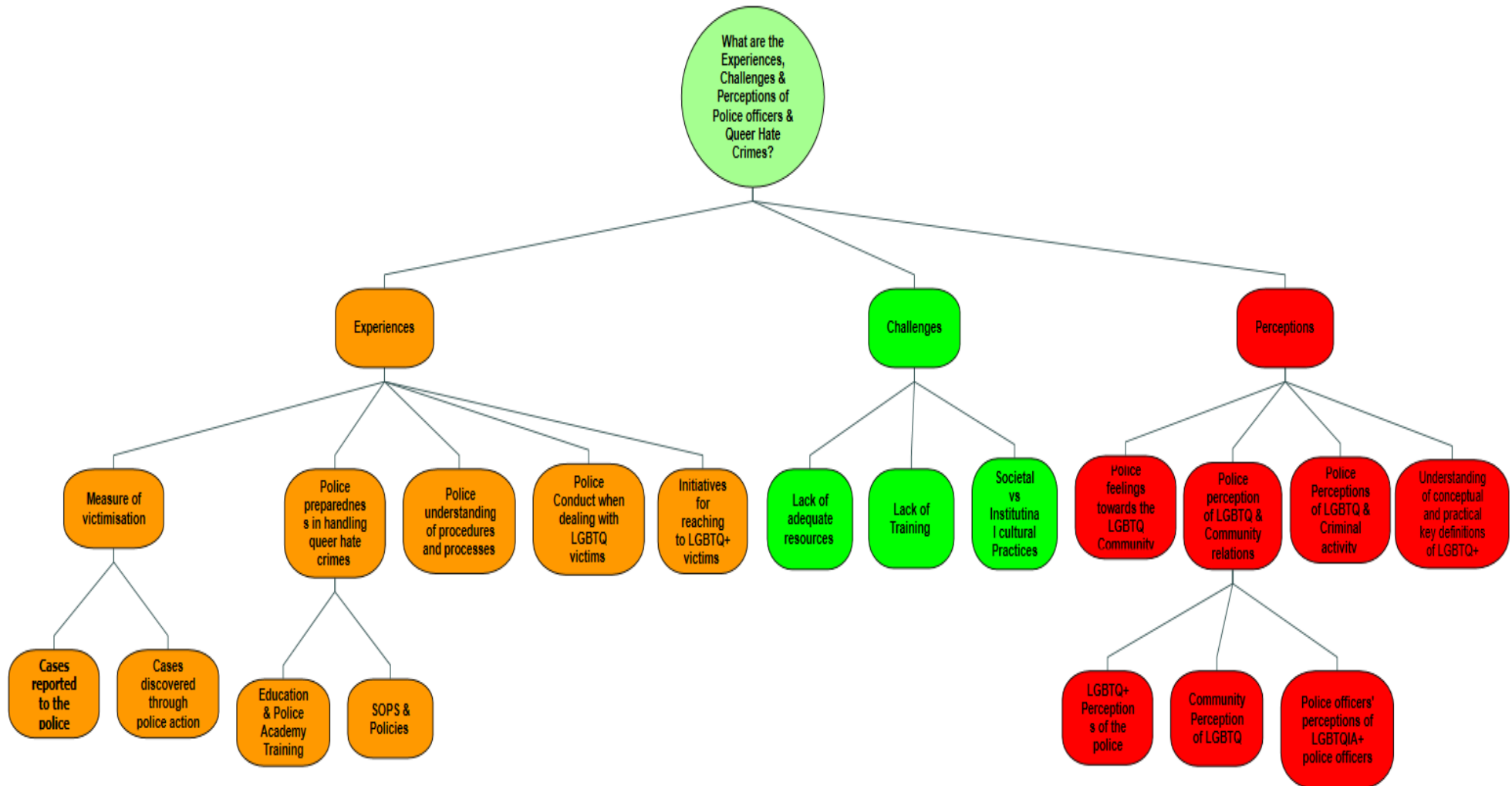
Thematic analysis was used to identify, analyse, and report patterns within the data gathered (Braun & Clarke, 2006). This analytical approach was chosen because there are different ways in which interview participants may explain their perceptions, experiences, and challenges on policing LGBTQI+ hate crimes. The thematic analysis required a thorough reading of the transcription from the interviews, developing initial codes and elaborating these codes into specific themes (Bryman, 2016). Using a qualitative analysis software NVivo, five transcripts (2- FCS and 3- VisPol) from the 30 transcripts were sampled to develop this analytical framework. This was done to begin understanding what police officers from both units were saying at first glance. As the research question already had three potential themes- perceptions, experiences, and challenges, I wanted to use in understanding the policing of LGBTQI+ hate crimes; I read through each transcript while clustering similar responses into the above themes. The second level of analysis involved coding responses in each primary theme into sub-themes;

sub-themes were further broken down, where needed. In sampling these transcripts, I was making sure to look out for potential pitfalls that might distort the data while conducting thematic analysis, such as not understanding the language or context in which words were being said (Nowell et al., 2017). When done developing this framework, it was then easy for me to read the remaining 25 transcripts and code responses into already developed sub-themes. The thematic analytical framework illustrated in figure 4 below forms the basis on which responses from frontline police officers in both the FCS and VisPol units are analysed and discussed in chapters 4, 5 and 6.

Conclusion

When I set out to conduct this research, I did not know what to anticipate especially that I was proposing to research a sensitive topic. I was not only asking questions that highlighted victims' displeasure at police conduct but also probing police officers' own feelings towards the LGBTQI+ community. There is some form of anxiety that is developed especially when you are an outsider not only to the SAPS' organisational culture but also society in general. This anxiety was exacerbated every time my diary abruptly changed because either one police officer could not speak to me citing language issues or I was made to wait for hours without potential respondents agreeing to take part in the research. What is by far the greatest observation from a methods point of view is that, in conducting research with the SAPS, a researcher needs to be diplomatic and courteous to build research relationships with police officers at different levels. As the chapters that follow will equally show, depending on how you ask your questions, police officers can openly tell their own version of events. I was intrigued to see some police officers admit that they were once homophobic but have in recent years had a change of perceptions towards the LGBTQI+ community. Further, how open they were in critiquing negative parts of police culture- that they once participated in and felt needed to change.

Figure 4: Thematic analytical framework developed



Source: Own visualisation using NVivo 12

CHAPTER FOUR: PERCEPTIONS OF FRONTLINE POLICE OFFICERS

Faull (2017:332) says ‘policing is a product and producer of narratives’, and these narratives are produced at different levels of police officers’ interactions in the criminal justice system and society. When police officers interact with the courts, media, individuals, and society, narratives are produced and further shape perceptions. According to Effron (1969) conceptual knowledge of how things are seen is built from an awareness of one’s environment and the processes encountered. This is to say that what we see, hear, touch, and smell eventually forms our perceptions of the world around us.

This chapter builds on the above to explore what perceptions are held by frontline police officers from both the VisPol and FCS units on policing LGBTQI+ hate crimes. How these perceptions of hate crimes interact with the practical knowledge of who gay, lesbian, bisexual, transgender, intersex, and queer persons are. Police officers’ perceptions of the LGBTQI+ community and criminality will also be explored as well as perceptions of the LGBTQI+ community and community relations. In closing, police officers’ attitudes towards the LGBTQI+ community will be considered.

Conceptual Definitions and Practical Understanding

In conversation with police officers at Mowbray, Seapoint, Khayelitsha, Athlone, and Mitchell’s Plain (where the Nyanga FCS offices are located) police stations, I did not want to assume that they knew the key parameters to the research- hate crimes and LGBTQI+ community. Thus, when they were done reading the participant information sheet, and we had had a brief introductory conversation on how many years they had worked for the SAPS and their respective units, questions on their conceptual understanding of the two key parameters were asked. In the first part, I will discuss and analyse their understanding of hate crimes and who LGBTQI+ persons are later.

Hate Crimes

Several scholars (Perry, 2001; Hall, 2013; Chakraborti & Garland, 2015) have written on how difficult it is to arrive at a singular definition of hate crimes. This is because, like crime in

general, they take on meaning in the context in which they are socially constructed. On hate crimes, policy documents in South Africa are often drafted in tandem with Chapter 2 Section 9 of the Constitution that details grounds on which all people in the Republic are equal before the law. Grounds such as race, gender, sex, ethnic and social origin, sexual orientation, age, religion, conscience, belief, language, and birth are just some of the examples. On these grounds, the SAPS constructs its definition on what hate crimes are in its SOP-SOGIE and further outlines that they are ‘any incidents that may or may not constitute a criminal offence, as being motivated by prejudice or hate’ (SAPS, 2019: 7).

When asked to define hate crimes, many respondents referred to the constitutional safeguards. In their definition, closely to 50 per cent of participants were able to pinpoint one or a combination of the above-protected categories as a basis on which hate crimes occurred. Of particular interest to this research, how LGBTQI+ individuals expressed or portrayed themselves was also mentioned among reasons for such hostility. Consider the following excerpts from those interviewed:

... people commit these crimes because they hate how gays or lesbians present themselves or how they look. (Participant 17-A- VisPol)

... for example, if I identify as a male and I see another male having a different expression of his gender, then I start calling him names or doing things that might be considered very hateful. (Participant 29-S- VisPol)

Police officers mostly used the two statements ‘gender’ and ‘sexuality’ interchangeably, especially in identifying gender portrayals as denoting one’s sexual orientation. Police officers considered men who portrayed feminine characteristics or dressed in clothes traditionally seen as for women, gay. The same can be said about women who portrayed masculine characteristics as being lesbian. Different scholars have considered several ways in which gender and sexuality can be theorised. For instance, Rahman and Jackson (2014) consider social processes of classification through which the individuals acquire both identities. To think of gender is to begin analysing how categories such as male and female develop meaning, how they are hierarchically organised, the impact this has on identity, sexual behaviour, and social ordering in society (Rahman & Jackson, 2014: 5). When it comes to sexuality or sexual identity, it is to begin grappling with how non-heterosexual identities play a significant role in understanding hierarchies of social power embedded in gendered

concepts of masculinities and femininities (Rahman & Jackson, 2014: 5). For these two scholars, the concepts of gender and sexuality cannot be understood separately but in relation to one another.

Fifty per cent of the research participants defined hate crimes by referring to the protected categories as noted above. A quarter of participants considered hate crimes to some extent as ‘priority’ or ‘serious’ crimes. These police officers cited contact crimes such as murder, rape, sexual assault, shootings, and robberies as examples of what hate crimes could be. Consider the responses below:

... I think hate crime are about the top crimes like murder, rape, crimes against women and children. (Participant 6- N- FCS)

Hate crime would be your like your murders, or the serious crimes that may occur in our duties, like shootings, sexual assault, more serious things. (Participant 19-A- VisPol)

Even though police officers did not mention any protected categories as the basis on which hate crimes occur, they cited incidents of violence that generally members of the LGBTQI+ community and other minorities such as women and foreign nationals experience. Because these police officers use violent incidents as a proxy for hate crimes, one begins to wonder the extent to which experiences shape their perceptions in conducting duties of policing in a post-conflict state or community marred by violence (Judge, 2018).

Generally, police officers who participated in this study had a grasp of what hate crimes are. Their perceptions of these crimes were informed by a general understanding of ‘protected categories’ of people in South Africa.

LGBTQI+ Persons

To begin thinking about LGBTQI+ persons as individuals or as a community is to consider how people are classified using social identities and personal attributes (McPhail, 2004). When asked to describe who a L, G, B, T, Q, and I person is, various police officers mentioned both personal attributes and social identities. Ninety-two per cent of the research participants had a similar understanding of gay, lesbian, and bisexual persons. They described a gay person as being a man sexually attracted to another man. A lesbian being a woman sexually

attracted to another woman. While a bisexual person is either a man or woman sexually attracted to both men and women. A typical example of such sentiments is illustrated below:

... the definition of a gay person ... is a man having a relationship with another man. A lesbian is a woman who is having a relationship with another woman. A bisexual person has relationships with both women and men. (Participant 5- N- FCS)

The other remaining 8 per cent, however, could not succinctly describe in their own words a gay, lesbian, or bisexual person and opted for more generalised statements that there is no difference between a heterosexual and homosexual person or spoke to the normalcy of gay persons as noted below:

There is no difference between a gay person with a heterosexual person, no difference because we should not distinguish. (Participant 7- N- FCS)

To me it is just a normal person. You know, they are no different to what we all know. It's just that their preferences are different and how they feel about themselves. (Participant 25-M- VisPol)

In describing who a transgender person or an intersex individual was, a quarter of the respondents mentioned a person who was transitioning or had transitioned from one gender identity to the other. More than half of the respondents either conflated or had little to no practical understanding of the two terms. Most of these police officers admitted that they did not have adequate knowledge of transgender and intersex persons because they had no training on the issue. Two quotations capture this lack of familiarity:

...transgender would be like somebody that maybe has a vagina and some manly organs also. I'm not sure about intersex. (Participant 19-A- VisPol)

Transgender, I don't have or know much more information about that... might be male that is putting in female organs. For intersex I don't understand it. (Participant 8- N- FCS)

Adding on, these police officers in discussing transgender and intersex referred to the expressive nature of their dress code as illustrated in the quotes below:

A transgender... during the day they might be male as in the way they are born and at night they will turn out to dress up as a female and go out as such. (Participant 7- N- FCS)

Intersex, maybe it is someone who dresses up like a lady or fashionable with high heels and dresses. (Participant 16-A- VisPol)

In thinking about these responses, I turn to gender theorists Butler (2004) and McIlvenny (2002), who discuss its performative nature. For Butler (2004:1) in thinking about how one does gender, argues that it is not necessarily mechanical or even automatic because it is something that we do; it can be done with or without one's knowledge or even will. A salient point that Butler makes is that when people do gender whether as an activity or even in the imagination, it is done in view of others (p.1). What this means is that despite the self-determination or autonomy people may have to do gender the way they would want, perceptions of gender will always be viewed differently by others. For McIlvenny (2002:6), by considering that gender is something we do and not what we are, we move away from seeing it as a category or identity. McIlvenny (2002:6) brings to the fore the feminist critique on culture that entrenches 'sex' as being biological and 'gender' as a sociocultural construction. The problem here is that in performing gender, socially ascribed cues tend to be placed on what society would want men and women to perform based on what they assume is natural/biological sex. The argument thus becomes that we need to revisit how we conceptualise what it means to be a man or woman as we do gender. In the above police officers' responses, wearing clothes considered for the opposite gender might get you labelled as performing or being that gender. This is something Butler (2004:1) would agree as mentioned they¹³ consider that a person 'does not do one's gender alone but rather it is done in the imagination of, and with others'.

Police officer's perceptions on LGBTQI+ and Criminality

The interviews also probed police officers' perception of the LGBTQI+ community and criminality. This was done to gauge if they encounter LGBTQI+ individuals as perpetrators

¹³ The word 'they' is used in this context to denote the pronoun that Butler uses in referring to themselves

of crime in their line of duty and what type of crimes they committed. Thus, this section will briefly describe the findings.

“They are victims and not really perpetrators”

Discussions with police officers on the LGBTQI+ community and their propensity to commit crimes revealed various responses. Closely to 50 per cent of the respondents said that they considered LGBTQI+ individuals mostly as victims of crime and not as perpetrators. Consider the following:

I have worked in SAPS dealing with serious and violent crimes and I never had a gay, or a lesbian as a suspect, or the person who committed crimes. I will always come across them as victims. (Participant 2-K-FCS)

I have never actually arrested or encountered a gay person committing a crime. (Participant 18-A-VisPol)

Furthermore, in thinking about how this victimhood came about, these police officers mentioned that LGBTQI+ individuals who overtly express their sexual orientation and gender identity in society might become the ideal targets of hate crime. This is because they are considered not conforming to what is socially acceptable by some people in society.

Nils Christie's (1986) work on ideal victims and ideal offenders provides a framework through which victimhood can be understood. For Christie (1986:12), an ideal victim can be a category of individuals or a person, who when they experience a crime, the label of victim is successfully applied. For this label to be successfully applied, a victim must have the following attributes: 'be weak, carrying out a respectable project, be in a specific location or time, their offender must be someone unknown to them with no personal relationship, and the offender must be bad and big' (Christie, 1986:12). The status of a victim thus is socially constructed. However, scholars Donovan and Barnes (2018) argue that when applied to LGBT victims of domestic violence and hate crimes, Christie's topology coined through a heteronormative lens that emphasises binaries of masculinity and femininity, does not fully account for their experiences. What this refers to is how some LGBTQI+ individuals might perform their gender not necessarily in the binary sense but on a continuum or spectrum in

which what is generally considered masculine and feminine might not necessarily apply. For some people in the LGBTQI+ community, they identify as gender non-conforming or non-binary expressing their gender in a way, they best deem fit. Mason-Bish (2018) further looks at how violence is constructed from this heterosexual or heteronormative lens, and perceptions of ideal victimhood thus are engendered with women being seen as the ideal victim because they are weak and men as the ideal offenders because they are stronger than the former. Understanding the historical accounts of exclusion and violence that members of the LGBTI+ community have encountered, such binary thinking makes it difficult for gay men to be taken seriously as ideal victims or even as ideal offenders. This is because they might not fit the topology of either being an ideal victim or offender.

In thinking about criminality, others reflected on LGBTQI+ individuals committing crimes that might be considered self-defence when attacked by perpetrators. As can be noted in the following responses:

... at times you find that gay or lesbians find themselves in situations where they must defend themselves and would commit what might be considered as criminal activities. (Participant 4-N-FCS)

... I have never seen them commit big crimes but if they commit those, they might just be defending themselves from some serious crime. (Participant 9- N- FCS)

A quarter of respondents perceived LGBTQI+ individuals as belonging to a community of educated people and thus unlikely to commit severe or heinous crimes. In reflecting on their interaction with LGBTQI+ individuals at social gatherings, as friends or through their family members, they considered that most have some form of university education and are doing well economically, as noted below.

... these people are not into crime. I regard them as people who have money, so you don't really get to see them commit crime. (Participant 29-S-VisPol)

... if you look at them, they are people doing quite well economically and they are well educated... (Participant 7- N- FCS)

“The LGBTQI+ community? *Mos*, they are mostly petty criminals!”

It is worth highlighting that whereas most of the respondents considered LGBTQI+ individuals as victims and not perpetrators of crimes as discussed above, a quarter reflected on several cases, they have worked on in which the person who committed such crimes were from the LGBTQI+ community. However, these police officers further revealed that most LGBTQI+ individuals committed petty crimes, such as shoplifting. Consider the excerpts below:

Yes, they do commit crimes, but I have never seen them commit any dangerous crimes, maybe petty crimes like taking something from the shop. (Participant 9- N- FCS)

In the past three years that I have worked here, I have seen one gay person and two lesbians in the cells. And all three of them were here for shoplifting. I have never seen any queer person that was like in jail for murder, stealing cars or carrying a firearm, stuff like that. (Participant 19-A- VisPol)

Police Officer’s Perceptions of LGBTQI+ and Community Relations

This section will present and analyse frontline police officers’ perceptions of police-community relations with LGBTQI+ persons in general. A focus will also be drawn towards police officers’ perceptions of how LGBTQI+ individuals think about the police, further, how police officers themselves perceive the LGBTQI+ community. Lastly, a discussion and analysis of their perceptions of experiences of LGBTQI+ police officers in the SAPS will follow.

Community perception of LGBTQI+

Several scholars (Lee & Ostergard, 2017; Hooghe & Meeusen, 2013; Bramlett, 2012; Currier, 2012; Lewis, 2003; Altemeyer & Hunsberger, 1992) have written on how socioeconomic, political, and cultural factors influence public perceptions and attitudes towards the LGBTQI+ community. In reflecting on observations and personal encounters with LGBTQI+ individuals, all 30 respondents highlighted queer individuals facing some form of discrimination. Several linkages-both social and cultural, across race, time and space emerged from these conversations.

For most police officers, despite there being incidents reported that highlight discrimination against the LGBTQI+ community, over time, there has been some level of acceptance observed in the communities they grew up/live and work in. Bramlett (2012) using data from Kinder Houston Area Surveys (2001 and 2009), Common Content Surveys (2006 and 2007), and Cooperative Congressional Election Studies in the USA conducted research on the cross-pressures of religion and contact with gays and lesbians, and their impact on same-sex marriage opinions. Bramlett (2012) found that while most people in these studies opposed same-sex relationships, social acceptance was possible when parties involved are known-either as family members or close friends. In this study, it was observed by some police officers who indicated that acceptance for most LGBTQI+ individuals has started happening because of people coming out' (an act of disclosing one's sexual orientation or gender identity expression) to their families. Consider a few examples below of such sentiments:

... Nowadays the community are getting used to living with those people. They are trying to adapt and accept it... although you may be against gays or lesbians, you find that your child or your sister's child is like that. What is the use of hating them? (Participant 4-N-FCS)

Seapoint is a hub for the gay and lesbian community. It's not strange or shocking to see same-sex couples here. I have been working in this area for more than 20 years already and I have seen a lot of them fully accepted as lesbians and gays- they are not different from the rest of us. (Participant 26-S- VisPol)

I believe people have adapted to such things seeing two guys in love amongst them. And I do not see people having a problem, with them. (Participant 18-A- VisPol)

Though I was still young, during apartheid, gay people were treated badly as far as I understand. Now that SAPS is a service, it has become easier for them to come to the police to lay a charge when they experience victimisation. (Participant 9-N-FCS)

Close to half of the participants reflected on the differences in community attitudes between areas considered more affluent and less affluent. What was evident in this conversation were perceptions of how space could influence their behaviour towards an LGBTQI+ individual. Some of these participants emphasized more affluent areas being more receptive towards the

LGBTQI+ community because people tend to be more educated in those spaces than in less affluent areas. The quotes below capture these sentiments:

It goes back to expectations and the differences between the black and white communities respectively. In the black community there is still a lot of people who do not understand gays and lesbians- how it began and all that stuff. (Participant 13-K-VisPol (Focus Group))

... in Khayelitsha it is very rare for a lesbian to be free but in the other areas where I worked like Table View you could see many of these people- the lesbian, or the queer. In some communities let me say that in the coloured community, they are more accepted than in the African community or the locations and informal settlements. (Participant 1-K-FCS)

I'm originally from Stellenbosch we are very educated on things like this. So, we do not have problems with them in our community but here in Athlone because of poverty and stuff like that you see people are not educated enough to respect people that are queer.... people normally are made fun of in Afrikaans and are called Moffie. (Participant 19-A-VisPol)

Hooghe and Meeusen (2013) conducted research on the relation between same-sex marriage recognition and the level of prejudice towards homosexuality that used data from the European Social Survey (ESS 2002-2010) and made a conclusion that an increase in economic activities and security has the potential to improve the process of value change and that often leads to social acceptance for the LGBTQI+ community. For these scholars, to some extent, in more affluent spaces, individualism and self-expression tend to be encouraged. At the same time, respect for other people's cultural values is upheld. Here, Hooghe (2003) (cited in Hooghe and Meeusen, 2013: 206) calls 'detraditionalization', as leading to a 'broader recognition of sexual rights' of all, including the LGBTQI+ community. The argument presented is that being educated has the potential to instil broader values on diversity and inclusivity for all regardless of one's sexual orientation and gender identity expression.

One police officer reflected on community perceptions of the LGBTQI+ individuals before and after apartheid. For the participant, post-apartheid legislation has provided a means for

LGBTQI+ individuals to freely express themselves and forge their own identities without fear of discrimination from the general society—emphasis placed on the LGBTQI+ community having rights that would have in the past not been guaranteed. As can be quoted:

I think the LGBTQI+ people now have much more freedom of expression and get this because they can be what they want at least post-apartheid. It is a much more open society where people are more able to express their views and ideas. I think people can now forge an identity and obviously are protected by legislation and stuff and people cannot be discriminatory anymore against people within our society. (Participant 7-N-FCS)

Adamczyk and Liao (2019) consider how South Africa adopting a constitution that prohibited discrimination on all grounds, including SOGIE, has paved the way for people to support the LGBTQI+ community. This coupled with the fact that lesbian and gay people equally contributed to the fight against apartheid and in the advocacy for an all-inclusive constitution that protects the rights of all people in South Africa (p. 412). It should, however, be noted that though legal safeguards are a step in the right direction, they do not necessarily translate into practice with the general society who might be influenced by other factors such as religion. Bramlett (2012) discusses that religious traditions in preaching messages of morality have the potential to build negative attitudes and perceptions towards people in same-sex relationships. Altemeyer and Hunsberger (1992) in their longitudinal study on ‘authoritarianism, religious fundamentalism, quest and prejudice’ with students and parents in 1990 and 1991 at universities in Canada, found that there was a direct correlation between being religious and prejudiced. In their study, right-wing religious fundamentalist were observed to more likely be aggressive towards homosexual men and women (p.123). In this study too, participants reflected on how religion played a crucial role in discriminatory practices against the LGBTQI+ community. Here conversations lingered on South Africa being a conservative society in which LGBTQI+ individuals are treated as an abomination or a taboo, as noted below:

South Africa has always been, and I think it will remain so- A very conservative society. In our society, being lesbian or gay, you know, in between, is viewed as an abomination. People cannot get rid of the mindset even when we are in the 21st century. (Participant 3- K-FCS)

The neighbourhood that I live in is mostly Muslim. And in the Muslim culture or faith, it is a no for someone to be gay. (Participant 16-A- VisPol)

I grew up in a very conservative farming community overseen by the church and being gay or lesbian was a no-no. You were not permitted to be part of, how you call it, the queer society because the apartheid regime and church were very strict against those homosexual or lesbians. (Participant 1- K-FCS)

Adding on to the above, some police officers reflected on the role of cultural practices and how gay men must conform with what might be considered the norm to gain social acceptance and respect. Here conversations around patriarchal systems that favoured male dominance in both coloured and black communities were noted. Consider the following:

In my environment, despite some gay guys acting as if they are women, we still consider them as men. There might be a few silly comments about their conduct but when it comes to them performing duties that a man does, and they do it- that is where the respect starts from. We might even be chilling with that person despite how they carry themselves. (Participant 2- K-FCS)

In my so-called coloured culture, there is a big percentage of conservative people... It is because of the patriarchal type of system where basically the males, especially macho men. So, they often tend to be anti-gay. (Participant 3- K-FCS)

If you grow up as a coloured boy, you are taught from a young age you need to be a straight male, if you are not, then the community they are against you because this is how coloured people operate. (Participant 19-A- VisPol)

According to Hooghe and Meeusen (2013), there is a strong correlation between the decline in all forms of prejudice and discrimination with higher levels of education. Lee and Ostergard (2017) in their content-analysis study of documents on country human rights records from the US State Department discuss that education institutions usually encourage sensitivity and diversity, fostering tolerance and acceptance. Further, also that education improves an individual's socioeconomic status as educated people will aim to work in diverse environments where discrimination is often shunned (p.45). In this study, a few police officers

indicated that people's negative attitudes that are often discriminatory against the LGBTQI+ community were because there was no proper education that builds empathy or understanding towards one another. They felt that there was a need to prioritize public awareness campaigns on television that discuss the LGBTQI+ community to educate people. Consider what two police officers had to say as below:

There tends to be less attacks on lesbians and gays here in Mowbray because it is a society that has people mostly studying so they have more knowledge. Unlike other places where there's less education, they won't have the knowledge on lesbians or gays and will attack them just to prove a point or something. (Participant 22-M- VisPol)

We need to conduct workshops so that people are in a better position to accept each other. To conscientize people we need to have TV's and radios educating people about their existence. (Participant 2- K-FCS)

Currier (2012), Hooghe and Meeusen (2013) also consider the role LGBTQI+ rights movements have played in creating visibility through social campaigns and the media. That has contributed to an increase in social acceptance of LGBTQI+ individuals. For example, in thinking about considerations for same-sex marriages and the right to adoption, activists have mounted legal battles often covered in the media that have brought public awareness on such issues for the LGBTQI+ community.

Police Perceptions and Feelings Towards LGBTQI+ Individuals

Scholars (Tucker, et al., 2019) that have written about police officers' attitudes toward LGBTQI+ individuals recount that despite there being some level of social acceptance, homophobic attitudes and homophobia are still common. Tucker et al. (2019) conducting a survey with students enrolled in criminal justice programmes in U.S public universities on attitudes towards LGBTQ+ individuals, found that those who had opted to take up law enforcement or policing occupations were very homophobic. Among the many reasons for homophobic stances included coming from religious conservative backgrounds; adhering to right-wing political ideologies and those who considered themselves to be heterosexual (p.185). Tucker et al.'s study suggests that homophobic attitudes become engrained in the police institution and in the training of law enforcement officials. In this study, however,

when asked about their own perceptions and feelings towards LGBTQI+ individuals, an overwhelming majority (80 per cent) of the participants responded as having ‘no problems’ with such persons. For most of these participants, LGBTQI+ individuals were ‘normal’ people who should not be judged for their life choices. Consider the following:

I do not have any issues with them. But what I know is even if they are gay, bisexual, or lesbian or whatever, they are still human beings. (Participant 8- N- FCS)

They are normal people. For me, a gay person is a normal person. One must understand, people have preferences. Some people I know of my friends are gay became gay because of what happened to them, but they are normal people. (Participant 27-S- VisPol)

It was, however, interesting when analysing their responses further; across the board, almost all police officers felt LGBTQI+ individuals they had interacted with were ‘overly emotional’ and could be seen as people who want ‘special attention’. Less than a quarter of police officers recounted incidences in which, as investigation officers, despite the hard work they might have been putting in a case, their efforts were mostly seen as ineffective by victims. This was in situations where there was a delay in service delivery or the desired outcomes by the victim had not been met. Two police officers commented on how they felt the LGBTQI+ community was using the criminal justice system for revenge on their partners. One officer felt that because there was growing awareness around LGBTQI+ issues, the community was abusing that in trying to get special treatment- as they put it:

Its emotions first that you deal with that I understand, because they are too emotional than the normal woman. (Participant 5-N-FCS)

Yes, the one thing that I fucking hate about it from the LGBT community, they tend to rant and complain of a ‘fucking’ lot. They know that there is a lot of awareness on the rise, and they tend to abuse it. You might be working on a lot of cases, but they would want you to give them preference. But anyway, I think a victim is a victim and they just want to see things moving for their case. (Participant 3-K-FCS)

A lot of people use the criminal system to gain revenge. They will come and report a sexual crime or even a hate crime case, just for the other person to get arrested... (Participant 28-S- VisPol)

From the above, it is interesting to observe that whereas most police officers recognized not having negative feelings towards LGBTQI+ individuals, in their responses they would go on to voice stereotypes about the LGBTQI+ community in general.

Perceptions of LGBTQI+ Police Officers Experiences

To begin discussing LGBTQI+ police officers experiences in South Africa, a closer look at the impact of police organisational culture is required. Several scholars (Miller, Forest & Jurik, 2003; Bernstein & Konstelac, 2002; Tucker et al., 2019) have written on police culture and LGBTQI+ police officers. Though significantly placed on experiences of police officers in the global north, the theoretical aspects of police culture and subcultures can very much be applied in this context. For instance, Miller, Forest and Jurik (2003: 356) theorise the social construction of identity along the lines of race, ethnic, sexual orientation, and gender and consider how these are practiced in social and organisational cultural contexts. They also discuss the interplay between social and organisation cultural contexts and how LGBTQI+ police officers use them in shaping their identities while also developing adaptation strategies in the policing work environment.

In discussing police officers' perceptions on experiences of their LGBTQI+ colleagues in the SAPS, over 70 per cent of respondents highlighted that to the best of their knowledge, there was no overt discrimination experienced. A few recollected how such police recruits were however discriminated against during police training. They also mentioned that discriminatory practices were mostly not prevalent in the work environment because LGBTQI+ individuals are considered colleagues. The following excerpts speak to such sentiments:

A police officer who is gay or lesbian is my colleague, and I will treat them with respect. I don't think there is a discriminatory culture in SAPS. In college we had the guy from Limpopo he was gay. We stayed there for a year and that guy was traumatized. Most of the time he was drunk because of the treatment he was getting there. People not talking to him because you know guys, they can say whatever they want to say. But when it came to this workplace environment, I think the treatment was different. We are

tolerant to accepting each other we are working as colleagues. (Participant 13-K-VisPol (focus group))

When I was in training there were a few. One was a lesbian and the other a gay guy. The guy unfortunately could not take the training that he ended up going before we finished. We have a lot of lesbians in the organisation. I do not remember observing any kind of ill treatment or discrimination towards them. (Participant 2- K-FCS)

One begins to wonder how much the shift in perception and behaviour among police officers is because of successful acculturation processes, as Bacon (2014) discussed. For Bacon (2014), police recruits and trainees do not just assimilate police culture automatically or passively. They are individuals with the agency to make their own decisions based on history and acquired values from the communities and families. As discussed earlier, the process of acculturation makes them learn how to defend their colleagues, especially in difficult situations (p.109). When discussing acculturation, I think an essential undertaking must be how police officers adapt their identities to that of the police organisation to develop a common identity worth defending. Could this be the case for these police officers considering LGBTQI+ officers as colleagues because they would have shared similar values and experiences from a general organisational perspective?

Bacon (2014) considers that traditional organisational culture influences how police officers treat each other. This was evident in this study when respondents noted that symbolisms such as ranks or level of seniority and uniforms were systems that provided means through which all police officers, regardless of sexual orientation and gender identity expression, were accorded respect. Consider the following:

... when it comes to queer people in the police service, they are not discriminated... when we are in this uniform, we respect it as according to our ranks. For instance, if you are a senior officer and queer at the same time, I do not look at your sexual orientation and whatever. I will respect you as my senior because that is the way in the police, we respect each other according to the ranks. The ranks in the police are a system in which we respect each other. (Participant 29-S-VisPol)

We had a commander who was a lesbian. We treated her normal with respect. She was our commander. Gay or not, they are our colleagues, brothers, and sisters. (Participant 6- N- FCS)

I had a boss one time, and she was a lesbian. I did not see anything wrong with that. There is not any difference between us... (Participant 1- K-FCS)

Tucker et al. (2019) considers the extent to which LGBTQI+ police officers face struggles around gender and sexuality based on social structures and performance politics. Miller et al. (2003), in their study on experiences of LGBTQI+ officers, found that lesbian police officers experienced less prejudice and discrimination than their gay counterparts. Performances of traditional masculinity that most lesbian police officers practice make them be viewed as being like men (Galvin-White and O'neal, 2015 cited in Tucker, et al., 2019: 170-171). On the other hand, gay police officers, especially those who do not fit the idealised standards of masculinity, are often seen as a threat to male culture (Miller et al. 1, 2003: 369). In this study, several respondents highlighted that while they had mostly seen lesbian police officers come out in the open in the SAPS, most of their gay colleagues still preferred to remain in the proverbial 'closet'. Another police officer who reflected on the differences between police officers who were openly gay between black and white communities mentioned that the former did not disclose their sexuality because there were still trust issues in the SAPS.

In their research Bernstein and Kostelac (2002), consider how notions of hegemonic masculinity influence police work culture. In a survey conducted with 249 police officers in the Saguaro Police Department in the U.S to measure attitudes of the police towards gay men and lesbians, they found that there was an no direct relation between attitudes and discrimination (p.322). Bernstein and Kostelac (2002) however, found that negative stereotypes and 'feelings of in-group superiority' exacerbated the relationship between attitudes and behaviour towards lesbians and gays. Heterosexual cultural underpinnings embedded within the police organisation structures that set a standard for behaviour were a driving factor for this exacerbation. Take for instance, for Britton (1990) the fact that policing takes place in a 'homosocial environment', the practices of hypermasculinity become essential to maintain what might be considered the traditional status quo (in Bernstein and Kostelac, 2002: 307). The environment is considered 'homosocial' in that male police officers predominantly work with other male colleagues and form bonds that might generally be

misconstrued, especially in instances where overt care for partners is observed. What then becomes a point to avoid in this work environment is any activities that might be misconstrued as being homosexual, as then practising those threatens perceptions of the police as a culturally masculine institution. Here it can be said that heterosexual masculinity plays an integral part in giving social status to the police (Bernstein and Kostelac, 2002).

In this study, a culture of hegemonic masculinity that emphasises heterosexist work culture was noted. For all police officers (LGBTQI+ officers included), some respondents felt that they needed to have 'strong' personalities to work in the SAPS efficiently. Having a 'strong personality' was seen as a prerequisite because other police officers would not be discriminatory. One participant felt that, like elsewhere in the world, policing was a testosterone-driven work environment often seen as a 'tough' job not meant for 'sissies'. Another participant reflected on working with lesbian police officers; one would not notice that they are working with a woman because of how macho and aggressive they would be, compared to other male police officers. Of particular interest, these police officers also mentioned in relation to lesbian police officers, gay police officers especially those who might be considered 'weak', had the likelihood of drawing attention, which could impact how they conducted their policing work. Consider a few excerpts below:

I was working with a couple of them, and they had strong personalities. If you have a strong personality, you will not allow people to walk over you and that's what a lot of people do if they see that you are weak, they walk over you. And most of the people that I met and worked with have strong personalities. So, people will never try to walk over them, but rather work with them. (Participant 10- N- FCS)

There is a lot of those type of things in black or white. So, the training, you got to be tough to do this work. I'm not necessarily saying I'm a tough man, but this is like a cowboy type of environment. You've got to act tough. (Participant 3- K-FCS)

Gay police officers who are tough do not have a problem with working outside in the community. But if you have those that are not tough, they tend to become laughingstocks in the community. They will always draw attention... Now, if you are working with them... in my opinion, it is not right because it will affect how we conduct our work as police. (Participant 4- K-FCS)

One lesbian police officer highlighted that whereas in their case, sexuality was not much of a factor in how they were treated, how they performed their gender was. By outward appearance, in their performance of gender, they portrayed characteristics that can typically be said to be macho or masculine. They recounted on several occasions, despite calling the right decisions, they would have to work harder to convince their male colleagues of approaches that they knew were better in carrying out their duties. As they put it:

To be honest with you I am not sure if it is based on my gender, or my sexuality. But I think it is more based on my gender than my sexuality, because we were four women at the unit and other women used to go with the flow. They did not argue with the guys- they did not stand up to them and say no. (Participant 24-M-VisPol)

From the above, one begins to deduce that in this participant's experience, because they often portrayed masculinity in the format that is agreeable in the police service, they are likely to be accepted generally. But in instances where hypermasculinity is present, in which men need to show dominance because of their gender, female police officers would have to work harder to convince their male counterparts. Morrison (2004, 2005) describes beliefs such as that women are incompetent; cannot work in spaces considered dangerous as barriers that female police officers face in South Africa.

Conclusion

This chapter explored police officers' perceptions on policing LGBTQI+ hate crimes. In thinking through hate crimes, police officers use their constitutional mandate as well as the experiences of working in the SAPS. Though a considerable number of police officers could conceptually define who a gay, lesbian, or bisexual person was, most did not know have the right words to describe an intersex and transgender person. Most of their descriptions referred to how a person performed their gender to describe who an intersex or transgender person was. In thinking about the LGBTQI+ community and crime, one observes that police officers consider the LGBTQI+ individuals mainly as victims. Here one wonders the extent to which concepts on how to define ideal victims are applied as police officers perceive the community. Police officers also reflected through socioeconomic, political, and cultural factors that affect the relationship between LGBTQI+ individuals and their communities. It was found that despite the news on hate crimes, there has been an increase in tolerance and acceptance of

LGBTQI+ individuals, especially by family members and society in general. When it came to how police officers felt about LGBTQI+ individuals and colleagues within the SAPS, most participants spoken to recognised not having negative feelings towards them. However, comments on an organisation riddled with the ethos that emphasised masculinity were also observed. Talks about the police being a 'cowboy environment'. With that said, one concludes that how police officers perceive the LGBTQI+ community (at least in the sample spoken to) largely is influenced by what they see, hear, and tell. Such perceptions are informed by the sociocultural environment in which they both live and work. On the one side, they have their values to hold on to and on the other, organisational values that are communicated through policy- something that constantly shapes their narratives and experiences, as we shall observe in the following chapter.

CHAPTER FIVE: EXPERIENCES OF FRONTLINE POLICE OFFICERS IN POLICING LGBTQI+ HATE CRIMES

The previous chapter explored perceptions of frontline police officers across the FCS and VisPol Units in the policing of LGBTQI+ hate crimes. This chapter will now focus on the operational experiences of frontline police officers. It will analyse some of the practical aspects of LGBTQI+ victimisation or knowledge of such victimisation. This will be done through considering responses on some of the cases police officers have recorded in their line of duty. The chapter will also try to understand the extent to which frontline police officers across both units understand processes and procedures that aid LGBTQI+ victims of hate crimes and victims, in general, have access to the SAPS and other criminal justice actors. Then police officers' adequate knowledge of the SOP-SOGIE, other related policies and how well they can handle hate crime will be explored as well as their views on training in this regard. Further, the chapter will analyse police conduct when interacting with victims of LGBTQI+ hate crimes. Lastly, a discussion on some of the initiatives employed by the SAPS in reaching out to LGBTQI+ victims will be discussed.

Nature of Victimisation

Here we turn to a consideration of police experiences of LGBTQI+ victimisation and issues relating to the under-reporting or non-reporting cases experienced by LGBTQI+ victims.

Type of cases reported/ Recorded

According to Nel and Judge (2008) homophobic victimisation - both physical and psychological - is widespread in South Africa. Members of the LGBTQI+ community, because of their SOGIE, are often targeted for discrimination and other criminal acts not limited to domestic violence, assault, and rape (p.23). In this study, when asked about the types of crimes members of the LGBTQI+ community reported to the police, two-thirds of the respondents from both units revealed that they had mostly worked on domestic violence and sexual assault cases. Such cases included what is termed as 'corrective rape' (Mufweba, 2003) experienced by lesbian black women being the most common. Adding on, two police officers recounted working on cases in which gay men were victims of rape perpetrated either by intimate partners, family members or friends known to the victim in the community. A

quarter of police officers who had worked on domestic violence cases recount victims being either one or both partners, and mainly, these cases involved enforcing protection orders. They also stated that most domestic violence cases eventually end up being withdrawn by victims. Less than a quarter of the participants also recounted such cases as murder and robbery as some cases they have worked on. Take for example statement from two police officers on types of cases dealt with below:

Mostly...it is rape that I have dealt with... the so-called corrective rapes. (Participant 10-N-FCS)

I would say it has mostly been domestic violence cases between two gay men or two lesbians... (Participant 19-A- VisPol)

Non-reporting and underreporting

Non-reporting of victimisation by victims of crime generally, is widely recognised as a key concern in victimological literature. As discussed earlier there are several reasons - both societal and relating to the police - why LGBTQI+ community members inclusive of other minority groups too do not report their cases. Scholars (Johnson 2018; Chakraborti & Garland, 2015) mention that police officials often lack an understanding of the contributing factors to the non-reporting, under-reporting, and un-recording of hate crimes. Bowling (1999, cited in Chakraborti and Garland, 2015: 124) reflects that deeper knowledge of social processes that considers the dynamics of prejudice that feed into hate crimes will aid police responsiveness.

In analysing the conversations with police officers in this study, one begins to observe that reasons for not reporting cases to the police by LGBTQI+ victims account for negative perceptions of how society and the police would respond. For instance, more than a quarter of the respondents felt that LGBTQI+ individuals did not report their cases to the police because of broader social stigma and negative attitudes the police may hold. Across the board, these respondents felt that most police officers often tend to be both judgmental and insensitive when taking statements, often leaving the victim re-victimised. One respondent gave an example of a gay man reporting being raped and encountering disbelief that a man can be raped. For one discussant, such actions lead to victims feeling that even if they reported their cases to the police, they would not be believed or taken seriously, hence deciding to

forgo reporting their victimisation. However, another participant argued that asking difficult and probing questions, especially in cases of a sexual nature, is required to help the victim build up a solid case for the court.

One discussant highlighted accounts of past negative experiences of victims and narratives shaped by the media could also attribute to why victims do not report their cases. Three police officers cited the fear of being discovered as being a part of the LGBTQI+ community owing to conservative cultural and religious norms as why most cases are not reported to the police. Consider what one respondent said:

...obviously the repercussions that they might face about just reporting... And I suppose that's why some people don't want to come out they have been victimised because they are gay or lesbian... because of what culture or religions may say so they would rather keep quiet about it... (Participant 25-M- VisPol)

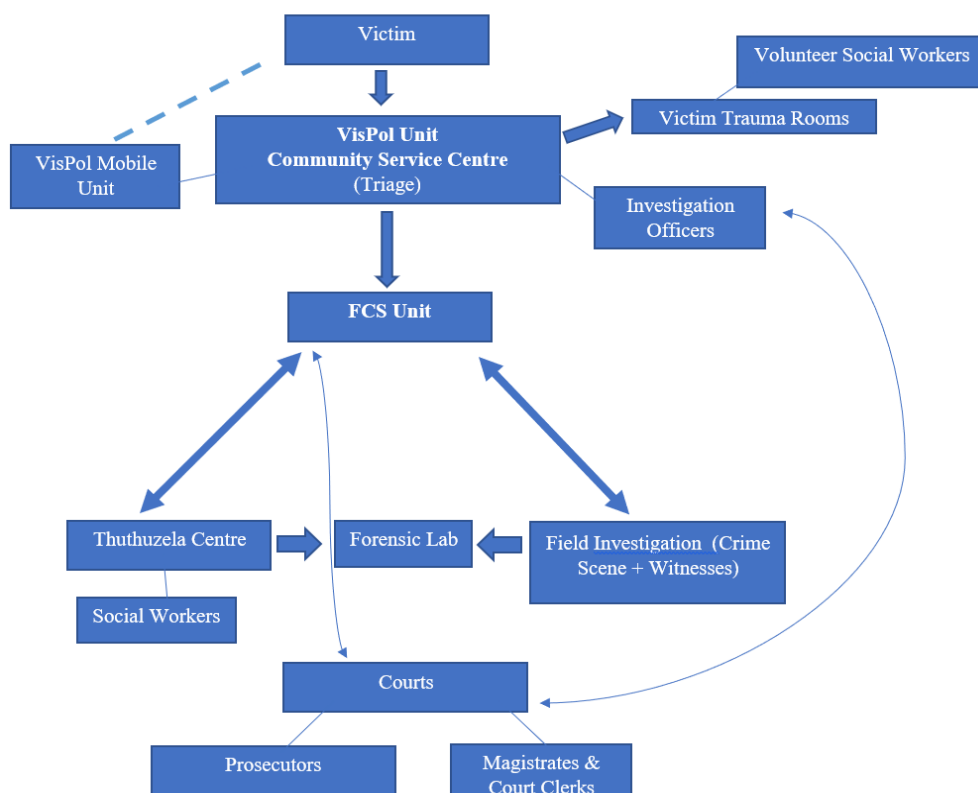
What can be said from the above is that experiences of social stigma for the LGBTQI+ community exists both within the society at large and within the police institution. In fact, police officers are as much a part of the societies that they work and live in. Even though there are codes of conduct that police are supposed to adhere to, personal identity and upbringing, may exert influence. If police officers do not identify and work on their own unconscious biases, the impact remains that several LGBTQI+ victims of crimes would not report to the police.

Police Understanding of Processes and Procedures

When a crime occurs, people turn to the police for assistance. How the police make decisions in their interaction with victims of crime, in general, influences victims' perceptions of the criminal justice system. Police officials, thus, are generally considered the primary gatekeepers of the criminal justice system (Hall, 2013:126-128). It, therefore, becomes imperative for police officers to know procedures and processes to best serve the victims they encounter. In this study, police officers were asked to outline the processes and procedures a victim of crime goes through when they contact the SAPS and to reflect further if the same extended to LGBTQI+ victims of crime. This was done to understand their own experiences and if need be, ascertain areas for process improvement.

Across the board, all discussants stated that according to the standard operation procedure known as ‘Victim empowerment service in the South African Police Service’ (herein referred to as SAPS VES), all victims, regardless of gender and sexuality, were to be treated with respect and fairness. Figure 5 below presents a victim flowchart as envisioned by the police officers.

Figure 5: Visual representation of victim flowchart between the VisPol and FCS Units



Source: Author’s own visualisation

Upfront from the above figure, it can be said that police officers from both the FCS and VisPol units in this sample clearly knew the steps a victim must go through when they report their victimisation at the community service centre (CSC). However, when one begins to analyse the responses beyond the well laid down flowchart, issues around discretion amidst competing factors are observed. For instance, discretion is first observed when police officers during triage ask victims the nature of victimisation to ascertain the needs of the person reporting the supposed crime and if the case meets criminal elements. As one discussant put it:

For an occurrence to be known as a crime, it must meet the elements of crime. Not all events are criminal. Some events are civil or domestic. So, you need to ask and establish that in an interview. (Participant 20-M- VisPol)

Asking questions to ascertain how to best help is not a problem, however, the police officer's response determines the overall experience a victim will go through. Studies conducted on discretion by police officer in cases of domestic violence and sexual offences show that several cases are neither recorded nor reported. For example, Myhill and Johnson (2015) conducted a study where they observed participants and reviewed computer-aided despatch and information management system police documentation from the Southshire Police in the UK on how frontline police officers used discretion to respond to domestic violence cases. The researchers not only found that police officers did indeed use a great deal of discretion in responding to domestic violence cases but that it also influenced how they reported and recorded such incidents (p.14). Research on discretion and domestic violence in South Africa has shown also shown that police officers often do not record or even open dockets for such cases. Govender (2015), a police officer of thirty-six years' experience, conducted research interviews with victims and police officers and analysed police documentation from police stations across South Africa. The research revealed that whereas cases reported at the CSC by victims of domestic violence did meet the elements of crime, 70 per cent of the criminal case dockets had not been opened for investigation by police officers (p.35). Further, perpetrators were released with a stern warning not to engage in such domestic violence. If police officers choose to release perpetrators of domestic violence with a warning, victims would thus feel no need to trust in the police as their victimisation is considered as not being taken seriously.

On one end is this research that paints a negative picture on police use of discretion, however, one cannot also underscore the environment in which police officers often work that are under-resourced and under-staffed. For instance, in this study, police officers in the FCS unit must manage the entire value chain from taking statements, conducting investigations, collection of evidence (inclusive of deoxyribonucleic acid samples), work with prosecutors and other criminal justice actors while also having to complete large volumes of paperwork in a single day. This to a large extent influences their discretion or ability to make decisions on cases (more to be discussed in the challenges section). What is also evident is that these challenges directly impact on service delivery and how victims of crime generally experience the criminal justice system. Here it can be said that processes and procedures are impacted

not only by personal characteristics of individual police officers but also by the resources receive from the SAPS as an organisation.

Police Preparedness in handling Queer Hate Crimes

Conversations with police officers on how well prepared they are in handling LGBTQI+ hate crimes took two forms. First, an understanding of their knowledge of the existence of the Standard Operating Procedure on Sexual Orientation and Gender Identity Expression (SOP-SOGIE) introduced in 2019 by the SAPS and other related policy documents on how to effectively serve the LGBTQI community. Second, to gauge if police officers have undergone training on the SOP-SOGIE, and if not, if they have undergone any other training either at the police college or through co-ordinated workshops and seminars on the LGBTQI+ community.

Knowledge about SOPS and other policy documents

As was discussed earlier, the SAPS in 2019 introduced the SOP-SOGIE that provides a framework for police officers to understand and interact with the LGBTQI+ victims of crimes. The document is set to ‘assist SAPS members delivering frontline services, to ensure that the LGBTQI+ are not discriminated against but treated with respect and dignity’ (SAPS, 4). It details the rights of LGBTQI+ individuals and, more importantly to this study, clearly defines what hate crimes are. Thus, it was imperative to ask police officers about their knowledge of the existence of the SOP-SOGIE and if they have undergone training. Participants’ responses were almost split in half. Whereas closely to 50 per cent of the participants knew of the existence of the SOP-SOGIE, almost all of them had not undergone any training. Only one participant, by virtue of their position as a gender-based violence community liaison contact person had undergone training in general on critical issues affecting the LGBTQI+ community. The other remaining participants with no knowledge of the SOP-SOGIE also revealed having not undergone any training on the operationalisation of the policy document and felt that it was the duty of the SAPS management to ensure police officers were trained. Consider the quote below:

I don't think the SAPS is doing what it's supposed to do. Instead of just introducing SOPs, they should come down to the stations and train people. And I'm not trying to differentiate between the detectives and those that are in the CSC. I think they must

make sure those people are more trained, especially these uniformed police officers in the CSC and give them more sort of framing how to deal with people... (Participant 30-S- VisPol)

However, among police officers from the FCS unit, who had not heard of the SOP-SOGIE or undergone training, there was a general discussion on the detective training for the FCS Unit being adequate to cover how to handle crimes experienced by all victims regardless of SOGIE. In these conversations, attitudes towards the reading of documentation produced by the organisation were also highlighted. A quarter of the discussants reflected that in most instances, because of lack of time to read through the documentation, police officers, in general, are biased towards practical undertakings. They echoed, despite there being documentation at police stations (*as was evidenced though my observation at Mowbray and Sea Point of the existence of an LGBTQI+ folder*), most police officers rely on station commanders to give a summary of the policies and documentation received from SAPS headquarters during parades and station briefings. One of these participants called for having adequate training on the SOP-SOGIE as noted below:

It is fine to have procedures in place, but you also need to go and train people to understand that procedure... we always read or hear interpreted differently. With training people get to have the same explanation from somebody and they understand it... (Participant 25-M- VisPol)

One participant who had had the knowledge and read the SOP-SOGIE further reflected on the need for politicians to quicken the passing of the Hate Crimes Bill in parliament, citing that it would further give police officers a clear mandate on the policing of LGBTQI+ hate crimes in South Africa. Consider this excerpt:

... the introduction of the hate crimes bill will change a lot especially when it comes to policing for police officers. Remember we enforce legislation, it's our job to police it in society. The bill will allow police officers to clearly consider crimes experienced by gay or lesbian persons based on sexual orientation to be considered a crime... but it needs to be an enacted in Parliament for it to become law for us to police it. (Participant 7- N-FCS)

COVID-19 withstanding and complexities around training in a pandemic, here I begin questioning the extent to which policy documents produced by SAPS administration are adequately adhered to by police officers in the rank-file structures. The station commanders' standard of explaining policy documents is encouraged while investing in the education of police members of lower ranks if SAPS is to improve its service delivery. When it comes to hate crimes, Johnson (2014) notes that for police officers to respond effectively, they need to have comprehensive knowledge that empowers them in making decisions as they interact with victims. The same can be said in SAPS' context. Training becomes imperative in engaging bias and reorienting police officers to the best procedures outlined in the SOP-SOGIE.

Education and Police Academy Training

In trying to make sense of how well SAPS has prepared police officers to handle victims of LGBTQI hate crime, comparisons can be drawn from the experiences of all the police officers who reflected on their police academy training. Fifty per cent of the participants from both units felt that even though they had not undergone training that directly speaks to LGBTQI+ issues because they have received training on gender-based violence at the police college, they were well equipped to handle such cases. Similar sentiments were shared by two-thirds of police officers from the FCS unit, who mentioned that the detective course they undergo, especially on sexual offences, had provided them with transferable skills that they could use in handling LGBTQI+ cases. This can be seen in some comments from FCS unit members who said they used their police knowledge and common sense to handle said LGBTQI+ community cases. Consider the following quotes:

The FCS unit offers extensive training... We have had different workshops regarding different orientations and how they should be dealt with. Not just queer communities, even cultural differences, different beliefs, religious beliefs, and stuff like that. (Participant 7- N- FCS)

..., sometimes here in service, we must cross the bridge when you get there. You must use your common sense. We must use our experience of other cases we have ever attended. (Participant 5- N- FCS)

More than a quarter of the discussants felt that it was vital for them to undergo refresher courses or workshops despite receiving training on gender-based violence. This would upskill their knowledge of the current LGBTQI+ hate crimes policing trends. They felt that they were not adequately trained to communicate efficiently, especially with the LGBTQI+ community. Suggestions were made for SAPS management to introduce courses at the police training college to help them deal with crimes experienced explicitly by the LGBTQI+ community. This was suggested because, as one police officer puts it:

... there is limited time for officers' post college to undertake such training including attending workshops against the competing workload. (Participant 29-S- VisPol)

One cannot underscore the importance of education, especially among police officers in South Africa. As a career, to join SAPS, the generic bare minimum qualification one needs to possess is a matric certificate and be of the ages between 18 to 30 years (SAPS, undated). They then undergo a 24-month *Basic Police Development Programme* (BPDP) in which 12 months are spent in the police academy and the other 12 months in the workplace (SAPS, undated). At the police academy, six core areas- orientation to SAPS, the law, community service centre, criminal investigations, crime prevention and street survival (SAPS, undated), are taught to recruits to equip them with key skills that set them up for success when interacting with alleged victims and offenders at police stations. On a meta-level analysis of the SAPS BPDP curriculum¹⁴, one would argue that modules on gender-based violence equip police officers to handle cases that might involve LGBTQI+ individuals; there is a need for strengthening education around sociological processes. For example, teaching police officers to reflect on institutional and societal culture and how that might impact their service delivery with the LGBTQI+ community. To some extent, this suggests that considering what is known about LGBTQI+ victimisation and perceptions of police biases, as Johnson (2018) notes, a few workshops or producing manuals alone for police officers to read is not adequate to tackle such problems. The SAPS needs to ensure that training develops skills and knowledge that equips police officers to successfully carry out their duties in relation to the LGBTQI+ community and enshrining a specific course on hate crimes and diversity is such an avenue.

¹⁴ The SAPS basic training curriculum is made up of 33 modules that teach police officers general operations of policing to recruits.

Initiatives for reaching out to LGBTQI+ victims

As earlier mentioned, the 2014 Khayelitsha Commission of Inquiry revealed that the relationship between the police and the LGBTQI+ community had broken down because of inefficiency and lack of trust. In this study, when asked to outline any programmes or initiatives the police were conducting to remedy the breakdown in the relationship. Close to 70 per cent of participants revealed different initiatives the SAPS was undertaking with other stakeholders. Some participants cited the SAPS utilising volunteer trauma counsellors' services to work together with the police in providing counselling services to victims. During fieldwork, I was privy to have met volunteer trauma counsellors at Mowbray and Athlone police stations. A third of these participants also mentioned work done in collaboration with other non-governmental organisations and community police forums to educate local community members and the police on the plight of LGBTQI+ individuals and the need to strengthen such initiatives. Another police officer reflected on the role of the SAPS communications department in conducting community outreach activities as avenues that could be used to reach out to the LGBTQI+ community. Another two highlighted the availability of a hotline number for victims to call the police anonymously directly and complaint boxes at police stations as a mechanism through which feedback on service delivery was being acquired from victims. If problems were not resolved, one discussant also said complainants were free to reach out to the ombudsman of the police for any severe misconduct or unfair treatment that victims might experience. In this conversation, less than a quarter of participants claimed to not know about such initiatives.

The task of building a relationship that has broken down between the police and LGBTQI+ community is a cumbersome one. Assuming that the above initiatives are effectively carried out in partnership with others, the SAPS has the potential to build trust among LGBTQI+ victims of hate crimes. It would also be interesting to see the effectiveness of these programmes and what their intended desired outcomes are. Considering the negative perceptions victims have about the police, as earlier studies have shown, it would be necessary for the SAPS to communicate these initiatives to the LGBTQI+ victims of hate crimes. The community would feel well supported.

Conclusion

This chapter has considered the experiences of frontline police officers in policing LGBTQI+ hate crimes. In analysing the nature of victimisation, police officers discussed that domestic violence and sexual assault by intimate partners and those known or known to the victim were the most prevalent cases. A salient point to be made here is that to begin thinking about LGBTQI+ hate crime victimisation in the South African context is to consider how gender based or intimate partner violence is a prominent feature in police records. In this study we were able to see that despite there being no succinct separate category on hate crimes, police officers in both units can articulate victimisation through those lenses. The extent to which such victimisation however can be recorded as a hate crime would be worth exploring. To build on the fact that police officers use their discretion in deciding what constitutes a criminal offence, it would be interesting to further question how they conceptualise gender-based violence as a hate crime or even distinguish a hate crime from an act of domestic violence. In general, what one concludes from their experiences is that how they make decisions amidst the many challenges indirectly and directly they face impacts how not only LGBTQI+ victims of crime experience the criminal justice system but minority victims as well. The next chapter builds on experiences to identify challenges faced by frontline police officers in policing LGBTQI+ hate crimes.

CHAPTER SIX: CHALLENGES EXPERIENCED BY FRONTLINE POLICE OFFICERS IN POLICING LGBTQI+ HATE CRIMES

The previous two chapters discussed and analysed perceptions and experiences of police officers from both the Visible Policing (VisPol) and Family Violence, Child Protection, and Sexual Offences (FCS). This chapter will now focus on some of the internal and external challenges experienced by frontline police officers in policing LGBTQI+ hate crimes in Cape Town. It will discuss some of the resource constraints such as time, space, training, and motivational factors police officers experience while conducting their duties. Societal and institutional police cultural practices identified as challenges by police officers are analysed.

Motivation and lack of adequate resources

Several scholars (Pienaar & Rothmann, 2006; Mostert & Rothmann, 2006; Wiese, Rothmann & Storm, 2003) have reported on problems of work-stress and burnout affecting the SAPS. Mostert and Rothmann (2006) consider organisational factors, personal characteristics, and work engagement as three sets of factors that induce stress and burnout in police officers. Of particular interest to this study, organisational factors could include the 'lack of feedback, social support, work overloads, rotating shifts and conflict' (Wiese, Rothmann & Storm, 2006: 71). Pienaar and Rothmann (2006) conducted a study on occupational stress factors identified above in relation to race, gender, and rank in the SAPS, using a sample from eight provinces that found a direct correlation. In their discussion, lack of support in the forms of inadequate equipment, lack of promotion and recognition, low wages, and lack of funds to fight crime (P. 76) were considered to impact police officers' well-being and motivation negatively. Similarly, Wiese, Rothmann and Storm (2003: 77) in their study of police officers from KwaZulu-Natal found that high job demands such as having to deal with excessive paperwork, performing work not in the job description or another person's work coupled on with staff shortages and inadequate salaries were severe stressors for police officers. Here, working in an environment with no adequate support could lead to exhaustion and impact service delivery.

In this study, though in the minority of views, two police officers from the FCS units at Khayelitsha and Nyanga discussed the extent to which they were stressed and burnout. The lack of motivation and good work ethics were challenges in police work in general. These police officers further identified work overload, long working hours, little to no monetary incentives for overtime and inadequate pay as challenges. As one officer puts it:

... There's nothing motivating me. One will say I am being motivated at the end of the month. That is still not enough considering the labour and number of hours we work per week. You work over the weekend but only get paid for Monday to Friday. (Participant 2-K-FCS)

Inadequate resources as a stress factor, the police officers reflected on their working experience when talking to victims or conducting most of their administrative tasks. For example, two other police officers from the FCS units at Nyanga and Khayelitsha also discussed similar constraints. Despite there being trauma rooms at most police stations, they were not adequate to cover the number of victims on most days. They recounted incidents in which two victims who might have experienced sexual trauma would need the service of the rooms but in instances where there are other victims, it becomes a challenge as they cannot tell the other victim to leave as that would cause some form of secondary victimisation. There were inadequate cells to detain would-be offenders for another police officer part of the VisPol Unit. This police officer stated that in most cases at the police station, there are two cells dedicated for either males or females; however, they felt that there should be another cell to protect those who might have been visibly LGBTQI+. One police officer speaking on sharing of workspaces reflected that it was a disservice to the community and put pressure on the already overworked police officers as they put it:

... There must be equipment for us to render the service to the community. We are working under pressure while sharing tables and chairs. Especially here in the FCS Khayelitsha, we do not have equipment or even a lot of resources despite the influx of incoming cases... It is a disservice to the community. (Participant 2-K-FCS)

Considering the gender imbalance in the SAPS, two police officers revealed that it was a challenge to work in instances where members of the LGBTQI+ community preferred to speak to female police officers. They recounted that on some days, when it so happens that

only male police officers are available on a shift, it became a logistical nightmare in service delivery. In this case, two participants mentioned that female police officers were preferred because of the perceived ability to be more understanding or ‘caring’ than their male counterparts towards the LGBTQI+ community. Such perceptions about women in the police service have been discussed by Koenig (1978), who notes that female police officers are often seen as ‘caretakers’ than their male counterparts. This speaks to the gendered nature of masculinity and femininity and culture in general in the practice of policing.

To sum it up, for the SAPS to serve the victims more generally and LGBTQI+ individuals specifically, in a more effective and efficient manner, the organisation needs to work against the competing socioeconomic and political demands to improve the well-being of its police officers. Work stressors can negatively impact how police officers respond to victims, which builds mistrust in the SAPS as an institution serving. The inadequacy of physical resources mentioned by several interviewees further impacts service delivery more generally and by implication also on the capacity of the SAPS to be responsive to the needs of the LGBTQI+ community.

Lack of adequate training

In the previous chapter, we considered police views relating to the importance of both basic and in-service training. In that conversation, the lack of adequate training when it came to issues dealing with the LGBTQI+ community in the SAPS was considered a challenge. Though discussants from the FCS unit felt that their basic detective course did empower them to handle such cases, there was a general call for the SAPS to prioritise capacity building and training of its police officers to boost knowledge and improve service delivery. As a conveyance of knowledge and institutionalisation of practice, it was suggested that broad reflections on the LGBTQI+ community be taught at police colleges. As the above challenge was covered in the previous chapter, it will not be developed further in this section. However, it perfectly ties to conversations around the institutional culture next.

Societal vs Institutional Culture

Police officers who join the SAPS enter an organisation whose external and internal cultural milieu has undergone a significant shift from the Apartheid past (Kingshott and Prinsloo,

2004; Hornberger, 2011; Stuurman, 2021). As was earlier discussed, how police officers tell their own stories about this policing culture is shaped by three factors- the nation, the self, and the organisation (Faull, 2017). In this research, the overlap between the three spheres was evident when close to 50 per cent of police officers discussed the challenges of both societal and institutional culture and the impact on policing LGBTQI+ hate crimes.

In these discussions, police officers perceived general upbringing and societal culture as having a corrosive effect on the institutional culture of the SAPS. However, one police officer reflected that regardless of police officers' societal culture or what they might individually feel, it was their duty according to the SAPS rules 'to uphold, to serve, to protect' all people in South Africa whether they were gay or not. Consider the following:

... Community perceptions and police officers' own perceptions at times influence how appointed investigating officers will deal with cases. For example, at times one police officer may be investigating a case but they do not believe in something- that may determine how serious the case is. We also have processes for victims to complain about such officers as they are supposed to serve without discrimination. (Participant 7- N-FCS)

It is worth acknowledging that to some extent, the above respondent was conflating formal or traditional culture as set out in legal and administrative policy and informal culture practised that might be practised in the institution. Manning (1989 cited in Bacon, 2014: 108-109) considers the role of 'working rules' (formal culture) as part of police culture on exerting influence on how police officers use their discretion (informal culture) when conducting policing work. For Dixon (1997) and Holdaway (1989), how police officers make their decisions helps us understand ways in which they can equally manipulate and avoid policies and the law that is 'flexible' or 'situationally inappropriate' when conducting police work (cited in Bacon, 2014: 109). Thus, if we think about the South African context, despite the SAPS having rules and regulations that give guidelines on police conduct, in practice, it is easy for police officers to use their discretion when conducting police work. Kingshott and Prinsloo (2004) emphasise that formal police culture often develops policies only to address broader concerns of society and that it is at times detached from the 'street level' culture where police officials practice. Thus, central to this challenge is the difficulties in aligning personal

cultural identities of an organisation with thousands of people harbouring different views and beliefs, as one discussant rightly puts it:

Instituting a cultural change in SAPS an organisation with approximately 200 thousand people who hold different beliefs and views is a challenge. I am however optimistic that the adequate enforcing of procedures put in place that detail how police officers treat victims of LGBTQI+ hate crimes, could create some sense of urgency to treat people with empathy. (Participant 7-N-FCS)

The notion raised above by this police officer, who has served during and after apartheid, commented to some extent show that despite there being laws and regulations, putting on the police uniform does not necessarily mean that people's personal beliefs also disappear. The conflict between change in perceptions pre- and post-apartheid is something that would be worth exploring. As is the case when one discussant claims that:

... despite the history and culture of discrimination both in society and SAPS, the LGBTQIA+ community is slowly becoming accepted. (Participant 25-M-VisPol)

For the SAPS, one police officer highlighted that it is because of disciplinary procedures that have been put in place by the organisation to charge erring police officers.

... When you get into the organisation you are groomed to be part of it. If a police officer does something wrong, they are not just disciplined but also internally charged. This is because the state invests a lot of a lot of money in terms of teaching police ethics and what it requires to become a police officer. (Participant 20-M- VisPol)

A quarter of the respondents noted that education was a driving factor in ensuring that police officers start developing a culture of understanding by unlearning some of the cultural practices, they grew up with. They reflected on the police being a system in which the law, not personal cultural views, was to be applied; this is because 'societal cultural influences in the police...change how a police officer looks at enforcing the law on people' (Participant 27-S- VisPol). Research conducted by Steyn and Vries (2007: 1) on, 'the impact of SAPS basic training institutes in changing the deviant police culture attitudes of recruits' found police recruits who attended different police institutes across the country, their education to a greater

extent only strengthened or maintained attitudes that support police cultures of isolation, solidarity, and cynicism. The latter three help us make sense of how police officers develop loyalty to fellow officers through processes of socialisation as well as develop group identity beyond their identities (Steyn and Mkhize, 2016). Thus, one questions the extent to which police officers' education at police training colleges creates a paradigm shift, especially in conservative beliefs. In general, from the above, it was interesting in these findings to observe how police officers perceive police culture to be a progressive force as it must live up to constitutional obligations and personal culture as an inhibiting factor.

Conclusion

Now thinking through the motivational, resource, educational and cultural challenges that police officers have raised in this study above, one would conclude that these challenges affect not only their interaction with the LGBTQI+ community but also society in general. I would like to however state that the above identified challenges are just, but symptoms of an institution marred with both institutional and political bureaucracy when it comes to resource allocation. It is well known from research (Faull, 2009) that the SAPS is embattled with resource issues. In this minor dissertation to discuss the challenges is to begin conceptualising the social and institutional factors affecting police officers and the personal stories they tell and how that impacts service delivery.

CHAPTER SEVEN: CONCLUSION AND RECOMMENDATIONS

Scholarly research on and media accounts of hate crimes in South Africa show that members of the LGBTQI+ community experience such victimization. To seek relief, they turn to the SAPS- an institution with a chequered history and an embattled present. In their interaction with the police, research has also shown that LGBTQI+ individuals inclusive of other minority groups experience negative attitudes and are left feeling revictimized at the hands of people that are supposed to protect them. Such accounts led to LGBTQI+ victims of hate crimes, because of lack of trust, not reporting their cases to the police. Thus, the non-reporting of cases could signify a breakdown between the LGBTQI+ community and police relationship.

When one considers the context in which the policing of LGBTQI+ hate crimes occur, they discover that police work happens in spaces riddled with high levels of socioeconomic inequality, violence and an institution marred with reports of corruption. Adding on, they do not necessarily have a clear mandate on how to police hate crimes as no legal definitions exist at present. In dealing with incidences of hate crime involving the LGBTQI+ community, police thus rely on generic skills and existing knowledge in relation to the policing of domestic or intimate partner violence.

The responses provided by the 30 police officers from the five research sites Mowbray, Athlone, Sea Point, Khayelitsha and Nyanga on their perceptions, experiences, and challenges of policing LGBTQI+ hate crimes in the city of Cape Town, broadly outline the following conclusions:

Police officers' perceptions are influenced by both societal and institutional culture

It is observed that central to the policing of LGBTQI+ hate crimes in this study are perceptions held by police officers informed by societal and institutional culture. Police officers find themselves negotiating parts of their identities between the two above spheres when they interact with LGBTQI+ victims of hate crimes. Whether it was trying to define who an

LGBTQI+ individual was or how they perceive what hate crimes are. On one end are perceptions and actions they observe from the communities they came from and on the other, are formal rules set by the SAPS to guide them in how they should behave with victims, inclusive of LGBTQI+ victims of hate crimes. From listening to the stories police officers told about their perceptions of the environment they worked in, one would assume that the SAPS has become a space where discrimination based on sexual orientation or gender identity is not tolerated. However, this conclusion is soon arrested by the stereotypical notion of victims of the LGBTQI+ community being ‘overly emotional’ or ‘sensitive’ discussed by police officers.

To some extent, one concludes that police officers are still riddled with conscious or subjective bias. This is further amplified by perceptions of the police work environment as still embedded in a culture of hegemonic masculinity and heterosexist ideologies - an environment considered ‘tough’, ‘strong’, ‘macho’, ‘testosterone-driven’. A conclusion thus is made, how police officers perceive their own identities and that of the people they serve is primarily influenced by the environment they grew up in, live and work. Both the society and the work environment have social standards that these police officers are constantly negotiating in building an ontological position through which they perceive the people they serve, including the LGBTQI+ community, which largely influences individual police conduct.

Discretion impacts the policing of LGBTQI+ hate crimes

By far one of the greatest observations in this study was the fact that police officers in discussing their experiences in policing LGBTQI+ hate crimes used discretion to decide on how best to serve victims. This was observed in using domestic or intimate partner violence as a proxy especially when no clear legal definition of hate crimes exists. The use of intimate partner violence might have also been because of the number of cases that they had worked on involving LGBTQI+ individuals reported to the police. This was further observed in discussing the nature of victimisation or in elaborating processes and procedures a victim of crime goes through at the police station. What one must be wary of in this instance is the level of power that they had in deciding what kind of case constituted a criminal or non-criminal activity. It is well known that police officers as discussed earlier are not free from bias. In fact, some by their own stories police officers recount advising victims on whether to open a

case or not. One question then, to what extent the discretion they possess influenced how we perceive hate crime victimisation and policing in South Africa. It is well-known that victims are displeased with police officers' action when their cases are not taken seriously. What one can conclude in relation to hate crimes is that if no clear legal definition exists, several cases will continue being not recorded by police officers and victims will continue being displeased with the service received.

Interestingly police officers also decided based on their time availability on whether to read documentation that has been produced by the SAPS. Of course, the SOP-SOGIE was introduced in 2019 but nearly all participants in this study had not read the document. The conclusion one makes is that if police officers do not want to actively read policy guidelines, to some extent they do not develop the right language to be used when they encounter specific victims in the LGBTQI+ community. Here consider that despite a folder labelled 'LGBTQI+' being placed in community service centres, police officers did not still make time to read and understand who intersex or transgender persons are for example. It is also important to mention that policy documentation must be presented in a format that should be easy to understand and explained to police officers by their commanders as was the case at some police stations like Nyanga and Khayelitsha FCS units. If this is the case, a conclusion can be also made that police officers contradict their own stories that the SAPS has not adequately prepared them to tackle cases involving LGBTQI+ hate crime victimisation. However, to some extent, I would conclude that police officers are right- preparing documentation without training to build capacity especially when time and resources are a competing factor does not help them. The SAPS needs to ensure that the training police officers receive in police colleges is supplemented with practical undertakings in the field to ensure a complete process of acculturation. It is a well-known fact that classroom knowledge alone is inadequate, and the field presents avenues for subculture formation that deviates away from the set institutional standards. Having a solid theoretical and practical knowledge would, thus, help police officers make better informed decisions in their policing of LGBTQI+ hate victimisation.

Police work happens in spaces with limited resources

In this study, one cannot entirely blame individual police officers for their decisions when policing LGBTQI+ hate crimes. This is because outwardly, when one sees police officers at work, they anticipate receiving an excellent service. However, when one enters their office

spaces and interacts with them, one discovers that they are struggling to stay afloat. It was found that several police officers in the sample and in general were experiencing a lack of motivation and adequate resources while conducting their work. In particular, a few police officers in the FCS unit cited long working hours, no monetary incentives for overtime and high workloads as demotivating factors. Resource factors such as inadequate workspace and gender imbalance in the SAPS were noted as challenges. Despite being trained on specific gender issues at police colleges, some officials still noted that they were ill-prepared to deal with such cases. What was rather interesting here was that these police officers, despite the challenges they experienced, still managed to utilise the resources they had to fulfil their duties. When one reads in-between the lines of these responses, one begins to see that the SAPS as an institution is experiencing a resource crisis on a scale that negatively affects police officers in their line of duty. Resource constraints combined with burn-out and low morale negatively impacts the standards of service that victims receive.

Recommendations

By way of conclusion the discussion now turns to a consideration of three broad sets of recommendations aimed at improving the policing of LGBTQI+ hate crimes.

SOGIE-Based Hate Crimes Education for all

Lack of education was mentioned several times among participants in this research. Though issues of gender are addressed at police training colleges, police respondents mentioned that it did not succinctly cover issues with the LGBTQI+ community, signifying a knowledge gap. Therefore, I am of the view that the SAPS needs to introduce a comprehensive SOGIE-based hate crimes education as part of its curriculum at the police training colleges. What police trainees learn as part of their formative experience is important for the acculturation and socialisation of recruits into the SAPS culture.

Furthermore, the SAPS should continue its in-service training and rather also think about how best to save cost and time on training police officers in such a functional area. SAPS should consider introducing a comprehensive module on SOGIE-based hate crimes (even hate crimes in general) that could potentially be developed with university institutions as sites where knowledge production often happens. On the bright side, police officers are accorded a chance

to formalise their education by offering certificates that could count towards professional development credits. Another aspect of training could be that all police officers already in-service will have to undergo this course. The assumption here is that the course is equally built to tackle issues of cultural sensitivity and understanding hate crimes in contexts where they happen. However, the SAPS research units would have to think innovatively, considering time and other resources are limited in the police.

Dedicated LGBTQI+ community liaison officers

To improve relations with the LGBTQI+ community, the SAPS will need to expand community liaison officers' visibility. These officers will have to be equipped to conduct outreach activities with the LGBTQI+ and other minority communities. As police officers are seen as gatekeepers to the criminal justice system, as part of evidence-based policing strategies, these officers will need to continue collaborating with other stakeholders in identifying hotspots where victimisation often occurs. Another project that these officers could potentially carry out would be operationalising an online website platform that victims can use to report their cases on victimisation. This will allow the SAPS to access data that inform policing about the LGBTQI+ community. However, compliance with the law around the Protection of the Personal Information Act (POPIA) will need to be adequately addressed.

Employee wellbeing- Reduce stressors

In thinking about employee wellbeing, I must first make mention that the following recommendation is considering research that has shown that the SAPS in recent years has had a dysfunctional institutional culture that negatively impacts both ordinary members and the leadership and that they are under-resourced. However, regardless of the competing challenges, I think a healthy SAPS is one in which police officers are fully motivated to undertake their duties. It will be imperative for the SAPS to increase structural facilities such as victim trauma rooms and holding cells to ensure that investigating officers feel well supported in conducting their duties. The SAPS should consider decentralising the FCS unit to the police stations and hiring more personnel so that current challenges around work overloads and logistical issues of investigating officers needing to be in several spaces at one time are resolved. The SAPS should consider renumeration police officers based on current economic times. Whereas experience and education levels are often metrics used by

organisations in remunerating employees, the SAPS must develop competitive packages that motivate officers as they conduct their jobs. On the SAPS website, it was observed that permanent entry-level police officers earn a salary of approximately R10 000 with benefits. I argue that considering the current socioeconomic times, such a low amount does not improve employee wellbeing as then they would constantly have other stressors from their families.

Conclusion

I hope this minor dissertation has been insightful in accounting narratives of perceptions, experiences, and challenges of frontline police officers in policing LGBTQI+ hate crimes in Cape Town, Western Cape, South Africa. Whereas the sample (N=30) might not necessarily represent an organisation with over 200 000 employees, I hope through this research we begin to understand the sociocultural context in which policing of hate crimes occurs and indirectly how some of the challenges experienced by victims can be resolved. What has been evident in this research is that the policing of LGBTQI+ hate crimes in Cape Town, Western Cape occurs in police stations that are not adequately equipped to handle such cases. There will be need for political will to provide resources that ensure adequate and swift delivery of services to not only LGBTQI+ victims of hate crimes but to all victims of crime. Areas of future research could potentially investigate historical perspective and how that has shaped culture in democratic South Africa in policing LGBTQI+ hate crimes. Research could also look at the role of discretion as a cultural driving factor for frontline police officers in service delivery in the SAPS.

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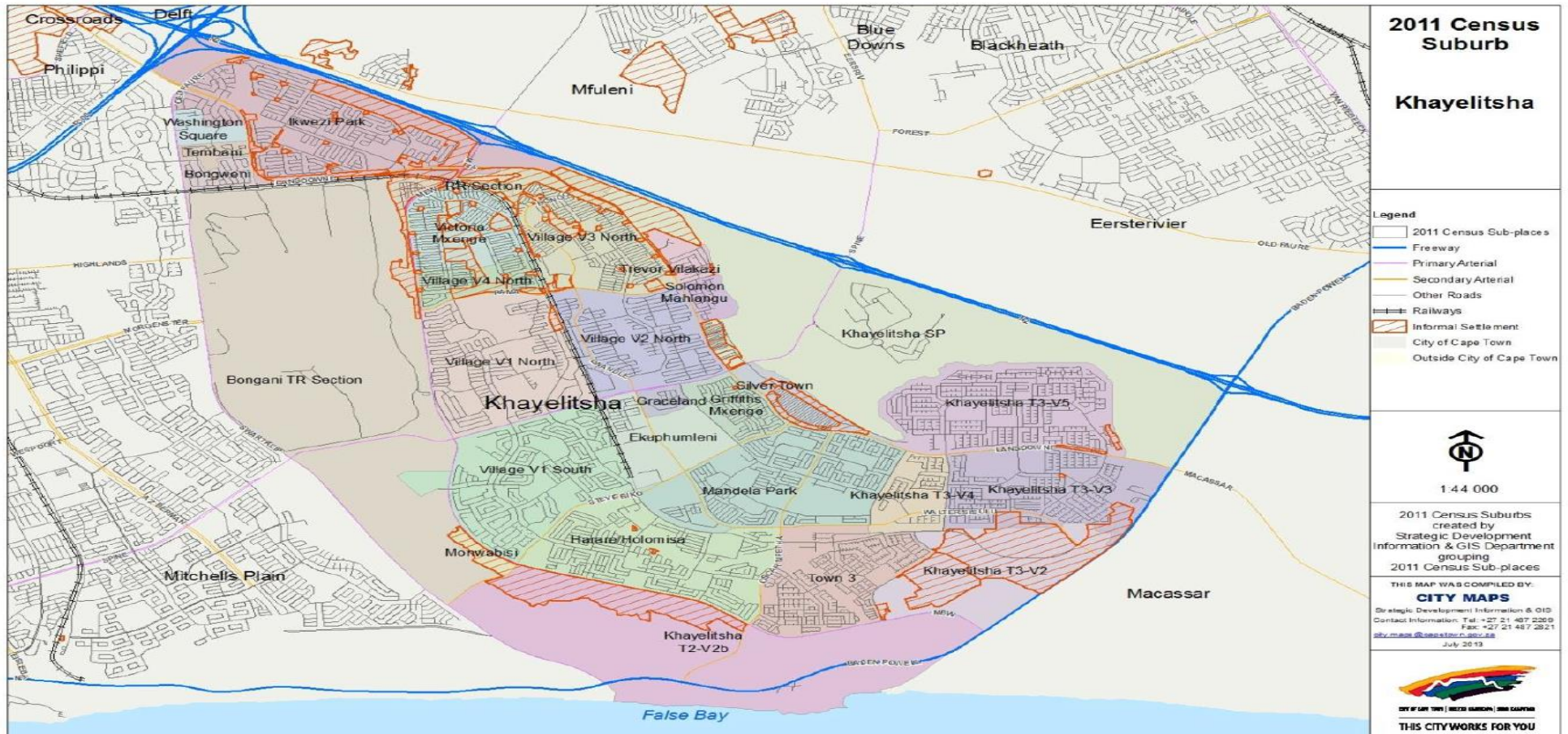
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APPENDICES

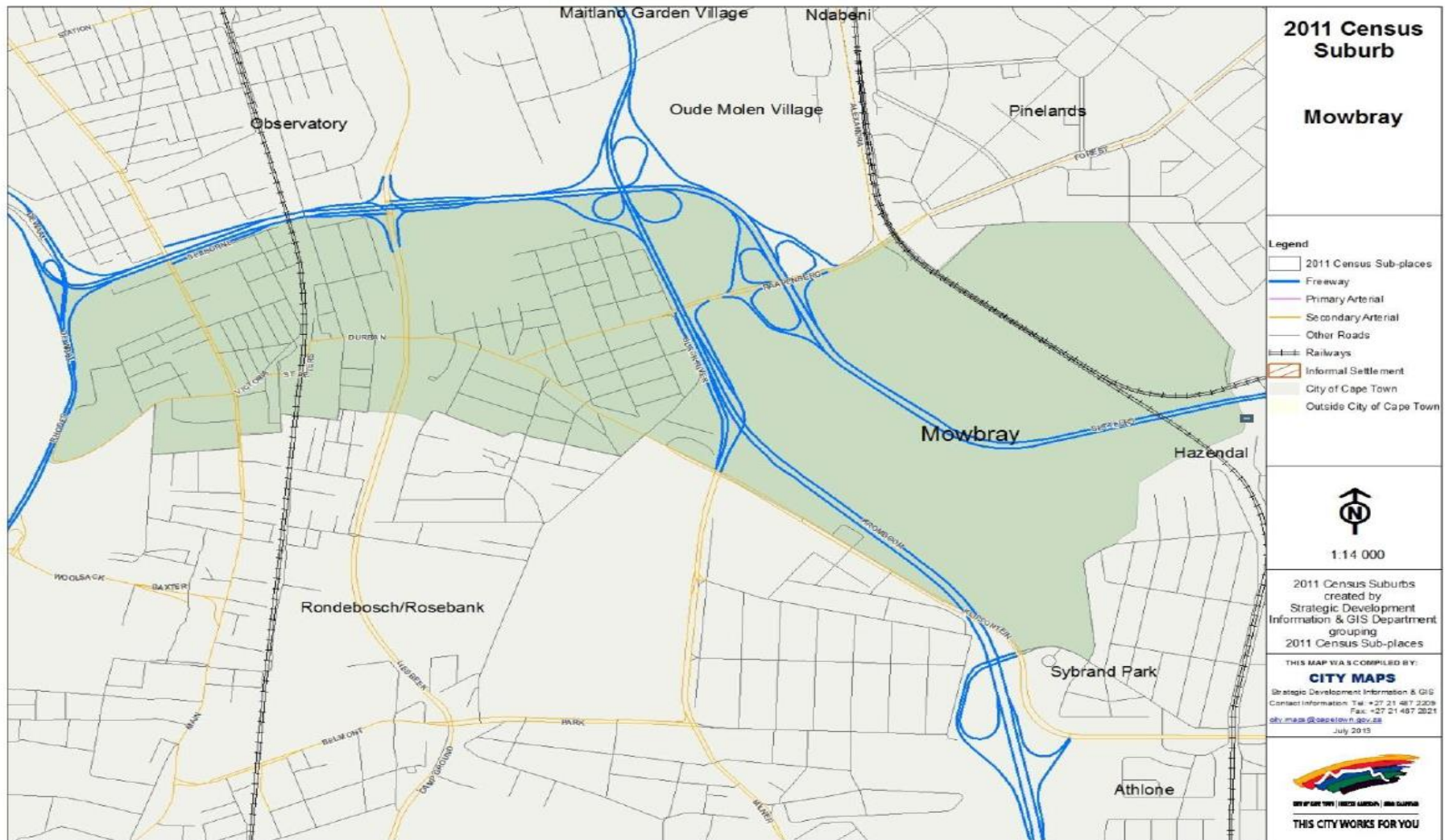
Maps of research site

Appendix 1: Map of Khayelitsha



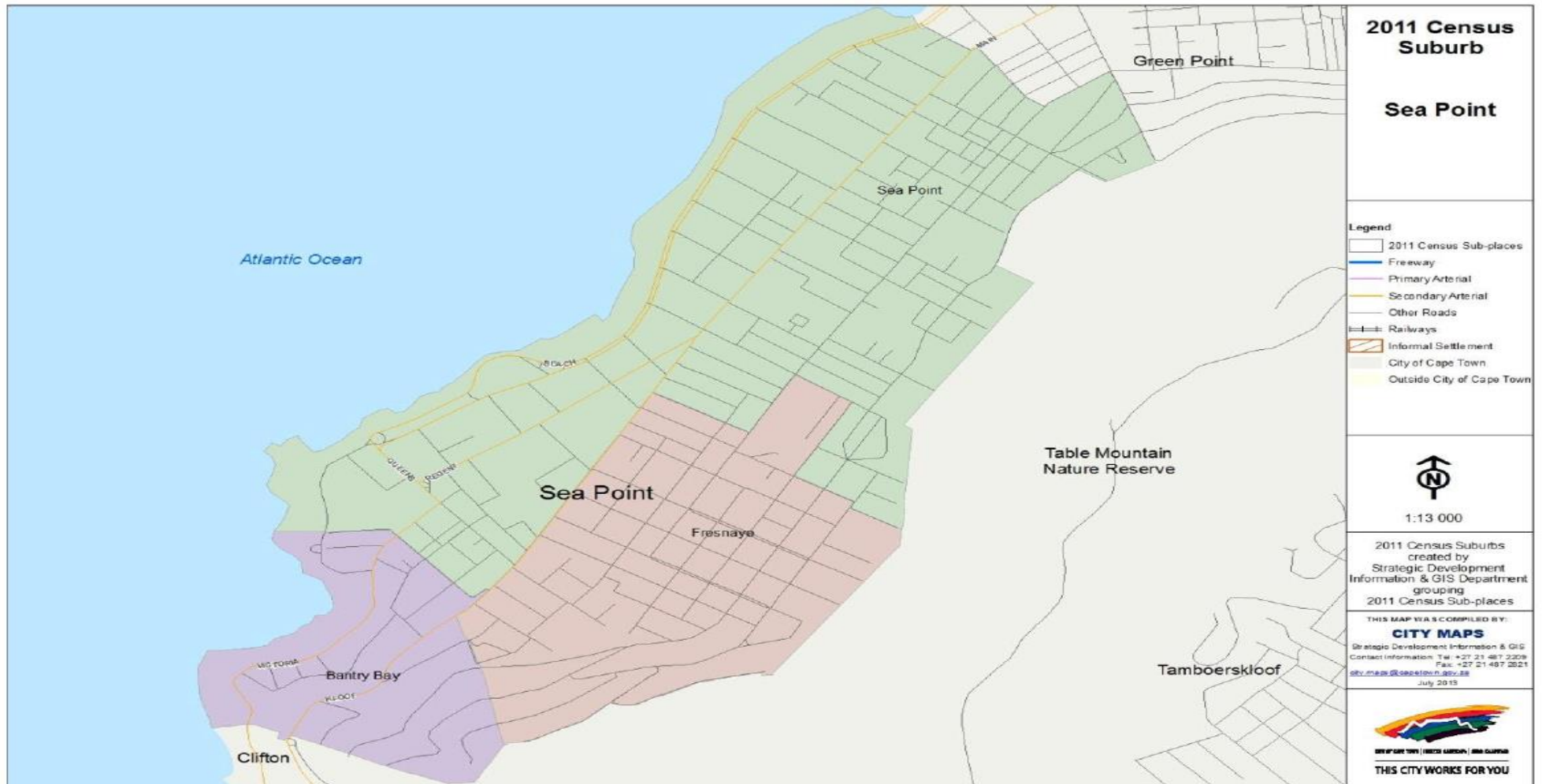
Source: City of Cape Town

Appendix 2: Map of Mowbray



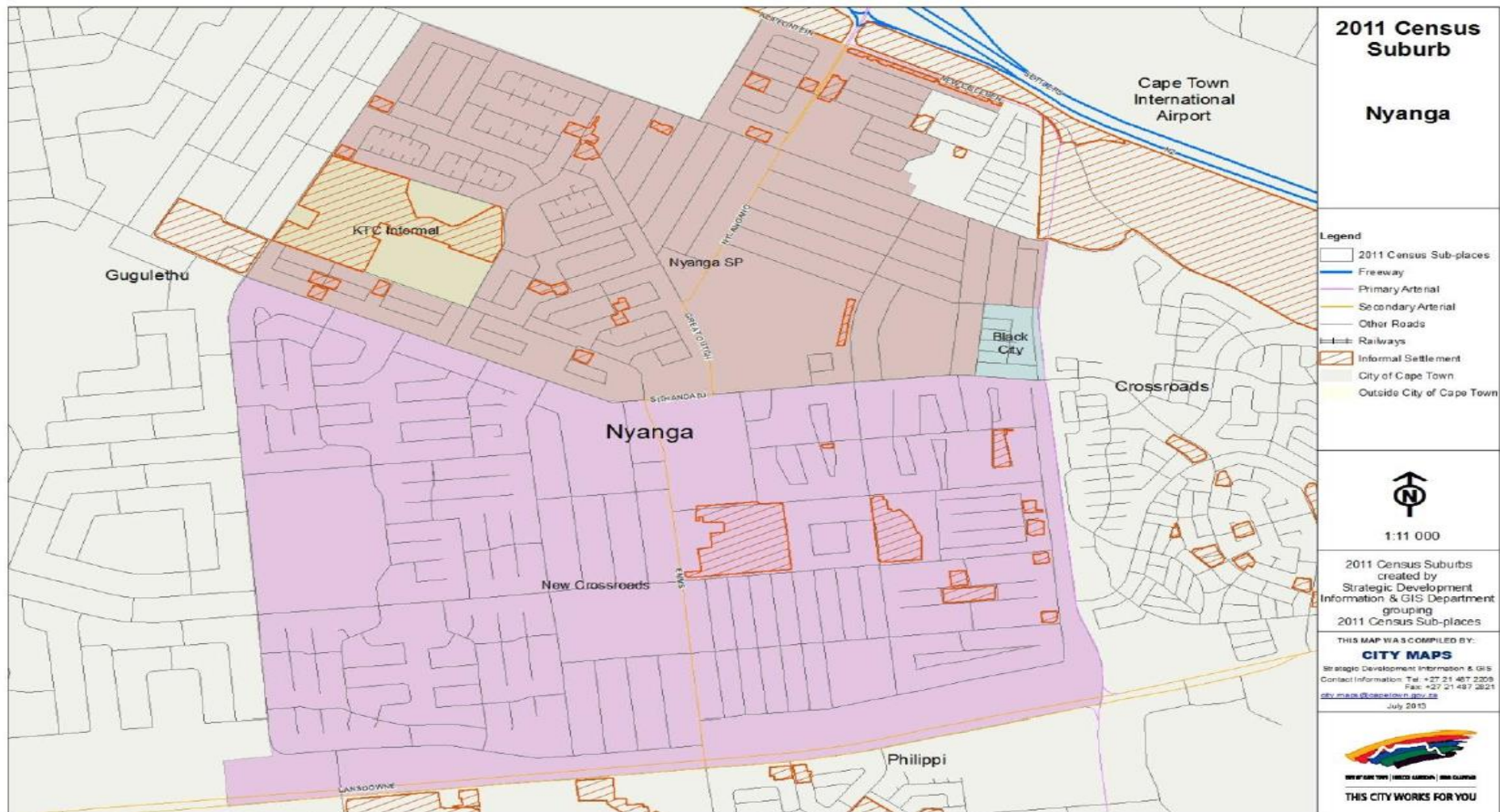
Source: City of Cape Town

Appendix 3: Map of Sea Point



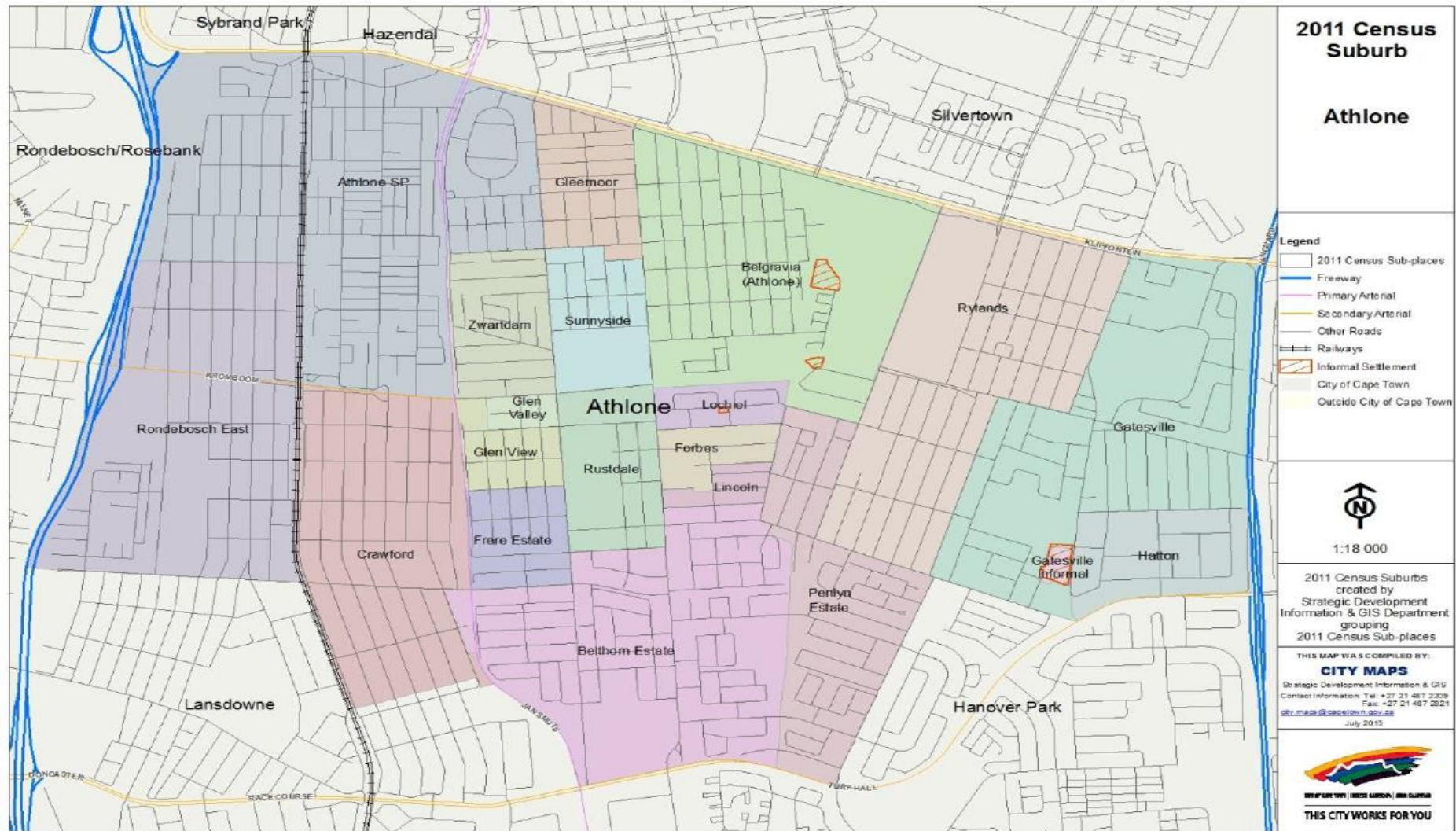
Source: City of Cape Town

Appendix 4: Map of Nyanga



Source: City of Cape Town

Appendix 5: Map of Athlone



Source: City of Cape Town

Ethical Clearance

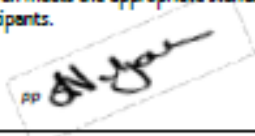
Appendix 6: University of Cape Town Law Faculty Research Ethics Committee



Faculty of Law: Research Ethics Committee

Private Bag X3 • Rondebosch • 7701 • South Africa
 Room 6.29 • Kramer Building • Middle Campus
 Tel: +27 021 650 3080 Fax: +27 021 650 5660
 E-mail: lamize.viljoen@uct.ac.za Internet: www.law.uct.ac.za

Certificate of Approval for Ethical Clearance

PRINCIPAL INVESTIGATOR/SUPERVISOR: ELRENA VAN DER SPUI STUDENT: DANIEL LIFUKA SICHINGA [schdan054] FACULTY: LAW DEPARTMENT: PUBLIC LAW	ETHICS REFERENCE NUMBER: L00156-2020 ORIGINAL APPROVAL DATE: 23-OCTOBER-2020 APPROVAL EXPIRY DATE: 22-OCTOBER-2021
PROJECT TITLE: 'Untold Stories: Experiences, Perceptions and Challenges of Frontline Police Officers in policing LGBTI+ Hate crimes in the Western Cape, South Africa' PURPOSE OF RESEARCH: The purpose of the research is towards the attainment of the MPhil Criminology, Law and Society. This research will explore the dynamics of policing crimes experienced by sexual orientation and gender identity expressing minority groupings as perceived and experienced by the frontline police officials.	
CONDITIONS OF APPROVAL This Certificate of Approval is valid for the above term provided there is no change in the protocol. Modifications To make any changes to the approved research procedures in your study, please submit a formal "Request for a Modification" to the REC Administrative Office. You must receive ethics approval before proceeding with your modified protocol. Renewals Your ethics approval must be current for the period during which you are recruiting participants or collecting data. To renew your protocol, please submit a "Request for Renewal" form before the expiry date on your certificate. You are responsible for submitting this by at least 2 months prior to the expiry date of clearance date issued. Project Closures When you have completed all data collection activities and will have no further contact with participants, please formally notify the REC: Law as well as your supervisor where applicable.	
Certification	
This certifies that the University of Cape Town Law Faculty's Research Ethics Committee has examined this research protocol and concluded that, in all respects, the proposed research meets the appropriate standards of ethics as outlined by the University of Cape Town Research Regulations Involving Human Participants. <div style="text-align: center;">  <hr/> Prof Dee Smythe LAW REC: LEAD REVIEWER </div>	

Certificate Issued On: 27/10/2020

Appendix 7: South African Police Service Clearance



Privaatsak Private Bag X94	Pretoria 0001	Faks No. Fax No.	(012) 393 2128
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Your reference/U verwysing:

My referensie/U verwysing: 3/34/2

THE HEAD: RESEARCH
SOUTH AFRICAN POLICE SERVICE
PRETORIA
0001

Enquiries/Navrae: Lt Col Joubert
AC Thenga
Tel: (012) 393 3118
Email: JoubertG@saps.gov.za

Mr DL Sickinga
UNIVERSITY OF CAPE TOWN

RE: PERMISSION TO CONDUCT RESEARCH IN SAPS: EXPERIENCE, PERCEPTIONS AND CHALLENGES OF FRONTLINE POLICE OFFICERS IN POLICING LGBTI+ HATE CRIMES IN THE WESTERN CAPE, SOUTH AFRICA: UNIVERSITY OF CAPE TOWN: MASTERS DEGREE: RESEARCHER: DL SICKINGA

The above subject matter refers.

You are hereby granted approval for your research study on the above mentioned topic in terms of National Instruction 1 of 2006.

Further arrangements regarding the research study may be made with the following office:

The Provincial Commissioner: Western Cape

- **Contact Person:** AC Gomo
- **Contact Details:** (021) 417 7520
- **E Mail Address :** wc.od.research@saps.gov.za

Kindly adhere to paragraph 6 of our attached letter signed on the 2020-12-21 with the same above reference number.

A handwritten signature in black ink, appearing to read 'Dr PR Vuma', is written over the typed name.

MAJOR GENERAL

THE HEAD: RESEARCH
DR PR VUMA

DATE: 2021-02-02



‘Untold Stories: Experiences, Perceptions and Challenges of Frontline Police Officers in policing LGBTI+ Hate crimes in Cape Town, Western Cape, South Africa’

Study Information Sheet

Introduction and study purpose

In 1996, post-apartheid South Africa adopted a constitution, enshrined with the principles of equality, social justice and human dignity protecting individuals based on race, gender, sex (including intersexuality), and sexual orientation. Despite such constitutional safeguards, however, there has been reports of hate related incidences in the media and by organisations working with those experiencing victimisation based on sexual orientation and gender identity expression (SOGIE). Existing research shows that Lesbian, Bisexual, Gay, Transgender, and Intersex (LGBTI+) (used interchangeably with Queer) people report being victimized by the family, society and institutions where they would turn to for help – such as the criminal justice system and the police. Those who experience this prejudice-motivated violence, often do not report their cases to the police for fear of revictimization. Much of the complaints against the police cite discriminatory acts that leave victims feeling disenfranchised from accessing justice. Such perceptions on actions of the police contribute to the breakdown of police-queer community relations. This breakdown was evidenced in the 2014 Khayelitsha Commission of Inquiry report, where members of the queer community said they did not trust the police to solve most of their cases. Existing academic literature on policing and the queer community – both internationally and locally - tends to focus on the shortcomings of the police, their biases and the ways in which they perpetuate secondary victimisation of minority groupings.

Such criticisms notwithstanding, the task of policing is a complex one. As an institution SAPS is mandated by the constitution of the republic to serve and protect the rights of all South Africans without discrimination. This is a complicated task requiring the police to navigate competing demands on their time and resources from many different groupings. Considering this intricate task, in the past few years, the police has responded to calls from NGO's and other allied organisations to begin reforming its institutional culture in relation to the queer community. In 2019, the SAPS introduced a Standard Operating Procedure on Sexual Orientation and Gender Identity Expression (SOP-SOGIE). The adoption of this SOP is of symbolic importance in that it signifies the willingness of the organisation to engage the needs of the queer community. Translating the policy into effective practice, however, will require considerable effort. Research can be used as the police seek to translate policies on paper into everyday practice. Such research will require us to first and foremost, shift our focus from the queer victim of hate crimes to the actual gatekeepers of the criminal justice system- the police. Implementation of policies such as the SOP-SOGIE does not happen in a vacuum but in spaces filled by police officers who themselves come from different sociocultural and political backgrounds. It is important to engage police officers' experiences, perceptions, and challenges as they perform their duties more generally, and in relation to queer communities more specifically. Thus, this research in will explore the dynamics of policing crimes experienced by sexual orientation and gender identity expressing minority groupings as perceived and experienced by the frontline police officials. In so doing, recognising that the police as an organisation may exhibit certain views; that the police operate in social contexts where communities to hold views but that the constitution and now SOP-GIE place demands on the police. In general, how they navigate these contending pressures is worth exploring to arrive at a more nuanced understanding of the challenges relating to the policing of queer hate crimes.

Who is conducting the study?

This research study is being conducted by Daniel Lifuka Sichinga a Master of Philosophy in Criminology, Law and Society candidate at the Centre for Criminology, Faculty of Law, University of Cape Town.

How will my participation help the researcher?

Your contribution to the study will help us to explore the experiences, perceptions and challenges faced by frontline police officers in policing queer hate crimes in Cape Town, Western Cape, South Africa.

What will I have to do if I take part?

If you are interested in taking part, you are asked to participate in an **interview** in which questions regarding the research topic will be asked. The interview may take approximately between **45 minutes to 2 hours**.

Importantly, attached to this information sheet are two copies of a consent form that you are also asked to complete; one copy is for your keep and the other to be handed back to the researcher.

Do I have to take part?

Participating in this research study is **completely voluntary**. It is up to you to decide whether to take part. You can stop taking part in the study at any time, without giving a reason. Withdrawing from the study will not have any impact on your relationship with the researcher.

What are the possible disadvantages and risks of taking part?

There are no unforeseen disadvantages or risks of taking part in this research study. However, because the general topic of research involves discussions on the queer community and that might be a sensitive topic, the researcher is a social scientist equipped in conducting research using a trauma-based approach that minimizes risks for the participant.

What are the possible benefits of taking part?

The researcher cannot promise that the study will help you personally. However, the results will enrich our understanding of experiences, perceptions and challenges faced by frontline police officers in policing queer hate crimes in Cape Town, Western Cape, South Africa.

What happens when the research study stops?

Responses from the interviews will be used for analysis of the research topic and will be published in dissertation as a requirement for graduation by the researcher. However, if you wish, a copy of the dissertation once approved can be requested from the researcher.

What if there is a problem?

If you have concerns about the research, its risks, and benefits or about your rights as a research participant in this study, you may contact the Law Faculty Research Ethics Committee Administrator, Ms Lamize Viljoen, at +27 (0)21 650 3080 or at lamize.viljoen@uct.ac.za. Alternatively, you may write to the Law Faculty Research Ethics Committee Administrator, Room 6.29 Kramer Law Building, Law Faculty, UCT, Private Bag, Rondebosch 7701.

What will happen to the information that you give?

Responses collected using audio and note-taking will be transcribed during analysis in order to find trends and offer meaning from different participants on the topic at hand. The data collected will be stored in a two-factor authentication iCloud on accessible to the research and will be used in future research and publication. Note, no identity markers will be used that are linked to you as a participant.

Will my taking part in this study be kept confidential?

Yes. Ethical and legal practice will be followed, and all your information will be handled with strict confidence. Audio recordings will be secured in a two-factor authentication password protected cloud only accessed by the researcher. The responses that you provide will be treated in confidence.

Your rights are protected under the Protection of Personal Information Act (POPIA) and any information that might identify you will not be shared outside with third parties. No identifying information including your name will appear in any documents or in the final report.

Who is organising and funding the research?

This research is an independent research study and is not being funded by any institution. No monetary compensation is expected from the research.

What will happen to the results of the research study?

The data will be analysed and reported on in the minor research dissertation for fulfilment of the requirements of the M Phil degree. The confidentiality and anonymity of those who participated in the research will be protected. It will not be possible to identify any individual participant from these reports or publications.

Who has reviewed the study?

All research conducted at University of Cape Town, Faculty of Law is reviewed by a Research Ethics Committee to protect your safety, rights, wellbeing and dignity. This study has been given ethical approval by the University of Cape Town, Faculty of Law Research Ethics Committee. Consent to take part in the study will be obtained by the researcher. You will receive a copy of all signed consent materials.

Further information and contact details

You can get more study information or discuss the project with the researcher at schdan054@myuct.ac.za or call: 0655362147 and details of the supervisor, Professor Elrena van der Spuy at elrena.vanderspuy@uct.ac.za.

What happens next?

If you decide you are interested in participating in the study after reading this information sheet, complete the consent form attached to this document. One copy of the completed consent form should be retained for your records.

Thank you for taking the time to read this study information sheet.



‘Untold Stories: Experiences, Perceptions and Challenges of Frontline Police Officers in policing LGBTI+ Hate crimes in Cape Town, Western Cape, South Africa’

By:

Daniel Lifuka Sichinga

PARTICIPANT CONSENT FORM

I volunteer to participate in a research project conducted by Daniel Lifuka Sichinga from the University of Cape Town. I understand that this research project is designed to study experiences, perceptions and challenges of frontline police officers in policing LGBTI+ hate crimes in Cape Town, Western Cape, South Africa.

As aat (institution name), I understand that I am being invited to take part in an interview. I understand that in agreeing to participate (tick the box):

- My participation is voluntary. I understand that I will not be paid for my participation.
- The interview will be audio taped and notes written down to aid the researcher in transcribing at a later stage. I can decline to be recorded.
- I understand that if I feel uncomfortable in any way during the interview, I have the right to decline to answer any question or to leave the interview session.
- I understand that the researcher will not identify me by name in any reports using the information obtained from the survey or interview. My confidentiality as a participant will remain secure. Subsequent uses of recordings and data will be subject to standard data use policies which protect anonymity of individuals and institutions.
- Administrative and teaching staff at the South Africa Police Service and University of Cape Town respectively, will neither be present during the interview nor have access to raw notes

or transcripts of the interview. This precaution will prevent any of the findings having personal negative repercussions for me.

- If I choose to be interviewed, I have the right to view and comment on the transcribed interview data before the findings are analysed.
- I have read and understood the participant information sheet provided to me. I have had all my questions answered to my satisfaction, and I voluntarily agree to participate in this study.
- I have been given a copy of this consent form.

Name (Participant): _____

Signed _____

Date _____

Name (Researcher): _____

Signed _____

Date _____

Research Questions

Appendix 10: Interview Schedule



‘Untold Stories: Experiences, Perceptions and Challenges of Frontline Police Officers in policing LGBTI+ Hate crimes in Cape Town, Western Cape, South Africa’

Daniel Lifuka Sichinga

INTERVIEW SCHEDULE

General questions (Ice breakers)

- How many years have you worked with the South African Police Service?
- How long have you worked at the current police station?
- What is your current rank and position?

Knowledge questions

- If you had had to describe a queer person in one statement, how would you describe them?
- In your view, what kind of crimes are queers exposed to?
- How often do you think do queer people report the crimes they have experienced to the police? Why do you think this might be the case?
- How would you describe the term ‘hate crime’?
- Do you know of the existence of the standard operating procedure on sexual orientation and gender Identity expression in the SAPS?
- Have you undergone training on the Standard Operating Procedure? If yes, what did you learn from such training and has the training impacted on your interactions with queer persons? If not, why is that the case?

Perception questions

- How would you describe the *average police officer’s* attitude towards queers? Probe further.

- How would you describe the attitude of the community you work in towards queers?
- What are your own feelings towards the queer community in South Africa?
- What have shaped those feelings? To what extent are your feelings influenced by the community you come from and/or your work environment?
- Did you grow up (or how long have you lived) in the community you are currently serving in?
- Do you think that community perceptions towards queers have changed in recent years? How? Why?
- Are there any police officers in the SAPS who openly identify as queer?
- Are they readily accepted by the teams? (If not, why is that the case?)

Challenges confronting policing questions

- What are some of the challenges faced by police officers when they are dealing with hate crimes against queers?
- How would describe police community relations generally in this area where you serve?
- Do you think queers are more or less accepted in this community?
- Do you think queers have a hard time in most communities in South Africa? Explain
- To what kinds of **crime** are queers in the community exposed to?
- Has the police service prepared you to handle cases involving any Queer individuals? If not, what would preparation for you look like?
- As a police officer, from your own understanding, have you ever witnessed an act that you would term as discriminatory against a queer person:
 - In this community? What happened? How was this resolved?
 - In your work environment? What happened? How was this resolved?

Discretion and Decision Making & Experience

- If you have ever encountered a queer hate related case, how was that assigned to you? What was your experience?
- If not, if you were assigned a case involving a queer hate related incident, how would you handle such a case? What are some of the decisions you would have to make on the case?
- In the area where you police station is, have you dealt with queers - either as perpetrators or victims? If as victims - victims of what?
- Would you care walk me through the process what happens when you first make contact with a victim of crime in general? Does this procedure happen in the same way with a victim who openly identifies that they are queer? If not, what are the differences?

- Are you aware of initiatives undertaken by SAPS to reach out to the queer community? If not, what are some of the initiatives do you think should be used to reach out to the queer community?

Thank you so much for your time.