

BLACK, WHITE, OR BLUE, EVERYONE BLEEDS RED: EXPLORING VIEWS ABOUT VIOLENCE IN THE SOUTH AFRICAN POLICE SERVICE

SANJA KUTNJAK IVKOVIĆ*
ADRI SAUERMAN**
JON MASKÁLY***

Introduction	234
A. Policing, Race, and Violence in Historical South African Context	234
B. Policing, Race, and Violence in Contemporary South Africa.....	240
C. Theory of Police Integrity	244
I. Methodology	246
A. Sample.....	246
B. Police Integrity Variables.....	249
C. Demographic Variables.....	251
D. Analytic Plan.....	251
II. Findings.....	252
A. Racial & Supervisory Status Differences In Perceptions Of Seriousness.....	252
B. Racial & Supervisory Status Differences In Recognizing Policy Violations.....	255
C. Racial & Supervisory Status Differences In Views Of Appropriate Discipline	256
D. Racial & Supervisory Status Differences in Personal Adherence to the Code Of Silence	258
E. Racial & Supervisory Status Differences in Perceptions of Others’ Evaluations of Seriousness	260
F. Racial & Supervisory Status Differences in Perceptions of Others’ Willingness to Report	263
III. Conclusion.....	265

* Professor, School of Criminal Justice, Michigan State University, USA; kutnjak@msu.edu.

** Independent Scholar, South Africa; adri@sauerman.net.

*** Assistant Professor, Department of Criminal Justice, University of North Dakota, USA; jonathan.maskaly@und.edu.

INTRODUCTION

Policing in contemporary South Africa is a product of the country's tempestuous past, marked by over 350 years of progressively violent clashes between rulers and the subjugated. Today, a quarter century after the apartheid abolition, South Africa has one of the highest murder rates in the world and violence remains rooted in its social order.¹ Despite the initial enthusiastic support for the South African Police Service (SAPS) in the early 1990s, public confidence in the police has progressively declined over time, based on the perception that the police are unable to deal effectively with the high levels of violent crime in the country. The equally ubiquitous perception of widespread misconduct in both the government and the police further erodes public perceptions of the SAPS. In a country where violence is ingrained in social norms and several high-level police commissioners have been suspended and even arrested on charges of police misconduct, a broader understanding of police integrity is vital. This paper employs police integrity theory to measure racial differences in the SAPS officers' inclination to resist temptations to use excessive force in their interactions with citizens. Although other studies indicate a narrowing racial divide in the SAPS, the results of our research clearly suggest that race still strongly shapes South African police officer views about police violence.

A. POLICING, RACE, AND VIOLENCE IN HISTORICAL SOUTH AFRICAN CONTEXT

In 1488, Portuguese explorer Bartolomeu Dias unintentionally sailed past the southernmost point of South Africa and landed in Mossel Bay on the south-east coast of the country.² While refilling the ship's water supply, the crew ran into several curious Khoisan.³ These predominantly

¹ U.N. Off. on Drugs and Crime, Global Study on Homicide, Booklet 2: Homicide: Extent, Patterns, Trends and Criminal Justice Response 25 (July 2019), <https://www.unodc.org/documents/data-and-analysis/gsh/Booklet2.pdf> [<https://perma.cc/DU49-DDW9>].

² See TIM COUZENS, SOUTH AFRICAN BATTLES 8–9 (2013).

³ The compound word "Khoisan" has been gradually used by scholars to refer to either or both of the Bushmen and Khoikhoi groups. See Richard Elphick & V.C. Malherbe, *The Khoisan to 1828, in THE SHAPING OF SOUTH AFRICAN SOCIETY, 1652–1840* 3, 4 (Richard Elphick & Hermann Giliomee eds., Wesleyan Univ. Press 1979). For a comprehensive study of the Khoisan's role in early South Africa, see generally *id.*

pastorals had roamed the South African landscape for millennia, and through enduring continuous “ecological cycles,” had become adapted to the oscillating roles of cattle herders and hunter-gatherers.⁴ Later, the Portuguese would recount the Khoisan attacking by throwing stones, and that this aggression was met with crossbow fire.⁵ By the time gentler temperaments prevailed, one Khoisan was left dead “from this first, documented European skirmish in South Africa.”⁶ This event would prove a dark harbinger of the violent conflicts awaiting the country’s industrial development.

Policing in contemporary South Africa is a product of the country’s past and is especially entwined in the vast societal changes spanning the last three decades of apartheid rule to present-day democratic governance.⁷ Comparable in origin and initial functioning with the other colonial police of the time, the South African police would steadily evolve into a militant force with officers fighting and perishing not only in all of the country’s sanctioned and clandestine wars, but also on the fields of international conflicts.⁸

Formed by the Netherlands East India Company (VOC) during 1655 in what is known today as Cape Town, the Dutch Watch⁹ patrolled the early European settlement primarily in response to increasing fears of livestock thefts committed by the area’s indigenous population.¹⁰ While under VOC and Dutch rule,¹¹ policing in the Cape colony would peculiarly

⁴ *Id.* at 7.

⁵ COUZENS, *supra* note 2, at 10.

⁶ SANJA KUTNJAK IVKOVIĆ, ADRI SAUERMAN, ANDREW FAULL, MICHAEL E. MEYER & GARETH NEWHAM, POLICE INTEGRITY IN SOUTH AFRICA 35 (2020).

⁷ Apartheid rested on several bases. The most important were the restriction of all power to whites, racial classification and racial sex laws, group areas for each racial community, segregated schools and universities, the elimination of integrated public facilities and sport, the protection of whites in the labour market, a system of influx control that stemmed the movement of blacks to the cities, and designated ‘homelands’ for blacks as the basis for preventing them from demanding rights in the common area.

T. Lodge, M. Shain, R. Mendelsohn, K. Moodley, B. Pogrand, H. Barrell & H. Giliomee, *The Afrikaner Nationalists in Power*, in NEW HISTORY OF SOUTH AFRICA (Hermann Giliomee & Bernard Mbenga eds., 2007).

⁸ *Id.*

⁹ Photius Coutsoukis, *South Africa Early Development*, PHOTIUS.COM (Nov. 10, 2004), https://www.photius.com/countries/south_africa/society/south_africa_society_early_developmen.html [<https://perma.cc/2U38-QDNY>].

¹⁰ See Elphick & Malherbe, *supra* note 3, at 12–13.

¹¹ The VOC era lasted from 1652 to 1795. R. Elphick, M. Adhikari, C. Saunders, M. Shain, R. Mendelsohn & H. Giliomee, *Diverse Communities*, in NEW HISTORY OF SOUTH AFRICA, *supra* note 7, at 53.

also include a small group of imported slaves who served as assistants to the VOC's criminal prosecutor, while carrying out some basic policing functions.¹² Authorized to bear arms and "soundly" beat any person—"without distinction"—for certain offenses,¹³ the inclusion of these non-European members in this company-subsidized urban police force seems to indicate that the interests of commerce trumped the division of races in determining the appropriate enforcement of law.¹⁴ The interests of politicians would soon muddle this apparent guideline. By the time the colony came under British control,¹⁵ white domination and racial hierarchy were enforced through the new ruler's belief that African societies should serve the economy of the leading industrial power.¹⁶ Roman-Dutch laws were replaced through British promulgations, while an independent judiciary and a system of case law were introduced to demarcate clearly the separation of state powers.¹⁷ Conflicting policies and reforms did little to address the already entrenched racial segregation within the society.¹⁸ By the 1830s, as the British principle of equality before the law was introduced to the colony courts,¹⁹ the Cape's policing and justice functions had resolutely maintained their racial divisions,²⁰ thwarting any efforts at fundamental policy transformation.

Also conserved was the paramilitary nature of the police,²¹ augmented by rural police assuming military functions on the colony frontier in response to newly established districts and the subsequent slew of border conflicts.²² While the urban centers saw a steady introduction of a policing system modelled on Sir Robert Peel's London Metropolitan

¹² By 1657 the VOC began importing slaves to the Cape from Madagascar, Indonesia, Sri Lanka, and elsewhere in Africa. GAIL NATTRASS, *A SHORT HISTORY OF SOUTH AFRICA* 37 (2017).

¹³ Elphick et al., *supra* note 11, at 54.

¹⁴ See generally KUTNJAK IVKOVIĆ ET AL., *supra* note 6.

¹⁵ In 1795, the British succeeded the Dutch as rulers of the Cape colony. Elphick et al., *supra* note 11, at 79.

¹⁶ Martin Legassick & Robert Ross, *From Slave Economy to Settler Capitalism: The Cape Colony and Its Extensions, 1800-1854*, in 1 *THE CAMBRIDGE HIST. OF S. AFR.* 253, 314 (Carolyn Hamilton, Bernard K. Mbenga & Richard Ross eds., 2010).

¹⁷ NATTRASS, *supra* note 12, at 51.

¹⁸ Elphick et al., *supra* note 11, at 79.

¹⁹ Legassick & Ross, *supra* note 16, at 315.

²⁰ KUTNJAK IVKOVIĆ ET AL., *supra* note 6, at 37.

²¹ M. E. Brogden, *The Origins of the South African Police—Institutional versus Structural Approaches*, 1989 *ACTA JURIDICA* 1, 4. It has also been suggested that this degree of military influence on early policing in South Africa was unique to the colonial experience. *Id.* at 12–13.

²² Robert Ross, *Khoesan and Immigrants: The Emergence of Colonial Society in the Cape, 1500-1800*, in 1 *THE CAMBRIDGE HIST. OF S. AFR.*, *supra* note 16, at 198–206.

Police during this time,²³ dissidents of predominantly Dutch descent who identified as Afrikaners were leaving the colony to escape British rule.²⁴ Less than a decade later, these *Voortrekkers*²⁵ had established two republics independent of the Cape colony. The initial discovery of diamonds in one of these self-governing areas,²⁶ and the later mining of gold in the other,²⁷ led respectively to British sleight of policy and ensuing resentment, and outright war.²⁸ By 1902, as a trivial number of Afrikaner soldiers surrendered to the largest British military presence the country had ever witnessed,²⁹ the magnitude, devastation, and deluge of consequences of this Great South-African War would rapidly unfold.³⁰ The British refused to acknowledge the immoral and ostensibly genocidal warfare tactics applied during the war, which included farm burnings, summary public executions, and the insouciant use of concentration camps in which approximately twenty-eight thousand Afrikaner women and children died as a result of starvation and other horrendous conditions of captivity.³¹ Fueled further by British warfare propaganda that classified Afrikaners as “a lower form of humanity,”³² this war would essentially contribute the “ideological tools,” with which the defeated could construct a collective, nationalist identity,³³ while the resultant republican political

²³ Bill Nasson, *Bobbies to Boers: Police, People and Social Control in Cape Town*, in *POLICING THE EMPIRE: GOVERNMENT, AUTHORITY AND CONTROL, 1830-1940* 236, 237–38 (David M. Anderson & David Killingray eds., 1991).

²⁴ Richard Elphick & Hermann Giliomee, *The Origins and Entrenchment of European Dominance at the Cape, 1652–c. 1840*, in *THE SHAPING OF SOUTH AFRICAN SOCIETY, 1652–1840*, *supra* note 3, at 560.

²⁵ Translated from Afrikaans as *Pioneers*. For an authoritative study on the Afrikaner as a South African ethnic group, see HERMANN GILIOME, *THE AFRIKANERS: BIOGRAPHY OF A PEOPLE* (2003).

²⁶ In 1867. See KUTNJAK IVKOVIĆ ET AL., *supra* note 6, at 39.

²⁷ In 1886. *Id.* at 40.

²⁸ A. Manson, B. Mbenga, J. Peires & H. Giliomee, *Consolidation and Expansion of the Colonial Presence*, in *NEW HISTORY OF SOUTH AFRICA*, *supra* note 7, at 164.

²⁹ Shula Marks, *War and Union, 1899-1910*, in *2 THE CAMBRIDGE HIST. OF S. AFR.* 159, 161 (Robert Ross, Anne Kelk Mager & Bill Nasson eds., 2011).

³⁰ A. Manson et al., *supra* note 28, at 164.

³¹ L. Callinicos, B. Nasson, H. Giliomee & A. Grundlingh, *Gold and War*, in *NEW HISTORY OF SOUTH AFRICA*, *supra* note 7, at 220–22. For an in-depth look at the conditions and tragic consequences of these concentration camps, see the seminal 1902 work of British anti-war activist, and welfare campaigner Emily Hobhouse. EMILY HOBHOUSE, *THE BRUNT OF WAR AND WHERE IT FELL* (1902).

³² Callinicos et al., *supra* note 31, at 217.

³³ *Id.* at 223.

culture would dominate the political landscape of the country for decades to come.³⁴

With the Union of South Africa officially declared in 1910,³⁵ the South African Police (SAP) was established in 1913 out of the former policing structures of the colonies. Close ties with the military remained and SAP officers regularly called on army support during emergency situations.³⁶ Reciprocally, a brigade from the SAP would serve with the Second Infantry Division of the South African Army in North Africa during World War II.³⁷

The powerful nationalist government tasked the SAP with the enforcement of increasingly discriminatory laws and, by the mid-20th century, legislation like the Native Urban Areas Act of 1923 had laid the social and structural foundations for a slew of oppressive apartheid laws.³⁸ Between 1950 and 1953, the country's ruling National Party (NP) engineered a society in which education, employment, health care, residence, and even marriage were defined by the race distinctions of white, black, Asian/Indian, and colored.³⁹ While apartheid had effectively demarcated every social aspect of daily life in South Africa along narrow color lines, the SAP became the government's most effective blunt instrument to wield in the upholding of draconian laws and the social order of segregation. Secondary police forces were also created to administer law enforcement in the ten *Homelands* created through apartheid legislation,⁴⁰ under the auspices of "ethnic self-determination."⁴¹ Although in arm's length assistance of the SAP, the recruitment and training standards of these agencies were lower than those of the SAP, and these police forces were generally viewed as rife with incompetence and corruption.⁴²

³⁴ *Id.*

³⁵ J.P. Brits & B. Spies, *adapted by* A. Grundlingh, *A New South Africa in the Making*, in *NEW HISTORY OF SOUTH AFRICA*, *supra* note 7, at 230.

³⁶ Coutsoukis, *supra* note 9.

³⁷ *Id.*

³⁸ KUTNJAK IVKOVIĆ ET AL., *supra* note 6, at 44.

³⁹ Population Registration Act of 1950 (S. Afr.); Group Areas Act 41 of 1950 (S. Afr.); Prevention of Illegal Squatting Act 52 of 1951 (S. Afr.).

⁴⁰ Bantu Authorities Act 68 of 1951 (S. Afr.).

⁴¹ Deborah Posel, *The Apartheid Project, 1948-1970*, in 2 *THE CAMBRIDGE HIST. OF S. AFR.*, *supra* note 29, at 342.

⁴² David Bruce, *New Wine from an Old Cask? The South African Police Service and the Process of Transformation* (May 9, 2002) (presented at John Jay Coll. of Crim. Just., N.Y.).

Considered a pivotal counter-balance to the spread of communism on the continent, South Africa initially remained protected by the West despite its objectionable social policies.⁴³ In the global battle between Western and Soviet ideologies and leadership, the Soviet Union cultivated close relationships with the South African Communist Party (SACP) and the African National Congress (ANC), while gradually influencing the policies, strategies, and actions of these opposition groups to the apartheid government.⁴⁴ In response, the NP included cold war rhetoric in its strategies. Fighting *communism* and *terrorism* steadily became the dominant priorities of the police as it ruthlessly suppressed protests and demonstrations.⁴⁵

By the mid-1960s, the Soviet Union's growing financial, ideological, and military influences in South Africa's neighboring countries signaled the deployment of substantial numbers of South African soldiers and police officers to the country's borders and beyond.⁴⁶ With a large number of SAP members revolving between domestic policing and war combat until 1989, many of the strategies and tactics honed in the war permeated the day-to-day tasks of the South African police.⁴⁷

In this climate of regime oppression, the ANC resorted to political violence in a strategy to render the country ungovernable.⁴⁸ During the 1984 to 1994 decade of escalating violence within South Africa, roughly twenty thousand people were killed in domestic conflicts; "the death toll never rose so high that a settlement became impossible."⁴⁹ As a result, apartheid governance would officially cease as South Africans experienced their first democratic election in 1994.⁵⁰ The citizens' choice of administration ushered in a new political dispensation wherein the ANC

⁴³ Hermann Giliomee & Bernard K. Mbenga, *Introduction* to NEW HISTORY OF SOUTH AFRICA, *supra* note 7, at 307.

⁴⁴ ANTHEA JEFFERY, PEOPLE'S WAR: NEW LIGHT ON THE STRUGGLE FOR SOUTH AFRICA 500–507, 515 (2019).

⁴⁵ MONIQUE MARKS, TRANSFORMING THE ROBOCOPS: CHANGING POLICE IN SOUTH AFRICA 36 (2005).

⁴⁶ *Id.* at 37.

⁴⁷ GAVIN CAWTHRA, POLICING SOUTH AFRICA: THE SOUTH AFRICAN POLICE & THE TRANSITION FROM APARTHEID 17 (1993).

⁴⁸ Hermann Giliomee & Bernard K. Mbenga, *A Time of Unrest*, in NEW HISTORY OF SOUTH AFRICA, *supra* note 7, at 397, 399.

⁴⁹ *Id.* at 398.

⁵⁰ David Welsh, *A New Constitution*, in NEW HISTORY OF SOUTH AFRICA, *supra* note 7, at 408.

coalition government, inclusive of the SACP, held such a majority of votes that it was unlikely to be voted out of power in the foreseeable future.⁵¹

B. POLICING, RACE, AND VIOLENCE IN CONTEMPORARY SOUTH AFRICA

Despite the Truth and Reconciliation Commission's (TRC) public investigations into the various human rights violations within the country from 1960 to 1994,⁵² South Africa still seems to view the exercise of police authority with suspicion, more than a quarter century into democratic rule. The reality at the time was that the 1995 formed South African Police Service (SAPS) had a decidedly bumpy start. The product of an uneasy merger of the SAP, the ten homeland police forces, and various *freedom fighters*, the SAPS has continuously endeavored to transform its image from enforcer of minority rule to that of serving the interests of the entire population.⁵³

In the immediate aftermath of apartheid, however, the SAPS did enjoy a surge in public trust in terms of its policing abilities.⁵⁴ This optimism has steadily waned, with World Values Surveys (2005 to 2014) showing that only 52% of surveyed South Africans expressed confidence in the police.⁵⁵ In 2018, 34% of a representative sample of South Africans stated trust in the police,⁵⁶ while only one-half of South African households were satisfied with the performance of the police in their area.⁵⁷ The fact that, since 2008, SAPS National Commissioners have routinely been dismissed or suspended for serious transgressions like corruption, maladministration, and dishonesty,⁵⁸ is contributing to the tarnished image of the SAPS as being among the most corrupt government

⁵¹ JEFFERY, *supra* note 44, at 467–95.

⁵² Hermann Giliomee, *The Truth and Reconciliation Commission*, in *NEW HISTORY OF SOUTH AFRICA*, *supra* note 7, at 414–15; Welsh, *supra* note 50, at 414–15.

⁵³ KUTNJAK IVKOVIĆ ET AL., *supra* note 6, at 73, 75.

⁵⁴ *Id.* at 84.

⁵⁵ Francis D. Boateng & Jihye Yoo Lee, *Apartheid and Post-Apartheid Analysis of Public Confidence in the Police: A Longitudinal Analysis Across Time*, 41 *POLICING: AN INT'L J.* 766, 771 (2018).

⁵⁶ AFROBAROMETER, SUMMARY OF RESULTS: AFROBAROMETER ROUND 7 SURVEY IN SOUTH AFRICA, 2018 33 (2018), http://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/saf_r7_sor_13112018.pdf [<https://perma.cc/X3US-K2H3>].

⁵⁷ RISENGA MALULEKE, STATISTICS SOUTH AFRICA, VICTIMS OF CRIME SURVEY 2017-2018 34 (2018).

⁵⁸ KUTNJAK IVKOVIĆ ET AL., *supra* note 6, at 85.

organizations in South Africa.⁵⁹ Unsurprisingly, stories about police abuse of force, police corruption, and political bias are regularly reported in the daily news columns and social media feeds.⁶⁰ While these accounts are certainly disturbing, one in particular is reminiscent of apartheid policing. In 2012, SAPS officers shot 112 striking mine workers protesting for higher wages, killing thirty-four at Marikana in the North West province of the country.⁶¹ As this *Marikana massacre* is annually remembered by the country, it serves as a stark reminder of the SAPS' eroding image as an organization that serves all South African citizens.

While contemporary South Africa is outwardly a non-racial democracy, data suggest that race does predict a variety of social outcomes in the country, including health,⁶² wealth,⁶³ and citizen experiences of crime.⁶⁴ It has also remained central to the country's politics and policymaking. Office bearers, particularly those under investigation for crimes of corruption, seamlessly oscillate between elected protectors of the country's constitution and a free and inclusive society, and publicly attributing their criminal woes to imagined plotting by members of minority race groups.⁶⁵ Not only crime, but callousness and incompetence also get racialized in South African politics in this manner. South Africans deserve better, but until disingenuous and dangerous rhetoric and political posturing are adequately addressed and not actively supported, the country will continue to embrace racial labels, logic, and language in its bureaucracies and economy.⁶⁶

⁵⁹ *Id.*

⁶⁰ See generally LIZA GROBLER, *CROSSING THE LINE: WHEN COPS BECOME CRIMINALS* (2013) (documenting that such reports are commonplace).

⁶¹ I. G. FARLAM, P. D. HEMRAJ & B. R. TOKOTA, *MARIKANA COMMISSION OF INQUIRY: REPORT ON MATTERS OF PUBLIC, NATIONAL AND INTERNATIONAL CONCERN ARISING OUT OF THE TRAGIC INCIDENTS AT THE LONMIN MINE IN MARIKANA, IN THE NORTH WEST PROVINCE* 53, 388, 395 (2015) <https://www.sahrc.org.za/home/21/files/marikana-report-1.pdf> [<https://perma.cc/6VPN-XTRN>].

⁶² RISENGA MALULEKE, *STATISTICS SOUTH AFRICA, MORTALITY AND CAUSES OF DEATH IN SOUTH AFRICA, 2016: FINDINGS FROM DEATH NOTIFICATION* 15, 137, 138 (2018), <http://www.statssa.gov.za/publications/P03093/P030932016.pdf> [<https://perma.cc/69HZ-9EXY>].

⁶³ *STATISTICS SOUTH AFRICA, STATISTICAL RELEASE (REVISED): CENSUS 2011*, 42 (2012), <https://www.statssa.gov.za/publications/P03014/P030142011.pdf> [<https://perma.cc/Y5H4-VD6C>].

⁶⁴ *STATISTICS SOUTH AFRICA, GOVERNANCE, PUBLIC SAFETY AND JUSTICE SURVEY* 21, 25, 29, 32 (2019).

⁶⁵ See PIETER-LOUIS MYBURGH, *GANGSTER STATE: UNRAVELLING ACE MAGASHULE'S WEB OF CAPTURE* 128 (Robert Plummer & Bronwen Maynier eds., 2019).

⁶⁶ See Gerhard Maré, *Race Counts in Contemporary South Africa: 'An Illusion of Ordinarity'*, 47 *TRANSFORMATION* 75–93 (2001).

Contributing to its legacy and integrity problems, the SAPS was also tasked with law enforcement in what has steadily become one of the most violent countries in the world, with a murder rate exceeded only by a few Latin-American countries.⁶⁷ Not only murder, but all manifestations of violent crime in the country seem to be increasing. In 2019, the SAPS recorded 2,892 occurrences of public violence compared to 1,024 such incidents in 2006.⁶⁸ During this year, the SAPS also policed 4,526 crowd unrests and designated “violent industrial and service delivery-related protest actions” as a threat to domestic stability.⁶⁹ The murder rate in 2019 was recorded at 36.4 murders per 100,000 residents, averaging 406 murders per week.⁷⁰ From the first quarter of 2021, the murder rate increased by 6.7% relative to the corresponding period in 2019. In comparison with the same period in 2020, when the country experienced one of the world’s most stringent Covid-19 lockdowns, the murder rate increased by a staggering 66.2%.⁷¹ The prevalence of “contact crimes”—which include murder, attempted murder, sexual offences, common assault, and robbery—during the first quarter of 2021 shows an increase of 0.6% from the corresponding *normal* period in 2019.⁷² In comparison with the 2020 lockdown period, these crimes had overwhelmingly increased by 60.6%.⁷³

Although the effect of the country’s violent past on its citizens might offer a partial explanation of this upward trajectory of violent crime,⁷⁴ other likely present-day contributors cannot be ignored. Despite being the most industrialized economy on the continent, for the past two decades, South Africa consistently experienced an unemployment rate in

⁶⁷ U.N. Off. on Drugs and Crime, Global Study on Homicide, Booklet 1: Executive Summary (2019), <https://www.unodc.org/documents/data-and-analysis/gsh/Booklet1.pdf> [https://perma.cc/DU9G-EGDF].

⁶⁸ S. AFR. POLICE SERV., ANNUAL REPORT 2018/2019, https://www.saps.gov.za/about/stratframework/annual_report/2018_2019/saps_annualreport2018_2019v2.pdf [https://perma.cc/VQ74-VJ58].

⁶⁹ *Id.*

⁷⁰ ISS CRIME HUB, <https://issafrica.org/crimehub> (last visited Jan. 31, 2022) [https://perma.cc/7XUT-KEBR].

⁷¹ *South Africa’s Latest Crime Stats – Everything You Need to Know*, BUS. TECH (Aug. 20, 2021), <https://businesstech.co.za/news/government/514708/south-africas-latest-crime-stats-everything-you-need-to-know-3/> [https://perma.cc/2S5Z-R8KM].

⁷² *Id.*

⁷³ *Id.*

⁷⁴ See generally KUTNJAK IVKOVIĆ ET AL, *supra* note 6 (discussing in-depth the issues of policing, race and violence in South Africa).

excess of 20%.⁷⁵ The unemployment rate in South Africa is currently at 34.4%.⁷⁶ To place this number in even starker context, data from the Afrobarometer shows that, since 1994, unemployment has been identified by South Africans as the principal issue for the government to urgently address.⁷⁷

Already weak public finances and accruing government debt, consequences of years of poor economic growth and continual taxpayer support to repetitively bankrupt state-owned companies,⁷⁸ have been exacerbated by the enormous scale of corruption that occurred under the presidency of the ANC's former party head, Jacob Zuma.⁷⁹ The repercussions of this *state capture*—estimated by the current administration at a minimum of \$34 billion or roughly a tenth of the country's gross domestic product⁸⁰—can at present be merely speculated. Likely outcomes include the government reducing its social spending and additional taxation of the dwindling group of employed South Africans. The government's fiscal failures have also inverted the country's employment and social grants recipient numbers. While the number of “ultra-poor individuals, earning below minimum wage” increased by 54% with 6.6 million people,⁸¹ the middle-class shrunk by 55.73% between 2017 and June 2020.⁸² In fact, while the country has the highest unemployment rate of its democratic history, the number of those collecting some form of government funding has increased sevenfold during the past twenty years to a staggering 18.2 million people in 2021.⁸³ Not only is this situation economically unsustainable, but it almost

⁷⁵ Prinesha Naidoo, *South Africa Unemployment Rate Rises to Highest in the World*, BLOOMBERG (Aug. 24, 2021), <https://www.bloomberg.com/news/articles/2021-08-24/south-african-unemployment-rate-rises-to-highest-in-the-world> [<https://perma.cc/MTW8-64P3>].

⁷⁶ *Id.*

⁷⁷ AFROBAROMETER, *supra* note 56, at 49.

⁷⁸ *What the Latest Rating Downgrades Mean for the Average South African*, BUS. TECH (Nov. 22, 2020), <https://businesstech.co.za/news/finance/450475/what-the-latest-rating-downgrades-mean-for-the-average-south-african/> [<https://perma.cc/JAH4-V5LP>].

⁷⁹ See generally KUTNJAK IVKOVIĆ ET AL., *supra* note 6.

⁸⁰ Tom Wilson, *Graft Under Jacob Zuma Cost South Africa \$34bn, Says Ramaphosa*, FIN. TIMES (Oct. 14, 2019), <https://www.ft.com/content/e0991464-ee79-11e9-bfa4-b25f11f42901> [<https://perma.cc/7FLZ-R3EV>].

⁸¹ *South Africa's Middle-Class is Disappearing*, BUS. TECH (July 30, 2021), <https://businesstech.co.za/news/finance/509846/south-africas-middle-class-is-disappearing/> [<https://perma.cc/Q9DX-5WPV>].

⁸² *Id.*

⁸³ *South Africa has Run Into a Big Problem – and it's not Sustainable, Warns Capitec*, BUS. TECH (July 6, 2021), <https://businesstech.co.za/news/banking/503725/south-africa-has-run-into-a-big-problem-and-its-not-sustainable-warns-capitec/> [<https://perma.cc/AYL6-9V64>].

certainly generates desperation among the destitute that could by itself result in crime, or be criminally exploited to favor more insidious eventualities.⁸⁴

From July 9 to 18, 2021, civil unrest erupted and swept through two of South Africa's nine provinces. In the aftermath of the at times unpoliced chaos and destruction, more than three hundred people had died and roughly three thousand shops were looted or destroyed.⁸⁵ With the overall bill of damage estimated at \$3.4 billion, it is believed that the catalyst to this widespread unrest was the imprisonment of Jacob Zuma⁸⁶ on conviction of contempt of court, while "later driven by anger over poverty and inequality."⁸⁷ Whatever origins may still be uncovered in future investigations, this incident was undeniably reminiscent of the civil unrests and subsequent destruction witnessed during the apartheid era.

C. THEORY OF POLICE INTEGRITY

It is against this unique historical, organizational, and societal backdrop that studies of the South African police become essential in understanding the attitudes and behavior of its officers. Throughout South African history, police officers have used coercive force to succeed in achieving their tasks, whatever those might have been. The issue arises when this legitimate right to use coercive force crosses the line and becomes an abuse of power (e.g., excessive use of force).⁸⁸ Recent examples, such as the *Marikana massacre*, demonstrate that the SAPS remains beset by officers abusing their powers. However, only a handful of empirical studies explore what police officers think about the use of excessive force and how race relates to their attitudes and values.⁸⁹

⁸⁴ See Justina Crabtree, *How Economics Can Help Solve South Africa's Crime Problem*, CNBC (Apr. 23, 2018), <https://www.cnbc.com/2018/04/13/south-africa-crime-can-be-helped-by-economics.html> [https://perma.cc/XEP8-CFWL].

⁸⁵ Emma Rumney, *South Africa's State Insurer to Raise Cover for Unrest Following Riots*, REUTERS (Aug. 24, 2021), <https://www.reuters.com/world/africa/south-africas-state-insurer-raise-cover-unrest-following-riots-2021-08-24/> [https://perma.cc/68LJ-X5K5].

⁸⁶ *Death Toll From Rioting in South Africa Rises to More Than 300, Government Says*, FR. 24 (July 7, 2021), <https://www.france24.com/en/africa/20210722-death-toll-from-rioting-in-south-africa-rises-to-more-than-330-government-says> [https://perma.cc/5AVE-CUHW].

⁸⁷ Rumney, *supra* note 85.

⁸⁸ See generally Geoffrey P. Albert & William C. Smith, *How Reasonable is the Reasonable Man?: Police and Excessive Force*, 85 J. CRIM. L. & CRIMINOLOGY 481 (1994).

⁸⁹ See Sanja Kutnjak Ivković & Adri Sauerman, *The Code of Silence: Revisiting South African Police Integrity*, 40 S. AFR. CRIME Q. 15 (2012); Sanja Kutnjak Ivković & Adri Sauerman, *Police Integrity in South Africa: A Tale of Three Police Agency Types*, 39 POLICING: INT'L J. POLICE

We utilize the police integrity theory and related methodology to assess whether race affects the SAPS officers' perceptions of misconduct seriousness, their reading of anticipated discipline for the use of excessive force, and their willingness to protect such behavior in silence. The theory of police integrity is organizational and stretches beyond the understanding that police misconduct is a problem of individual police officers.⁹⁰ This theory postulates that the level of police integrity in a police agency is dependent upon what the police agency does or does not do to control misconduct.⁹¹ The first dimension of the theory focuses on the police agency's internal rules and the way in which they are made by the administration, how they are communicated to the police officers, and the degree to which they are understood and supported by the police officers.⁹² The second dimension emphasizes the importance of various mechanisms used by the police agency to detect and investigate police misconduct.⁹³ The third dimension of the theory emphasizes the code of silence and the police agency's efforts to curtail it.⁹⁴ Finally, the fourth dimension of the theory proposes that the social, economic, political, and legal environment in which a police agency operates affects the level of police integrity in the police agency.⁹⁵

Part I of the paper outlines the methodology used in the study. It begins by describing the characteristics of the sample of South African police officers. Then, it defines police integrity variables and demographic

STRAT. & MGMT. 268 (2016); Ramolobi L.G. Matlala, Duxita Mistry & Arnold Phala, *Measuring the Integrity of Law Enforcement Officers in Gauteng Province*, 3 INT'L J. SOC. SCI. & HUMAN. INVENTION 2969 (2016); Michael E. Meyer, Jean Steyn & Nirmala Gopal, *Exploring the Public Parameter of Police Integrity*, 36 POLICING: INT'L J. POLICE STRAT. & MGMT. 140 (2013); Gareth Newham, *Out of Step: Integrity and the South African Police Service*, in THE CONTOURS OF POLICE INTEGRITY 232, 237 (Carl B. Klockars, Sanja Kutnjak Ivković & M.R. Haberfeld, eds., 2004).

⁹⁰ CARL B. KLOCKARS, SANJA KUTNJAK IVKOVICH, WILLIAM E. HARVER & MARIA R. HABERFELD, U.S. DEP'T OF JUST., THE MEASUREMENT OF POLICE INTEGRITY 1 (May 2000), <https://www.ojp.gov/pdffiles1/nij/181465.pdf> [<https://perma.cc/DG7C-TSVG>]; Carl B. Klockars, Sanja Kutnjak Ivković & Maria R. Haberfeld, *The Contours of Police Integrity*, in THE CONTOURS OF POLICE INTEGRITY, *supra* note 89, at 7; Sanja Kutnjak Ivković, *Studying Police Integrity*, in MEASURING POLICE INTEGRITY ACROSS THE WORLD: STUDIES FROM ESTABLISHED DEMOCRACIES AND COUNTRIES IN TRANSITION 1, 5 (Sanja Kutnjak Ivković & M.R. Haberfeld eds., 2015); Sanja Kutnjak Ivković & Maria R. Haberfeld, *Exploring Empirical Research on Police Integrity*, in EXPLORING POLICE INTEGRITY: NOVEL APPROACHES TO POLICE INTEGRITY THEORY AND METHODOLOGY 3, 4 (Sanja Kutnjak Ivković & M. R. Haberfeld eds., 2019).

⁹¹ Kutnjak Ivković & Haberfeld, *supra* note 90, at 4.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

variables used in the models. Finally, it provides a detailed analytical plan for the empirical part of the study. Part II of the paper contains the results of the analyses. It first presents the racial and supervisory status differences in the respondents' own views of misconduct seriousness, their familiarity with official rules, their views about the appropriate discipline, and their own expressed willingness to adhere to the code of silence. It then shows the respondents' estimates of how their fellow officers would evaluate misconduct seriousness and fellow officers' anticipated willingness to report misconduct.

I. METHODOLOGY

A. SAMPLE

The data for this study were collected by Kutnjak Ivković and colleagues (2020) from commissioned and non-commissioned SAPS officers in all nine provinces of South Africa.⁹⁶ The data were collected in two waves, with the first wave collected between 2011 and 2013 (n = 757) and the second wave collected between 2017 and 2019 (n = 111). The vast majority of officers who were offered the opportunity to complete the questionnaire chose to do so, yielding a response rate of 87.5%. The sample of officers was a convenience sample that provides a reasonable approximation of the SAPS compared to the 2018 census of officers. The sample closely resembles the SAPS census for gender, but minority groups are oversampled.⁹⁷ Complete descriptive information on the sample and the comparison for the SAPS generally are presented in Table 1.

⁹⁶ KUTNJAK IVKOVIĆ ET AL., *supra* note 6, at 18.

⁹⁷ Oversampling refers to collecting more information from groups that are underrepresented in an effort to make inferences about them. *See, e.g.*, Andrew Mercer, *Oversampling is Used to Study Small Groups, Not Bias Poll Results*, PEW RSCH. CTR. (Oct. 25, 2016), <https://www.pewresearch.org/fact-tank/2016/10/25/oversampling-is-used-to-study-small-groups-not-bias-poll-results/> [<https://perma.cc/4P3N-DVXX>]. The oversampling here was not done intentionally, but rather represents those who chose to respond to the survey at the time it was offered.

Table 1. Sample Demographics and Comparison to SAPS Personnel Census ($N = 868$)⁹⁸

	Sample		SAPS	
	<i>n</i>	%	<i>N</i>	%
Gender				
Female	246	28.5	42,666	28.3
Male	616	71.5	108,160	71.7
Race				
Black	505	58.2	116,396	77.2
Other	221	25.4	19,627	13.0
White	142	16.4	14,803	9.8
Supervisory Status				
No	505	58.2	125,890	83.5
Yes	363	41.8	24,936	16.5
Assignment				
Administrative	60	6.9	--	--
Communications	48	5.5	--	--
Community Policing	108	12.4	--	--
Investigations	316	36.4	--	--
Patrol	226	26.1	--	--
Traffic	34	3.9	--	--
Other	76	8.8	--	--
Size of Police Agency				
Very small (<25)	143	16.5	--	--
Small (25-75)	167	19.3	--	--
Medium (75-200)	230	26.5	--	--
Large (201-500)	118	13.6	--	--
Very Large (>500)	209	24.1	--	--
Length of Service				
Less than 1 year	8	0.9	--	--
1-2 years	36	4.2	--	--
3-5 years	93	10.7	--	--
6-10 years	211	24.3	--	--
11-15 years	86	9.9	--	--
16-20 years	124	14.3	--	--
More than 20 years	310	35.7	--	--

Officers were given a paper and pencil copy of the slightly modified version of the police integrity questionnaire to complete.⁹⁹ The original police integrity questionnaire presents eleven vignettes depicting different instances of misconduct in which police officers can engage.

⁹⁸ Due to missing data, some *n* will not sum to 868. A "--" indicates that there is no data available for comparison.

⁹⁹ CARL B. KLOCKARS, SANJA KUTNJAK IVKOVIĆ & MARIA R. HABERFELD, ENHANCING POLICE INTEGRITY, at xxiv (2006).

Some slight alterations were made in the wording of the questionnaire to make them appropriate for the South African context. Additionally, three questions were added from other versions of the police integrity and police corruption questionnaires.¹⁰⁰ In this study, we focus on five scenarios: four depicting the use of excessive force by the police and one scenario describing a failure to report a racial hate crime. The full text of each scenario is presented in Table 2. After being presented with each scenario, officers were asked to rate the same four domains for each scenario, consistent with the police integrity theory methodology: perceptions of misconduct seriousness, familiarity with official rules, views about appropriate discipline, and expressed willingness to report. These are described in more detail in the sections below.¹⁰¹

Table 2. Scenario Descriptions

	Scenario Type	Shorthand Scenario Description	Scenario Description
1	Use of Excessive Force	Verbal Abuse	A police officer stops a motorist for reckless driving. As the officer approaches the vehicle, the driver yells, "what the hell are you stopping me for?" The officer replies, "because today is 'Arrest an Asshole Day.'"
2	Use of Excessive Force	Beating	A police Sergeant, without intervening, watches officers under his supervision repeatedly striking and kicking a man arrested for child abuse. The man has previous child abuse arrest. Evaluate the SERGEANT'S behavior.
3	Use of Excessive Force	Retaliatory Force	In responding with her male partner to a fight in a bar, a young female officer receives a black eye from one of the male combatants. The man is arrested, handcuffed, and as he is led into the cells, the male member of the team punches him very hard in the kidney area saying, "hurts, doesn't it."
4	Use of Excessive Force	Deadly Force	An officer who was severely beaten by a person resisting arrest has just returned to duty. On patrol, the officer approaches a person standing in a dimly lit alley. Suddenly, the person throws a gym bag at the officer and begins to run away. The officer

¹⁰⁰ KUTNJAK IVKOVIĆ ET AL., *supra* note 6, at 20.

¹⁰¹ See discussion *infra* Part I.B.

			fatally shoots the person, striking him in the back. It was later determined that the person was unarmed.
5	Racial Discrimination	Bias Crime	In response to a stabbing, a police officer arrests a suspect under circumstances that suggest that the attack was racially motivated. The police officer fails to write on the official report that the attack was racially motivated.

B. POLICE INTEGRITY VARIABLES

Based on the unique context of policing in South Africa and guided by prior police integrity work,¹⁰² we explore several measures of police integrity. As described above, the police integrity questionnaire asked participants for their perceptions of four domains for scenarios depicting 1) an officer verbally abusing a citizen during a traffic stop, 2) a supervisor failing to stop his/her subordinates from beating a suspect, 3) an officer retaliating against a suspect for injuring their partner, 4) an officer shooting an unarmed suspect in the back, and 5) an officer failing to report a bias-motivated crime. The first question measured the officers’ perception of how serious the behavior depicted in the scenario is and offered a five-point Likert scale ranging from 1 (not at all serious) to 5 (very serious). The second question asked officers to indicate if the actions depicted in the scenario violated organizational rules, again using a five-point Likert scale that ranged from 1 (definitely not) to 5 (definitely yes). The third question asked officers about the discipline appropriate for engaging in these types of behaviors. Specifically, officers were asked to indicate the discipline one should receive for engaging in the behaviors depicted in each scenario. Participants were initially given six disciplinary options to choose from for each scenario (1 = none [no discipline], 2 = verbal reprimand, 3 = written reprimand, 4 = reassignment to a different position, 5 = demotion in rank, 6 = dismissal). These responses were then recoded into four categories: no discipline, verbal reprimand, intermediary discipline (written reprimand, reassignment, and demotion), and dismissal.¹⁰³ The fourth question asked officers about their willingness to

¹⁰² See generally KLOCKARS ET AL., *supra* note 90; Klockars et al., *supra* note 90; Kutnjak Ivković, *supra* note 90, at 17; Kutnjak Ivković & Habersfeld, *supra* note 90, at 3.

¹⁰³ This merging of categories was done because the three types of discipline would be applicable depending on the circumstances of the event and the person engaging in the behavior. Because we

report an officer who had engaged in the misconduct depicted. This was measured using a five-point Likert scale that ranged from 1 (definitely would not report) to 5 (definitely would report).

Given the nature of police work and the importance of police subculture in police officers' work, officers were asked to report on the likely views of their colleagues.¹⁰⁴ Specifically, officers were asked to report how seriously most of their colleagues would evaluate examples of police misconduct depicted in each scenario. This was measured on a five-point Likert scale that ranged from 1 (not at all serious) to 5 (very serious). Officers were also asked to assess how willing most colleagues would be to report the actions depicted in each of the five scenarios described previously. Again, this was measured using a five-point Likert scale that ranged from 1 (definitely would not report) to 5 (definitely would report). These questions allow us to estimate the officer's perceptions of the police culture, including the code of silence.¹⁰⁵

did not expressly model these differences in subsequent analyses, we combined them here to show the progression of discipline without needing to model the potential individual differences that could affect the decision.

¹⁰⁴ For general references about police culture, see, for example, JANET B. L. CHAN, *CHANGING POLICE CULTURE: POLICING IN A MULTICULTURAL SOCIETY* (1997); JOHN P. CRANK, *UNDERSTANDING POLICE CULTURE* (Routledge 2nd ed. 2015) (2004); EUGENE A. PAOLINE III, *RETHINKING POLICE CULTURE: OFFICERS' OCCUPATIONAL ATTITUDES* (Marilyn McShane & Frank P. Williams III eds., 2001). For the link between the police officers' own willingness to adhere to the code of silence and their expectations of their peers' willingness to report, see Matthew J. Hickman, Zachary A. Powell, Alex R. Piquero & Jack Greene, *Exploring the Viability of Attitudes Toward Ethical Behavior Scale in Understanding Police Integrity Outcomes*, 39 *POLICING: INT'L J. POLICE STRAT. & MGMT.* 319, 319–337 (2016); Sanja Kutnjak Ivković, Maki Haberfeld & Robert Peacock, *Decoding the Code of Silence*, 29 *CRIM. JUST. POL'Y REV.* 172, 172–89 (2018); Sanja Kutnjak Ivković, Maria R. Haberfeld, Wook Kang, Robert Peacock, Louise Porter, Tim Prenzler & Adri Sauerma, *A Comparative Study of the Police Code of Silence: Exploring the Relation between the Code of Silence and Societal Characteristics*, 43 *POLICING: INT'L J.* 285, 285–98 (2019); Michael Long, Jennifer E. Cross, Tara O'Connor Shelley & Sanja Kutnjak Ivković, *The Normative Order of Reporting Police Misconduct: Examining the Roles of Offense Seriousness, Legitimacy, and Fairness*, 76 *SOC. PSYCH. Q.* 242, 242–67 (2013); Hyeyoung Lim & John J. Sloan, *Police Officer Integrity: A Partial Replication and Extension*, 39 *POLICING: INT'L J. POLICE STRAT. & MGMT.* 284, 284–301 (2016); Robert Peacock, Marko Pripic, Sanja Kutnjak Ivković, Irena Cajner Mraović & Vladimir Božović, *Shades of Blue: Exploring the Code of Silence in Croatia and Serbia*, *INT'L J. COMPAR. & APPLIED CRIM. JUST.*, Nov. 2020; Filip Van Droogenbroeck, Bram Spruyt, Sanja Kutnjak Ivković & Maria R. Haberfeld, *The Effects of Ethics Training on Police Integrity*, in *EXPLORING POLICE INTEGRITY: NOVEL APPROACHES TO POLICE INTEGRITY THEORY AND METHODOLOGY*, *supra* note 90.

¹⁰⁵ Conceivably, the measurement of officers' own views and an estimate of their colleagues might be thought of as redundant. However, empirically this is not true. The two are certainly related (mean $\rho = 0.6332$ for seriousness and $\rho = 0.6559$ for willingness to report), although there is some variation. Instead of seeing these indicators as redundant, we maintain that the officers' reports on the views of their colleagues serve as measures of the culture within the South African Police Service.

C. DEMOGRAPHIC VARIABLES

In this study, we are interested in the effect of race, given South Africa's experience with institutionalized racism. Participants were asked to indicate their racial identity on the survey, and the responses were collapsed into three categories: black, white, and other. The majority of the SAPS officers in our study and in the SAPS population are black South Africans.¹⁰⁶ The "other" category combines persons who are considered colored¹⁰⁷ and all other racial/ethnic groups (hereinafter "other" racial group).

Additionally, there are likely differences in perceptions based on the supervisory status of the officer. Being promoted to police supervisor typically requires an officer to serve in the police service longer, meaning they are typically older than recently hired officers. In the current sample, 65% of those who self-identified as supervisors reported being employed with the SAPS for more than twenty years (compared to 14.65% of non-supervisors).¹⁰⁸ This age and experience gap could well translate into differences in attitudes and perceptions. Compared to younger members, officers who were raised in the apartheid society and had joined the police over twenty years ago may have very different views about the use of excessive force by the police. We also include supervisory status (i.e., 1 = supervisor and 0 = non-supervisor) in our analyses.

D. ANALYTIC PLAN

The purpose of this study is to look at the potential racial differences of South African police officers in their views on police integrity in the hypothetical scenarios depicting police use of excessive force and racial hate crimes.¹⁰⁹ To that end, we begin by looking at the

¹⁰⁶ S. AFR. POLICE SERV., ANNUAL REPORT 2017/2018, at 30 (2018), https://www.gov.za/sites/default/files/gcis_document/201810/saps-annual-report.pdf [<https://perma.cc/34PW-A4W4>].

¹⁰⁷ Formerly identified by the apartheid government as Cape Coloured, this race classification refers to a person of mixed European (white) and African (black) or Asian ancestry. *Coloured*, BRITANNICA, <https://www.britannica.com/topic/Coloured> (last visited Jan. 23, 2022) [<https://perma.cc/DNM6-4SX9>].

¹⁰⁸ This effect was largely consistent for all racial groups.

¹⁰⁹ We intentionally include the racially motivated hate crime in these analyses. Although this is not an indicator of police violence per se, it serves as a sort of sensitivity analysis for the results here. The officer and the subject in these scenarios are not described in detail. Given that the majority of South Africans are black, the most likely person an officer would encounter would be black.

bivariate relationship between race and supervisory status (e.g., black supervisor, black non-supervisor) and the measures of police integrity. Next, we perform a series of multivariate models estimating the relationship between race and supervisory status on the police integrity variables for each scenario. This method allows us to look at the main effects of race and supervisory status and, thus, test whether the potential effect of race is moderated by supervisory position. This process is repeated for each of the indicators of police integrity (i.e., perceptions of seriousness, violation of organizational rules, discipline that should be imposed, and own willingness to report) and the indicators of perceptions of the organizational culture (i.e., most police officers' perceptions of seriousness and most police officers' willingness to report).

II. FINDINGS

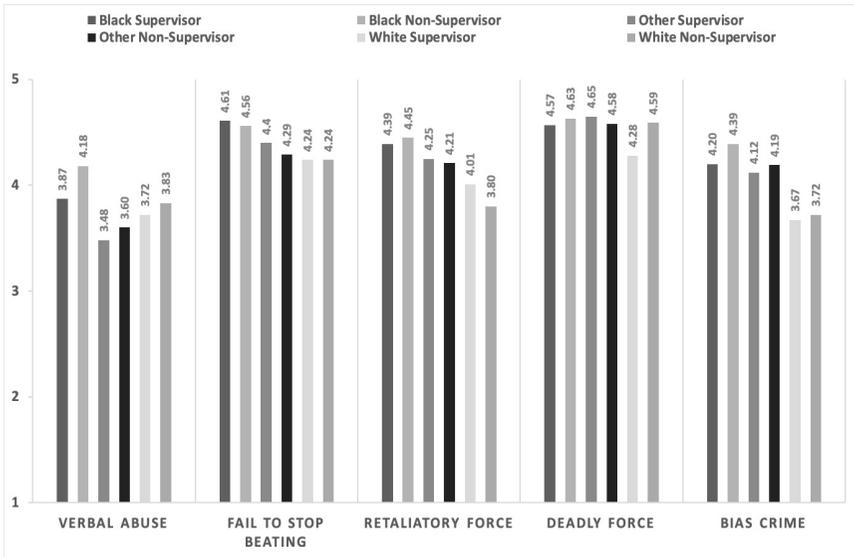
A. RACIAL & SUPERVISORY STATUS DIFFERENCES IN PERCEPTIONS OF SERIOUSNESS

The descriptive mean values of misconduct seriousness evaluations for each racial group, broken out by supervisory status, are presented in Figure 1 for each of the five scenarios. The figure shows some apparent racial differences in the perceptions of seriousness in most scenarios. Generally speaking, white officers from the SAPS—regardless of their supervisory status—find the actions depicted in these scenarios less serious than do “other” and black officers. The effect is most pronounced in the scenarios depicting the verbal abuse and the failing to report a bias crime. Thankfully, there are very few differences in perceptions of seriousness by race and supervisory status in the scenario depicting the inappropriate use of deadly force. There is a rather sizable difference however between white supervisors—who find the scenario *less* serious—and white non-supervisors. This trend is contrary to the general trend whereby supervisors tend to report the scenarios as more serious than their subordinates,¹¹⁰ regardless of their racial group.

This presents a potential confounding effect in the analyses as research suggests that attitudes and behaviors can vary based on whether the person is located (e.g., inner group, outer group).

¹¹⁰ See, e.g., Kutnjak Ivković et al., *Decoding the Code of Silence*, *supra* note 104, at 183–84; Kutnjak Ivković et al., *A Comparative Study of the Police Code of Silence: Exploring the Relation between the Code of Silence and Societal Characteristics*, *supra* note 104; Long et al., *supra* note 104, at 250; Peacock et al., *supra* note 104, at 9.

Figure 1. Perceptions of Seriousness by Race and Supervisory Status



These results suggest the existence of racial differences, but they do not indicate whether these differences are statistically significant. The answer to this can be found in the top panel of Table 3. After controlling for race and supervisory status and the interaction between the two, there are some main effects for race. Specifically, officers from the “other” racial group indicate the actions in all scenarios, apart from the inappropriate use of deadly force, as less serious than black officers do. Similarly, compared to black officers, white officers also evaluated all scenarios but the abuse of deadly force as less serious.

Table 3. Regression Estimates for Police Integrity¹¹¹

<i>Own Perceptions of Seriousness</i>					
	Verbally Abusing Citizen	Supervisor Failing to Stop Beating	Retaliatory Violence	Shooting Unarmed Subject	Failing to Report a Bias Crime
'Other Race' Officer ^a	-0.58 (0.12) ^{***}	-0.27 (0.10) ^{**}	-0.24 (0.11) [*]	-0.05 (0.09)	-0.20 (0.10) [†]
White Officer ^a	-0.35 (0.20) [†]	-0.32 (0.16) [*]	-0.64 (0.17) ^{***}	-0.04 (0.14)	-0.67 (0.16) ^{**}
Supervisor	-0.31 (0.11) ^{**}	0.06 (0.09)	-0.05 (0.10)	-0.06 (0.08)	-0.18 (0.09) [*]
'Other Race' Supervisor ^b	0.19 (0.22)	0.05 (0.17)	0.10 (0.18)	0.13 (0.16)	0.12 (0.18)
White Supervisor ^b	0.20 (0.25)	-0.06 (0.20)	0.26 (0.21)	-0.25 (0.18)	0.13 (0.21)
<i>Act is a Violation of Official Organizational Rules</i>					
	Verbally Abusing Citizen	Supervisor Failing to Stop Beating	Retaliatory Violence	Shooting Unarmed Subject	Failing to Report a Bias Crime
'Other Race' Officer ^a	-0.31 (0.12) ^{**}	0.09 (0.09)	-0.12 (0.11)	0.15 (0.10)	-0.03 (0.10)
White Officer ^a	-0.07 (0.19)	0.01 (0.15)	-0.29 (0.17) [†]	0.06 (0.16)	-0.47 (0.16) ^{**}
Supervisor	-0.13 (0.11)	0.27 (0.08) ^{**}	0.10 (0.10)	0.03 (0.09)	-0.02 (0.09)
'Other Race' Supervisor ^b	0.20 (0.21)	-0.25 (0.16)	-0.05 (0.19)	-0.03 (0.18)	-0.18 (0.18)
White Supervisor ^b	0.26 (0.24)	-0.20 (0.19)	-0.25 (0.22)	0.02 (0.20)	0.26 (0.21)
<i>Severity of Discipline Should be Issued</i>					
	Verbally Abusing Citizen	Supervisor Failing to Stop Beating	Retaliatory Violence	Shooting Unarmed Subject	Failing to Report a Bias Crime
'Other Race' Officer ^a	-0.08 (0.08)	0.09 (0.07)	0.05 (0.07)	0.31 (0.08) ^{***}	0.18 (0.07) ^{**}
White Officer ^a	0.06 (0.13)	0.41 (0.12) ^{***}	-0.02 (0.11)	0.29 (0.12) ^{**}	0.26 (0.11) [*]
Supervisor	0.15 (0.07) [*]	0.13 (0.07) [*]	0.20 (0.07) ^{**}	0.12 (0.07) [†]	0.06 (0.07)
'Other Race' Supervisor ^b	-0.21 (0.14)	-0.16 (0.13)	-0.12 (0.12)	-0.24 (0.13) [†]	-0.18 (0.12)
White Supervisor ^b	0.17 (0.16)	-0.19 (0.15)	-0.05 (0.15)	-0.04 (0.16)	-0.11 (0.14)
<i>Own Willingness to Report</i>					
	Verbally Abusing Citizen	Supervisor Failing to Stop Beating	Retaliatory Violence	Shooting Unarmed Subject	Failing to Report a Bias Crime
'Other Race' Officer ^a	-0.49 (0.14) ^{***}	-0.20 (0.13)	-0.28 (0.13) [*]	0.14 (0.11)	0.10 (0.13)
White Officer ^a	-0.21 (0.23)	-0.05 (0.20)	-0.60 (0.21) ^{**}	-0.06 (0.17)	0.17 (0.20)
Supervisor	0.05 (0.13)	0.21 (0.12) [†]	0.10 (0.12)	0.03 (0.10)	0.18 (0.11)
'Other Race' Supervisor ^b	0.11 (0.26)	0.06 (0.22)	-0.27 (0.23)	0.03 (0.19)	-0.09 (0.22)
White Supervisor ^b	-0.09 (0.30)	-0.31 (0.26)	0.73 (0.26) ^{**}	-0.07 (0.22)	0.02 (0.25)

The difference in the size in the respondents' assessments of misconduct seriousness between officers of "other" racial groups and white officers—both compared to black officers—is not the same across scenario types. In other words, there are some scenarios in which the difference between officers from the "other" racial group and blacks is larger or smaller than the effect between white officers and black officers. In addition, we see that supervisory status only exerts a significant main effect (i.e., supervisors are significantly different than non-supervisors) in two scenarios—verbally abusing a citizen and failing to report a bias crime. The results in Table 3 indicate no significant interactive effects

¹¹¹ ^a = reference group is Black officers; ^b = reference group is Black supervisors.

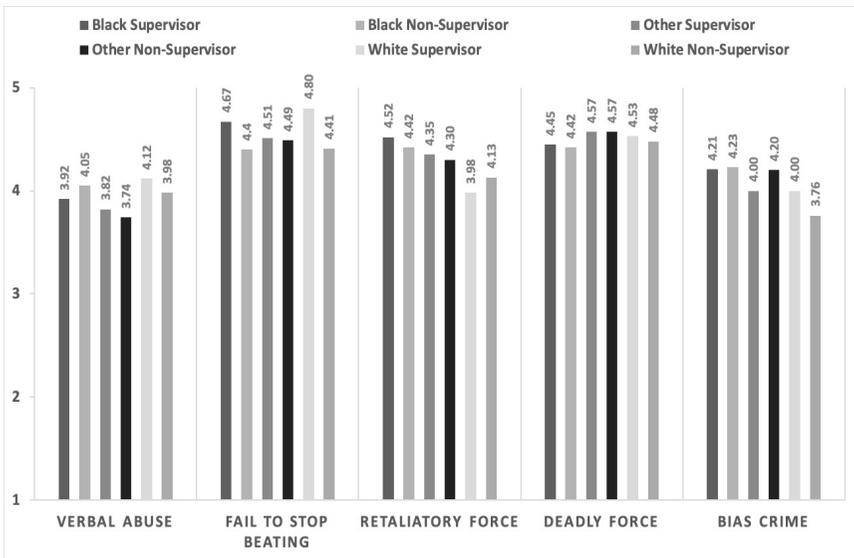
[†] = $p < .10$; * = $p < .05$; ** = $p < .01$; *** = $p < .001$

between race and supervisory status in perceptions of seriousness across models.

B. RACIAL & SUPERVISORY STATUS DIFFERENCES IN RECOGNIZING POLICY VIOLATIONS

Next, we look at the racial differences, again by supervisory status, in acknowledging that the actions depicted in the scenarios violate official rules. The descriptive results are presented in Figure 2. The results indicate some potential racial differences in certain scenarios. For example, regardless of supervisory status, officers from the “other” racial group are less likely to report that verbally abusing a citizen violates official rules than either the white or black groups are. This pattern is however not consistent across scenarios. These differences may reflect cultural differences in the appropriate times and ways to use violence among various racial groups of SAPS officers.

Figure 2. Actions Depicted are a Violation of Official Rules by Race and Supervisory Status



Similarly, we see inconsistent effects for supervisory status. Supervisors are generally consistent with non-supervisors in their evaluations whether the behavior violates official rules regardless of race

in most scenarios. A few exceptions exist to this general pattern. For example, white supervisors generally recognize the actions as a violation of official rules more often than white non-supervisors do. In contrast, with few exceptions, there are few differences between supervisors and non-supervisors from the “other” racial groups in their evaluations of whether the behavior violates official rules. Those differences that do exist tend to be relatively modest in size (i.e., ≤ 0.10).

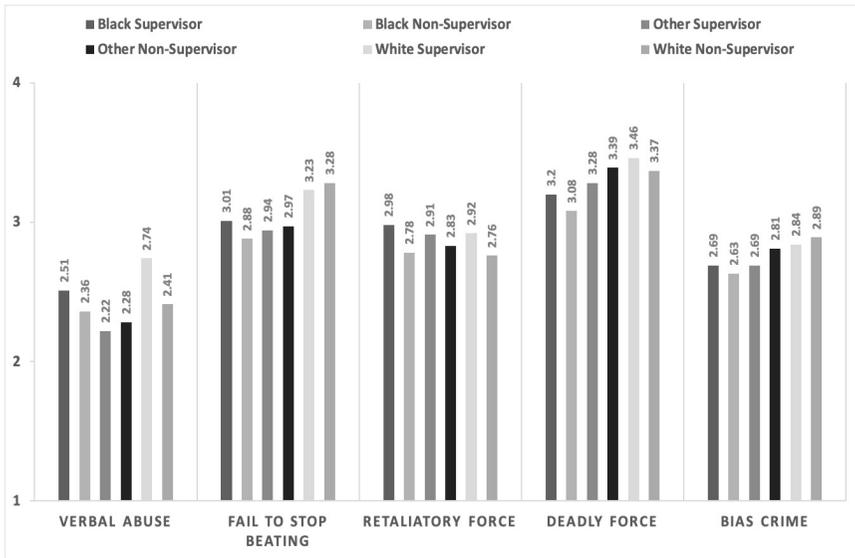
To determine the significance of the results, we turn to the second panel from the top of Table 3 and consider the effects from the regression models. The results suggest relatively few racial or supervisory differences in acknowledging the actions as violations of official rules. Officers from “other” racial groups are less likely than black officers to acknowledge that verbally abusing a citizen violates official rules ($b = -0.31, p < .01$). Similarly, white officers are less likely than black officers to acknowledge that failing to report a bias crime violates official rules ($b = -0.47, p < .01$). The only statistically significant main effect for supervisory status is for the scenario in which the supervisor fails to stop the beating of a suspect ($b = 0.27, p < .01$). There are no other statistically significant main effects for race or supervisory status and no significant interaction effects are noted. This would suggest that race and supervisory status play a relatively minor—if any—role in an officer’s recognition of these acts as violations of official rules.

C. RACIAL & SUPERVISORY STATUS DIFFERENCES IN VIEWS OF APPROPRIATE DISCIPLINE

Next, we look at the differences in the severity of the appropriate discipline that should be imposed for an officer who engages in the actions depicted in the scenarios. The descriptive results are presented in Figure 3. Those results largely run counter to the results presented in Figures 1 and 2 for the other two measures. Specifically, white officers—regardless of supervisory status—generally report that an officer who engages in police misconduct described in the questionnaire of excessive force should receive more severe discipline than that reported by either black officers or officers from the “other” racial group. These differences are especially pronounced in the scenario depicting the verbal abuse of the citizen and the supervisor who fails to stop the beating of a suspect. Additionally, the relative homogeneity of the effect of supervisory status—regardless of race—on the discipline that should be imposed on officers who use retaliatory force against a suspect. In other words, supervisors of all races

report that a more severe form of discipline is appropriate relative to the views of their subordinates.

Figure 3. Severity of Discipline Should be Imposed by Race and Supervisory Status



Once again, we turn to the multivariate results from the regression models to determine whether these differences are indeed statistically significant. These results are presented in the second panel from the bottom of Table 3. The results from these models largely confirm the findings reported in the figures above. Notably, officers from the “other” racial group, compared to black officers, indicate that significantly more severe discipline should be imposed on officers who shoot an unarmed suspect ($b = 0.31, p < .001$) and fail to report a bias crime ($b = 0.18, p < .01$). The same is also substantively true for white officers compared to black officers in these scenarios.

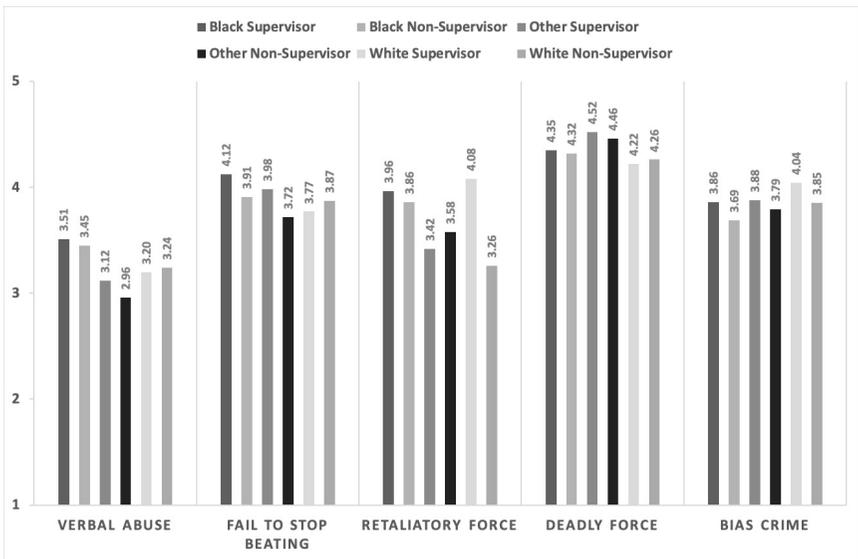
Additionally, white officers—again relative to black officers—feel that that more severe discipline should be imposed on the supervisor who fails to stop the beating of a suspect ($b = 0.41, p < .001$). There are no other significant racial differences noted for other scenarios. Supervisors almost universally indicate that a person engaged in these actions should receive more severe discipline than what non-supervisors prefer, except

for failing to report a bias crime. Again, we do not see here any interactive effects between race and supervisory status.

D. RACIAL & SUPERVISORY STATUS DIFFERENCES IN PERSONAL ADHERENCE TO THE CODE OF SILENCE

Another important element of police integrity—and an organization’s ability to address misconduct—revolves around officers’ willingness to report misconduct they observe. This is referred to as the “code of silence.”¹¹² The mean value for each racial and supervisory group is presented in Figure 4. These results show a complicated pattern of findings. The likelihood that an officer from a particular racial group would be willing to report the misconduct depicted is seemingly scenario dependent. For example, black officers are more likely to say they would report verbally abusing a citizen than officers from either of the other two racial groups are. In contrast, black and white officers are marginally less willing to say they would report the inappropriate use of deadly force than officers from the “other” racial group are.

Figure 4. Own Willingness to Report Misconduct by Race and Supervisory Status



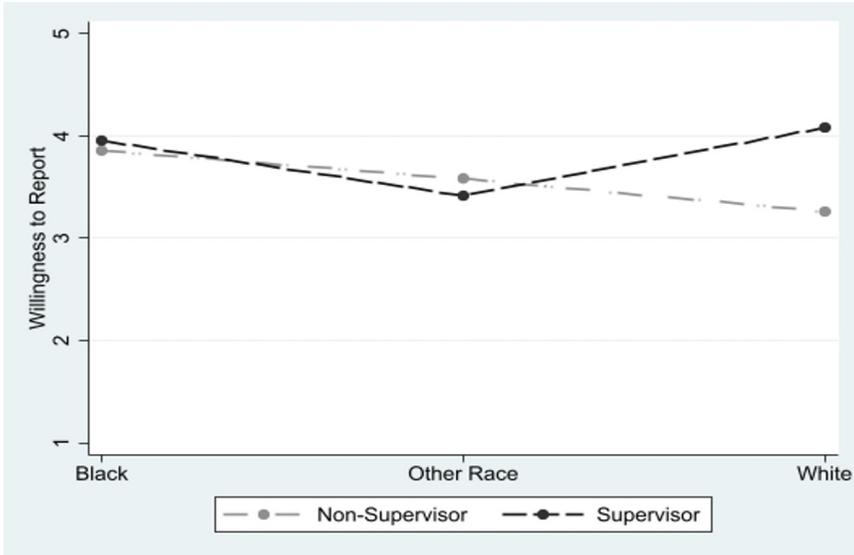
¹¹² Kutnjak Ivković et al., *Decoding the Code of Silence*, *supra* note 104, at 172–73.

In addition to the racial differences, in certain scenarios supervisors are more willing to say they would report misconduct than non-supervisors. For instance, in the scenario depicting a supervisor who fails to stop the beating of a suspect, black supervisors and supervisors from the “other” racial group are more willing to say they would report than the non-supervisors of their racial group are willing to report. While the same is not true for white supervisors and non-supervisors, large differences in the willingness to report are, however, still observed between these groups in the scenario depicting retaliatory force against a suspect.

These patterns suggest there may be some differences among racial groups and between supervisors and non-supervisors.. To determine whether these differences are statistically significant, we turn to the results from the regression models presented in the bottom panel of Table 3. There are only three statistically significant main effects for race. Specifically, officers from the “other” racial group are significantly less willing to report fellow officers who verbally abuse citizens ($b = -0.49, p < .001$) and the use of retaliatory force ($b = -0.28, p < .05$) than black officers. Similarly, white officers are less willing to report an officer for using retaliatory force than black officers ($b = -0.60, p < .01$).

Additionally, for this scenario, there is indeed a significant interaction effect for white supervisors being more willing than black supervisors to report the use of retaliatory force ($b = 0.73, p < .01$). A graphical representation of the interaction is presented in Figure 5. The difference between black supervisors and non-supervisors for the retaliatory violence scenario is still quite modest for members of the “other” racial group, yet it expands drastically for white officers. While this suggests something inherently different about white supervisors than those supervisors of “other” racial groups in their willingness to report this form of misconduct, the white supervisors’ general willingness to report is not ubiquitous across the remaining scenarios.

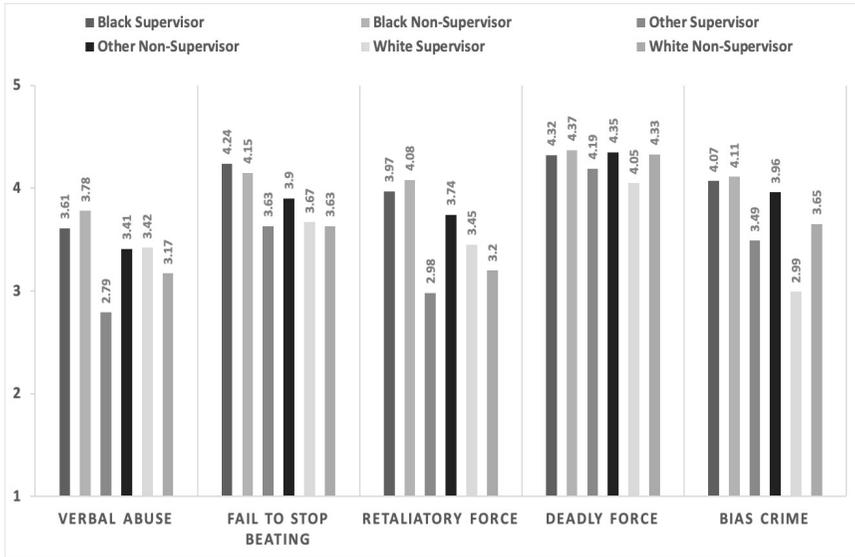
Figure 5. Graphical Representation of Interaction Effect of Race and Supervisory Status for Own Willingness to Report Retaliatory Violence



E. RACIAL & SUPERVISORY STATUS DIFFERENCES IN PERCEPTIONS OF OTHERS' EVALUATIONS OF SERIOUSNESS

Next, we start to look at racial and supervisory group differences in their perceptions of the police culture within the SAPS. We begin by looking at police officers' assessments of how most of their peers would feel about the actions depicted in the scenarios. The mean values for each racial and supervisory group are presented in Figure 6. The results show a pattern distinct from the individualized perceptions presented above. Specifically, we see that black officers and black supervisors generally report relatively similar perceptions of seriousness for fellow officers. For members of the "other" racial group and whites, however, the differences between supervisors and non-supervisors are quite stark, with supervisors generally—although not universally—reporting that most officers in the organization would recognize these actions as more serious than what non-supervisors would anticipate. The setting in which the majority of officers—regardless of race or supervisory status—report that most other officers would feel the behaviors are quite serious is found in the deadly force scenario.

Figure 6. Race and Supervisory Status on Perceptions of Most Other Officers' Perceptions of Seriousness

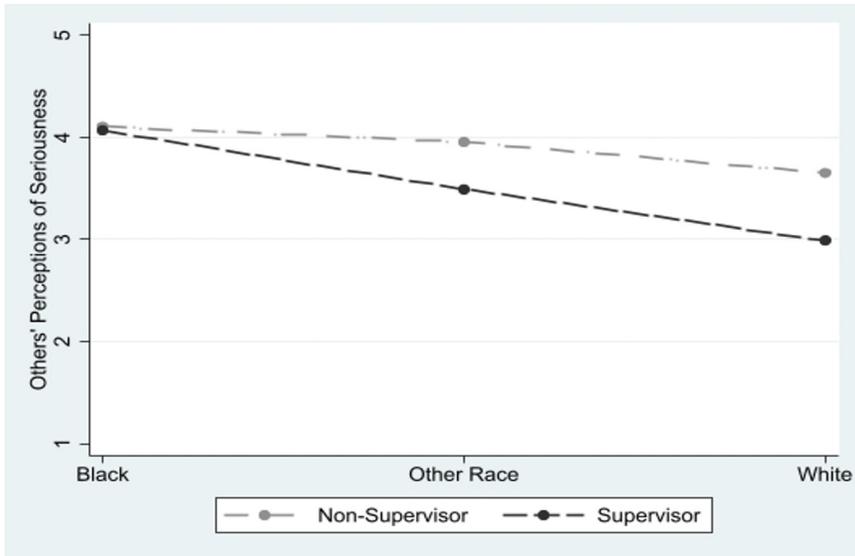


To determine whether these differences are statistically significant, we turn to the results from the regression models, presented in the top panel of Table 4. They indicate that officers from the “other” racial group, relative to black officers, report that most officers in the SAPS would find the behavior depicted in the scenarios as less serious for verbally abusing a citizen ($b = -0.37, p < .01$) and for retaliatory violence ($b = -0.34, p < .001$). Similarly, white officers—relative to black officers—report that officers would find these actions less serious for every scenario apart from inappropriately using deadly force. There is no statistically significant main effect for supervisory status in any of these scenarios. There is a significant interaction, however, between race and supervisory status in the scenario depicting the failure to report a bias crime appropriately. To aid in interpreting this finding, we present the results graphically in Figure 7. These results suggest that both supervisors from the “other” racial group and white supervisors believe that most officers in the SAPS would find these actions significantly less serious than what non-supervisors from their same racial group anticipated. This, however, is not the case for black SAPS officers.

Table 4. Regression Estimates for Police Culture¹¹³

<i>Others' Perceptions of Seriousness</i>					
	Verbally Abusing Citizen	Supervisor Failing to Stop Beating	Retaliatory Violence	Shooting Unarmed Subject	Failing to Report a Bias Crime
'Other Race' Officer ^a	-0.37 (0.14)**	-0.25 (0.13) [†]	-0.34 (0.13)***	-0.01 (0.10)	-0.15 (0.12)
White Officer ^a	-0.61 (0.22)**	-0.52 (0.20)**	-0.88 (0.21)***	-0.04 (0.17)	-0.45 (0.19)**
Supervisor	-0.17 (0.12)	0.09 (0.12)	-0.11 (0.12)	-0.05 (0.10)	-0.04 (0.11)
'Other Race' Supervisor ^b	-0.46 (0.24) [†]	-0.36 (0.22) [†]	-0.64 (0.23)***	-0.12 (0.18)	-0.43 (0.21)*
White Supervisor ^b	0.42 (0.28)	-0.06 (0.26)	0.37 (0.26)	-0.23 (0.22)	-0.63 (0.24)**
<i>Others' Willingness to Report</i>					
	Verbally Abusing Citizen	Supervisor Failing to Stop Beating	Retaliatory Violence	Shooting Unarmed Subject	Failing to Report a Bias Crime
'Other Race' Officer ^a	-0.45 (0.15)**	-0.16 (0.14)	-0.55 (0.13)***	-0.14 (0.13)	0.13 (0.13)
White Officer ^a	-0.59 (0.23)*	-0.57 (0.22)**	-0.96 (0.22)***	-0.22 (0.21)	-0.19 (0.21)
Supervisor	-0.16 (0.13)	-0.06 (0.13)	-0.03 (0.13)	-0.05 (0.12)	-0.10 (0.12)
'Other Race' Supervisor ^b	0.19 (0.25)	-0.10 (0.24)	-0.16 (0.24)	0.12 (0.24)	-0.33 (0.23)
White Supervisor ^b	0.34 (0.30)	-0.30 (0.28)	0.62 (0.28)*	0.10 (0.27)	-0.21 (0.27)

Figure 7. Graphical Representation of Interaction Effect of Race and Supervisory Status for Other' Perceptions of Seriousness for Failing to Report Bias Crime



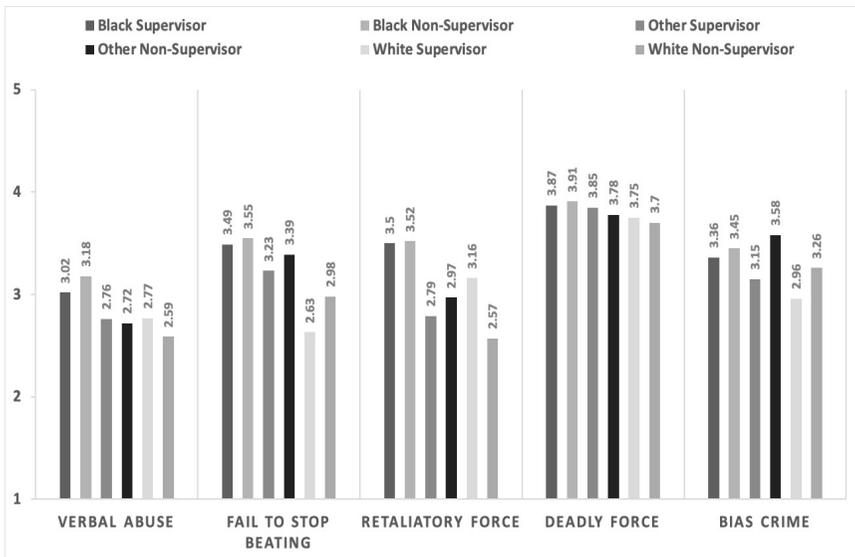
¹¹³ ^a = reference group is Black officers; ^b = reference group is Black supervisors.

[†] = $p < .10$; * = $p < .05$; ** = $p < .01$; *** = $p < .001$

F. RACIAL & SUPERVISORY STATUS DIFFERENCES IN PERCEPTIONS OF OTHERS’ WILLINGNESS TO REPORT

Finally, we examine the racial and supervisory differences in officers’ perceptions that their peers would be willing to report the misconduct depicted in these scenarios. The graphical representation of the mean values for each racial and supervisory group is presented in Figure 8. These results generally suggest that black officers are likely to feel that most officers would be willing to report the misconduct depicted in the scenarios. Moreover, there are relatively minor differences between black supervisors and non-supervisors, which is not the case for the remaining two racial groups. Another striking finding is that non-supervisors generally report that their peers would be much more willing to report the misconduct depicted in the scenarios relative to the supervisors within the same race. This may suggest that supervisors—regardless of race—may feel that the code of silence is much stronger than do non-supervisors—even within the same racial group.

Figure 8. Race and Supervisory Status on Perceptions of Most Officers’ Willingness to Report



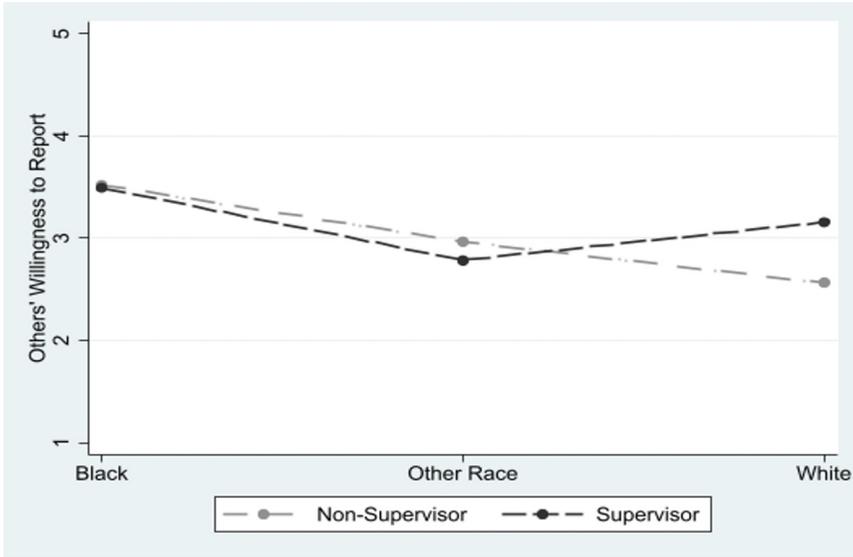
We turn to the results from the regression models estimated to determine whether there is a significant main effect for race and

supervisory status, in addition to an interactive effect between race and supervisory status. These results are presented in the bottom panel of Table 4. They indicate that officers from the “other” racial group—relative to black officers—are less likely to feel that most officers would be willing to report verbally abusing a citizen ($b = -0.45, p < .01$) and the use of retaliatory violence ($b = -0.55, p < .001$). White officers also feel that most officers are less willing to report compared to black officers for these same scenarios, in addition to the scenario depicting a supervisor that fails to stop a beating ($b = -0.57, p < .01$).

The effect for white officers and officers from the “other” racial group—both relative to black officers—is substantially larger for whites. The magnitude of the effect is 31.1% larger for whites for the scenario depicting verbal abuse, 74.5% larger for the use of retaliatory violence, and 356.3% larger for the supervisor failing to stop the beating. This suggests that officers from the “other” racial group and white officers are much more doubtful of their colleagues’ willingness to report misconduct, with white officers the most skeptical.

After controlling for racial differences, there are no significant main effects for supervisory status in any of the scenarios. There is one significant interactive effect for white supervisors in the scenario of retaliatory violence. We graphically present these results in Figure 9. The graph shows that black supervisors and supervisors from the “other” racial group have similar views to their non-supervisor racial peers. Specifically, supervisors report most officers would be less willing to report. White supervisors are, however, significantly more likely to indicate that most officers would be more willing to report retaliatory violence than what the white non-supervisory members anticipate.

Figure 9. Graphical Representation of Interaction Effect of Race and Supervisory Status for Other' Willingness to Report Retaliatory Violence



III. CONCLUSION

Although South Africa presents itself as a rainbow nation striving towards a non-racial democracy, today, more than a quarter century after apartheid, race seemingly still influences a variety of citizen outcomes, including experiences with crime,¹¹⁴ educational and employment opportunities,¹¹⁵ quality of health care,¹¹⁶ interactions with, and trust in, government structures.¹¹⁷ At a time when poverty and unemployment are becoming even more prominent in South African society,¹¹⁸ the rates of

¹¹⁴ STATISTICS SOUTH AFRICA, *supra* note 64, at 21, 25, 29, 32.

¹¹⁵ See Maré, *supra* note 66, at 82–84.

¹¹⁶ See MALULEKE, *supra* note 62, at 137–38.

¹¹⁷ See generally T. Lodge, V. van der Vliet, D. Welsh, J. Myburgh, W. Gumede, L. Schlemmer, M. Bot, H. Adam & H. Giliomee, *Towards an Inclusive Democracy*, in NEW HISTORY OF SOUTH AFRICA, *supra* note 7.

¹¹⁸ See *South Africa's Middle-Class is Disappearing*, *supra* note 81; AFROBAROMETER, *supra* note 56, at 49.

violent crimes—in particular the murder rate—are skyrocketing.¹¹⁹ The recent, staggering violence and looting that shook two South African provinces—ostensibly motivated by Zuma’s criminal conviction¹²⁰ and labelled “the worst civil unrest in South Africa since the end of White-minority rule in 1994”¹²¹—demonstrates the (in)visible link with South Africa’s violent and racially segregated past.

Adding to these enduring legacy problems, the South African Police Service (SAPS) struggles with a reputation of being violent, corrupt, and politically biased.¹²² The extant literature provides further evidence that buttresses perceptions that the SAPS is riddled with integrity-related challenges.¹²³ In our study, we sought to advance farther and investigate how the reasoning of this agency’s officers about the use of excessive force is affected by their race and supervisory status. On the one hand, in a country that is a non-racial democracy, the police officers’ race should not affect their views about police integrity. On the other hand, in a country in which a long history of racial oppression has been affecting virtually all aspects of people’s lives, racial tensions within the country—especially those fueled by political motivation—are bound to affect police officers’ views about the use of excessive force.

Indeed, our results show that race and, to a certain degree, supervisory status, shape police officer views about the use of excessive force. However, like the many twists and turns of the country’s history, this story is neither straight nor simple. To begin with, compared to white police officers or police officers of other races, black police officers in our sample seem to view instances of the use of excessive force as much more serious and are also more likely to indicate that they would report such incidents. Although these racial effects are not present in every scenario

¹¹⁹ National Crime Stats, ISS CRIME HUB, <https://issafrica.org/crimehub/facts-and-figures/national-crime> [<https://perma.cc/7TVX-PHQU>] (toggle “Facts and figures”; then follow “National crime” hyperlink and select “Murder” from categories).

¹²⁰ *Death Toll From Rioting in South Africa Rises to More Than 300, Government Says*, *supra* note 86.

¹²¹ Renee Bonorchis, *South Africa on High Alert Amid Threat of National Protests*, BNN BLOOMBERG (Aug. 22, 2021), <https://www.bnnbloomberg.ca/south-africa-on-high-alert-amid-threat-of-national-protests-1.1643051> [<https://perma.cc/Z9M5-Y8JX>].

¹²² See GROBLER, *supra* note 60, at 24–31. See also AFROBAROMETER, *supra* note 56, at 37.

¹²³ See Kutnjak Ivković & Sauerman (2012), *supra* note 89, at 16; Kutnjak Ivković & Sauerman (2013), *supra* note 89, at 175; Kutnjak Ivković & Sauerman (2016), *supra* note 89, at 268–69; Matlala et al., *supra* note 89, at 2978; Meyer et al., *supra* note 89, at 140; Newham, *supra* note 89, at 232; Salome Reyneke-Cloete & Michael E. Meyer, *Viewing Integrity in the South African Police Service Among Non-Commissioned Officers in Gauteng Province*, 29 ACTA CRIMINOLOGICA: AFR. J. CRIMINOLOGY & VICTIMOLOGY 87, 87 (2016).

in our questionnaire, a common pattern has emerged across the scenarios in which these racial differences are more pronounced and statistically significant.

These differences in personal views are at least partly shaped by how the police officers in our sample perceive most police officers would evaluate the same instances of police misconduct (i.e., the excessive use of force) and how likely those police officers would be to report such misconduct. In particular, in all the cases in which there are racial differences in their perceptions of peer culture, black officers tended to expect that most police officers would evaluate these cases as more serious and would also be more likely to report. Such a finding is not surprising because prior studies consistently show that the peer effect has the strongest explanatory power in the multivariate models of various police officer views, including their perceptions of the code of silence.¹²⁴

The scenario in which race does not matter for almost any measure of police integrity (their own evaluations of misconduct seriousness, their expressed willingness to report, their perceptions of how most police officers would evaluate this scenario, and their perceptions of how willing most police officers would be to report it) is the scenario describing the abuse of deadly force. This scenario describes the most serious form of the use of excessive force that might result in a fatal outcome.¹²⁵ The good news is that whether a police officer is black, white, or belongs to the “other” racial group, carries no weight in how they evaluate the abuse of deadly force. The severity of this behavior seems to trump the racial divide.

This division seems also less prominent in the respondents’ familiarity with the official rules. Asking the respondents to assess whether the example of police misconduct described in the scenario violates official rules uncovered few systematic racial differences, suggesting that the information concerning the official rules is equally conveyed to the respondents through their training, which should be the same for officers of different races. The most intriguing case involving

¹²⁴ See Hickman et al., *supra* note 103, at 319; Kutnjak Ivković et al., *Decoding the Code of Silence*, *supra* note 104, at 172; Kutnjak Ivković et al., *A Comparative Study of the Police Code of Silence: Exploring the Relation between the Code of Silence and Societal Characteristics*, *supra* note 104; Long et al., *supra* note 104, at 242; Lim & Sloan, *supra* note 104, at 284; Peacock et al., *supra* note 104, at 12; Van Droogenbroeck et al., *supra* note 104.

¹²⁵ See generally KLOCKARS ET AL., *supra* note 90; Klockars et al., *supra* note 90; KLOCKARS ET AL., *supra* note 99; Kutnjak Ivković, *supra* note 90; Kutnjak Ivković & Haberfeld, *A Comparative Perspective on Police Integrity*, in MEASURING POLICE INTEGRITY ACROSS THE WORLD, *supra* note 90.

racial differences is the scenario describing a failure to report a racially-biased crime. In this scenario, the white respondents seem to be significantly less likely to recognize that such a failure to report is a violation of the official rules than the black respondents are.

Finally, in three scenarios, including the abuse of deadly force scenario, we noticed racial differences that fit a pattern different from our earlier observations of evaluations of seriousness and officer willingness to report misconduct. Although black respondents evaluated misconduct as more serious and were more willing to indicate that they would report, they tended to be somewhat more likely than respondents from other racial groups, particularly white respondents, to select less severe discipline as the appropriate discipline. Prior literature has consistently shown that the perceptions of seriousness/willingness to report and the severity of the appropriate discipline are strongly and positively correlated.¹²⁶ South Africa seems to be an exception from this rule. One conceivable reason might be related to the country's past. Several centuries of the white government rule over the black majority created numerous instances in which the minority was creating the laws criminalizing behavior and determining punishment they deemed appropriate. In this context, blacks were getting the proverbial short end of the stick and may now still have a pronounced resentment for any harsh punishment or discipline.

The results of our study clearly show that the story of race, police, and abuse of force makes for complex reading and cautious interpretation. For some measures of police integrity, like familiarity with official rules, we found no systematic racial patterns, suggesting that the SAPS uniformly teaches the official rules. On the other hand, we found patterns of a racial divide in other measures of police integrity. Nearing 30 years of majority rule, it is troubling that this division is still reflected in the views of police officers. It is an open question as to what the South African society in general, and the country's political leaders and police in particular, would need to do to not only mitigate this lingering legacy, but to ultimately file it in the history books under *the bad old days*.

¹²⁶ See KLOCKARS ET AL., *supra* note 90, at 1; Klockars et al., *supra* note 90, at 17; KLOCKARS ET AL., *supra* note 98; Kutnjak Ivković, *supra* note 90; Kutnjak Ivković & Haberfeld, *supra* note 90.