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Research Report

Exploration of the Impact of Police Brutality during demonstrations on Public Trust: A case study of the Malawi Police Service in Malawi, 2010-2020

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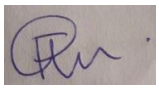
Declaration

I, Faith Chavula declare that this Research Report is my own original work. It is being submitted for the Degree of Master of Arts in Organisational and Institutional Studies at the University of the Witwatersrand Johannesburg. It has not been submitted before for any degree or examination at any other university.

 (Signature of Candidate)

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Abstract

Police brutality during demonstrations has been a concern all around the world. Over the last decade, Malawi has recorded tens of violent demonstrations which have been associated with police brutality which has negatively affected an already declining public trust in the Malawi Police Service (MPS). This study employed a qualitative research design to investigate how police brutality during demonstrations has negatively affected public trust in the MPS. This study used semi-structured interviews and document analysis to collect data. This research study sampled twenty (20) respondents namely, citizens who had participated in demonstrations in the past decade, MPS officers, and members of Community Social Organisations (CSO's) who had been organising different demonstrations in Malawi over the past decade. The major findings of this study are that there has been a political influence in the MPS which has led to the adoption of partisanship in the MPS. This has influenced police brutality especially during anti-government demonstrations. The study also found that the MPS have adopted a militarisation approach also known as an "us vs them" posture, where the police see the public as enemies and respond with excessive force during demonstrations. Due to this militarisation approach and police partisanship, there has been an impaired relationship between the citizens and the police which has resulted in a shift of public trust from the MPS to CSOs. Strategies and recommendations have also been explored to begin to address public trust in the MPS.

Key Words: Demonstrations, Police brutality, Public trust, MPS, Malawi

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List of Acronyms

ACB- Anti Corruption Bureau

APAM- Association of Persons with Albinism

CHREAA- Centre for Human Rights, Education, Advice and Assistance

CSOs- Civil Society Organisations

DPP- Democratic Progressive Party

HRDC- Human Rights Defenders Coalition

IG- Inspector General

MDF – Malawi Defense Force

MHRC- Malawi Human Rights Commission

MPF – Malawi Police Force

MPS - Malawi Police Service

UN – United Nations

CHAPTER ONE: BACKGROUND AND INTRODUCTION ON PUBLIC TRUST IN THE MPS DURING DEMONSTRATIONS

1.1 Introduction

Police brutality during demonstrations has long been a concern around the world. The African Amnesty Report (2020) observes that in many African countries, police are quick to use force in response to demonstrations or protests. The excessive use of police force during demonstrations violates people's rights to liberty and security (Amnesty International Report, 2021).

According to McMahon (2014), misconduct of the police in any form, including police brutality during demonstrations, affects public trust. This is because police are expected to safeguard the public in their exercise of power and authority. Globally, McMahon (2014) continues, police forces have failed to meet their set standards during demonstrations, which has progressively harmed public trust. Police misconduct involves wilful neglect of duty by the police that amounts to a breach of public trust (McMahon, 2014). Similarly, Goldsmith (2005) argues that police misconduct during demonstrations has overall negatively affected public trust and impaired the relationship between the police and the public, as the public feels deprived of their equal right to protection under the law.

Public trust in the police, Hardin (2002) argues, denotes a belief amongst citizens that police officers have the right intentions towards citizens and are competent to act in a particular way in certain circumstances. The failure of police to meet their minimum standards of competence, which include protecting citizens, maintaining order and behaving with fairness and honesty during demonstrations has progressively affected police public trust globally (McMahom, 2014).

Scholars argue that police brutality and violence are amongst the main reasons why the public have lost trust in the police globally (Goldsmith, 2005). “While taking a variety of forms, including torture and causing death, police violence of this kind occurs outside the formal limits of the law and lacks any legal justification. It might be considered the very antithesis of policing by consent; hence its destructive consequences for trust” (Goldsmith, 2005: 456). There is increasing evidence over the past decade that police brutality and violence have been portrayed

during demonstrations in Malawi (Amnesty International, 2011; Malawi Freedom House, 2020).

In Malawi during the 2019-2020 post-election demonstrations, the Malawi Police Services (MPS) were accused of serious human rights violations which further affected public trust in the police. A case of police brutality was brought up by the Malawi Human Rights Commission (MHRC). The MHRC is an independent national human rights institution established under section 126 of the Constitution of the Republic of Malawi (Constitution of Malawi, 2017). The report by the MHRC accused some of the MPS officers of raping and sexually assaulting eight innocent women and girls in Msundwe, a local community area in the capital city of Lilongwe (MHRC, 2020).

Another report released by the Malawi Ombudsman (2020) narrated how the police sexually assaulted the women and girls of Msundwe. One story involved a woman called Grace (pseudonym), who reported that two Malawian male police officers had broken into her house and accused her of hiding her husband's whereabouts. Her husband was accused of being involved in street violence that broke out during the demonstrations. In the course of being questioned, Grace explained, one of the male police officers pushed her down and undressed her. The officer then raped her and afterwards stepped on her with heavy boots (Masina, 2020; Malawi Ombudsman, 2020).

Despite these episodes of police brutality and overall misconduct during demonstrations, no academic studies have been undertaken in Malawi that have sought to understand police brutality as a factor in explaining the low levels of public trust in the MPS. The present study seeks to bridge this gap by investigating the extent to which police brutality during demonstrations in the last decade (2010-2020) has affected public trust in the MPS.

The period under study is one in which Malawi recorded the two highest historical demonstrations in the multiparty era: the 2011 anti-government demonstrations and the 2019-2020 post-election demonstrations.

1.2 Background to the Study

Since Malawi's independence, the police have been viewed critically owing to repeated acts of violence perpetrated against citizens (Banda and Kayira, 2012). Dr. Hastings Kamuzu Banda, the country's first president who had led Malawi to independence from British colonial rule in 1964, ruled the country for thirty-five years as a single-party dictatorship under the Malawi Congress Party (MPC), until he was stripped of power in 1993 (Chirambo, 2004). Dr. Banda's government is remembered for instances of police brutality towards citizens and a climate in which citizens were fearful and wary of the state and the police. Dr. Banda used government institutions, including the police (then called the Malawi Police Force (MPF)), as a weapon against those who opposed his leadership. As a result, public trust in the police was significantly undermined. The police force was seen to serve the political interests of the president at the expense of performing its rightful role of protecting and defending the citizens of Malawi (Ihonvbere, 1997; Khaila, 2005).

According to Ruscio (1996), trust is central to a legitimate democratic government in its formation and implementation of public policy. From 1994, Malawi began a democratic transition from the authoritarian regime of Dr. Banda to a multiparty system, with the government undertaking legislative reforms which led to the adoption of a constitution that declared a democratic nation (Luhanga, 2001). This was particularly important as a public trust-building strategy, emulating the notion central to modern democracies that the sovereignty of the state lies with the people (the public).

The MPF was also to undergo change in line with new democratic imperatives. The new constitution was initially developed in 1995 and the police was one public institution that went through a transformation, changing its name from the Malawi Police Force to the Malawi Police Service (henceforth MPS). The transformation was meant to improve its effectiveness and orientate its operations towards the public, providing quality policing services to citizens and gaining public trust (Luhanga, 2001).

Despite these reforms, public trust in the MPS has subsequently deteriorated (Andesen, 2019; Singini, 2020). The Malawi Afro barometer (2012, 2014 and 2017) illustrated the extent to which public trust in the Malawi Police has declined over the past decade (2010-2020). From

68% in 2012, public trust in the police dropped to 60% in 2014 and dwindled further to 53% in 2017.

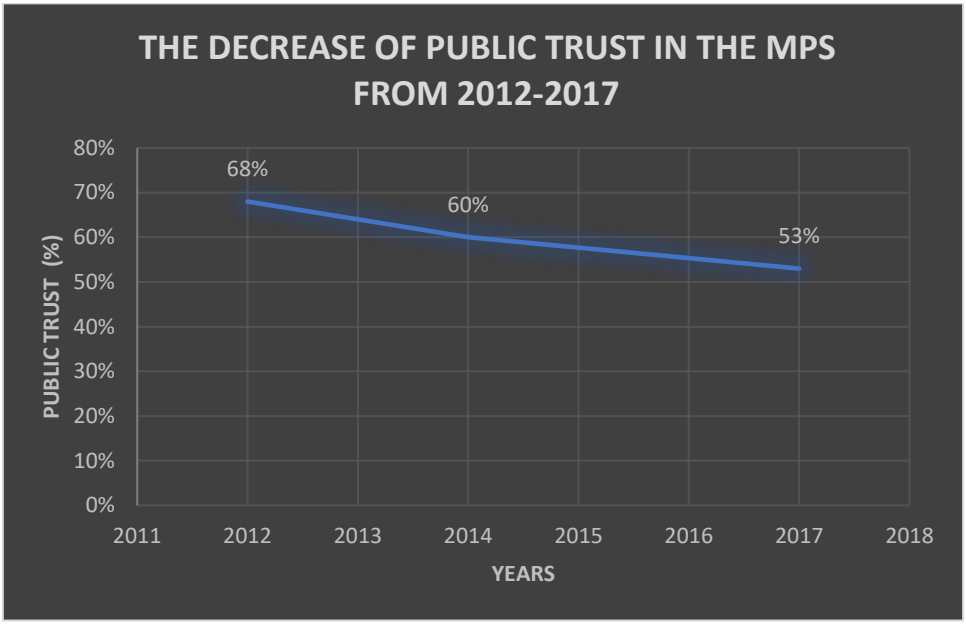

Figure 1: The decrease of public trust in the MPS

The Afro barometer (2019) identifies corruption as a major factor reducing public trust in the police. A survey issued by the National Initiative for Civic Education (NICE) in Malawi identified several factors that have led to the deterioration of public trust in the MPS: corruption (21%), police partisanship (20%), unreliability of police officers in carrying out operations effectively (10%), police favouritism (10%), MPS abuse of power (8%), and the use of brutal force and violence (7%) (NICE, 2006; Namwini, 2020;).

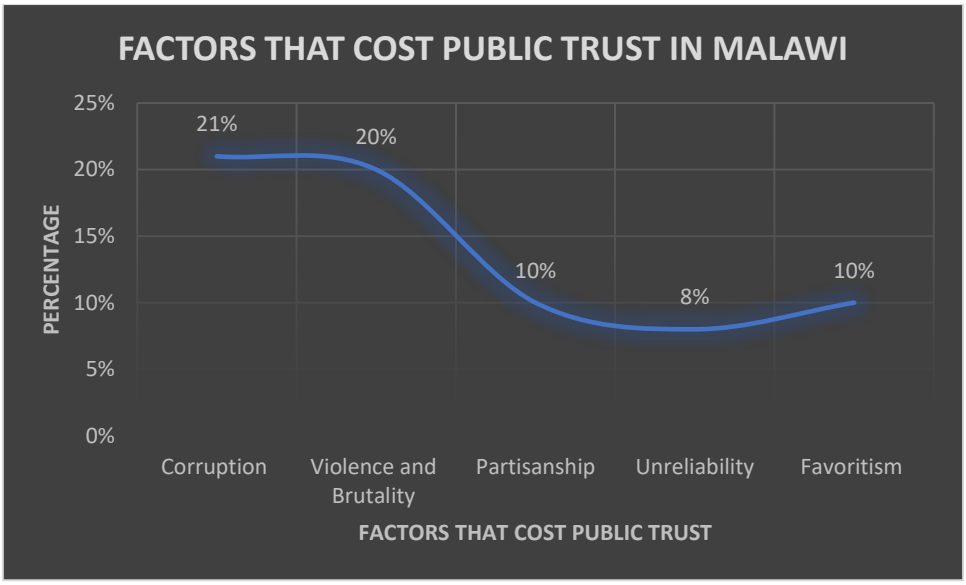

Figure 1: Factors that cost public trust in the MPS

In 2011, the MHRC and local non-governmental organisations (NGOs) criticized the MPS for human rights violations (COR, 2012). The report cited the excessive beating and killing of protestors and innocent civilians by the MPS. An example of police using excessive force was seen in 2011 when the MPS was accused of police brutality during national anti-government demonstrations over deteriorating economic development and fuel shortages (Banda, 2011; Commack, 2012). During the demonstrations the police used live ammunition against unarmed protestors, with at least 20 civilians shot dead and about 250 protestors arrested (Human Rights Watch, 2011; Commack, 2012). After serious allegations by the MHRC on behalf of the public, who cited police failure to serve the citizens and mistrust against the police, the MPS confessed and admitted to the use of live bullets and of mishandling the 2011 demonstrations, which resulted in the further deterioration of public trust in the MPS (Malawi Human Right Report, 2012).

To address faltering public trust, the MPS undertook another process of reform in 2013 under the mantle of the Improvement Development Programme. The reforms aimed to improve the MPS's management of public order and strengthen mechanisms for holding police officers accountable. This came after reported acts of police misconduct which cited the constitutional rights and obligations of the MPS (UK Aid, 2013; Constitution of Malawi, 2017). Seven years later (2020-2021), the MPS was once again in the throes of reform, this time focusing on effective service delivery in crowd control and management with the aim of improving and mending public trust (Namwini, 2020). This development came after a notable experience of police brutality during eight months from 2019 to 2020 – the post-election period which saw

demonstrations that ignited debates and concerns about the loss of public trust in the MPS (Tostensen, 2019; Malawi Police, 2019).

According to Tostensen (2019), the 2019-2020 demonstrations recorded high cases of police brutality. The incidents included police physical violence through beating journalists and civilians, violently dispersing civil unrest, sexual and gender violence against women and girls, and in some cases even murder. All these violent incidents further deteriorated public trust in the MPS.

Contemporarily, public trust in the police has remained an issue in Malawi. The issue of public trust has subsequently deteriorated over the past decade, hence increasing public fear and distrust in the police (Malawi Afro barometer, 2012 and 2017).

In 2020, however, the cost of public trust allegations was confirmed by the former Inspector General Duncan Mwapasa, who publicly admitted the loss of public trust in the police. In his statement, Mwapasa stated, 'it is indeed true that some quarters of the society have lost trust in the Malawi Police Service', and that the police services are working towards winning back the public trust (Chirwa, 2020; Malawi Police, 2020). These statements were made after the former Inspector General was asked to comment on the allegations of police failure to handle protests and the ranging defilement accusations against some police officers during demonstrations (Chilungu, 2019). This portrays the extent to which police brutality during demonstrations has been a contributing factor to the loss of public trust in the MPS over the past decade (2010-2020).

Moreover, various human rights institutions and government agencies in Malawi, including the MPS itself, have admitted that there were many cases of police brutality during the post-election demonstrations and violence. According to Samati (2021) and Namwini (2020), the MPS are aware of the cost of public trust that has faded in the past years, and they are working towards training officers in a bid to improve public service delivery and win back the trust of the citizens.

Existing research points to a range of factors that have affected public trust in the Malawi police which include corruption, police violence and brutality, unreliability and police favouritism. However, few researchers have focused extensively on the extent to which police brutality during demonstrations has affected public trust in the MPS. The present study solely focuses on understanding the costs of police brutality during demonstrations on public trust in Malawi.

1.3 Rationale of the Study

This research aims to investigate how police brutality during demonstrations over the past decade (2010-2020) has affected public trust in the MPS. The decline of public trust in government and public institutions is a global concern (Goldsmith, 2016). Scholars argue that trust in most institutions worldwide is diminishing (Carter, 1997). Algan (2016) points to a wide variety of factors that have affected public trust in institutions and government, including age, income, level of education and globalization. These factors differ among countries and can significantly determine public trust. Carter (1997) also points to the role of business and social media scandals, as well as a lack of transparency in government, as contributing to declining levels of public trust. As a result, citizens lack a sense of the public institution's intentions, making the public less receptive to messages from any of the institutions and mistrustful of attempts at reform.

In Malawi, the 2013 and 2017 Afro-barometer research findings indicate that public trust in the government and public institutions has similarly declined (Afro barometer, 2017). Another recent study examining public trust in state institutions over the past two decades (1999 to 2019) – focusing on the police, parliament, judiciary, and presidency – found that there has been a general decline (ranging from 'a lot' to 'somewhat') in levels of trust based on general performance and levels of corruption (Kayuni and Chungu, 2021).

Significantly, trust in the Malawi Police in 2013 was at 53%, the Malawi Defence Force was at 73%, while trust in the judiciary was at 59% (Afro barometer, 2014). The results portray how trust in the MPS has reduced substantially. Between 2013 and 2017, public trust in the MPS reduced further from 53% to 38%, with corruption cited as a major factor (Afro barometer, 2017; Boadi, 2021).

Kayuni and Chungu (2021) note that all state institutions in Malawi, including the police, received increasing public approval levels between 1999 to 2005. This is also regarded as the 'honeymoon' phase in which the citizens of Malawi exhibited expanded trust in state institutions, including the MPS. It is argued that the general reduction of public trust in the institutions largely started from 2008 and has continued to the present time (World Bank Group Malawi, 2018).

The police have been perceived as the most corrupt institution in Africa by the Global Corruption Report (Afro barometer, 2015). Wambua (2015) argues that such negative perceptions damage the credibility and effectiveness of the police as an institution charged with protecting lives and citizens' rights, hence undermining public trust. While there has been much research on police and public trust globally, most researchers have studied corruption as a major factor affecting public trust in the police (Staubli, 2014).

According to Olutula (2016) and Carter (1997), police corruption is one factor that has consistently affected public trust in the police. Corruption is understood as any illegal misconduct involving the "use of occupational power for personal gain" (Sayed and Bruce, 1998).

According to Mweniguwe (2012), police in Malawi portray corruption as a social norm, which has resulted in a decrease of public trust in the police service. Olutula (2014) further notes that one of the major characteristics of police corruption involves the misuse of a police officer's position for some expected material reward.

While scholars have evidently focused on corruption as a key contributing factor in the weakening of public trust in the MPS, this study seeks to explore how police brutality specifically over the course of the past decade (2010-2020) has influenced public trust in the MPS. Diminishing trust in the police has furthermore prompted a shift in public reliance on the police to Community Social Organisations (CSOs) instead, who now serve as a bridge between the MPS and the citizens of Malawi – a development that appears to have evolved over the past decade (2010-2020).

Few researchers have considered the extent to which police brutality during demonstrations has affected public trust. In Malawi particularly, despite the fact that the MPS has admitted the loss of public trust during demonstrations, no studies have been conducted to explore how police brutality during demonstrations has affected public trust in the MPS. This study thus aims to fill this gap, investigating how police brutality during demonstrations has influenced public trust in the MPS over the past decade (2010-2020).

1.4 Research aims and Objectives

The overarching aim of this study is to explore how police brutality during demonstrations has affected public trust in the MPS over the past decade (2010-2020). From the literature review,

research questions and objectives were formulated after contextual weaknesses were identified as there was no specific research on public trust in the MPS during demonstrations.

The research objectives are as follows:

I. To analyse the influence of police brutality on public trust during demonstrations in the past decade (2010-2020).
II. To investigate the extent to which public trust has changed over the past decade as a consequence of police brutality during demonstrations.
III. To investigate factors that affect public trust in the MPS during demonstrations.

1.5 Research Question

The main research question for this study is: How has police brutality carried out by the Malawi Police Service during demonstrations affected public trust over the past decade (2010-2020)?

1.5.1 Sub-questions include:

I. What factors influence police brutality during demonstrations?
II. How have citizens changed their modalities of interacting with the police during demonstrations?

1.6 Chapter Outline

This research report consists of six chapters. A brief outline of each is provided below:

Chapter One serves as the introduction to the study, providing background to the research on police reforms, public engagements and perceptions. The Chapter further highlights how police brutality during demonstrations affected public trust in the MPS over the past decade (2010-2020). It also foregrounds the rationale, the main research question, and its sub-questions for the study.

Chapter Two offers a literature review of the research subject. It reviews the literature on public trust in the police as a public institution. The Chapter argues that globally, the centralised system of the police as a public institution contributes to the political polarization of the police and the chain of command – both of which influence police brutality and influence public trust in the police.

Chapter Three introduces the methodology of this research study. It presents the research methodology and the approach used in this research. The Chapter describes the case study, site selection and sampling used. It further describes the instruments used to collect the data along with the limitations and the ethical consideration of the study.

Chapter Four presents the findings of this study. It shows how police brutality during demonstrations in the past decade (2010-2020) has negatively impacted public trust in MPS. The Chapter discusses how people in Malawi do not trust the MPS during demonstrations. This is because MPS are perceived as politically biased towards the government, lacking institutional independence. This bias influences MPS officials to act in the interests of the government and not the public or the citizens. Even though it is the rightful role of the police to protect the citizens/protestors during demonstrations, the MPS have deployed a militarisation mindset (an 'us vs them' approach) towards the public, resulting in a lack of coordination between the public and the police during demonstrations which has negatively affected public trust in the MPS. The lack of public trust in the MPS has deteriorated to the extent that the public now exhibits greater trust in CSOs than in the police. CSOs now act as a bridge between the government and the citizens of Malawi.

Chapter Five offers a discussion of the research study, considering the findings presented in Chapter four and marrying them with the literature reviewed in Chapter Two of the research study. This Chapter confirms some of the central conclusions of past studies which were evident in the findings data, such as the argument that centralised police systems are politically influenced which affects public trust. The Chapter also presents the findings of this research which contradict and disagree with previous studies.

Chapter Six contains the conclusions and recommendations of this study. The Chapter recommends ways in which the concept of public trust could be rebuilt or strategized. The Chapter also sets out the limitations of this study and suggests areas that require further research.

CHAPTER TWO: PUBLIC TRUST IN THE POLICE AS A PUBLIC INSTITUTION

2.1 Introduction

This chapter will present a discussion of existing literature on public trust in the police. To gather relevant information, various literature sources were consulted to gain an understanding of the concept of public trust in the police, including journal articles, academic books and newspapers.

2.2 Public trust in state institutions

Trust is an integral factor in the functioning of public institutions. Trust in public institutions is essential for social and economic progress, facilitating cooperation and solidarity. Trust allows public institutions to plan and execute policies and competitively deliver services. As such, greater trust in public institutions has been found to improve public compliance and respect for human rights. This also gives confidence to the public and citizens (United Nations, 2021). 'Trust is an abstract concept,' write Wheeless and Grotz, "but one whose origins are firmly rooted in experiences and individuals' interactions" (1992:10). Ring and Ven (1992) define trust 'as confidence in any goodwill of others, with the belief that they will not cause any harm to a person when they are vulnerable to them!'

Cohen (2001) adds that organisational trust is more than simply the personal trust that exists between individuals based on reputation and experience. Cohen (2015) maintains that "organisational trust is an important component in the fairness paradigm, because trustworthiness is one of the important exchange components in any model of organisational justice". According to McCauley and Kuhnert (1992), organisational and institutional trust is derived at least partly from the roles, rules and structured relations of the organization and institution. Wheeless and Grotz (1997) also suggest that trust is visible when two parties have a clear perception of each other's relation. Thus, public trust is a bridge between citizens and any public institution. Akanda (2016) proposes that a citizen's trust in public institutions is necessary for ensuring good governance. This means that trust in public institutions is mostly dependent on public officials' performance because they are the representatives of the public institutions.

Trust is an important quality in any relationship where cooperation is required (Six, 2003). Therefore, the relationship between public institutions and citizens necessitates cooperation from both parties: citizens are obliged to obey enforced rules and laws laid down by public institutions, while public institutions are obliged to serve public needs (Mclean and Warden, 2017).

High citizen trust in major public institutions is likely to increase citizens' reliance and confidence in them. Conversely, low trust can mean little or no reliance and a lack of confidence, which can result in non-compliance and greater cost transactions on their part (Akanda, 2016). This means that, for instance, the police need the public's compliance, cooperation and empowerment to do their job effectively (Nix, Wolfe, Rojek, & Kaminski, 2015).

Westmarland (2010) argues that the police-public trust relationship is not one-sided: while the public's trust in the police is essential for good police-public relations, so is police trust in the public. As Kääriäinen and Sirén (2012:282) state: 'The trust of citizens in the police and the trust of the police in citizens are closely intertwined'. Widespread collaboration and cooperation between the police and the public is impossible without mutual trust, respect and support (Moon and Zager, 200). Moreover, mutual trust is essential for democratic governance (Yang, 2001).

However, Goldsmith (2005) argues that public trust in state institutions tends to be low, weakening interpersonal trust and civil society because it affects their provision of basic services. This affects the citizens' trust in the police and towards police reforms because the police are less likely to act collectively and damage greater accountability from the government (Mishler and Rose, 1998).

The concept of public trust has been explored by various important scholars. Public trust is a very critical concept that is highly dependent on a good relationship between the public and the police – one which has to be managed and maintained. The benefits of public trust are far reaching, including a balanced approach of citizens understanding the law. In an institution like the police, which is critical to protecting civilians, it is very important that public trust is presented on an upward trajectory. The next section will discuss public trust in the police as a state institution.

2.3 Contextualization and operationalization of public trust in the police as a state institution

Trust is associated with the implicit or apparent expectation that others must act in ways that are expected. Thus, Cao (2015; 242) describes public trust generally as the 'unquestioning belief in and reliance upon a group to which one belongs, or a public institution established to protect citizens. In the same light, Hardin (2002) defines public trust in the police as a belief that police officers have the right intentions toward citizens and are competent to act in a particular way and in certain circumstances.

According to Jackson (2012), trust is a particularly important concept for police agencies because citizens generally have limited knowledge of police practices and lack of expertise in evaluating their performance. Therefore, the trust that a person has in the police tends to be based on limited personal experience that conveys little information about police intentions and characteristics (Jackson *et al*. 2012). Olutola (2016) argues that trust is one key concept that reinforces the bond between the public and state institutions. Citizens' trust in the police reflects citizens' expectations of the police officers. They assume that police officers will follow rules and regulations in performing their duty (Akanda, 2016). Tyler and Huo (2002) have argued that this bond of public trust in the police builds public confidence. This bond translates to the public belief that the police have the greatest interests of the community at heart and would exercise their authority in ways that are consistent with that interest.

A study of the police is thus a good entry point to the study of trust between the citizens and public institutions (Staubli, 2014). Police are sought out to bring stability, order and a shared sense of right or wrong in a society (Mauchary, 2003). The police are also expected to retain high public trust for the system to perform its mission to the fullest levels of effectiveness and legitimacy, hence the imperative that they are bestowed with trust and legitimacy (Olutola and Bello, 2016).

Public trust in the police thus refers to citizens' belief that police officers have appropriate motives and are competent in carrying out their duties as the public expects. This also means that public trust in the police is always related to how the police use their authority to perform and serve the interest of the public.

On the concept of authority, Tyler (2001) argues that the care and commitment that the police give to their community members determine public trust. Trust exists when citizens view the

police as being honest and competent authorities who can exercise their institutional responsibilities and authority on behalf of the community.

Similarly, Field (2003) notes that social researchers are increasingly using trust to explain various levels of cooperation evidenced in differing social and political environments. In order for people to cooperate and achieve their institutional and personal goals, they need not only to know one another but also to trust each other – to be assured that others will not exploit or cheat in their relationships and that they can genuinely expect to benefit from their cooperation (Mauchary, 2003).

Citizens' satisfaction is determined by police effectiveness and legitimacy in carrying out their actions. Police effectiveness is enhanced through communication and effective sharing of information between the public and the police. It is important that police engagement with citizens through the decision-making process creates a positive attitude towards the authority of the police. The decisions made by the police should therefore create public satisfaction (Akanda, 2016).

In the same way, Boateng (2012:6) states the Motive-based Trust Theory 'supports the notion that public trust in the police can be a predictor of public satisfaction with police'. Therefore, the literature indicates that public satisfaction and compliance with the police is a measure of public trust in the police.

According to Stocker (2001), public satisfaction leads to trustworthiness towards an organisation. When the public perceive an organisation to be trustworthy, they are more likely to comply with the institutions' demands and regulations. Hence Tyler's (2001) conclusion that institutional trustworthiness motivates public compliance with enforced laws.

Evidence from the literature supports the contention that a mutually cooperative relationship between the public and police results in public satisfaction. McCartney and Parent (2015) propose that the extent to which police are capable of maintaining social order and crowd management largely depends on the nature of the relationship between the police and the public. This relationship exists whether or not it is a forged mutual perception through community policing.

In summary, public trust in the police is largely determined by effective and legitimate police conduct in service delivery, and through transparency and public engagement in decision-making processes that enhance public satisfaction. Public satisfaction can, however, be

negatively implicated if there is a low or poor public trust in the police. The next section will discuss some of the factors that diminish public trust in the police.

2.4 Factor cost of public trust in the police

Public trust in the police has deteriorated in several countries – a trend which is accompanied by tremendously increased levels of public fear (Burger, 2011). Lack of public trust in the police has been portrayed in the relationship between the public and the police: 'where the former perceive the latter as an "enemy" even when the latter seems to portray itself as a "friend"' (Burger, 2011: 14).

Schaap (2020) and Six (2003) argue that stable or declining trust in the police may also result from a mixture of shortcomings in ability, benevolence, dedication and ethics against work trustworthiness. According to Schaap (2020) police have been criticized for being stagnant and ill-equipped in the face of changing societies and evolving demands, which has seen declining levels of legitimacy and public trust. Similar studies which considered decreased public trust were observed in a number of African countries, with corruption cited as a major reason for loss of public trust in the police (Afro barometer, 2019).

Furthermore, some of the factors that have led to the deterioration of public trust in the police include increased police violence against the public and the politicization of the police force. While police are officially meant to be politically neutral, there has been an alarming increase in the involvement of police in political affairs. These factors have had damaging effects on public trust, significantly undermining the credibility and legitimacy of the police (Olutola and Bello, 2016).

Some scholars argue, however, that the excessive use of force by the police is an 'old song' in Africa – one which reform has still not managed to change (Etannibi and Alemika, 2018). According to Etannibi (2018), police violence has been difficult to reform away because police forces were established by the former colonial powers and are thus considered 'a gendarmerie- rather than local'. The lack of resources and lack of financial management is why police are poorly trained and underpaid. These poor working conditions are what motivates police officers to petty corruption simply to feed their families. The roles and responsibilities of the police are orientated towards protecting the state, just as they were during colonial times, rather than aimed at serving the public. The elites and the 'big men' that control and benefit from the

state often influence and dismiss cases of police abuse. As such, the police force is an institution which is slow to undertake meaningful reform (Shawa, 2019 and Campbell, 2020).

In many African countries, Campbell (2020) argues, the police constitute one element in a system of institutional underdevelopment. This is characterised by a situation in which the rule of law is feeble, institutions such as courts are corrupt, and people are motivated to take issues into their own hands. This has routinely seen the police functioning as a weak, under-resourced occupying power too ready to resort to excessive force. Hasty and excessive use of force by the police often results in violence and confrontations during demonstrations between protestors and the police. The disorder that ensues from police behaviour raises questions about the role of the police as agents of social control.

Fogelson (1968) notes that the role of the police in causing or increasing violence during riots or civil disturbances has been repeatedly documented. Fogelson (1968) and Hundley (2020) argue that police action during riots and demonstrations tends to worsen the situation because police either offer an underreaction that allows the disorder to spread, or an over-reaction that further incites the crowd.

The violent clashes that arise with the police in the course of demonstrations undermine public trust in the police and involve another set of factors which manifest themselves differently. Some of the consequences of violent clashes with the police during demonstrations include looting, damage of property locally known as ‘demostroy’, and negative public image of the police as the media records and publishes during demonstrations (Harvey, 2018; George, 2022).

In summary, there is evidence where scholars have argued that public trust in the police arises when police do not uphold their roles and responsibilities in crowd management during demonstrations. Violent confrontations during demonstrations affect public trust because the police are the ones expected to protect the protestors, but instead the police fight with the protestors which further erodes public trust.

The next section explores police violence and brutality during demonstrations as factors affecting public trust in the police.

2.5 Police Violence and Brutality during demonstrations as a factor cost of public trust

In literal translations, scholars define police brutality as the excessive use of force by police officers against victims that is deemed to go beyond the level required to sustain life, avoid injury or control a situation (Cuncic, 2022). According to the National Institute of Justice (2020), police violence should be understood as the illegal use of force by the agents of social control (police) during riots and demonstrations. Police brutality during demonstrations is also normally taken to mean the application of force beyond that which is reasonably necessary to restore or maintain social order (Bruce, 2002).

Evidence has shown that police brutality has a major effect on public trust (Goldsmith, 2005; Ang and Bencsik, 2021). Legitimacy of the police as an institution is largely dependent on public perception and public trust (Goldsmith, 2005). It has been shown that police violence and brutality has negatively affected public trust to the extent of making the police illegitimate (Bruce, 2022; Goldsmith, 2005). Studies have shown that police brutality stems from various factors such as the culture of the police (machismo culture[1]), anger and frustration with the work environment, government performance targets, a culture of violence in the society, training inadequacies, ineffective disciplinary processes, and poor convictional rate of police officers (Yesufu, 2022).

In recent years, there have been several high profile and tragic incidents during demonstrations involving clashes between police and the public that have severely impaired public trust and reduced citizens crime report, hence garnered attention around the world (Mourtgos, 2018; Ang and Bencsik, 2021). After the George Floyd murder in 2020, it was reported that public reporting to the police dropped by 50% which is a shocking drop in 911 calls to report crime (Ang and Bencsik, 2021). This is an extreme but true reflection of how police brutality can affect public trust.

In Africa, clashes between the police and the public have been observed in a number of staged demonstrations by human rights activists. A recent globally known example of demonstrations against police brutality was the #EndSARS campaign in Nigeria. The demonstrations rocked the country between the 11th and 20th of October 2020, calling on Nigerian authorities to abolish

[1] Machismo culture refers to the culture where male police officers are not allowed to show any emotions in public. Those who are seen to cry in public and show their emotions are considered weak.

the abusive acts by the Special Anti-Robbery Squad (SARS). The SARS squad was a unit in the Nigerian police institution (Harvard Human Rights, 2020 and Maghalu, 2020). During the protests, police reportedly fired live rounds into the crowd and shot tens of demonstrators. According to an Amnesty International Report (2020), at least 56 people died across the country during the End SARS demonstrations. Thus forth, McCartney and Parent (2015) argue that the policing of public demonstrations has historically proven difficult, especially because police reaction to public demonstrations often results in public criticism – police are criticized either for being too lax in enforcement, which results in riotous situations, or too restrictive, which results in human rights restrictions and/or violations.

The United Nations Interregional Crime and Justice Research Institute (2020) states that the role of the police during demonstrations and protests should be distinguished from that of other agents of social control within civil society, principally due to the fact that police are meant to hold a monopoly on the legitimate means of state violence – a concept derived from Max Weber who insisted the 'law (is) hinged upon the existence of an enforcement staff with control over coercion (UKEssays, 2018). Police provide a much wider range of services than simply physical force, such as the preservation of order, the maintenance of peace and trust, and public service (administration). This is in line with Max Webber's theory which suggests that through their occupational and socialization experiences, police tend to see the use of force as a personal possession. This affects public trust because police officers are not allowed to perform in their personal capacity but rather to perform in the interests of the public (Cooper, 2004).

Most importantly, police reaction during demonstrations is also criticized when the mere presence of the police officers escalates a situation or when the public perceives the police as using excessive force which diminishes public trust and often escalates tensions during demonstrations (McCartney and Parent, 2015, James, 2020). However, Feld (1970) and Cuncic (2022) argue that the outbreak of violence during demonstrations is a product of the interaction of several sets of variables – including those associated with the police themselves such as personal characteristics, or the nature of moral police work. Other variables include the character of the community (the public) within which the police operate, and the social and political climates that prevail. This variable is also considered in terms of the community's support of the police or its acceptance of violence.

In summary, the preceding section discussed how policing public demonstrations remains difficult, sometimes resulting in the use of excessive force by the police where it is not

warranted. This in turn affects public trust, jeopardizing possibilities for mutual understanding between the police and the public during demonstrations.

The next section discusses factors that influence police brutality during demonstrations.

2.6 Influences of police brutality/violence during demonstrations as a factor cost of public trust in the police

This section evaluates factors that have resulted in affecting public trust in the police simultaneously. These factors vary in influencing police brutality during demonstrations, hence influencing public trust. Some of these factors include the personal character of police officers, the relationship between violence and the police, political polarization in the police, substantive issues during demonstrations, and the failure to handle demonstrations and crowd control.

2.6.1 The personal character of police officers

Scholars argue that the character of police officers is one major factor predisposing police to violence (Ellrich and Baier, 2016). Police officers are often associated with their background, their source of recruitment, their attitudes and the personal values they uphold. If a police officer has a negative attitude, for instance, this will automatically affect public trust since public trust evolves from a mutual understanding of attitude. If the public is made aware of the corrupt recruitment of a police officer, trust is also threatened. Cuncic (2022) defines aspects of police personal character as individual level factors. In his argument, Cuncic argues that individual factors originate from the offending officer. One such factor might be the mental health of the police officer, which may play a role in their engagements in abusive police practices. Abusive police practices are highly linked to high levels of Post-Traumatic Stress Disorder (PTSD) in police (Besehars, 2017; Cunic, 2022). Similary, Violanti (2018) States police officers are often exposed to traumatic events, such as involvement in shootings and seeing of dead bodies and are therefore at risk for PTSD. Thus, such exposures are prone to impair the mental well-being of officers and affect their ability to perform duties to the public (Beshears 2017; Violanti and Covey, 2013). When members of the public engage with police officers exhibiting violent personalities in a situation that calls for calm, trust can be broken. This is often the case during demonstrations when police officers become heavy handed (Violanti and Covey, 2013).

According to Ellrich et al (2016), officers with PTSD may have an increased 'startle response', especially in contexts which may lead to violence, such as public demonstrations. These environments may trigger a tendency towards suspicion in individual officers who exhibit problems with aggression. These traits of violence make them more likely to overreact and use deadly force in cases in which it is not necessary. This enforces the 'us vs them' approach where police officers are viewed negatively by demonstrators as 'monsters', and the public is regarded with contempt by the police (Desrochers and Rouleau, 2021).

2.6.2 Violence and the police

Feld (1970) notes the relationship between police and violence as another factor influencing police brutality during demonstrations. In addition to attitude and behavioural characteristics of police associated with their social origins and working environment, the relationship between police and the use of violence – and, crucially, the distinction between legitimate and illegitimate violence – cannot be left unnoticed (Weisburd, 2000). The use of force by police officers during demonstrations can be legitimate, especially when used as a form of self defense, protecting the civilians and the protestors. However, once the force employed is excessive, it can easily become illegitimate.

Westley and Mauer (1999) argue that the realities of police work – incidents of assault and violence on the police – constitute a common-sense and legal justification for the use of violence by the police. This means that even when violence is illegal, it can attract police justification and acceptance – and, in turn, affect public trust because police demonstrate an acceptance for their own use of illegal violence when it is regarded as being evidently wrong in the eyes of the public. The UN's *Basic Principles on the Use of Force* states that police are allowed to use force where necessary in the course of duty, where basic occupational values are threatened, and where the public is aware of it (UN, 1990).

Research demonstrates that police believe that violence can be used legitimately as 'coercive of respect' (UN, 2019) – that is, the deployment of violence by the police to persuade their audience (the public) to respect their occupational status. Research reveals that police officials believe that the person who disrespects or talks back to the police deserves brutality (Stanley, 2004). Some of this may stem from their early conditioning, such as being goaded with phrases like 'you have to act tough as a policeman' and 'you have to make them respect you' (Cooper, 2018). That is why early conditioning of the police is one of the main reasons why it is difficult for the public to trust police officers who use violence as a means to coerce respect.

2.6.3 Political polarization in the police

Empirically, police have been particularly implicated in political polarization (Feld, 1970). Police officials themselves are politically and ideologically allied to groups that are responsive to the demands of demonstrators. As a result, this has also polarized society, with the police and laws being viewed with increasing hostility (Cooper, 2018).

According to Barrett and Hendrix (2021), the police face overt hostility and contempt from spokespeople for liberal and leftist groups, racial minorities and intellectuals generally. This hostility can render it difficult for the police to function with utmost neutrality and impartiality. The negative perception that these groups have towards the police stems from the fact that police tend to be more brutal when dealing with these particular groups. One pertinent example can be seen in the way police in the United States are perceived to view black minorities. Police tend to shoot or arrest black people without asking questions first (Peeples, 2020; Franklin, 2020).

Strobl (2020) and Levi (2020) argue that police often believe that ideological and political conflicts involve clashes between, on the one hand, 'good, upright and honest groups of citizens', and 'bad, lawless and deceitful troublemakers' on the other. These struggles between large sectors of the public, however, more often involve issues of political difference rather than criminal behaviour. Often, 'the good upright and honest citizens are in fact better characterized simply as conservative elements of the population who are resistant to demands of other factions seeking social, political or economic benefits at the direct expense of the conservative groups' (Levi, 2020: 129)

When conflicts become manifest in demonstrations and protests, the presence of the police is required in their capacity as agents of social control (Boyle and Vullierme, 2021). Boyle and Vullierme (2021) also state that when police act as agents of social control they are involved in crowd management and protect protestors However, researchers argue that, instead, police act as participants and become involved in demonstrations against the actual demonstrators. This affects public trust because police officers negate their role of protecting protestors and fight against them, affecting public trust (Strobl 2020; Levi 2020). In turn, Fischer and Miller (2018) have shown that once police officers become participants during protests rather than agents of social control, levels of violence escalate as an 'us vs them' antagonism deepens, making it difficult for the police to be trusted.

2.6.4 Substantive stance towards subjective matter of demonstrations

According to the London report of an Independent Inquiry in the Police Foundation and Institutional Studies (Institutional Studies Report, 1996), 'One of the primary responsibilities of the police is to protect the constitutional rights of citizens' (Institutional Studies Report, 1996:13). Included in these responsibilities is the imperative to cooperate with all legal demonstrations no matter how offensive the participants or the cause might be to the policemen personally. Putting aside personal feelings and concentrating on police responsibility has in some cases, however, proven to be an extreme burden on the police because the subject of the demonstrations may be something that they are personally opposed to. For instance, a police officer who feels negatively about lesbian and gay rights is still required to manage demonstrations of people in favour of LGBTQ rights. Police may thus find themselves substantively opposed to many causes of protests and demands regardless of the tactics employed. According to Feld (1970), police disagreement with substantive issues usually manifests in a partisanship or lack of neutrality, which can cause the crowd to respond to police as part of the targets of their dissent.

Similarly, substantive agreements can lead the police to discriminate in their treatment of different groups, exercising their discretion in favour of those with whom they agree and against those with whom they disagree. The burden on police officers to put aside their personal feelings even when policing demonstrations whose causes they find offensive weighs heavily on public trust. The public may not trust police who turn on them when they do not agree with the cause of the demonstrations.

2.6.5 Failure to handle demonstrations or exercise crowd control

According to Feld (1970), eruptions of police violence are determined to a large extent by how police respond to crowd control.

Scholars have argued that police are often put in a reactive position during demonstrations making it difficult for them to respond to crowd violence until it has reached a certain level (Feld, 1970; Moore and Kelling *et al,* 1988). Due to this position, the traditional dilemmas (to use violence or not) concerning police use of force result from police failure to handle demonstrations. Additionally, they have resulted in the inadequacy of crowd control techniques such as patterns of underreaction and overreaction (Feld, 1970). Under-reaction allows the disorder to spread, while overreaction may create incidents and may encourage previously passive observers to participate (Chikunga, 2011; 2016).

Wilson (1978) argues that police underreaction in, for instance, riots which require crowd control stems, in part, from simple human resource limitations and scarce resources. Stages of disorder in a riot or spontaneous demonstrations can lead to police being easily overwhelmed.

Some factors that have led to police failures in crowd control may include a lack of effective coordination within the police, inadequate intelligence and information, and a breakdown of command control. Uncertainty on the part of crowds themselves about how the police will behave during demonstrations or protests can further decrease public trust. Fear can take hold when the public cannot be sure if the police will overreact or underreact in the course of crowd control, rapidly decreasing public trust in the police (Feld, 1970; Moore and Kelling *et al*, 1988).

Another critical component which affects public trust is police accountability. The next section discusses how police accountability plays a role in determining public trust.

2.7 Factors that determine public trust in the police

2.7.1 Police Accountability

Trust can be nurtured and controlled in a public administration. According to Provost (2016), accountability is an important element of good public administration and governance. This is because accountability helps build the relationship between citizens and state and public institutions. The extent to which the state and public institutions are answerable for their actions is a crucial component in instilling public trust.

According to the Merriam Websters (2022) dictionary, accountability is "an obligation or willingness to accept responsibility or to account for one's actions".

The concept of accountability is defined within legal and reporting frameworks, organizational structures, strategies, procedures and actions, helping to ensure that any institutions that use public money and make decisions that affect people's lives are held responsible for their actions. According to Goldsmith (2016), public institutions gain trust when citizens positively consider their institutional arrangements and practices and have positive experiences with the police.

Accountability is one of the central mechanisms police can use to build and maintain public trust (Warren, 1999). That is perhaps why Malik (2017) argues that police organizational accountability is situated within the broader contours of police governance, roles and responsibilities. Accountability mechanisms are critical in addressing several police performance areas.

Walker (2006) defines accountability in the police by including both what the police do and how they perform. That is why the United States National Academy of Sciences describes effective police accountability as essential on how the police are to achieve their goals of lawfulness and legitimacy. Thus, lawfulness is exercised by the police when there is compliance with the formal requirements of the law, which include statutes and court decisions. In turn, police legitimacy is referred to as the perception that police conduct is both lawful and consistent with public expectations (US National Research Council, 2004; Walker, 2007).

Kelling and William (1998) also point outs that effective police accountability involves identifying and punishing those who have committed misconduct and ensuring accountability after the act. Since police officers are expected to act on the basis of directives, accountability includes taking responsibility for the direction, control or diligence exercised before and during operations to ensure observance of the law, policies and human rights. This is known as 'accountability before the act', which also includes the notion that the police are acting in accordance with the stated requirements of the general public or their representatives (Walker, 2006).

Given that accountability encompasses the responsibility to give directions and prepare police officers for their work, it follows that accountability is not limited to the actions of individual officers but also applies to supervisors and the agency as a whole (Walker, 2006). For the police, public accountability can either be direct or indirect, and includes community policing forums, 'civilian oversight' boards and the media (Walker, 2007).

According to Brown (2020), police accountability reform in Africa came under renewed consideration in the wake of rising cases of police brutality in African Commonwealth countries. To address issues of police brutality, with support from agencies of the United Nations (as donors), the police in most African countries such as Zimbabwe and Malawi, have been working on reforms since early 2000 as a response to the increased concerns of police brutality and other instances of police misconduct (Alemika, 2015). However, African

countries which are often the recipients of policy reforms have been frequently blamed for their inability to implement reform programmes (Alemika, 2015).

Albert and Jackson (2009) explore the challenge of reform in Sierra Leone led by the British government, Sierra Leone's former colonizers. Despite its independence, Sierra Leone experienced various forms of territorial foreign intervention due to political instability and civil unrest in 1990, which led to the deployment of the British military. The British government also contributed to the reform of the Sierra Leone police after running a survey that concluded that people do not trust the police because of police brutality and corruption. The reform programme included financial support of twenty-seven million euros, offered by the British government to promote community policing and to increase public trust and citizens' support for effective policing (Baker, 2006). Even though the reform effort was publicized as a success, sixteen years later, in 2006, the police in Sierra Leone still did not have effective control over many areas of the country (Brown, 2020). According to Abness (2015), police brutality and corruption in Sierra Leone remained a significant problem.

The Malawi police service went through a similar process of reform that was also funded by the British government in the years between 2000 and 2012 during its political transition. The overarching aim of the reforms was to improve the MPS's accountability through its service delivery and by enhancing performance to gain and improve public trust (Luhanga 2001, Ukaid, 2012).

The transformation led to the recruitment of new officers into the MPS and increased training of police officers in techniques of crowd control during demonstrations and everyday public management. This was found to be an effective way of improving policing in Malawi (Luhanga, 2001; Ukaid, 2012). The reforms were considered a success between the years of 2000 to 2012 (Kayuni and Chungu, 2016).

2.7.2 Malawi Police Service between 2012-2020

Between 2012 and 2020, many significant changes happened within the MPS. One of the first things that happened was that the MPS increased its workforce (Malawi Government, 2014). In 2014, it was reported that the MPS grew tremendously in human resource skills, fighting crimes and maintaining public security (Malawi Nations and Magombo, 2014). In an interview, the former inspector General Loti Dzonzi (2014) stated that unlike twenty years ago where the institution could only had less than 40 officers with bachelor's degree, currently, the MPS has

over 500 officers with university degrees and some officers have masters and Post Doctorate degrees (PHD) (Magombo, 2014; MPS, 2017).

In the years between 2012 and 2020, the MPS recorded that the MPS engagement with the public started to increase. This meant that the MPS had to increase its officers' skills to adapt to changes in crime patterns and ensure public security (Magombo, 2014). It was registered that since the introduction of community policing in 2008, which became more effective in years of 2010-2012, the police and public relationship improved and strengthened (Magombo, 2014; Malawi Government, 2014). According to Lawteacher (2022) "community policing brings police and citizens together to prevent crime and solve neighbourhood problems. With community policing, the emphasis is on stopping crime before it happens, not responding to calls for service after the crime occurs. Community policing gives citizens more control over the quality of life in their community. Community policing means police become part of the neighbourhood".

However, over the past decade, research results on community policing in Malawi has shown that "the community members are not satisfied with police officers in the way they implement the community policing because the police do not offer the public enough protection from criminals and that the police mostly treat the community badly" (Mutupha and Zhu, 2022). As a result, this has raised controversies in contrast to community policing hence affecting public trust in the MPS (Andesen, 2019; Mutupha and Zhu, 2022).

Similarly, over the past decade, a violent culture emanated within the MPS (Malawi Human Rights Report, 2012, 2021; MHRC, 2019,2020). Empirically, the constitution of Malawi prohibits the use of torture or cruel, inhumane and degrading treatment or punishment to citizens (Malawi Constitution, 2017). However, police in Malawi over the past decade have most times been proven to have used excessive force and other unlawful practices, including torture, to either extract confessions from suspects or arbitrary killings which has led to the detoriation of public trust in the police because citizens have lost trust in the police (Goldsmith, 2005; CHREAA, 2013). Evident research showed that there was a wide spread of police torture in prisons (Malawi Human Rights Report, 2012; MHRC, 2019). MPS officers have regularly been reported of extracting sexual favours from sex workers under the threat of arrest (MHRC, 2019).

Some of police brutality examples that have happened over the last decade include.

"In December 2020 a university student aged 17 reported being raped by a police officer while she was detained at the Limbe police station in Blantyre. The police officer was subsequently arrested, tried, and convicted in July of raping the girl two times while she was held in custody overnight in December 2020. In August the Limbe Magistrate Court in Blantyre requested that the High Court take up sentencing for the case, which was still pending as of December (Malawi Human Rights Report, 2021).

"Police arbitrarily shot and killed suspects. For example, in February 15 2012, police assistant Chikwatu shot and killed car robbery suspect Fabiano. A police official confirmed the killing and stated that Fabiano had attempted to escape. Authorities took no action against Chikwatu" (Malawi Human Rights Report, 2012).

"In November 2011 a commission of inquiry held several public hearings into the July 2011 deaths of 20 persons during country-wide demonstrations to protest the government's inaction on "poor economic and democratic governance." The commission heard testimony that the youths who attacked shoppers in Blantyre were affiliated with the former ruling Democratic Progressive Party (DPP); that the injunction halting the protests was flawed; and that the Malawi Police Service (MPS) used excessive force, including live bullets. The final report submitted to President Banda on July 18 blamed the country's inadequate police, media, and civil society capacity while largely ignoring political problems that led to the protests. However, a separate report by the Malawi Human Rights Commission (MHRC) differed sharply, blaming the government for being unwilling to hear, much less address, domestic complaints, while conceding that capacity shortages were also factors. On July 5, the president asked the attorney general to recommend whether there was misconduct warranting criminal or administrative action against any individual. There were no further developments by year's end" (Malawi Human Rights Report, 2012).

"On October 9, 2011, a commission of inquiry investigating the September 2011 death of student activist and opposition blogger Robert Chasowa transmitted its report to President Banda. The commission concluded that Chasowa was murdered and questioned the conduct of the university administration, police, and politicians. The report also identified potential suspects. Although President Banda stated that those responsible for Chasowa's death would be prosecuted, no further action was taken by year's end" (Malawi Human Rights Report, 2012).

Due to the implicated nature of public trust in the MPS over issues of brutality and arbitrary in Malawi, in between the years, the MPS and MHRC have recorded high profile cases where there have been clashes between the law enforcement officers and the citizens to the extent that citizens have ended up fighting the police and beating them to death (MPS 2013; Sangala 2019)

For example, in 2013, the Times News stated that Malawi Police expressed shock over the respective deaths of two of their officers who were attacked and killed by the public 'unidentified people' in a space of just one week. The police officials described the scenes as saddening and counterproductive because the people are supposed to feel secured when they encounter police officers. However, it became explorative that people have now turned against the police officers who serve the public and ensure that there is security, to the police risking their own security.

Similarly, in 2015 Chauwa reported that the former president of Malawi Peter Wamutharika gave a statement on the increase of police attacks in Malawi. In his testament the former president condemned the attacks that have been targeting the police officers which have left some police officers dead. The statement was issued as a response to the death of a police officer who was killed on duty at Kanengo police station in Lilongwe, when a group of who sought assistance from the police attacked the officer in charge who was attending to them.

In summary, this section has presented some of the issues and events that took place between 2012 to 2020 in relation to the performance of the MPS and how it affected the public trust over the past decade.

In 2020, however, the MPS found itself again in the process of reform for effective service delivery, especially in crowd control management to improve public trust (Namwini, 2020). It has also been observed that failure to reform policies and systems is often associated with an incompetent state, in that many reform programs in the area of policing have been resistant to change in terms of culture and organisational style (Sparrow, 2015). The next section will thus discuss public trust in the Malawi Police Services.

2.8 Public trust in the MPS

2.8.1 Centralised and Decentralised Police Systems

Even though police systems can differ structurally and encompass decentralised and centralised systems, public expectations that the police should maintain order, offer protection and be held accountable is common to all (Chalom 2001).

In national systems characterised by a centralised police force, the chain of command emanates from the central government. The model of the centralized system is underpinned by the notion

that security is a right that the state is responsible for providing. Here, the President assumes the role of the chief commander of the police, making possible the exercise of authority and the execution of decisions (Souliez, 2000). These are unified state police systems, such as that of France (Gleizel, 1994). The centralised system in France primarily consists of two distinct forces: the National Police under the authority of the Ministry of the Interior, and the National Gendarmerie force under the authority of the Ministry of Défense. The actions undertaken by these two forces concentrate on three missions in different public spaces (Chalom, 2001). The National Police concentrate on three primary missions which are concentrated especially in urban areas: the maintenance of public order, crime prevention and criminal investigations. The National Gendarmerie force, which effectively functions as the country's military, is also responsible for the maintenance of public order and criminal investigations in rural or less urbanized areas. The fight against organised crime falls to both forces (Chalom, 2001). Therefore, 'the French police operate under a single authority whose central principle is vertically' (Bonnet, 1993:103).

Similarly, the Malawi Police Service is a centralised system that is tasked with public protection and the fight against organised crime (Constitution of Malawi, 1996 & APICOF, 2020). Due to the division of specialisations in the centralized system between the military and the police, the deployment of the army occurs in cases where the police have failed to handle an event (Malawi Public Order events, 2020 (second edition); Panthom, 1969). There is thus a blurring of roles because both institutions are entities of the central state (Enloe, 2012).Where there is need for intervention, the state deploys either the police force or the Malawi Defence Force or both of these forces (Malawi Public Order events, 2020 (second edition).

In general, decentralization refers to the transfer of authority, responsibility and resources from one tier of government to other entities, such as the field units of the central government, government departments of ministries, and other subordinate institutional levels. This is done to reduce the power and administrative workload of the central government headquarters vis-à-vis field offices (Rondinelli, 1981). In a decentralized police system, police officers operate on a local basis.

Decentralized police systems are distributed between the federal authority, states or provinces and cities, and their operations cannot be determined by the central authorities, although regulations applicable to the whole country ensure the uniformity of police organisation and practices with an indirect control of local authorities (Reiner, 1993).

A decentralized police force is, however, limited in terms of the specialization of police forces, which leads to many distinct types of police, and its division of power limits the domestic deployment of the military because there is a specialization of police forces in the different levels and fields that can maintain order at different events (Enloe, 2012).

In general, centralized decision-making systems are influenced by the central government because they have two main institutional arms that are overseen by the president. This creates room for the blurring of roles because one force may intervene for the other if ordered by the head of state. By contrast, the decentralised system operates under different specialization of duties, thereby limiting the intervention of the military since the police are structured in different specialities and departments.

2.8.2 MPS as a Centralised Police System and the Implications on Public Trust

The Malawi Police Service exists as a centralized police system (Constitution of Malawi, 2017; Malawi Police Act Chapter 15:01, 2017(revised)). Empirically, the Malawi Police Service is discussed in Chapter 15, Sections 152 to 158 of the Constitution of Malawi. The MPS is constituted by an Act of Parliament that specifies the various divisions and functions of the MPS (Constitution of Malawi Chapter 15:01, 2017(revised); Malawi Police Service, 2021).

As set out in the Constitution of Malawi, the MPS exists as an independent organ of the executive responsible for the provision of public safety and the protection of the rights of persons in Malawi (Constitution of Malawi, 2017(revised)). The MPS system thus exists as an arm of the executive branch of the central government, where the president appoints the Inspector General (IG), who is the Head of the Malawi Police Service (MPS Act, 2013). The IG oversees the day-to-day functioning of the MPS and reports to the president (High Court of Malawi, 2002).

With the president nominally serving as the commander in chief of the police, it is within the rights of the central state to exercise authority and execute decisions in the realm of policing (Constitution of Malawi,2017; Souliez, 2020). In national systems of centralized police forces, the chain of command emanates from the central government which exercises substantial power over such forces. For example, Section 154 of the Constitution of Malawi[2] (2017) states that 'the president, who is the commander in chief, has powers to remove an Inspector General of the police on grounds of incompetency, if he or she is found to be compromised in the

[2] Malawi Constitution of 1994 with amendment through 2013 and revised 2017

exercise of his or her duties to the extent that his or her capacity to exercise his or her powers impartially is a serious question and over the age prescribed for retirement'.

Malawi's national legal framework provides for the Police Service Commission which has the power to appoint persons to hold ranks in the police other than the Inspector General, including the power to confirm appointments and to remove such persons from office (MPS, 2017). This Commission, however, is also constituted by the President (MPS ACT, 2017(revised)) Regardless of this, members of the police must ensure that they exercise their functions, powers and duties as impartial servants of the general public and the government of the day (Constitution of Malawi Chapter 15:02, 2017).

However, in instances where there is partisanship in police performance, especially during anti-government demonstrations in Malawi, the police are said to act in favour of the government of the day (Chirambo, 2011). As a legitimate state institution, the police are obliged to maintain professionalism and unbiased service delivery as a publicly trusted institution (Malawi Constitution, 2013 and Chirambo, 2011).

In view of the above, the existence of the MPS as a centralised police system has been found to influence partisanship in the MPS especially during anti-government demonstrations which affects public trust. The next section discusses the formation and transition of the MPS as a centralised police system.

2.8.3 Public Trust in the MPS during its Formation and Transition

2.8.3.1 Public trust in the MPS during the Colonial Era

Malawi, formally known as Nyasaland, was one of the African countries colonised and ruled by a repressive British colonial regime between 1820 and 1964. Historically, the Malawi Police Service existed as the Nyasaland Police Force after its formation in the 1820s during the colonial era (McCracken, 1986). The Nyasaland Police Force operated under the British government, and its main roles consisted of protecting European property, ensuring that hut tax was paid, coercing labour in different workplaces and disciplining workers (McCracken, 1986, Luhanga, 2001). The allegiance of the police was in the hands of the Governor, who was the then head of government (Luhanga, 2001).

Due to the nature of the coercive colonial government, the term *Boma Askari* arose to refer to the military regime in English (Chirambo, 2005). The term further emphasised the coercive nature of the regime. This was after the police force grew to become a coercive instrument of

substantial value to the state. With notable success in proving services as required by those in authority, the significance of the police force became immediately apparent (Chirambo, 2005).

From the late 1920s, the Nyasaland Police Force started its transition to a full police institution with the establishment of small administrative centres in the then four provinces of Malawi. Subsequently, more changes began in the mid-1940s in response to urbanisation and the increasing complexity of police responsibilities and duties, which came to a climax in the 1950s (Chirambo, 2005). This took place while the colonial government struggled to maintain authority against the calls for independence (Jere, 2018, Chirambo 2005, 2009).

Initially, government policies and reforms were focused on raising educational standards and improving conditions of the police services. By the mid-1950s, there were several major changes that were implemented in the composition, character and recruitment of the African police officers (Luhanga, 2001). The standard of entry to become a police officer was raised as a first step towards equipping the force with the skills required to cope successfully with its new responsibilities. This was after the then police commissioner noted that the standard education of African personnel of the force was very low, drawing most policemen from the illiterate labouring class (McCracken, 1998).

Following changes in recruitment standards, the colonial government moved towards expanding police numbers and increasing the coercive power of the force (Chirambo, 2005; McCracken, 1998). This process was accelerated in the aftermath of the 1959 emergency, where the colonial government was challenged by Dr. Hastings Kamuzu Banda who led Malawi to independence from British rule (Chirambo, 2005).

Public trust in the police during this era was not significant due to the lack of accountability of the colonial government and because the roles of the police in the colonial era were geared to protect the interest of the Europeans (Chirambo, 2005). One of the changes that influenced public trust in the MPS was the country's attainment of independence in 1964 (Chirambo, 2005,2009; McCracken 1998). The next section discusses how public trust in the MPS shifted after independence, during the one-party era.

2.8.3.2 Public trust in the MPS during the one-party era 1964-1994

For thirty years (1964 to 1994), Malawi was ruled by an autocratic government led by the late former president Dr. H.K Banda who led Malawi to independence from British colonialism.

He ruled the country as a single-party dictatorship under the Malawi Congress Party (MCP) up to 1993 (Chirambo 2004).

Following independence, the Malawi Police Force continued with its primary roles of protecting the lives and property of the people of Malawi. During this era, the police were under the office of the President and Cabinet. This came to an end in October 1993, when the Ministry of Home Affairs and Internal Security was created to take over responsibility for police affairs (Luhanga, 2001).

In the course of their work, parliamentary bodies such as the Malawi Young Pioneers (MYP) and the Malawi Youth Leaguers (MYL) applauded the roles of the Malawi police at grassroots level, in villages and community areas (Ross 1996; Chirambo, 2005). The MPS appraisal was recognised after independence (between 1964 and 1994) during the reformation period. Police reforms began in 1994, when the British government visited Malawi to aid the Malawi Police in the area of training and capacity-building. This contributed greatly to the transition of the Malawi Police from a police force to a police service (Luhanga, 2001). According to Luhanga (2001) the police reforms were mainly to involve:

> a discussion with the Inspector General and senior police management, to help and articulate the main problems which the police perceive in undertaking their current responsibilities, the new tasks and approaches which the police believe are expected of them in the changing climate of Malawi, and the overall role which the police should fulfil in Malawian society and the constraints which make progress towards the intended role difficult and the current strengths which can be built upon to help realise it (Luhanga, 2001: 56).

According to the Malawi Police Service Act (Constitution of Malawi, 2017), throughout the colonial era and regime of Dr Banda, the slogan of the Nyasaland Police Force was ‘police for the people by the people’. After the introduction of the multiparty system in 1994 under the leadership of former president Elson Bakili Muluzi, however, the Malawi Police Force changed its name to the Malawi Police Service and introduced a new slogan: ‘creating a safe and secure Malawi by serving Malawians’ (Revised Malawi Constitution, 1997 and 2009).

However, there was not a notable difference in public trust towards the MPS in this era despite the emphasis in ‘service’ rather than ‘force’. This was mainly because of the autocratic government which ruled harshly, with the police still lacking sufficient training and espousing precolonial attitudes. Despite the attainment of independence, citizens were disappointed that the police were still treating them like it was precolonial times. The next section discusses the shift of public trust in the MPS under the multiparty era of governance.

2.8.3.3 Public trust in the MPS under the multiparty system of governance from 1994-2009

During the leadership of former president Bakili Muluzi of the United Democratic Front (UDF) party, police training programmes that were developed by the British government were pursued further in Malawi with an agreement to engage the services of a consultant (Nicklin, 1994). The consultant, an international police advisor, further assessed the entire police service by conducting an analysis of the Malawi police whilst moving forward in its transition (Luhanga 2001 and Nicklin 1994). The police advisor consulted widely within the police and extended into the Ministry of Internal Security and the Ministry of Home Affairs. In the transition of the MPS, the police advisor discovered weaknesses in the areas of command and human resource management, strategic planning and accountability (MPS Strategic Development Plan, 1995). The advisor detailed these MPS weaknesses, some of which included:

> i) *Management of command in the MPS*: As a centralised police system, where the president is the head and appoints the Inspector general of the MPS, decision-making was overcentralised in the senior positions and information was not exchanged from the top-down, and the rest of the ranking in the organisation were not able to contribute fully to the management of the organisation.
>
> ii) *Human resources management in the MPS*: The MPS suffered from poor human resource management and development because there was no competence within the recruitment unit, which largely affected the training and placement of staff at all levels of the institution. Poor recruitment strategies greatly reduced the competence of the police officers
>
> iii) *Strategic planning in the MPS*: It was established that there was no unit of research in the institution for forward planning and identification of potential opportunities and threats in the MPS. Findings also showed that, there were no crime statistics available because of the absence of a research and planning office. The consultant also noted that managers had no basis on which to make rational decisions regarding the utilisation of resources and identification of priorities because there was no formal means of monitoring and inspecting performance.
>
> iv) *Accountability in the MPS*: the Constitution of Malawi under Section 154 stipulates that the Malawi police service will be accountable through the Ministry of Home Affairs and Internal Security. However, throughout its transition, there have not been clear accountability structures placed in the MPS (Nicklin, 1994).

After conducting a SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis, the consultant made some suggestions for a way forward in the transition of the MPS. Luhanga (2001) states that the police advisor recommended that senior officers develop changes in the operation and reputation of the police for better performance in its service delivery. It was then agreed that the priority of the MPS should be to deliver a basic policing service to the people with the redeployment of existing competent staff as a necessity.

According to Luhanga (2001), the police advisor also recommended the following developments in the Malawi Police Service as strategies to improved service delivery:

i) The MPS had to increase the number of police officers and increase training as well as available resources that would meet an established level of competent officers to deliver service, which would ensure that the MPS officers were receiving adequate support.
ii) The MPS had to establish clear accountability structures between the Ministry of Home Affairs, Ministry of Internal security, and the Malawi Police Service.
iii) The MPS has to introduce a new command control system to eliminate the centralised control of power (Nicklin, 1994).

Moving forward, according to the 2013 amended Constitution of Malawi, the Malawi Police Service's mission and role were to work in partnership with all stakeholders (the public), in committing to provide professional security services of high-quality in protecting the public safety and the rights of all persons in Malawi (Malawi Government, 2013).

In terms of the Malawi Police Act, two of the main roles of the Malawi Police Service is to protect the rights of persons in Malawi and maintain public order, as it is the responsibility of the police to act and maintain order during any kind of protests regardless of their nature (Malawi Police Act, 2013).

As a result of the above interventions, public trust in this era experienced an important positive shift as public trust in the MPS increased due to the reformation that made the MPS more transparent and public inclusive (Chirwa, Patel and Kanyongolo, 2000, Luhanga, 2001). Chirwa et al (2000) state that even though the performance of the MPS was fraught with ambiguities, on the positive side, the MPS were one of the government institutions that responded very positively to the reforms post 1994. For example, the change of the MPS from police force to police service was a clear reflection of a people-oriented attitude relevant for a new democratic culture (Kanyongolo, 2000). The reformation of the MPS served under the new slogan: 'creating a safe and secure Malawi by serving Malawians'. The police during this time were better trained in large numbers, were more visible as Malawian police, and not moulded with precolonial and autocratic governance attributes (Luhang, 2001). This was important because it enabled police to work more closely with local communities to combat crime (Chirwa, et al, 2000).

According to Chirwa et al (2000) the post 1994 reformation of the MPS were reportedly believed to have influenced the MPS at holding press conferences and briefings to explain some of its activities and operations, unlike in the past (pre-1994). This positively impacted the press

and ordinary citizens who were filled with hope that they could finally seek help and assistance from the police on any issues of public safety and security (Chirwa et al, 2000).

2.9 Chapter Summary

In summary, this chapter has discussed the importance of public trust in the police as a state institution. Trust has been defined as having faith in the police services to do what they are mandated to do, to work fairly and honestly for the good of the public. The chapter focused on the issue of public trust in the police as a case study of the relationship between citizens and state institutions. It was noted that existing literature that explores the issue of public trust often focuses on corruption, police violence, partisanship, and favouritism. Looking at the Malawian case, it was argued that the centralised police system which operates in Malawi reduces the faith that the public has in its police services. This is due to its chain of command that polarizes the police politically, influencing police violence that diminishes public trust in the police

CHAPTER THREE: A QUALITATIVE INQUIRY ON THE IMPLICATION OF PUBLIC TRUST IN THE MALAWI POLICE SERVICE DURING DEMONSTRATIONS

3.1 Chapter Introduction

Public trust in the police, as discussed in the literature review of this study, is largely related to how the police use their authority. This is in line with the Constitution of Malawi, which stipulates that the police are to perform and serve the interests of the public. Variables such as cooperation between the public and the police, and the independence of the police, have been attributed to people's perceptions of the trustworthiness of the police. Various research studies have shown that a lack of police independence from politics undermines peoples' support for the police or their faith that the police will handle demonstrations appropriately. This chapter explains the methodological approach I employed to investigate how public trust in the MPS during demonstrations has changed in the past decade (2010-2020).

This chapter offers an overview of the research design and research process, the research location, sampling method and size, and the research analysis. The methodology is aimed at answering the research objectives of the study which include:

IV. To analyse the influence of police brutality on public trust by the MPS during demonstrations in the last decade (2010-2020).
V. To investigate the extent to which public trust changed in the past decade as a consequence of police brutality during demonstrations.
VI. To investigate factors that affect public trust in MPS during demonstrations.

As an international student who hails from Blantyre, Malawi my interest in this topic stemmed from the publicly documented increase in cases of police brutality during demonstrations in the past decade – events which have damaged public trust in the MPS. In the context of police brutality, the Malawi Human Rights Commission (MHRC) accused some of the police officers who were deployed during the 2019 anti-government demonstrations of raping and defiling girls and women of Msundwe, an outskirts area in the capital city of Lilongwe. This episode of police brutal violence was in apparent retaliation for the stoning of a police officer by residents of the community during the demonstrations. However, the police failed in all their

efforts to protect citizens during demonstrations and bring these crises under control. This speaks to the profound lack of public trust in the MPS.

In the context of this violence, there have been rapid attacks taking place on perceived enemies, a dynamic which has developed between the police and the public. This is why protestors were seen to be turning on the police at any given opportunity. According to data released by the MPS, the violent demonstrations left over ten police units ransacked, five police officers killed, three police vehicles burnt, and several guns and teargas canisters confiscated by protesting citizens (Mpembenji, 2019). Several police officers were also attacked in locations where they rent apartments.

In instances where the MPS failed to broker peace during the demonstrations, the Malawi Defense Force (MDF) succeeded because they received more public support. The former MPS Inspector General and his deputy sought the intervention of the MDF. It was in this context that I became interested in questions of public trust in the Malawi Police especially during demonstrations in the past decade (2010-2020). I became particularly interested in understanding the extent to which public trust has been influenced by the police's handling of demonstrations, and how public trust can be understood in terms of notions of accountability and independence.

After compiling the literature review, it became apparent that there was a gap in existing studies of the police. In the context of Malawi, there was little to no literature considering public trust in the police, specifically during demonstrations. Ongoing scholarly debates from the literature show that there are two main views when it comes to public trust in the police. On one hand, some scholars suggest that public trust is largely the responsibility of the police service. On the other hand, others suggest that public trust should be understood in terms of the relationship between citizens (public) and the police. My research is thus designed to examine how police brutality during demonstrations has affected public trust in the past decade (2010-2020).

3.2 Qualitative research approach

According to Dalglish and Khalid (2020), people become a source of data in qualitative research through the formulation of research interviews that give an in-depth understanding of exploratory research questions. Flowing from this logic, a qualitative research method is

appropriate to answer the research questions of this study. The qualitative research approach provides detailed and rich information concerning the subject of the study and is aimed at establishing new information or data, otherwise unknown to the researcher prior to her contact with the research participants (Sutton, 2015). The researcher considered some factors that were essential to the qualitative research methodology as a social scientific inquiry. Some important considerations for using a qualitative research approach for this study were that a fundamental characteristic of qualitative research is the inclusion of the study population in a face-to-face and interactive process. Secondly, a qualitative research method was most appropriate for the achievement of the objectives of this study because it allows participants the opportunity to present their lived experiences. Thirdly, the researcher considered the qualitative method beneficial to the research respondents. This is because the participation aspect of the study allows one to probe further into the question being asked should anything be unclear to them.

According to Bryman (2008), the qualitative research design is concerned with events in natural settings and is meant to unearth the meaning of the social environment through participants' own interpretation of experiences and subjective feelings. However, Bryman (2012:6) suggests that 'the research process must allow for exploring the object of research to develop an in-depth understanding of the phenomenon study'. As Goundar (2012) states, this means that a qualitative method of research deviates from understanding 'social facts' as pure external conditions that govern people's behaviour. For this reason, this research follows phenomenology research, which focuses on creating meaning from responses that participants give - that is 'to determine what an experience means for the persons who have had the experiences and are able to provide a comprehensive description of it. From the individual descriptions, general or universal meanings are derived' (Moustakas, 1994:13).

As this research aimed to understand public trust from various participants, a qualitative approach using in-depth interviews was appropriate, allowing individuals to share their experiences without limitation.

3.3 Research Area

The research was conducted in Lilongwe, the capital city of Malawi, due to the city's record of high numbers of demonstrations, research and statistics over the past decade (2010-2020). For example, in one of the demonstrations in 2018 that were a demanding call for greater transparency and accountability from the former Democratic Progressive Party (DPP) led

government, statistics show that the capital city, Lilongwe (central region), had the highest attendance of about 13000 demonstrators than any other city in Malawi, followed by Mzuzu city (northern region) with about 11000 demonstrators, and in the rest of the cities and districts that is Zomba and Blantyre cities (Southern region) each had demonstrators of not less than 4000 people in attendance (Civicus, 2018).

Moreover, the Malawi Human Rights Commission (2020) also stated that Lilongwe was reported to have very high cases of police brutality during the 2019-2020 post-electoral demonstrations. Statistically Lilongwe recorded the highest number of cases of police brutality a statistical presentation by Mweninguwe (2019) indicate that at least 43 suspects in police custody were killed in the central region between the months of May to July 2018. Whilst Blantyre, the commercial city of Malawi in the Southern Region police were said to have shot dead four people in June 2018 (Mweninguwe, 2019).

Such cases have evidently increased over the years including the 2019-2020 cases of some members of the MPS who were accused of raping and sexually assaulting 18 women and girls, at least four who were younger than the age of 18, in Msundwe an outskirt of Lilongwe (MHRC, 2019). The alleged rapes were reportedly supposedly in 'reaction' to the death of a police officer who was stoned to death by the residents of the community (MHRC, 2019,2020,2021).

For this study, the research area included participants residing in different areas of the city and from different demographic groups. Most of the participants came from the urban and semi-urban parts of Lilongwe. This portrays the diversity of people who physically lived in the areas and participated in demonstrations in the past decade without being ferried to the events by political principals. It has been a common practice in Malawi for some political parties to bring people from other areas (especially rural areas) to places where demonstrations are being held to increase numbers.

3.4 Sampling

The researcher had a sample of three demographic groups of people which included civilian protestors, members of Community Social Organisations (CSOs) (who are independent in organising demonstrations and handling cases of public trust), and MPS officers who are deployed in crowd control management. These groups of people were chosen because they

represent the array of participants in demonstrations over the past decade (2010-2020). They also represent organisations who manage and organise demonstrations, and the police themselves - the institutional focus of this study. The researcher used purposive sampling, a sampling technique that qualitative researchers use to recruit participants who can provide in-depth and detailed information about the phenomenon under investigation (Palinkas, 2015). The selective sample satisfied the specific purpose of the study to analyse experiences in managing, participating and observing demonstrations.

Participation invitation letters were sent along with information sheets to the three identified categories of participants: (i) members of the Malawi Police Service; (ii) Community Social Organisations: the Malawi Human Rights Commission (MHRC), Human Rights Defenders Coalition (HRDC), Centre for Human Rights Education Advice and Assistance (CHREAA) and the Centre for Human Rights and Rehabilitation (CHRR) (iii) Citizens (protestors). The information sheets contained a brief background and rationale of the study, in order to give potential participants a sense of familiarity with the purposes of the study.

Snowball sampling was used to select the civilians who participated in the study. Snowball sampling identifies one or two respondents who the researcher would like to include in their study, and then relies on the initially chosen sample to help identify additional study respondents (Small, 2020). Snowball sampling also involves selecting a sample from a recommended source (Small, 2009). The researcher asked the CSO officials entrusted with approving the research request to assist in identifying key potential participants for the research study, especially those who had attended demonstrations in the past decade and had had an experience with the police. Contacts for all these potential participants were shared and people voluntarily accepted to participate in the research study.

The researcher had a sample of 20 participants within the three demographic groups. The researcher reached out to a sample age group between 20 to 60 years. Mixed age was a requirement that helped to obtain data from both the youth and those below the age of 60 who participated in the demonstrations of the past decade. This allowed for the inclusion of retired police officials and members of society who were involved in demonstrations in the past decade. The researcher also interviewed both genders of respondents: out of twenty (20) respondents, the research included seven (7) females and thirteen (13) males. This stemmed from the recognition that both men and women participate in civil campaigns and demonstrations.

Initially, the researcher had hoped to conduct interviews from all three demographic groups. The interviews were to be conducted to find out different public/protestors' experiences with police brutality during demonstrations in the past decade (2010-2020) and its implication on public trust. However, face-to-face interviews were not always possible as some participants, especially civilians, preferred to complete the questionnaires themselves which limited the ability for follow-ups and further probing. This research was conducted during the Covid pandemic which started in 2019 and had full effect in Africa between 2020 and 2021 (World Health Organisation). This meant that face to face interviews were not possible as travels were restricted, and social distancing were enforced (South African Government, 2021).

3.5 Qualitative Interviews

This research was based on qualitative interviews, semi structured with open and close-ended questions. Of the twenty (20) respondents in the research study, five (5) were police officers. Of these police officers, three (3) were junior officers who were deployed in crowd control and management during demonstrations in the past decade. Most of these officers had worked with the institution for more than five years. The junior officers gave their understanding of public trust and discussed the relationship between the police and the public during demonstrations.

The research data also includes responses from one senior police officer working in the MPS headquarters in the Research, Planning and Reforms Unit. A senior police officer who had worked with the MPS for forty-one years and had retired as a police commissioner of the Northern region was also interviewed. The retired police officer provided rich background of the MPS, offering performance records of the MPS during demonstrations in the past decade and explaining how these have affected public trust.

Responses from members of the police gave insights into how the police themselves understand public trust and accountability with the public. The police also helped in giving an in-depth understanding of the extent to which police brutality has affected public trust in the Malawi Police Service and comparing the levels of trust over the past decade (2010-2020). One question which police answered, for instance, was: '*Do you think the Malawi Police Service have had a good relationship with citizens in the past decade (2010-2020)? Please explain'*. The question was intended to measure the public relationship with the police from different viewpoints. The question was included in the interview guides of all three respondent groups.

Out of the twenty (20) research respondents, five (5) respondents each represented Malawi's five main CSOs which took part in this study, namely, the Human Rights Defenders Coalition (HRDC), which was known as the Human Rights Consultative Committee (HRCC) since 2010 and renamed in 2019; The Malawi Human Rights Commission (MHRC); the Centre for Human Rights and Education, Advice and Assistance (CHREAA); Centre for Human Rights and Rehabilitation (CHRR); and Association of Persons with Albinism (APAM). The CSOs gave a different picture and understanding of trust in the MPS based on various cases and incidents they have dealt with during and after demonstrations. The CSOs also gave an understanding of the extent to which public trust in the Malawi Police has deteriorated, by examining the shift of public trust from the MPS to CSOs. This was explained in question 2 of an open-ended question in the interview guide which stated

"2*a. Do you trust the Malawi Police Service? A. Yes B. No C. Maybe D. It depends.*

2b. If yes, why? And for how long have you trusted the Malawi Police Service?

2c. If No. When and why did you lose trust in the police?"

Through purposive sampling, the researcher also sought out members of the police community forums. In total, the researcher found ten (10) citizens (protestors) who had participated in demonstrations in the past decade and had an experience with the MPS. Citizens (protestors) are the main actors during demonstrations, and the civilian respondents gave insights into perceptions of public trust in the MPS. They also shared how they have experienced the presence of the police during demonstrations. For quality and reliable data, the researcher had civilian respondents from different demographic occupations and fields, including journalists from reliable and reputable media stations who attended demonstrations and experienced or witnessed police brutality, political analysts from the University of Malawi, human rights lawyers, survivors of police brutality and general civilians who had participated in demonstrations in the past decade (2010-2020).

The researcher managed to record most of the interviews. Some were not recorded due to the ethical considerations of the respondents. Some participants were not comfortable with being recorded, and the researcher took notes as a form of data collection instead. The notes were written down during interviews as an extensive way of manually transcribing data, used to avoid forgetting important information throughout the interviews.

3.5.1 Interview List

Out of 20 respondents, the researcher managed to interview 14 respondents.

The table below provides a list of the interviewees that formed part of the research study. Code names have been used to further protect the identities of the respondents. For this study, MPS refers to interviewed MPS officers, CV refers to interviewed citizens (protestors), and CSOs refers to interviewed members of the CSOs.

Name of Interviewee	Description of Interviewee
1. MPS 1	Child Protection Officer
2. MPS 2	Traffic Police Officer
3. MPS 3	Senior Officer, MPS Research Planning and Reforms Unit
4. MPS 4	MPS officer
5. MPS 5	MPS officer
6. CV 1	Human Rights Lawyer
7. CV 2	Journalist, ZODIAK
8. CV 3	Civilian - Survivor of police brutality
9. CV 4	Accountant - former community counsellor
10. CV 5	Human Rights Activist
11. CV 6	Civil servant
12. CV 7	Activist Social worker
13. CV 8	Citizen
14. CV 9	Citizen
15. CV 10	Citizen
16. CSO 1	(HRDC, CHRR, MHRC, CHREAA, APAM)
17. CSO 2	(HRDC, CHRR, MHRC, CHREAA, APAM)
18. CSO 3	(HRDC, CHRR, MHRC, CHREAA, APAM)
19. CSO 4	(HRDC, CHRR, MHRC, CHREAA, APAM)

20. CSO 5	(HRDC, CHRR, MHRC, CHREAA, APAM)

Table 1 Interview List. Source: Author, 2022

3.6 Data Collection

The researcher conducted semi structured interviews with key participants to gather information related to the study. According to Carter and Beaulieu (1992), the advantage of the key participant approach is that it collects data from people who are knowledgeable about the phenomenon under study. In this case, all three (3) responding groups, namely the CSOs, MPS officers and citizens, were key informants because they were very familiar with the research topic under study and were able to share in-depth insights into the topic of study. The researcher managed to collect data from twenty (20) respondents, fourteen (14) of whom participated in interviews whilst the other six (6) opted to complete the research interview guide by themselves.

The researcher conducted semi-structured interviews through phone calls with the participants who accepted to be interviewed for the study. Due to the Covid-19 pandemic and the associated travel restrictions, the researcher was not able to travel to Malawi where the study respondents were based. The interview schedule was set up and those respondents who could comfortably participate via telephone were called. Interviews lasted between 20 and 30 minutes. The fourteen respondents who were interviewed directly did so through their preferred media tool such as WhatsApp calls and Zoom. Respondents were allowed to choose their preferred platform to ensure that they had access to software they were familiar and comfortable with. Preference was also given to accommodate times convenient for the respondents and to access to the internet. Due to internet costs and access to the internet, the majority of those interviewed preferred WhatsApp calls as they said it was user-friendly and consumed less data bundles. This also resulted in less time having to be devoted to trying to explain and teach the respondents how to use other applications.

The advantage of conducting virtual interviews was that it also saved travelling costs from South Africa to Malawi. It also enabled access to a number of respondents in a short space of time (Corbetta, 2003). Those who could not be interviewed were given an option to complete the interview questions as a questionnaire.

Responses were not restricted, and respondents were encouraged to provide as much information as they could. The interview guide was divided into two sections: the first section was on the demographic information of the respondents. The second section was focused on impression questions, divided into three sub-sections which included:

1) Understanding of public trust

2) Understanding of police brutality

3) Implications of police brutality on public trust.

Each interview guide comprised of fifteen (15) questions. Most importantly, the interview guide was tailored to each participant group, with civilians, CSOs and police officers given separate interview guides - although with similar sections guided by the three thematic areas of focus: public trust, police brutality, and the interplay of these concepts.

The advantage of the interviews was that they provided a broader picture of the phenomenon and the important details that arise from the different stakeholders (Corbetta, 2003). Probing was also made possible by the use of this technique. The researcher has also used this method before, which helped inform the conduct required of the interviewer. It is expected of the interviewer to seek consent from the respondents and make sure it is an ongoing process during the research. This allows respondents the option to pull out of the research at any point should they feel uncomfortable.

3.6.1 Secondary Data

The researcher also used secondary data such as CSOs' documents and reports, and other archival records such as government documents, and police reports and documents. The archival materials were easy to access online through organisations' web pages, while some were provided by the police which the researcher utilised. These were used in the study to get some historical perspective surrounding the MPS as an institution. The secondary data collection was also used as a way of reducing bias that could result from only relying on primary evidence. In this regard, the researcher benefited from comparing previous research with this research's findings. Primary data collection was used in the form of interview guides and secondary data was used in the form of documents (Salkind, 2018).

3.7 Data analysis

The researcher used a thematic approach in analysing the collected data. The data was categorised into different themes after similar patterns were identified in repeated data. This allowed for easier interpretation (Braun, 2006). The themes are based on the literature and the research questions the researcher sought to answer (Leedy and Ormrod, 2010).

Furthermore, the interview notes were compared and grouped into different themes that were created by the researcher. During the process of analysing data, responses that were not in line with literature findings and the research question were not directly part of the thematic, but still gave valuable information for the research that the literature had missed. Referring to the literature allowed the researcher to interpret and make sense of the data (Braun and Clarke, 2006).

In the course of analysing data, the researcher also used direct quotes after thorough examination of the coded data, taking responses that aptly illustrated the issues from the different research respondents in the three demographic groups. Therefore, the selection of themes was thus made easier because they were derived from the interviews and collected data.

After conducting the interviews, the researcher also consulted secondary sources of data which included government gazettes and publications, newspapers, online publications, police reports and handbooks, and reports from CSOs.

3.8 Ethical considerations

3.8.1 Informed Consent

Informed consent ethics are a set of moral principles which are suggested by a group or individuals in a particular field and should be followed and adhered to (Oliver, 2010). This study adhered to the research ethics as set out by the Research Ethics Committee of the University of the Witwatersrand. The process ensured respondents were informed about the research in order for them to decide if they wanted to take part in the research. As Salkind notes, ‘Without question, every research project that uses human participants should have an informed consent form that is read and signed by each participant or person granting participation’ (Salkind, 2018: 79).

The researcher ensured that the participants were fully informed about the nature and procedures of research. Participants were allowed to withdraw from the study at any point of the research. For this reason, regular checks of this were done thus encouraging what is called 'process consent' in the data collection period (Elis, 2007).

3.8.2 Confidentiality and Anonymity

Considering the politically sensitive nature of the research study, the researcher ensured confidentiality and anonymity of both the participants and the material that was collected. According to Salkind (2018), confidentiality can be maintained by making sure the confidential data given by respondents is not accessible to anyone but the researcher. The researcher also assured all participants that their names would not be released through an agreement consent form and that, if need be, pseudonyms would be used in the report.

3.9 Limitations of the study

Out of 20 participants, six participants refused to be interviewed but completed the questionnaire on their own and later sent it to the researcher. This was a limitation to the study because the researcher was not able to probe some of the answered questions, limiting opportunities to probe further information. This also led to some degree of distortion from participants, offering greater possibilities for participants to give the information that they think the researcher want to hear, rather than giving their personal opinions and experiences (Gugetta, 1983).

Another limitation of the study was the challenge in negotiating access to citizen (protestors) respondents for the study. This was because the civilians wanted to establish authenticity that the researcher was indeed a student before sharing some confidential information. It took time to gain their trust and attention. This was expected due to the sensitive nature of the research study as it delves into sensitive political matters.

The Covid-19 pandemic lockdown was another limitation to conducting the research, especially impacting processes of data collection. During the lockdown, South Africa experienced restricted movements and travel was severely affected. The research was conducted at a time when there was a restriction of movement between countries. This affected the researcher's movement from South Africa to the research area in Malawi. However, the

lockdown also offered advantages as the interviews could be conducted virtually which saved on financial costs of travel and enabled interviews in a short period of time.

3.10 Chapter summary

In summary, this chapter has described how data was collected for the present study, which aims to understand the influence of the MPS's policing of demonstrations on public trust over the past decade (2010-2020). The study includes twenty (20) respondents who were interviewed through semi structured research questions. All ethical considerations were observed, and data was collected and analysed into themes. The next chapter presents the findings of this study.

CHAPTER FOUR: IMPLICATIONS OF PUBLIC TRUST IN THE MALAWI POLICE SERVICE

4.1 Chapter Introduction

This chapter discusses the results and analysis of the qualitative data obtained from the interviews conducted during this study into how police brutality during demonstrations has influenced public trust in the Malawi Police Service (MPS). The interview questions were focused on dynamics over the past decade (2010-2020) in Lilongwe, Malawi.

Each section presents a theme drawn from the literature which was also related to the three sub-questions pursued in the course of the research. As mentioned in Chapter 3, a thematic analysis was used to analyse the data. The research findings show the interplay of how public trust in the MPS was affected over the past decade (2010-2020). The research process sought first to establish an understanding of the official roles and functions of the Malawi Police Service. This is presented in the first part of this chapter, providing background to how misconduct on the part of the MPS – and specifically, instances of police brutality – have influenced public trust.

The chapter then presents two main factors that influence police brutality during demonstrations as a factor negatively affecting public trust in the MPS. The first factor is police partisanship. The research respondents, which included citizens (protestors) and representatives from CSOs, are of the opinion that police partisanship has been a contributing factor to the escalating cases of police brutality during demonstrations. The second factor which emerged through interviews is the militarisation mindset of the police. CSO representatives and citizens believe that a culture of militarisation in the MPS during demonstrations has exacerbated police brutality during demonstrations, contributing to the deterioration of public trust in the MPS.

Another issue that this chapter discusses is the extent to which public trust in the Malawi Police Service negatively changed as a consequence of police brutality during demonstrations. The research concludes that the relationship between the public and police has been damaged during demonstrations to such a degree that there is an increasing tendency of protesting citizens to

attack police during demonstrations. Police behaviour during these events – specifically instances of brutality and the use of excessive force – was found to be at the root of the shift of public trust from the MPS to CSOs.

4.2 Understanding the roles and functions of the MPS

One of the preliminary issues which this study investigated was whether respondents understood the roles of the Malawi Police Service, as set out in the Malawi Constitution. This was the subject of the first question in the interview schedule, which was asked to ascertain if respondents have similar opinions regarding the function and roles of the MPS. The question, "*What roles of the MPS are you aware of? Please list any*", was asked to all respondents (20) – citizens, CSO representatives and police officials. For police respondents, this question elicited discussions about the internalised perception that officers have of their roles and the conduct that is expected of them. It was also important to learn how members of the public understand the roles and conduct of the police.

The amended 2017 Constitution of the Republic of Malawi along with Chapter fifteen (15) of the Malawi Police Act Section 3 outline the functions of the MPS and states that "The Malawi Police Service shall exist to provide for the protection of public safety and the rights of persons in Malawi according to the prescriptions of this constitution and any other law" (Constitution of Malawi, 2017: 48; Malawi Police Act, 2017[3]). The MPS officers who were interviewed provided an understanding of their role in very similar terms. The roles of the police, according to the responses were:

1. To protect citizens' rights and life of people in Malawi
2. To protect property

By contrast, representatives of CSOs and citizens interviewed, responded more extensively to this question, giving insights into people's perception of the role of the Malawi Police. The responses from the CSOs and citizens were in direct contrast to what the constitution prescribes for police conduct. The perception of CSOs and citizens were different, and this had effect on

[3] Malawi's Constitution of 1994 revised in 2013 with amendments through 2017. Chapter 15 of the Police Act section 152 -158.

public trust. Responses from citizens included additional aspects which were held to be part of police responsibilities. For instance, many expected the police:

3. To enforce laws for citizens to comply with, investigate where a law has been broken and send suspects to court for prosecution.

Some of the CSO respondents went further, stating that police were expected to:

4. Mediate in civil cases by providing order in the country. This could be in times of demonstrations or any other instance where it seems there is a national conflict or misunderstanding.

The stated roles and functions of the MPS as listed by the CSO and citizen respondents align with what the Malawi Constitution, subsection fifteen (2017), prescribes in terms of the roles of the Police Service. When asked, the CSOs and citizens gave a list of what they expect the roles of the MPS to be. This was in line with what the Malawi constitution states. The Constitution states that the roles of the MPS is to maintain order and protect the people of Malawi, which the respondents stated in connection with police mediation in civil matters by providing order. Additionally, respondents stated that the police are expected to investigate where a law has been broken and send suspects to court for prosecution, an elaboration of the constitutionally prescribed role of protecting life and property.

The official and perceived roles and responsibilities of the police are of utmost importance to this research, outlining the fundamental purposes of the police as an institution. These shared understandings of the roles of the MPS, centered on the police's duties as the protectors and mediators of citizens' rights and life are, crucially, underpinned by public trust. The Constitution of Malawi supports citizens' beliefs that the police will fairly execute their roles and functions, and that citizens and the public will abide by the law. However, as is evident from findings of this study, the Constitution alone does not entirely guarantee unwavering public trust.

4.3 Public trust in the MPS

After exploring shared understandings of the roles of the police, the data sought to further understand if the respondents actually trust the MPS. In answering the open-ended question, "*Do you trust the Malawi Police Service?",* respondents were expected to choose between *(A)*

Yes, (B) No, or (C) Maybe. If respondents answered 'yes', they were asked to explain why they trust the MPS and how long they have trusted the service. Respondents were similarly asked for an explanation if they answered 'No'. Out of 20 respondents, only 6 stated that they trust the MPS – all 5 police officer respondents and one (1) citizen. Of the 14 who answered 'no' and 'maybe', three (3) of the citizens interviewed said 'maybe' meaning they were not sure if they trust in the MPS, whilst 11 respondents said they do not trust the MPS - 5 CSO representatives and 6 citizens.

Respondents	Yes, I trust the MPS	No, I do not trust the MPS	Maybe
MPS (5)	5		None (0)
Citizens (10)	1	6	3
CSO representatives (5)	None (0)	5	None (0)
Total number of respondents (20)	6	11	3

Table 2 Question 2: Do you trust the MPS?

What stood out most and was importantly noted was that out of ten citizen respondents, one (1) citizen confidently said they trust the MPS.

The MPS officials who participated in the research were also asked whether they trust the MPS. This question was asked to gain an understanding of their reflections on trust in relation to their colleagues and the MPS as an institution. All 5 police officials who participated in the research agreed that they trust the MPS. They argued that MPS officials are committed to carrying out their duties effectively, despite the lack of resources in the institution, such as transportation, paperwork materials, weapons and work cell phones / pagers.

The police officials established that their trust in the MPS partly stems from the manner in which their colleagues are committed to using personal resources to serve the public. One of the police officials explained a scenario in which one of his colleagues had to use their own private vehicle to attend to a crime scene because there were no police vehicles available at the station. He also explained how police officials must mostly use their own airtime to make calls that are work-related. Hence, the trust held in the MPS by police officers is tied to the personal

commitment they see among their colleagues to serve the communities they work in, as professionally as possible, despite the limited resources available to police stations.

The only citizen respondent who stated that they trust the MPS attributed this to high levels of police professionalism. In his explanation he stated:

> I have always trusted the Malawi Police Service since 1996. Growing up I have seen police executing their duties with a professional conduct and adherence/upholding of the law. On several circumstances I have witnessed the MPS abide by the law in handling investigations and criminal cases until the defendants were prosecuted. Therefore, I honestly find no reason to doubt my trust in the police (Interview CV 1, November 2021).

The citizen respondent understood public trust to be associated with the professional effort that police put in to perform their roles and functions, as required by the law and the Constitution.

What is most fascinating, however, is that when police officials were asked of their relationship with citizens of Malawi, most admitted that there is a poor or bad relationship between police and citizens. One police official stated that the poor relationship between the police and citizens has been exacerbated over the past decade (2010-2020), and that they know that the public do not trust the Malawi police.

One of the young police respondents who had been working with the MPS for seven years answered the question *'Do you think the Malawi Police Service have had a good relationship with the citizens in the past decade (2010-2020)? Please explain'* as follows:

> The relationship between the police and the public has not been very good. I can say it has been partly good. I say this because in the past six to seven years ago when I joined the MPS, I observed that the police are misunderstood. This is because the public of Malawi sometimes do not understand the law and the roles of the police. So, whenever the police are doing their rightful job, the public always misinterprets and thinks the police are acting against them. Even though the MPS conducts awareness campaigns on educating the public on the roles of the police and law, most of the public who do not attend these campaigns are the ones who ignite fights in the police. Hence portraying a bad relationship between the police and the public (Interview MPS 3, November 2021).

Police are aware of the poor levels of public trust between citizens and the MPS. In an interview with one police respondent who has been serving in the MPS for 12 years, he shared the following.

> I believe the public do not trust the police because of the past police performance experiences. For example, this dates back to 2011 when we had first bad scenarios of demonstrations which ended up people losing lives. Therefore, as much as police is aware of the lost trust and trying to build trust,

memories like those could implicate the public trust. However, I assure you to trust the process, MPS will rise again, and the trust will be gained soon (Interview MPS 5, January 2022).

Some of the reasons that the police respondents gave to explain why they believe the public do not trust them included.

1. The public do not understand the roles and functions of the MPS
2. Citizens do not attend awareness campaigns to understand the functions of the police and build relationships with the police
3. We admit that as many police conduct awareness campaigns, they are not enough for the communities to trust the us (police) again. This is because police authorities do not give much funding to such activities to build the public trust. Instead, public trust keeps deteriorating.
4. Some police officers are not all committed to their work descriptions. Instead of working together with the community, they find themselves indulging in various bad behaviour that will eventually dent the image of the police hence negatively affecting public trust in the police. In all there is so much to be done by police for us to be a trusted institution again. (MPS Interview, 2021; 2022).

The rest of the 14 respondents (citizens and members of CSOs) stated that they do not trust the MPS or are not sure of their trust in the MPS. Some of the reasons the respondents gave for lack of trust in the MPS were closely related to those explained by the police above, and were as follows:

1. Police political intervention: Respondents established that, since independence, during the one-party era of Dr. Hastings Banda, the Malawi police have been politically aligned with government and have remained under the influence of the ruling political party in government. Since the Inspector General (IG) is appointed by the incumbent president, the MPS essentially operates as an affiliate of the government. This means that police leadership is chosen based on party affiliations. This fosters a 'big-man' syndrome that influences decisions in the MPS, especially in cases that are related to the ruling party in government (Shawa, 2012). In this case, the 'big-man' syndrome is a notion that has been defined with "a concept of neopatrimonialism, which has permeated social political life in Malawi rendering it anti democraticin many ways" (Booth, 2006:8-13; Shawa, 2011:24).

The "big-man" syndrome is also known as presidentialism and refers to the dominance of one individual or group of individuals who strive to exert or achieve absolute rule or control over others deemed as 'subjects'" (Shawa, 2012: 44). In practice, Houeland and Jacobs (2016) explain and give examples of the 'big-man' syndrome in most African countries including Rwanda, Democratic Republic of Congo and Uganda where the president is always patriotic

and retain power. This means that the president makes the rules, breaks them and changes when he wants to (Houeland and Jacobs, 2016). That is why the Ugandan incumbent president has been in power for over 35 years (BBC Africa news and Katumba, 2021). Jacobs (2016) further states that the 'big-man' syndrome means that the president effectively controls the electoral commission and the coercive apparatus of the state, the police and other arms of the government.

Consequently, even when citizens have genuine reasons to protest, the public perception exists that police generally want to please their bosses rather than act in the service of citizens, because they are controlled by the government, thus negatively affecting public trust. That is why Shawa (2012) argues that the big-man syndrome has in recent years posed a security threat in Malawi and affected its public trust. For example, one of the citizen respondents stated:

> I do not trust the MPS because their relationship with the ruling governments and the president is always worrisome. The president appoints an inspector general who is from his tribe which always lands the IG in pleasing favour of the president who is their boss, in decision making (Interview CV 6, November 2021).

Over the past years, this has been evident in the politically coercive influence that the government exercises on the police. As a result, people are not sure of their trust in the police or insist that they do not trust the police at all.

2.Selective intervention in handling cases: Some of the respondents explained that due to political interference in MPS decision making processes, they have witnessed and experienced injustice in the way the MPS handle cases. One representative of a CSO said:

> I do not trust the MPS because if there is a case that involves some politicians, the police sit on [delay] the case and are unlikely to put it into investigation. For example, you will hardly hear [about the] prosecution of political officials in relation to issues of corruption. But you will always find ordinary citizens being sent to prisons for a short period of time (Interview CSO 4, November 2021).

This reflects the sense that political intervention in the MPS has resulted in selectivity and bias in the way police handle cases involving the political elite – cases of unexplained wealth and corruption crimes – hence diminishing public trust. One journalist from one of Malawi's reliable media houses cited an experience which speaks to this kind of selectivity on the part of the police, specifically in relation to public protests:

> During the 2019-2020 demonstrations, the police mercilessly beat us up and took away our gadgets such as cameras and recorders because they did not want to record what was happening at the scene. When we reported the incident to the nearest police station for investigation and seeking compensation, the police dropped the cases without even informing us because it had involved one of their officials. Henceforth, this has raised many doubts in my trust towards the MPS because besides beating us [my friend and I], the police did not want the media to cover anything that was happening at the scene as a way of getting rid of evidence (Interview CV 2, November 2021).

The confiscation of evidence, the wrongful arrest of journalists and the irregular dropping of charges indicates how police brutality during demonstrations is tied to other human rights violations. Holding the police accountable for police violence or related human rights violations becomes a challenge because when civil society actors offer evidence or submit complaints, they face enormous barriers in seeking the criminal prosecution of officers.

Another reason respondents do not trust the MPS is because they are seen to lack the capacity to deliver services in line with the Constitution of Malawi. Most importantly, respondents' perceptions of the lack of public trust in the MPS indicates how police brutality during demonstrations has been a major factor affecting public trust in the MPS. The following theme will focus specifically on how police brutality during demonstrations has affected public trust in the Malawi Police Service over the past decade (2010-2020).

4.4 Factors that influence police brutality during demonstrations as a consequence of affecting public trust

The interview guide contained several questions about police brutality during demonstrations. This was done to obtain respondents' views on police brutality during demonstrations and the implications that it had for public trust in the past decade (2010-2020). The questions were structured as follows: '*what is your understanding of police brutality during demonstrations?*'; '*Have you ever experienced police brutality during demonstrations*?'; and '*What are some of the factors that influence police brutality during demonstrations*?"

Responses revealed two main factors that influence police brutality during demonstrations which contributed to the low levels of public of trust in the Malawi Police Service: (1) the partisanship of the MPS, and (2) the culture of militarisation in the MPS. In the Malawian context, previous research on the implication of public trust in the police service has not highlighted these factors (Chunga 2014; Mponera, 2011).

In contrast, the Malawi Police Service has subsequently acted against its role and failed to protect the public safety of the people of Malawi on several occurring protests, which is in direct breach of the Constitution of the Republic of Malawi (2017), which clearly stipulates that "every person shall have the right to assemble and demonstrate with others peacefully and unarmed" (Constitution of Malawi, 2017[4]).

4.4.1 Partisanship of the MPS

Duignan (2022) defines 'partisanship' in democratic politics as a strong dedication and loyalty to a political party. In the case of this research study, the term partisanship refers to the commitment police have towards the ruling political regime. The adherence that MPS officers have towards the ruling regime makes it difficult for the MPS to compromise and mediate with the citizens of Malawi, as required by the Constitution of Malawi.

Since the attainment of independence in Malawi, the MPS have been perceived as lacking in independence from the ruling government in power. This is due to the centralised police system within the MPS in which power is derived from the executive (president). The police are believed to be controlled by the ruling regime, and the MPS is thus often labelled as partisan in their exercise of power and the execution of law.

This study found that most of the MPS Inspector Generals (IG) are known to be from the president's region. When a president is voted into power, there is always a change of Inspector Generals. Respondents perceived this as the ongoing inheritance of the past governments since independence. Even though the president is well within his rights to choose the IG of his or her choice, the problem emerges in the fact that the IG is controlled by the president due to personal loyalties rather than being appointed on the basis of objective criteria. The MPS thus lacks political independence because the IG tends to act or perform on personal grounds and not in line with what is required by the Constitution.

Previous scholars have pointed to the partisanship of leadership as a pervasive problem in government institutions. In his examination of the relevance of political parties in Malawi, Chunga (2014) stated that since independence, political parties in Malawi have not produced desirable results for democracy. This is because political parties in Malawi, once voted into power, seek to take full control of public institutions such as the police. As the research has established, police partisanship is a factor contributing to the lack of public trust in the MPS.

[4] Malawi Constitution 1994 with amendments through 2013, revised 2017

An example of partisanship affecting leadership in government institutions can be seen in the case of Dr. Joyce Banda. The Africa Justice Forum (AJF) explained how, in 2012, Dr. Banda, the then vice president, became the first female president of Malawi by Constitutional appointment after the president Bingu WA Mutharika succumbed to a heart attack. Just one day after the immediate and unexpected appointment of Banda into the presidency, she replaced the police IG Peter Mukhito who had been appointed by Mutharika with the former police commissioner, Loti Dzonzi, as IG (AJF, 2012).

The same strategy of the president appointing their own IG has been observed since the time of former president Dr Bakili Muluzi who was the first president in the multiparty system between the years 1994-2004 (Malawi Government, 2022). The immediate change of IG signifies the extent to which the executive in the centralised police system seek to control the police system through its governance. The common public understanding is therefore that the IG is always chosen for personal strategic benefit.

After an article published by the AJF (2012) and the MPS (2012), a biography which detailed the life and backgrounds of Dr. Banda and Dzonzi sparked controversies over regional divisions. The MPS article state that Dzonzi was born and raised in the Eastern region of Malawi, in the Zomba district, where he grew up and joined the MPS in 1987 as an English teacher at a Police Secondary School. The article by the Malawi Government similarly noted that Dr. Banda was born and raised in the same colonial Capital of Zomba, where her late father was an accomplished and popular police brass band musician. The shared background of the two formed the central thrust behind allegations of tribalism in Dr. Banda's appointment of the IG in Malawi (MPS, 2012; Malawi Government 2012). Unofficially, reports have emerged which suggest that there was some personal relationship and strategic loyalty between Dzonzi and Dr. Banda.

Randall and Burnell (2008) argue that political parties have become a worry to democracy and have helped to undermine democracy through the self-interested actions of their leaders in taking control and sustaining power. This is a controversial remark, but it would seem to find resonance in the case of Malawi.

This research also established that the personalization of power, where the president uses their power to appoint the IG in the MPS as a way of controlling power in the police, has over the years resulted in a lack of transparency in the police institution and power structures because of their dependence on the ruling government. That is why Giddens (1991) and Beck (2006)

state that personalization of power in politics can result in a populist uprising and emotional bonds in charismatic leaders. This underpins the belief among civil society actors that the police institution is used as a social control mechanism by the ruling party regime. One concerned citizen who works as a human rights lawyer explained:

> One of the reasons I don't trust the MPS is because of how they are politically inclined with the ruling governments. Since 2009, when late Prof. Bingu Mutharika became president, the Inspector Generals were of the Lomwe tribe, from the Southern region of Malawi. The neo-patrimonialism and tribalism in the appointments of the police IG was inherited by former president Prof Peter Mutharika who had succeeded his brother the late Bingu. Prof Peter was elected in power in 2014 and governed for five years, with a change of acting Inspector General's yearly, who all happened to have originated from his regional tribe. Nonetheless, this has been the case since one party rule and has succeeded over the decades and change of governments (Interview CV5, November 2021).

Citizens thus believe that the president's appointment of IGs in the Malawi Police Service is based on tribal considerations. Many citizens share the view of CV5 that the Inspector General is politically dependent on the ruling party in government.

4.4.2 Police culture of militarisation

This research study has also established that the MPS is pervaded by a culture of militarisation when responding to anti-government demonstrations in Malawi. Militarisation refers to an approach in which police adopt a culture that sets up protestors as enemies during demonstrations (Nolan, 2020).

The following narrative from a representative of a CSO spoke of police violence during the 2019-2020 anti-government demonstrations, pointing to this sense of militarisation. The demonstrations called for the resignation of the then Malawi Electoral Commission Chairperson Jane Ansah and the then incumbent president due to election irregularities. The demonstrations had been marked by violent and historic protests (See Appendix A, Figure 5):

> There is a form of partisanship in the police that is making them fail their rightful duties which has resulted to increased cases of police brutality especially during anti-government demonstrations. The demonstrations had been ongoing for eight consecutive months in Malawi, after sustained demonstrations with no answer from the president and government, the Human Rights Activist demonstration organisers (HRDC), mobilised citizens to march and deliver their petition to the state-house gate with the intention of giving it to the president directly. Instead, the MPS officers were instructed by government officials to stop the demonstrations and blocked demonstrators from proceeding. In the process of dispersing demonstrators, the police used physical violence by beating and whipping the protestors. However, due to the persistence of the protestors, the MPS ended up firing arms

> that led to the shooting of demonstrators and the arbitrary arrests of some human rights activists who were organisers of the demonstrations. Hence police brutality (Interview CSO 1, November 2021).

Another scenario narrated by a representative of a CSO who has participated in over 17 demonstrations in the past decade indicates how police partisanship influences police brutality during demonstrations. The respondent related his experience specifically during the 2011 mass anti-government demonstrations that were a call to march against the rising costs of living and poor governance in Malawi (See Appendix A, Figure 3):

> I cannot trust the Malawi Police service because of what I witnessed during the 2011 demonstrations. I was severely beaten for protesting peaceful and unarmed. I also witnessed a lot of blood shed because the police used force and shot to death people all in the name of protecting the government. (Interview CSO 1, November 2021).

Commack (2012) also addresses the misconduct and brutality of police during the 2011 demonstrations. He states that during these demonstrations, it was rumoured that the president had instructed the police to 'smoke out' everyone who was demonstrating against his government by beating and arresting anyone who came out onto the streets. When the demonstrators heard about this, people turned up in large numbers and civil unrest deepened with widespread looting in the major cities of Malawi. The demonstrations devolved into violence in all cities. In attempting to restore order, the police fired live bullets that led to the killings of about twenty demonstrators in the city of Mzuzu in the northern region of Malawi, with many injuries reported across the major cities where the protests occurred (Mpondera and Smith, 2011).

The respondents' experiences and perceptions of the police during demonstrations, as well as Commack's (2012) observations, highlight how the MPS has performed poorly during political and anti-government demonstrations, such as those that occurred in 2011 against rising living costs and poor governance and in 2019-2020 against the disputed results of presidential elections of May 2019, among others. This portrays how the MPS is marked by a culture of militarisation in responding to anti-government demonstrations.

As a result of this militaristic approach in handling demonstrations, the police have failed to meet the threshold set in Section 105 (4) of the Malawi Police Act (Malawi Police Act, 2017). They have excessively used firearms, a practice which contravenes the provisions of the Act and other relevant provisions and have acted in the benefit of the ruling party in government. This reaffirms the sense of partisanship within which the MPS operates, and why public trust in the MPS is declining.

During this research study, citizens and CSOs were of the view that inadequate police training and a lack of resources, such as personal protective equipment, forces the police into a defensive mode. This has contributed to the development of a militarisation mindset which fosters police brutality.

All research respondents of this study, including police officials themselves, believe that the MPS does not offer thorough training and adequate resources to its officials, especially when it comes to crowd control management. This contributes to the frequent descent into acts of violence and police brutality during demonstrations. This is reflected in a CSO representative's experience with this culture of militarisation (See Appendix A, Figure 4):

> I do not trust the MPS, especially during demonstrations, with the way I have observed them approach us protestors. Throughout the 17 demonstrations that I have attended, I have observed that the MPS have that attitude of 'we are going to fight demonstrators'. They always come ready to beat protestors, shoot rubber bullets and fire teargas anyhow. As a result, the police end up fighting with the protestors. Occasionally protestors possess the teargas cans and throw them back to the police. This to me shows they are not trained on proper use of these resources (Interview CSO 4, November 2021).

This observation illustrates how police approach demonstrators as 'enemies' which results in police brutality. A retired police commissioner who served the MPS for many decades once again emphasised that the lack of police training lay behind this mentality:

> In my 47 years [1978-2019] serving in the MPS, I have witnessed the transition, success, and failures of the MPS, but lack of training towards the officers (both junior and senior) has been a major problem especially on issues of crowd management. That is why after reviews and research done by the MPS post 2011 anti-government demonstrations, it was found that lack of training in the MPS was one of the contributory factors to the violence and the high recorded cases of police brutality (Interview MPS 1, January 2022).

There is some evidence from police respondents to suggest that the MPS officers lack resources such as equipment to protect themselves during the demonstrations, especially when the crowd is fighting back. A police officer explains:

> There is no trust between the police and the citizens in Malawi. Demonstrations have become a risk of life when deployed. This is because protestors are always attacking the police for everything, where sometimes we must hide. After all, we do not have enough resources as a form of defence. Therefore, to protect ourselves and maintain order we fight back with rubber bullets and teargas as a form of dispersing them (Interview MPS 5, December 2021).

The above explanation portrays how police resort to violence as a form of defence. This shows that police have developed a culture of militarisation during demonstrations as a way of

protecting themselves from violent protestors. Nolan (2020) also found that police in the United States have deployed a militarised response to what the police 'accurately' or 'inaccurately' believe to be a threat to public order and their own safety.

The militarisation approach prevalent among MPS officers during demonstrations has led to a lack of cooperation between the police and stakeholders – in particular, those who organise demonstrations. This has had a ripple effect on the performance of the police during demonstrations. This was reflected in an interview by one CSO respondent, who noted the lack of collaboration between the MPS and those who organise demonstrations. For example, during the 2018 and 2019 demonstrations that were organised by the Association of Persons with Albinism (APAM) to protest against the rise in killings of persons with albinism in Malawi, high cases of police brutality and acts of violence were reported:

> The APAM organised a peaceful demonstration because we were grieving and in pain due to merciless killings of their loved ones. However, during the demonstrations police acted like they were forced to provide security. The police beat up protestors and used tear-gas anyhow just to disperse demonstrators and get rid of the demonstrations (Interview CSO 5, December 2021).

The police militarisation approach in response to the organised peaceful demonstrations by APAM which was reported by the Malawi Human Rights Commission (MHRC), confirming that the MPS acted violently. In the report, there was evidence of violation of human rights by the MPS (MHRC, 2019). The report stated that a suspect prosecuted for killing a person with albinism had died in police custody. After thorough investigations, the evidence report provided autopsy details of how the alleged suspect was badly brutalised by the police through iron burnings that led to his death (MHRC and Dzamalala, 2019).

Additionally, the report narrated how the suspect was brutalised to death after the case had raised concerns among some high ranking police officials, including the then bodyguard to the president and his wife (they were both police officers) who both served in the MPS and other highly ranked officials of the ruling political party (MHRC, 2019). This once again reinforces the claim of partisanship amongst the MPS, which affords immunity for those implicated in police brutality. The research study also established that APAM organised the demonstrations because they held that the death of the suspect in custody took place in retaliation due to the the destruction of evidence by the MPS. Essentially, the MPS allegedly killed the suspect who had killed the person with albinism instead of interrogating the suspect and persecuting him. APAM organisers believed that the MPS wanted to get rid of evidence related to the investigation of the killings of persons with albinism (MHRC, 2020; Interview CSO 5,

December 2021). Meanwhile, the MPS believed that the demonstrations were against *them* and the government, hence they arrived at the demonstrations with the view that protesters were 'the enemy', and the descent into violence and police brutality followed.

This was echoed in the testimony of one CSO representative:

> The Malawi police system is so corrupt and unprofessional, and it is so hard to trust it. Instead of acting like a public institution to triumph the truth and help to stop the killings as a way of protecting the persons with albinism, they acted like the protestors were enemies, going to protests against them and their bosses who were evidently mentioned in the report by the Human Rights Commission (Interview CV5, December 2021).

Police brutality and violations of the MPS code of conduct transgress the expected roles of the police to protect citizens' rights – even during demonstrations. During public demonstrations against government structures and in incidents such as the APAM demonstrations, the excessive use of violence and rising cases of police brutality have further weakened public trust in the police.

4.5 The impact of diminished public trust in the MPS

This research has established that police officials and citizens admitted to an impaired relationship between the MPS and the public. One consequence of this has been a rise in violence on the part of both police *and citizens*. Secondly, this impaired relationship has resulted in a shift of public trust from the MPS to other CSOs, such as the human rights organisations. There is no longer trust in how the MPS handles cases or conflicts, and instead the public often direct these issues towards CSOs, handle cases themselves in the form of mob justice and directly refer cases to court.

4.5.1 Police brutality and civic violence

This research revealed that civilians and CSO representatives are of the view that the MPS and its officers cannot be trusted. Due to the impaired relationship between the police and the public, public cooperation with the police has been very poor. This public distrust and the poor relationship between the police and the public has seen protestors acting aggressively and violently towards the MPS during demonstrations. Respondents stated that, in several demonstrations, the public has been seen fighting back the police. During the 2019-2020 Tripartite Elections, there was a call for the nullification of the results as they were found to be

marred by a plethora of irregularities against former president Peter Mutharika. Protestors stoned to death several police officers and stripped naked other female police officers. Most of the MPS officers who were interviewed also confirmed that they have lost fellow officers during demonstrations in the past decade. This is due to poor techniques of crowd control which lead to violence between the police and the protestors during demonstrations. The expectation of violent attacks from both protestors and the MPS has thus resulted in fear from both ends. The following responses from civilians and MPS officers illustrate this phenomenon:

> I do not trust the MPS when I attend demonstrations. I always feel like they look at us with an 'enmity' approach - as thieves or problematic. Sometimes I am demotivated to attend demonstrations because of fear of what if they arrest me or I end up getting beaten with no apparent reason (Interview CV 4, November 2022).

> There is no trust between the police and the citizens in Malawi. Demonstrations have become a risk of life when deployed. This is because protestors are always attacking the police for everything, where sometimes we must hide. After all, we do not have enough resources as a form of defence. Henceforth, after work, sometimes we have to remove our uniforms because we are afraid the public will attack us (Interview MPS 2, November 2021).

4.5.2 Shift of Public Trust to Civil Society Organisations

Due to the impaired relationship between the police and the public, there has been a shift of public trust from the MPS to CSOs. Since most citizens of Malawi do not trust the police, CSO representatives stated that people are reluctant to report complaints to the police – especially those which concern police brutality during demonstrations. Instead, people increasingly prefer to direct their complaints to CSOs. Many go directly to CSOs such as the MHRC and HRDC.

This was expressed by all participants, including officers of the MPS. One of the CSO respondents stated that due to the lack of public trust in the MPS, they have received more cases of police violence in the past decade (2010-2020) which should be the responsibility of the MPS. The CSO member also narrated how they have observed a shift in public trust towards forms of social media, explaining how people would rather air their complaints on these platforms to get the attention of the police:

> From what you see on social media. Police have shown to have responded more on complaints tagged to them for their attention by reliable social media advisors/influencers. This shows that people would rather put out their complaints about the police on social media than directly going to the police. You see people send a lot of complaints, maybe 5-10 updates a day especially when it's a day of demonstrations, rating their experience with the police during demonstrations. This is done to catch the attention of the MPS

> because if civilians go directly to police, they wouldn't act or hear them out. (CSO 5 Interview, November 2021).

A member of the HRDC also noted that while there is an increase in cases being reported to their offices, they often have no choice but to direct the plaintiffs to the police station to open a case for them. This is because the CSOs do not have the jurisdiction to deal with matters of prosecution, whose investigation falls within the roles of the MPS.

Equally important, the research established that the shift in public trust towards the MPS has resulted in the public not seeking police accountability, especially for matters arising during demonstrations. One of the civilians stated that:

> Protestors do not ask for police accountability because protestors do not know if they are to ask for accountability or they still assume the police would not take them seriously. Instead, protestors lodge their complaints with CSOs who then take them to the police (Interview CSO 2, November 2021).

One of the police officers also narrated:

> We know the public has lost trust in us. There was a time especially during the 2019-2020 post demonstrations where CSOs were lodging complaints to us on behalf of citizens. We used to have more than five cases a day as summons from the HRDC, that there is a case that needs the MPS attention involving a particular citizen (Interview MPS 2, November 2021).

This shift of public trust portrays how citizens felt safest and confident to direct their complaints to CSOs. It was believed that the police would respond swiftly if the CSOs directly dealt with the MPS as opposed to individual civil complaints. This stands in contrast to the stated roles of the MPS in the Constitution, which prescribes that police should directly protect citizens' life and property.

4.6 The Shift of Public Trust from the MPS to Civil Society Organisations

The CSOs have been a safe haven for the public when it comes to reporting corruption in Malawi. This has been recently proven through a threat of demonstrations over the Director of Anti-Corruption Bureau (ACB), Ms. Martha Chizuma Arrest (The Daily Times, 2022). In this research participants from CSOs also gave evidence of more cases being reported to them in lure of reporting to the MPS.

Recently, in support of the public, CSOs such as HRDC, CHRR and Non-Governmental Organisations Gender Coordination Network, Centre for Social Accountability and

Transparency and National Advocacy Platform Executives showed full support behind the ACB director, who had been arrested before her release on police bail (The Daily Times, 2020). The CSOs put pressure on the authorities to unconditionally drop all the charges against Chizuma (Banda and Trapence, 2022; The Daily Times, 2022).

According to Chinoko (2022), Chazuma has been on the threat through her progress in condemning corruption by exposing top government officials who were linked to corruption networks. Some of the officials included the Vice president Saulos Chilima, suspended chief of staff Chris Kapondamgaga and dismissal of Inspector General of Police George Kainja (Chinoko, 2022; The Nations, 2022).

A joint statement released by the CSOs stated that Chizuma's arrest was stated to be a deliberate attempt by some "invisible forces" to frustrate and incapacitate her. In the report, one the CSOs stated that "We are also informed that while in police custody, Madam Chizuma was humiliated and ill-treated by being made to kneel as police officers took her details. It is further alleged that she was harassed and threatened by some police officers" (The Daily Times, 2022). The statement deemed the acts Chizuma experienced as irrational, unprofessional as well as not befitting of what the MPS claim themselves to be (Trapence, 2022). The report further called for the MHRC to conduct the investigation of the allegations instead of the MPS doing it (The Daily Times News,2022).

The presented case portrayed a recent example of how public trust has shifted from the MPS to CSOs.

Mkandawire (2017) also gives statistics on public trust in Malawi. The paradox survey found that the clergy[5] lead on public trust at 83%, followed by NGOs and CSOs at 76% (Mkandiwire, 2017). According to the survey, the president at 41% and the police at 30% are the least trusted institutions in Malawi (Chasukwa and Kayuni, 2017; Mkandawire, 2017).

An end of year Afro barometer (2022) report has scored and described the MPS as poorly rated. The report showed that many Malawians do not trust the MPS and that its officers conduct themselves in an unprofessional manner, including demanding bribes to 'assist' the citizens and being controlled by the 'big-man' syndrome (Chunga and Manthalu, 2022).

In summary, with given examples, the section has discussed how public trust has shifted from the MPS to CSOs. The case portrays that through the 'big-man' syndrome police and political

[5] Clergy – the body of all people ordained for religious duties, especially in the Christian church.

officials made a case against the ACB director who has been of late the public interest in the fight against corruption. The research findings also gave evidence that the public would rather go to the CSOs than the police.

4.7 Chapter Summary

The chapter presented findings of the research drawn from interviews with 20 respondents of different social groups – CSO actors, citizens and police officials. The chapter highlighted how only 6 respondents out of twenty trust the police – 5 of whom were police officers and one citizen.

The chapter uncovered two critical reasons explaining why respondents do not trust the MPS. The reasons included the partisanship of the police and their selectivity in handling cases. Partisanship amongst the MPS is reflected in neo-patrimonial appointments at the leadership level, which render police officials responsive to the political inclinations of the ruling party in government. Police are also seen to consider the status of an individual in determining whether they will act swiftly on a case. The partisanship of the MPS is influenced by political intervention in police decision making. This has left civil society actors questioning their trust in the MPS because the police end up performing to the benefit of the ruling government or political power rather than in the service of citizens, hence affecting public trust.

This chapter also discussed how, due to police partisanship in influencing their responses, the police have developed a culture of militarisation towards the way they handle anti-government demonstrations. This means that the police approach the public as ‘enemies’ - a typical military stance.

Finally, the chapter discussed the extent to which this diminished public trust has impacted the MPS. This helped to answer how citizens have changed their modalities of interacting with the police due to their impaired levels of public trust in the police. A lack of collaboration and unity between the police and public due to lack of public trust has seen higher levels of violence on the part of citizens against the police. Secondly, there has been a shift of public trust from the MPS to CSOs, stemming from the fact that the public no longer trusts the MPS. Instead, citizens turn to CSOs to lodge complaints, even though many of these issues fall within the ambit of police responsibility.

CHAPTER FIVE: FACTORS THAT ERODE PUBLIC TRUST IN THE MPS DURING DEMONSTRATIONS

5.1 Chapter Introduction

This chapter discusses the key findings of the research in relation to the main concepts and theories discussed in the literature review. The previous chapter focused on the presentation of findings which answered the main research question of how police brutality during demonstrations influenced public trust in the Malawi Police Service (MPS) over the past decade (2010-2020). The findings showed that public trust has declined and there has been a shift of trust from the MPS to Civil Society Organisations (CSOs) over the past decade in the reporting of cases and in seeking accountability for instances of police misconduct.

The findings of this research also established some of the factors that influence police brutality during demonstrations. The first is political interference in the MPS, which compromises their impartiality and fairness in the execution of their roles. Another critical factor is the militarisation mindset which pervades the MPS and its officers, especially during demonstrations.

This chapter will first explore how police brutality during demonstrations has a negative effect on public trust in the MPS by combining literature presented in Chapter 2 and findings of the research in Chapter 4 of this study. The chapter will also discuss some of the factors that influence police brutality during demonstrations as an element affecting public trust in the MPS with reference to the literature reviewed in Chapter 2 and research data presented in Chapter 4. The Chapter will lastly examine how police brutality during demonstrations can be managed.

5.2 Factors that affect public trust in the MPS

As indicated in Chapter 1, the Malawi Afro barometer (University of Malawi, 2017) survey showed a change of public trust in the police from 2012 to 2017. Similar findings were made in this study, with 14 of the 20 respondents alluding to a lack of trust in the MPS over the past decade. Various examples from the respondents were given to support why public trust in the

MPS has declined. This chapter will discuss how acts of police partisanship and a culture of violence and militarization have affected public trust in the MPS.

5.2.1 Police partisanship

This research found that there is political interference and selective bias within the MPS which has led to its partisanship. Powerful political players or stakeholders influence the way the institution operates and how decisions are made, steering the police to serve the interests of political regimes. Research respondents gave evidence of incidents which prove police partisanship. For example, the respondents stated that police are very brutal during political and anti-government demonstrations, deploying excessive use of force and silencing media which exposes police brutality. This has led to a further decline of public trust in the MPS as the public is aware of the influence of strong political players. Various exposés have shown that politicians directly influence the police for their own gain (McCracken, 1986; Chisamba, 2016; Gwede, 2019).

Partisan policing deepens the tendencies of police to characterize critics of the government or the ruling party as 'enemies'. This results in biased policing which further polarizes society and heightens insecurity and political tensions (International Bar Association, 2007). During the 2020 anti-government protests in Malawi, for instance, the MPS arrested the human rights activists who had called for the demonstrations against the mismanagement of the 2019 presidential elections, in which the incumbent president Peter Mutharika was declared the winner. These activists faced harassment and threats at the hands of the MPS and other supporters of the then ruling party (Pensulo, 2020; Freedom House, 2020).

Evidence of possible fraud emerged following the elections, with photos showing tabulation sheets that were edited using a correction fluid ('Tipp-ex') (Malawi Electoral Commission, 2019). This occurred after the police had previously been warned about acts of partisanship during the 2014 elections. In a statement published in the *Daily Times* newspaper, CSOs had called on the MPS to refrain from partisanship, demanding they execute their duties professionally during crucial electoral periods (Mvula, 2014). This indicates how the public and CSOs have been aware of the MPS's partisanship and how it has negatively affected public trust. This has been publicly discussed by police leadership too. On one occasion where police were discussing ways to fight crime in Malawi and gain public trust, the police commissioner in the Northern region of Malawi urged his fellow MPS officials to desist from acts of partisan politics and corrupt practices. 'The burden of being ranked as most corrupt organization in the

country should now become history' he said, 'Let us make a difference by being disciplined both on the road and in our offices' (The Nations Paper, 2022).

Since the formation of the MPS, partisanship within the police service has continued with each change of government – a fact that even leaders within the MPS admit diminishes public trust.

5.2.2 Police culture of violence and militarisation

Data presented in this research also found that due to acts of police partisanship and lack of resources, the MPS have adopted a culture of militarisation. Respondents gave examples of police militarisation during demonstrations in which an 'us vs them' approach was evident. Unlawful police behaviour is exacerbated by key government officials. Police excessively beat demonstrators, use live ammunition, and execute arbitrary arrests in the belief that protestors are 'enemies' – all of which works to the favour of the government (International Bar Association, 2007). Police brutality has become endemic, arbitrary arrests by the MPS are common, and discrimination and violence towards women and minority groups remain problems in Malawi (Freedom House, 2020).

Police militarisation is evident in acts of violence and brutality. During the 2019-2020 demonstrations, for instance, some police officers dispatched for crowd control were reported to have committed rape and a host of other crimes. The MHRC reported that police broke into houses, threw tear gas, raped women, defiled self-boarding students around the area, tortured people and looted private property (Pensulo, 2020; MHRC, 2021).

On one occasion, the Malawi Speaker of Parliament called out the former police Inspector General (IG) for his association with political violence. In a statement that appeared as a headline, the then Speaker, Richard Msowoya, asked the then MPS IG, Rodney Jose, to consider resigning for allegedly allowing partisan politics to flourish and condoning police violence against citizens, especially women (Malawi Parliament, 2019; The Nation News, 2019).

Police brutality during demonstrations by the MPS damaged public trust in the police, with reports that condemned the action insisting that 'no one is above the law'. This led the MHRC and other human rights CSOs to demand an investigation into the MPS to ensure allegations were thoroughly investigated and perpetrators punished (Pensulo, 2019; MHRC, 2021).

Acts of militarisation due to police partisanship are also evident in cases where politically influential persons have not been prosecuted while civilians in riots or peaceful demonstrations

have been arrested brutally (Pensulo, 2020). Respondents in this study gave similar examples, citing cases of violent arrests and assaults of peaceful demonstrators while influential political persons clearly implicated in crimes have evaded prosecution.

The culture of violence and militarisation has been largely driven by a lack of training and the resources necessary for crowd control and policing. Militarisation violates human rights and the prescribed role of the MPS during demonstrations, which includes protecting citizens' rights. The degree of police brutality demonstrates how far public trust in the MPS has been eroded.

Understanding these factors that affect public trust assists in finding strategies that will improve public trust in the MPS. It also highlights the extent to which a holistic approach is needed as public trust is a multifaceted issue.

5.3 Police brutality / violence during demonstrations as a negative influence of public trust in the MPS

Feld (1970) defines police brutality as the use of force beyond that which is reasonably necessary to restore or maintain social order. Globally, police violence is not permitted by law, yet institutional forms of violence are nonetheless permitted by the police in crowd control and management. During crowd control, the police are within their rights to use warning shots to disperse crowds (United Nations, 2017). Yet Article 13 of the Police Act in the Constitution of Malawi states that the MPS are only allowed to use force where it is legal, necessary and proportionate during public order and management (Malawi Police Act (amended), 2017) Malawi Constitution, 2017).

The Constitution of Malawi (2017) prescribes that the MPS only apply non-violent methods before resorting to the use of force. Where the use of force is unavoidable, police are permitted to do so but nonetheless remain limited by the imperative to respect and preserve human life, and to minimize injury and damage (Malawi Constitution, 2017; Malawi Police Service, 2020). Thus, the use of force is permitted and possible either in self-defence or in defence of others against the imminent threat of death or serious injury (Malawi Police Service, 2020 and Malawi Constitution, 2017[6]).

[6] Malawi Constitution 1994 with amendment through 2013, revised 2017

According to research, Malawians are regarded as socially and culturally peaceful, and the majority of demonstrations conducted in Malawi are peaceful and unmarred by violence (World Bank, 2021). Yet literature has suggested that there has been an increasing incidence of violence during demonstrations, with growing instances in which police initiate or exacerbate the levels of violence – a subject of particular concern to CSOs and human rights activists, especially during moments of political unrest (Lipsky, 1970; Lwanda 2006; Nathan, 2018). This concurs with the findings of this study. Respondents are of the opinion that demonstrations in the past decade (2010-2020), especially those regarded as political, have been increasingly marred by excessive violence – to the extent that police have reportedly used live ammunition during such political demonstrations. In the 2011 anti-government demonstrations in the Northern region of Malawi in which citizens protested against the high cost of living, almost twenty demonstrators were killed (Dugger 2011; Nathan 2018). The 2019-2020 anti-government demonstrations against alleged electoral fraud were regarded as historic both for their unprecedented duration (over 8 months) and excessive use of police violence – the use of teargas and the arbitrary arrests of hundreds of people.

Studies have shown that the outbreak of police violence and brutality during demonstrations stems from characteristics of both the police and the community within which the police work (Feld 1970). This study has identified variables that exacerbate violence, including instances of self-defence in which protestors are deemed violent by the police. Another contributing factor is the language used to give directives to the police, such as when the president issued instructions to the police to 'smoke out' demonstrators in the 2011 protests (Dugger, 2011). Another critical variable that encourages violence from the police is the pervasive 'us vs them' mentality, a typical characteristics of militarization. Violence from the police during demonstrations also stems from a lack of accountability, poor training and a lack of resources for police crowd control and management.

5.4 Factors that influenced MPS brutality/violence during demonstrations in the past decade (2010-2020)

The literature review presented in Chapter 2 discussed how the Malawi Police Service exists as a centralised police system, commanded and controlled through a vertical chain of command. In the Malawian system, the president functions as the commander-in-chief of the MPS. The MPS has unlimited jurisdiction throughout the territory (Bakely, 1970; Lowatcharin

2016). Boateng (2012) argues that most African countries with a centralised modern police system exclusively operate under the influence of the government, stemming from the fact that the chain of command is derived from the executive or the president.

Data gathered in this study has once again confirmed that the environment of the MPS is highly politicised, in large part because the position of the Inspector General (IG) is a presidential appointment. This has effectively translated into a lack of institutional independence. Successive presidents have pushed the democratic limits of their power in taking full control of the police, influencing the operations of the MPS, leaving it dysfunctional and unstable.

This research also found the politicised character of the MPS to be a contributing variable influencing police brutality and violence during demonstrations. Due to a lack of institutional independence, the MPS have adopted a culture of militarisation and violence that influences police brutality and violence during anti-government demonstrations.

The politicised institutional environment, the lack of independence and the character of police violence and militarisation are some of the factors that have been found to contribute towards police brutality during demonstrations in Malawi over the past decade (2010-2020).

5.5 Nature of police brutality/ violence during demonstrations

Empirical studies have shown that violence during demonstrations ranges in accordance with the social normalization of violence (Masotti and Bowen, 1968). This illuminates the dynamic of violent responses during demonstrations.

The Amnesty International Report (2020) defines police brutality in terms of various human rights violations by police. The unlawful use of power by the police infringes on the rights of the public. These violations may include beating, racial abuse, unlawful killings, torture or indiscrimination by using riot control agents at protests (Amnesty International, 2020). According to the United Nations Universal Declaration of Human Rights (Articles 3, 6 and 9), law enforcement strategies should not - or minimally - affect the rights of citizens, and excessive force during demonstrations is illegal (United Nations, 1948). Moreover, the UN Basic Principles on the Use of Force and Firearms prescribe the range of scenarios in which the use force or firearms is acceptable in maintaining order or improving conditions. In most countries around the world, police are advised to use tear gas and rubber bullets as a way to disperse protestors when demonstrations become violent or when looting ensues (United

Nations, 2017 and 1990). Force is to be used only when strictly necessary and to the extent required for the performance of the duties of the police. The imperative to use force only where necessary – for defence or for protecting life – has been enshrined in national constitutions around the world, including in Malawi (Malawi Constitution, 2017, United Nations, 2017, 1990 and Amnesty International, 2015).

The UN also provides some of the basic principles formulated to assist enforcement officials during crowd control and management in different countries (United Nations, 2017 and 1990). Some of these principles prescribe that governments and law enforcement institutions must adopt rules and regulations on the use of force and firearms against persons and stipulate that regulations around the use of force and firearms must be put under constant review (UN, 1990; 2019). This concurs with literature reviewed in this study that discusses Article 13 of the Police Act in the Constitution of Malawi, which states that the MPS are only lawfully permitted to use force where it is necessary – for instance, in self-defence or in defense of protecting others from imminent threat or death. However, at all costs police shall always maintain their role in protecting life and property (Constitution of Malawi, 2017).

Data collected from this research shows, however, that during several demonstrations in Malawi, the MPS have been accused of firing live ammunition, making excessive use of tear gas and beating demonstrators to death. The 2011 anti-government demonstrations were marred by the shooting and killing of almost twenty protestors in the Northern region. During the 2017 demonstrations against the killings of persons with albinism, the police were once again accused of carrying out violent beatings of demonstrators by the police. Most recently, the 2019-2020 demonstrations saw police excessively firing teargas and violently beating up human rights activists. Unlawful arrests were made, and numerous accusations emerged of sexual violence, the killing of citizens with live ammunition, harassment and intimidation. All these crimes were allegedly committed by members of the MPS. Even though the Constitution of Malawi allows for the use of force in limited circumstances, poor training and poor systems of control have fostered police brutality during demonstrations. Acts of violence and brutality by the MPS during demonstrations have amounted to direct violations of the Constitution of Malawi (2017) and the UN Basic Principles on the Use of Force and Firearms (UN, 1990 and 2017). Such blatant violations have also contributed to the loss of citizens' trust in the MPS.

The UN Basic principle of law and enforcement on the use of force and Firearms (United Nations, 2017) also states that law enforcement officials should develop a range of means for

crowd control, equipping police officials with weapons and ammunition that allow for differentiated responses - with a view to maximally restrain the application of the means capable of causing persons death or injury. For the same purpose, law enforcement officials should also be supplied with self-defensive equipment such as shields, bullet proof vests and helmets to decrease the use of weapons of any kind (UN 1990, Holder, Robison and Laub, 2010). This aligns with data collected in this research study. According to police respondents, a lack of protective materials such as bullet proof vests and shields is a major factor in triggering violence for reasons of self-defence. Police also argued that they have retaliated against the violence of demonstrators with the use of force, shooting demonstrators as a way of dispersing them (demonstrators) and protecting *themselves* from violent demonstrators.

Consequently, the civilian respondents argued that the extent of police brutality and violence during demonstrations in Malawi – the shooting of demonstrators, the rape of women, the merciless beating of demonstrators – has been regarded as excessive and unnecessary, contravening not only the UN Basic Principles and the Universal Declaration of Human Rights, but also the Constitution of Malawi.

5.6 Police Reform: police brutality and public trust

Data collected over the course of this research suggests some of the strategies that authorities could adopt to manage acts of police brutality during demonstrations and regain public trust. As Goldsmith (2005:457) illustrates, trust-building strategies offer answers to the question of how 'institutional arrangements and practices associated with policing can be reshaped so as to make them more deserving of public trust'. This research has shown that MPS officers lack the necessary materials and equipment for crowd control (such as helmets, shields and masks) which help protect police and mitigate the need for more excessive responses. Some of the respondents spoke to the need for police reform. One member of the MPS stated:

> I think the MPS has to strategize in a number of departments. For example, the MPS have to be vigilant enough to mobilize resources to be used during demonstrations such as water cannons that are used to disperse demonstrators during demonstrations. These would minimise the incidences of using firearms and getting physical contact with demonstrators. MPS should also improve resources for the safety of the police. We as MPS should also work hard in sensitizing the community and building a relationship with the public so that there should be an understanding from both parties. Most importantly, there should be trainings and refreshments of the change in the culture on how to improve on the performance of the police (Interview MPS 3, December 2021).

A CSO representative added:

> The MPS should focus in working towards reforming and ensure that the police officers work professionally. The police should also move away from toeing political lines when executing their mandate. Sometimes you cannot differentiate professional police views on the issue of demonstrations from those of politicians. People must be allowed to demonstrate. In most cases, preventing people from demonstrations results in violence (Interview CSO 5, November 2021).

Interviews also suggested that police acts of violence in some cases represented retaliation against violence on the part of demonstrators, and police brutality was thus triggered by the need for self-defence. Police respondents also claimed that officers deployed during demonstrations 'probably' acted violently during demonstrations because they were not shielded, and they were not given a chance by demonstrators to actually manage the crowds.

According to Six (2004) and Hamm *et.al* (2016), the study of trust building strategies offers a fruitful perspective on the relationship between the police and the public. Citizens and CSO representatives interviewed were in agreement that police officers should aim to introduce further training for MPS officers, especially in areas of crowd control and management, and work towards transforming the culture within the police services.

Data collected from this study suggests how the MPS should address its institutional limitations of resources to manage police brutality and prioritise trust building strategies. Previous literature discusses how the MPS went through processes of reform (in terms of training and capacity) which began in 1994 and continued into the early 2000s. These processes came alongside the political transition from one-party rule, and they sought to transform the police force into a service. Under the mantle of the Malawi Police Force (MPF), police had used force as a way of protecting the government from those they characterised as opponents of the ruling regime (Luhanga, 2011). These reforms have clearly fallen short, however, and the trust building strategies they entailed have failed – the MPS and the public are more divided than ever, with the weight of MPS partnership having further destroyed public trust.

Taking previous studies into consideration, the focus of this study was on the period from 2010 to 2020. Furthermore, data collected from this research suggests that the MPS lack training on how to manage and control demonstrations, tending towards igniting violence. It is therefore imperative that training in the MPS as a strategy to building public trust in the MPS be implemented, including training police in techniques to control public disorder and crowds.

Additionally, strategies aimed at transforming the culture of militarisation within the MPS need to be implemented. Police culture must shift from one underpinned by an 'us vs them' mentality to one which is geared towards genuine public service – an imperative in line with the reform which changed the MPF to the MPS in the 1990s.

In addition to the adoption of trust-building and training strategies, and the need for the MPS as an institution to overcome its institutional limitations of resources, measures to improve accountability within the institution are also required – a further channel through which to eliminate the pervasive culture of militarisation. This would enable a sense of security between both the police and the public and improve public trust.

5.7 Chapter Summary

The discussion presented in this chapter confirms some of the central conclusions of past studies which were concerned with reform in the MPS, highlighting the importance of training and combating the lack of institutional resources – both necessary steps to improving crowd control management, reducing police brutality during demonstrations, and building public trust in the MPS. The discussion further shows how the main factors contributing to police brutality during demonstrations are lack of political independence in the MPS, which has led to police partisanship and exacerbated a culture of violence and militarisation. These elements have had a negative impact on trust in the police. This chapter also showed that law enforcement institutions, such as the police, are permitted to use force during demonstrations only if necessary – as a means of self-defence or to protect other people. These prescripts are outlined in the UN Basic Principles on the Use of Force, as well as the Constitution of Malawi. The MPS must take accountability for their poorly managed performance and services as a government institution.

CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

Chapters 4 and 5 discussed the findings of this study on how police brutality during demonstrations has negatively affected public trust in the Malawi Police Service (MPS) over the past decade (2010-2020). This chapter gives a summary of the research study by revisiting the objectives of the study and considering some of its limitations. Finally, the chapter offers a recommendation concerning trust building strategies in the MPS as a way of mending and regaining public trust, and highlights areas that require further research in Malawi.

6.2 Summary of the Study; Objectives revisited and Conclusion

This research was motivated by scarce literature on the subject of how police brutality during demonstrations has affected public trust in Malawi over the past decade (2010-2020). The research sought to add to existing literature concerning factors that influence police brutality during demonstrations, and the extent to which police brutality during demonstrations has negatively affected public trust in the MPS. Past researchers have focused on corruption and general police brutality and violence as major factors contributing to the rapid deterioration of public trust in the police in Malawi. While police brutality during demonstrations specifically has been generally understood as a factor that erodes public trust, there have been no documented studies on this dimension in Malawi. This study offered a good opportunity to fill this gap in the literature.

Malawi recorded high numbers of demonstrations over the past decade (2010-2020) which were associated with both large turnouts of citizens and high levels of police violence. The alarming numbers of demonstrations and the increasing instances of police brutality that emanated from them reiterated the need for research to understand the impact of police brutality during demonstrations on public trust. For the researcher, the personal motivation behind this research arose after attending demonstrations which became violent, characterised by the excessive use of teargas, for instance. In these demonstrations, it became clear that the MPS see protestors as enemies. After that incident, I stopped attending demonstrations out of fear that similar incidents of police violence would occur. These experiences have informed why I

embarked on this research journey, seeking to fully understand the impact of police brutality during demonstrations on public trust in Malawi.

This research proceeded using qualitative research methods, centring on semi structured interviews with key respondents. The respondents were all of Malawian origin and included citizens who have participated in demonstrations, representatives of Civil Society Organisations (CSOs), and Malawi Police Officers who have been deployed in managing demonstrations over the past decade (2010-2020).

Most of the interviews were conducted telephonically, owing to the fact that I was located in South Africa where I am doing my studies at a time of travel restrictions arising from the COVID pandemic, while the research area was in Malawi. Due to the politically sensitive nature of the research, some respondents preferred to complete the interview questionnaire on their own in the absence of the researcher. This limited the extent to which in-depth probing questions could be asked of the respondents. However, the researcher posed follow up questions where clarification was needed, most of which were responded to swiftly.

The findings of this research are based on data obtained from the research respondents. Triangulation was used to provide validity to the findings, with data collected from three different demographic groups that have knowledge of how police brutality during demonstrations has influenced public trust in the MPS.

As highlighted in Chapter 1 of the study, the research sought to understand how police brutality during demonstrations affected public trust in the MPS. The findings of this research show that police brutality during demonstrations in the past decade (2010-2020) has had a major negative impact on public trust in the MPS.

The study found that a lack of institutional independence in the MPS due to partisanship had a critical influence on police brutality during anti-government demonstrations. The lack of institutional independence in the MPS is directly affected by political intervention in police decisions, selective handling in police cases and partisanship in the appointment of police leadership.

The results of this study concur with those of Goldsmith (2016), Boateng (2012) and Stenning (2000), who argue that the lack of institutional independence in a centralised police system can work to exacerbate police brutality which negatively affects public trust. This lack of institutional independence originates from the centralised nature of the police system and, in

particular, the powers held by the executive to appoint the police Inspector General (IG) who serves as the administrative head of the police. Past research, along with this study, has found that the appointment of the police IG is associated with neopatrimonialism. Scholars have argued that neopatrimonialism in the appointment of the IG is done to sustain partisan political power and control in the MPS. Taking control of the MPS through the appointment of a politically-aligned IG ensures that police operations are influenced in favour of the executive (president) and the ruling regime.

The respondents stated that particularly during demonstrations over the past decade (2010-2020), those who were marching against the government were beaten violently by the MPS, acting in the interests of the government and president. The violent actions against the protestors negatively affected public trust because people did not feel safe to trust the MPS in protecting their lives and property. The MPS thus violated Section 13 of the Police Act in the Constitution of Malawi and against the UN Basic Principles on the Use of Force and Firearms by law enforcement.

Due to the diminished public trust in the MPS during demonstrations, this study has found that protestors increasingly do not seek accountability from the MPS itself, with most afraid or unaware of how to pursue accountability from the police – and most not trusting what official processes do exist. Citizens and CSO representatives were of the opinion that the MPS is not accountable to the public but rather to political party officials and the government, who moreover are often instigators of misconduct in the first place. The findings of this study concur with those by Boateng (2012) and Goldsmith (2016), who found that police accountability and public trust is determined by the public's positive experiences with the police. This research shows that the protestors had negative experiences with the police, diminishing a sense of public accountability and damaging public trust in the police.

In contributing to the literature on the effects of police brutality, this study found two main challenges that have impacted public trust. Firstly, police brutality has impaired the relationship between the MPS and citizens. Secondly, there has been a shift of public trust from MPS to CSOs,

The impaired relationship was acknowledged by police respondents, who argued that the public space is no longer a safe space for them and their families because the public do not trust them. Police respondents alleged that it is risky to be deployed during demonstrations currently because police are not given the chance to manage the demonstrations. The violence from

protestors often stems from forms of retaliation to previous incidents of police brutality, which have affected their trust in the police. These dynamics thus deepen the cycle of mutual mistrust and violence.

This study also found that, due to citizens' lack of trust in the MPS, there has been a shift of public trust from MPS to CSOs that work to advance human rights in Malawi, such as the Malawi Human Rights Commission (MHRC) and the Malawi Human Rights Defenders Coalition. The research found that even the police are aware of this shift in public trust, observing that a lot of cases linked to police brutality are lodged by CSOs who act as a bridge between the police and the citizens, suggesting that citizens no longer trust the MPS. This has caused alarm within the MPS, since it illustrates the extent to which police brutality has undermined public trust in the MPS.

6.3 Limitations Revisited

This research study encountered some limitations during the data collection phase. One major challenge emerged in attempting to gain access to officers of the MPS, which proved a difficult and lengthy process because of the red tape involved in acquiring a letter of acceptance from the MPS to conduct research in their institution. This significantly delayed the start of data collection.

Secondly, due to the global Covid 19 pandemic, a lockdown was enforced in South Africa which restricted travel out of the country. This affected the researcher because she was not able to travel to Malawi to conduct face-to-face interviews with the research respondents. This became a challenge because the researcher missed out on the overall reactions – including tone and body language – which offer important observations during interviews. The researcher had to interview respondents virtually to maintain their comfort and safety. Additionally, some respondents preferred to complete the interview questionnaire in the absence of the researcher, communicating their responses via email. This limited the researcher's ability to probe and ask to follow up questions in real time that would have offered the opportunity to test opinions and understand divergent viewpoints. As a result of the effects of the COVID pandemic, the researcher also experienced challenges in securing civilian respondents remotely but she was assisted in gaining access to them by members of CSOs. This resulted in delays in the primary data collection phase. .

6.4 Research Recommendations and suggestions for future research

Informed by the findings of this research and the discussion of the literature available on how police brutality negatively has affected public trust in the MPS in the past decade (2010-2020), this study advances several recommendations for improving police processes and suggests a number of avenues for further research.

6.4.1 Recommendations

- The MPS must improve its relationship with citizens through more awareness campaigns.
- The MPS is in need of another round of reforms which specifically deal with techniques of crowd control. The MPS can deploy forms of mandatory training that have been undertaken in other countries that have experienced poor public trust due to police brutality during demonstrations and which have found means to successfully overcome it.
- The MPS must provide enough resources to their officers during demonstrations, such as shields, masks and helmets, and offer proper training on how to make appropriate use of equipment such as rubber bullets and tear gas.
- The MPS must improve their accountability mechanisms and advance prosecutions of police officers who break the law.
- The MPS must work to change the culture of militarisation that pervades the police and gear the institution towards serving citizens, in line with the Constitution.

6.4.2 Suggestions for future research

Whilst conducting this research, the researcher had limitations such as limited access to respondents and respondent networks, time constraints and constraints on resources. In light of these limitations, a number of gaps have been identified for future research. The researcher also identified many gaps in the literature reviewed which could open the possibility for further studies in Malawi.

Possible future research could be done to ascertain the following:

1. Why do police adopt a militarisation approach of an ‘us vs them’, especially when there is evidence that demonstrations can be sites of looting and may include elements of organised crime?
2. What are the views of top officials in the MPS on issues of public trust in the police?
3. What CSOs in Malawi are doing to help the public to ensure that cases brought forward get the required attention, in light of the shift in trust away from the police in the reporting of cases
4. How the MPS can change their culture of militarisation
5. What a trans-national study of police brutality during demonstrations might teach us. The countries selected might be those that have share precolonial and colonial characteristics, economic backgrounds and culture – Zambia, Zimbabwe and Malawi, for instance.
6. Understanding the police as a democratic institution. The research could focus on the appointment of the police (and how to mitigate against patrimonial practices) and the existence of oversight mechanisms (including ones) to ensure that the actions of the police are kept in check.

Research in the police is important because public trust in the police represents a moral connection between citizens and legal authorities. Police are mandated to work on behalf of the community in delivering order and controlling crime. I strongly believe that more research needs to be done holistically to understand the roles of the police. We need police who are for the people!

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Appendix A

Pictures of Demonstrations in Malawi

Below are pictures of demonstrations in Malawi over the past decade.

Figure 3 depicts a scene during the 2019-2020 anti-government demonstrations in Lilongwe that were a call against resignation of former Malawi Electoral Commission and Former President due to elections that were marred with a plethora of irregularities.

Figure 2: Police chasing and firing protestors during demonstrations in Malawi

Figure 4 shows a scene in Mzuzu during the 2011 anti-government demonstrations that were a call against the rising costs of living.

Figure 3: Police chasing and firing protestors during demonstrations in Malawi

Figure 5 illustrates the 2019-2020 anti-government demonstrations that were a march to the presidential state house.

Figure 4: Protestors carrying placards during the 2019-2020 anti-government demonstrations

Appendix B

Citizens Interview Guide

CITIZENS INTERVIEW QUESTIONS

Exploration of the Impact of Police Brutality during demonstrations on Public Trust: A case study of the Malawi Police Service in Malawi, 2010-2020

A. DEMOGRAPHIC QUESTIONS

1. Age
   A. 20 to 30 B. 31 to 40
   C.41 to 50 D. 51 and above

2. Gender
   A. Female B. Male

3. Citizenship
   A. Native Malawian B. Malawian of Asian Origin
   C. Malawian of other origin D. Foreign National

4. Profession

5. Residence (urban, rural, or semi-rural)

B. IMPRESSION QUESTIONS

1. What roles of the Malawi Police are you aware of? Please list any.

2. Do you trust the Malawi Police Service?

A. Yes B. No C. Maybe D. It depends.

2b. If yes, why? And for how long have you trusted the Police Service?

2c. If No. When and why did you lose trust in the police?

3. Have you ever attended any demonstrations in the past decade (2010-2020)?

A. Yes B. No?

3b. If YES Which year? Year:

4. What were the reasons of attending the demonstrations?

5. What was your role during the demonstrations?

6. On a scale of 1 to 5 how did you find the performance of the Malawi police Service?

1. Very Good 2. Good 3. Poor 4. Bad 5. Very Bad

6b. Please Explain to question 6 above.

4. If No. to question 3 above, what have you heard about protests and the performance of the Malawi police Service?

5. What is your understanding on the role of the police during demonstrations?

6.What is your understanding of police brutality?

7.Have you ever experienced police brutality?

Additionally, was it experienced in any of the form below?

a. Verbal Harassment by the police

b. Physical and mental injury (beating etc)

c. Property damage

d. Restriction to certain rights and freedom

e. Other. Please explain.

7b How were you helped?

8. Have you ever had someone who had experienced police brutality? Please explain.

8b. How were they helped?

9. What are your perceptions towards the Malawi Police Service?

10. What are the key changes you think the Malawi Police Service could consider to improve their work?

Appendix C

CSOs Interview Guide

COMMUNITY SOCIAL ORGANISATIONS INTERVIEW QUESTIONS

Exploration of the Impact of Police Brutality during demonstrations on Public Trust: A case study of the Malawi Police Service in Malawi, 2010-2020

C. DEMOGRAPHIC QUESTIONS

6. Age
   B. 20 to 30 B. 31 to 40
   C.41 to 50 D. 51 and above

7. Gender
   B. Female B. Male

8. Citizenship
   B. Native Malawian B. Malawian of Asian Origin
   C. Malawian of other origin D. Foreign National

9. Profession

10. Residence (urban, rural, or semi-rural)

D. IMPRESSION QUESTIONS

1. What roles of the Malawi Police are you aware of? Please list any.

2. Do you trust the Malawi Police Service?

   A. Yes B. No C. Maybe D. It depends.

2b. If yes, why? And for how long have you trusted the Police Service?

2c. If No. When and why did you lose trust in the police?

3. Have you ever attended any demonstrations in the past decade (2010-2020)?

A. Yes B. No?

3b. If YES Which year? Year:

4. What were the reasons of attending the demonstrations?

5. What was your role during the demonstrations?

6. On a scale of 1 to 5 how did you find the performance of the Malawi police Service?

1. Very Good 2. Good 3. Poor 4. Bad 5. Very Bad

6b. Please Explain to question 6 above.

4. If No. to question 3 above, what have you heard about protests and the performance of the Malawi police Service?

5. What is your understanding on the role of the police during demonstrations?

6.What is your understanding of police brutality?

7.Have you ever experienced police brutality?

Additionally, was it experienced in any of the form below?

a. Verbal Harassment by the police

b. Physical and mental injury (beating etc)

c. Property damage

d. Restriction to certain rights and freedom

e. Other. Please explain.

7b How were you helped?

8. What were some of the reports you received of police brutality during and post demonstrations?

8b. How were they resolved?

9. What are your perceptions towards the Malawi Police Service?

10. What are the key changes you think the Malawi Police Service could consider to improve their work?

Appendix D

MSP Interview Guide

MALAWI POLICE SERVICE INTERVIEW QUESTIONS

Exploration of the Impact of Police Brutality during demonstrations on Public Trust: A case study of the Malawi Police Service in Malawi, 2010-2020

A. DEMOGRAPHIC QUESTIONS

1. Age

A. 20 to 30 B. 31 to 40
C.41 to 50 D. 51 and above

2. Gender

A. Female B. Male

3. How long have you worked for the Malawi Police service?

4. What led you to join the service?

5. (a) What department are you currently serving?
   b) What is your current position in the MPS?
   In your experience, what have you found hard or most challenging about your work?

B. IMPRESSION QUESTIONS

1.How do you understand the roles of the Malawi Police Service?

2. On a scale of 1 to 5, how do you think the Malawi Police Service has served the citizens of Malawi in the past (2010-2020) decade? Please Explain.

1.Very good 2. Good 3. Poor 4. Bad 5. Very bad

3. Do you think the Malawi Police Service have had a good relationship with the citizens in the past decade (2010-2020)? Please explain.

4. What is the role of your portfolio or unit in officer's deployment decisions?

4b. What guides the deployment process?

5.Have you ever been deployed to provide public order or security during protests in the last 10 years (2010-2020)?

A. Yes B. No

5b. If yes. Please explain your experience with crowd management (1) role and (2) experience during crowd control?

5c. If No. Please explain what you heard about the experiences and performance of the Police in crowd control?

6.What is your understanding of police brutality?

6b. Have you ever experienced or witnessed police brutality during demonstrations?

6c. What remedies were/ are taken to deal with police brutality?

6d. What do you think are likely impacts of police brutality?

7. Are there any police engagements of trainings where police brutality issues are reinforced?
A. Yes B. No?

7b. If yes, is there citizen engagement? And how often are the trainings?

8.Have you ever been part of the Malawi Police service recent policy reforms?
A. Yes or b. No

8b. Please give an example of a police reform that is currently in action and is working regarding police brutality and public trust?

8c. What have been the changes that stimulated the police reforms?

9. Do you think Police reforms help in improving police and citizenship relationship? Please Explain and how they help.

A. Strongly agree B. Agree C. Disagree D. Strongly disagree

10.Do you think the Malawi citizens trust the Malawi Police in providing public order? Please Explain.

11. Do citizens ask for police accountability in terms of public order and management during demonstrations?

12. How can you measure and compare public trust in the MPS in the past decade (2010-2020)?

13. What are some of the factors that affect public trust in the MPS during demonstrations?

14. How does the MPS react to loss of public trust during demonstrations?

15.What are key changes you think the Malawi Police Service could consider in improving service delivery?