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**Public commentary on online videos of police brutality: Implications for the psychology
of violence**

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**A Research Report submitted to the Faculty of Humanities, University of the
Witwatersrand, in partial fulfilment of the requirements for the Degree of Master of
Arts in Social and Psychological Research**

Supervisors: Prof. Kevin Whitehead & Prof. Brett Bowman

DECLARATION

I hereby declare that this research project is my own, unaided work. It has not been submitted before any other degree or examination at this or any other university. It is submitted in partial fulfilment of the requirements for the degree of Master of Arts in Social and Psychological Research in the Faculty of Humanities, University of the Witwatersrand, Johannesburg.

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ABSTRACT

South African studies have conducted research pertaining to the physical and psychological effects of police brutality, but not much is known about the public sense-making and constructions of police brutality. This study examined public commentary that appears in the “comments” sections of YouTube videos of the use of force by police. The aim of this research project was to understand the interactional and discursive practices of how the public constructs and makes sense of police brutality videos on YouTube. Conversation Analysis (CA) and Discursive Psychology (DP) are used as methodological framework to determine how meanings of police brutality are constructed in online interactions. The findings from this study revealed that there were contestations regarding the use of force. Some Participants’ treated the transgression of the law as validating police use of excessive force while other Participants’ constructed it as a violation of human rights. In addition, the Participants’ attributed the police use of force as being racially motivated. There were also contestations orienting foreign nationals as being responsible for criminal activity which warranted the use of police force against them. Overall, this study has implications on future policies in terms of how police officials can be monitored with regards to police-suspect/victim interaction.

Keywords: Police brutality, conversation analysis, discursive psychology, South Africa

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LIST OF ABBREVIATIONS

AIC: Australian Institute of Criminology

CIDT: Cruel Inhumane and Degrading Treatment

ICD: Independent Complaints Directorate

IPID: The South African Independent Police Investigative Directorate

NDICP: National Deaths in Custody Program

SAP: South African Police

SAPS: South African Police Service

SAIRR: The South African Institute of Race Relations

UNCAT: United Nations Convention Against Torture

UN Code of Conduct: United Nations Code of Conduct for Law Enforcement Officials

CHAPTER 1: INTRODUCTION

1.1. BACKGROUND AND RATIONALE

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (United Nations, 2015, p. 12). One of the most misunderstood powers provided to police officials is the authority of the police to use force, their general responsibility to “preserve peace and enforce the law carries with it the power to arrest and to use force, even deadly force” (Alpert & Smith, 1994, p. 481). Police power is crucial in the fight against crime but demands careful balancing of the suspect’s rights to dignity, life, freedom and security of person. However, the problem that arises is the applied degree of force (Botha & Visser, 2012). The South African Police Service (SAPS) frequently use excessive force when addressing or interrogating suspects (Hamber, 2009). There is nothing new regarding the police’s use of force in contemporary South Africa. According to Gerber & Jackson (2017, p. 80) police are allowed to use force “but the use of force must be justified according to legal statuses and professional standards.”

In the Apartheid era policing was characterised by brutal violence and excessive use of force by police officials in its effort to maintain the law (Bruce, 2005; Potgieter, 2013; Rauch, 2000; Zondi, 2014). Post-Apartheid there has been an increasing number of brutality cases whereby civilians have been assaulted or even murdered by the police. “With the adoption of the constitution and the efforts to establish greater accountability and to ‘transform’ the police, many hoped that dramatic changes in police behaviour would be achieved”, it became crucial that the “excessive use of force” by members of the police be addressed (Mistry, Minnaar, RedPath & Dlamini, 2001, p. 1), which includes torture by police officers (Streater, 2008). However, the South African Independent Police Investigative Directorate (IPID), following its

establishment in 1997, reported high rates of deaths as a result of police use of force (Bruce, 2005).

South Africa's IPID statistics regarding police brutality indicates that between 2015 and 2016 there were 582 deaths in police custody and 366 deaths due to police use of force, 145 torture cases and 3509 assault cases (IPID, 2015/16). Deaths, torture and assault cases as a result of excessive police use of force increased in 2016 and 2017 as there were 696 deaths, 173 torture incidences and 3827 assault incidences (IPID, 2016/17). Although Hamber (2009) states that not all deaths have resulted from illegal use of force, these figures are concerning as there appears to be an increase with these cases. Furthermore, police brutality cases are not reported at all times (Williams, 2012). This finding indicates a violation of section 29 of the independent police investigative directorate (IPID) act as certain cases are reported late or not reported at all by police officers.

It is difficult to investigate the under-reporting of 'unlawful or unjustified' deaths that are as a result of police lethal use of force while on duty because of various reasons. Firstly, the witnesses of the incidences are mostly police officers who are hesitant to testify against their co-workers. Secondly, witnesses are the family members of the deceased, who are often times economically marginalised, thus are seldom considered reliable witnesses. Thirdly, witnesses are intimidated by police officials thus reluctant to give evidence (or testify) against the police (Bruce, 2010).

In comparison to South Africa, incidences of police use of force in developed countries are substantially lower. According to Ticehurst, Napier & Bricknell (2018) the National Deaths in Custody Program (NDICP) of the Australian Institute of Criminology (AIC) reported that between the period 2013 to 2015 there were 115 fatalities in prison custody, while 34 occurred in police custody in Australia. Half of the police custody deaths were as a result gunshot

wounds, of the 17 gunshot wounds, 13 were as a result of police shootings (Ticehurst, Napier & Bricknell, 2018). The UK advocacy group Inquest reports that in Wales and England, between 2013 to 2018 there were 232 deaths in police custody and outside of custody, of which 15 were as a result of fatal police shootings (The UK Advocacy Group, 2018). Whereas, fatalities and injuries as a result of police use of force between 2015 and 2017 in South Africa were 8 716 cases, of which 1 644 resulted in death (IPID,2015/16; IPID,2016/17).

These figures are concerning because the same police officials that are sanctioned to protect the public good amongst citizens of the state are causing harm to members of its society. In addition, excessive use of force by police officers is indicative of a violation of human rights and/or abuse of power by the police. For this reason, it is important to not only train police officers in the correct use of force but also to make them aware of the obligations and responsibilities to apply accepted human rights standards in policing (Mistry, Minnaar, Redpath & Dlamini, 2001.) As indicated by these figures which demonstrate the high incidences of police brutality, this research will focus on the South African context.

However, violent police practices are not unique to the South African context. According to Cano (2010, p. 32) the police in Brazil have “repeatedly been accused of an excessive use of force.” Police brutality unevenly affects black individuals in Brazil and the USA (Vargas & Alves, 2010). The consistent police use of force is racially motivated as there is a pattern of black killings by the police in Brazil (Vargas & Alves, 2010). In Bahia, 2189 Afro-Brazilians died as a result of police use of force in 2008 which is almost double the 1449 deaths caused by police in 2007. Cano (2010) states that it is difficult to track the records of police killings as there are no official records of police-citizen encounters in Brazil, thus requiring the need to resort to independent victimisation surveys. The major problem with these surveys is that the Census data consists of self-attributed race which is problematic as people may categorise themselves differently regarding the context in which their race is requested (Cano, 2010).

Also, in certain instances, police may identify the suspect's race without consulting with them (Cano, 2010). The Participants' in this study could construct police brutality as being disproportionately affecting black individuals compared to other races in the nation. Newton (2018) states that African Americans are also unevenly affected by police use of force. While America is comprised of 13.2% African Americans, 27.6% of people killed as a result of lethal use of police force between 1999 and 2013 were African Americans (Amnesty International, 2016). However, in the United States it is also difficult to measure use of force by the police as there is no system that records official records such as the ICD that specifically records people killed by the police system in South Africa (Bruce, 2002).

Post-Apartheid South African research examining police use of force has largely focused on the physical and psychological impacts of police brutality on suspects and their families. Through statistical analysis, thematic content analysis and grounded theory, these studies have shown that police officers' excessive use of violence has major physical and psychological health effects on the suspects, victims, and families affected by it (Bruce, 2002; Cooper, Moore, Gruskin & Krieger, 2004; Dissel, Jensen & Roberts, 2009; Greene, 2007; Langa, 2013; Meade, Steiner & Klahm, 2015; Minnaar & Mistry, 2006).

Despite the amount of literature available on the effects of police brutality, less is known about how the public makes sense of the phenomenon itself. Also, multiple studies have focused on either conversation analysis (CA) (Antaki, 2008; Cresswell, Whitehead & Durrheim, 2014; Hutchby, & Wooffitt, 2008; Stommel, 2008) or discursive psychology (DP) (Gee & Handford; Heritage 1984; Lamerichs & Te Molder, 2003; Potter, 2011) as methods of analysis. CA aims to understand interactions that are naturally occurring in the immediate context (Stommel, 2008) and DP focuses on how discourses are constructed through the Participants' actions during their talk (Potter & Edwards, 1999; Potter, 2011). Incorporating CA and DP will allow for a rich analysis of the ways in which members of the public construct police brutality on

online videos through their contestations and the discourses that derive from the Participants' online interactions.

In many instances videos of police brutality are posted online and are available to the public for viewing (Hesselink & Haefele, 2015). Therefore, this study will examine the commentary on online videos (e.g., on sites such as YouTube) that show the use of force by police that have been posted by members of the public. Examining online videos of police use force allows the researcher to analyse naturally occurring online interactions rather than relying on data produced for an explicit research purpose (Jowett, 2015).

Building on the research described above, and given the current public debates surrounding police violence, this study contributes to the literature by studying how the general public makes sense of police brutality through commentary on police brutality videos that are freely available online. By examining the accounts that appear in the "comments" sections following these videos, the study examines the ways in which members of the public constitute or produce meaning of the acts of police brutality shown in the videos. The public commentary is analysed for the ways in which the public constructs police brutality in multiple and often contested forms. The study therefore does not examine whether these public comments reflect "accurate" understandings of the law and its complexities. Instead it considers how Participants' negotiate and contest what counts as brutality, versus justified police use of force.

Such findings will offer insights into normative (or "common sense") knowledge with respect to the relationships between the police and the public, and the meanings and effects of police brutality. As a result, the findings may have implications for theory development with respect to the psychology of violence, as well as potentially influencing the development of policies designed to reduce police brutality and assist those who have been affected by it.

Deadly force is the force used by the police that is likely to cause serious physical injuries to the body or death in certain circumstances (Bruce, 2003). Deadly force can be defined as “force which has the potential to cause death”. The effects of deadly force also include disability and serious injury (Bruce, 2011, p. 12). Lethal force is the force that is capable of causing serious physical injuries or even death in certain encounters with the police, that has occurred as a result of assaults by the police (Bruce, 2010). Violent can be defined as the force that is capable of causing death. Lethal, deadly and violent force will be used interchangeably and in the same way. Both lethal and deadly force includes shootings by the police. Although these definitions are provided by academic scholars, in this study Participants’ may have their own constructions and negotiations regarding these terms. Therefore, this study will focus on the way that these terms are used by the Participants’ in their constructions of police brutality.

Whereas, excessive force can be defined as force that is “unreasonable or unnecessary to accomplish a legal objective” (Lee & Vaughn, 2010). According to van der Walt (2011, p. 56) reasonable or necessary force is force that is “provided for by the law” while excessive use of force is force that exceeds the amount of force that is required for the police to perform their lawful roles as police officers. According to (Miller, 2015, p. 97) excessive force is “any force, however mild or severe that goes beyond the level necessary to preserve life, prevent injury or safely control the scene.” The terms reasonable, lawful force and justifiable are referred to as force that does not cause grievous bodily harm or death. Although academic researchers and legal frameworks provide a definition for the various kinds of force, members of the public may have their own understandings of the term, thus this study will focus on how these terms are used by everyday people in their constructions of police brutality.

1.2. OUTLINE OF RESEARCH REPORT

The research report is organised as follows:

The research report consists of four chapters subsequent to this chapter.

Chapter two reviews previous relevant literature upon which the research draws. It contains a theoretical framework of the transition of South African policing from the South African Police (SAP) to the South African Police Service (SAPS). It is also comprised of a discussion of the constitutional, regulatory and legislative framework that governs and regulates the SAPS. Also presented in this chapter are factors influencing the use of force as well as deaths and injuries as a resultant of the use of force are also discussed. To conclude, discursive studies of police brutality in conventional media are discussed.

Chapter three, the methodology section is comprised of the research question that guided the study, the research design, sampling and data collection. It also includes a discussion of analysis methods in the study which are Conversation Analysis (CA) and Discourse Analysis (DA), specifically Discursive Psychology (DP). Ethical considerations are also discussed in this section.

The results are presented and discussed in chapter four. The results chapter integrates the findings of the study with relevant literature of police brutality. The discourses discussed are Legal Discourse versus. Human Rights Discourse; ‘They had it coming to them’ in Legal Discourse; ‘They had it coming to them’ in Foreigner Discourse; “Foreigner” Criminal Discourse; Historical Continuity Discourse; Race/Racism Discourse and Vigilante Discourse.

Lastly, chapter five outlines the main conclusions and identifies the limitations of the study and possible recommendations for future research.

CHAPTER 2: LITERATURE REVIEW

2.1. INTRODUCTION

The purpose of this literature review is to provide context of policing in South Africa. This includes understanding police use of force before Apartheid and in the contemporary era. In order to understand how the public construct police uses of force. The constitutional and legislative frameworks that describe instances where the use of force may be applied and to what degree the force may be applied by members of the police service will also be discussed. This is useful in making sense how members of the general public construct to be excessive or necessary police use of force. Factors which could affect police use of force will assist in understanding whether the public attributes police use of force to factors such as race, gender or nationality. Literature regarding online studies discourses was examined as the public could make use of discourses in constructing police uses of force.

Therefore, this chapter will provide a review of literature regarding the history of policing in South Africa, its constitutional, regulatory and legislative framework, factors influencing the use of force by members of the SAPS, online discussion forums and online studies of police brutality.

2.2. HISTORY OF POLICING IN SOUTH AFRICA

2.2.1. The brutality of the South African Police (SAP)

During the Apartheid era the police service consisted of 11 police agencies, including the SAP “which had a reputation for brutality” (Rauch, 1998, p. 2). Before South Africa transitioned to a democratic country (1990-1994) (Bruce, 2000), violence and aggression in South Africa was induced by segregation and oppression during the Apartheid era in which law enforcement agents used violence as a strategy for achieving their goals (Bruce, 2010, DSD et al., 2012;

Potgieter, 2013). During the Apartheid era, police duties did not require traditional policing skills (Rauch, 2000), instead the training that the police received was military based training (Minnaar, 2010). The training consisted of implementing racial segregation laws, to secure the minority government, and to protect the white population from crime and political disruption, (Rauch, 2000) while ensuring that brutality was sustained as the main component for black individuals in society (Brogden & Shearing, 1993).

Therefore, “police violence was acceptable as long as the bodies that were on the receiving end of police brutality were those of black South Africans” (Bruce, 2010 p. 9). The South African police applied a “repressive and authoritarian style” of policing (Minnaar, 2010, p. 189). In the Apartheid era instead of ensuring that all civilians were safe, the SAP functioned as a tool of control and had minimal legitimacy thus not requiring public legitimacy to be effective (Minnaar, 2010). However, the structure of the South African police force faced change after Apartheid was abolished as “the post-Apartheid government faced the mammoth task of transforming the police service into one which would be both acceptable to the majority of the population and effective against crime” (Rauch, 2000, p. 4).

2.2.2. The transition to the South African police service (SAPS)

With the transition to democracy in 1994, came about the existence of the South African Police Service (SAPS) on 1 April 1995 (Bruce, 2000). This single police agency emerged through eleven Apartheid agencies, a few soldiers and intelligence agents from the liberation movements resulting in police staff of 140 000 members. The new government faced the challenge of having to gain confidence from the public with the reconstructed police force (Rauch, 2005). The South African Police Service “would be equipped to provide the type of

policing appropriate in a democratic society” (Bruce, 2000, p. 13) by going through an organisational transformation of gender and racial inclusivity (Kynoch, 2016). In addition, the transformation comprised of training policies which included shifting from the control of crowds towards peaceful management, “increased tolerance when handling members of the public, planning, briefing and evaluation of police interventions [and] the use of minimum and proportional force” (Marks, 2003, p. 236). Lastly, the transformation included an adherence to human rights principles (Marks, 2003).

The efforts to “establish greater accountability and ‘transform’ the newly formed SAPS” (Bruce, 2005, p. 141) instilled hope amongst South Africans that the brutal nature of policing would come to an end and that there would be an improvement in the manner in which policing was executed. However, even after the fall of Apartheid, police have not been able to uphold the requirements of the constitution as many deaths result from the daily uses of force by the police services (Hesselink & Haefele, 2015).

During the Apartheid period, attention was provided to cases involving deaths of political activists and not to ‘ordinary criminals’ in custody, thus not much is known about the deaths that occurred in custody during this period (Dissel & Ngubeni, 1999). During the Apartheid period in 1985, The South African Institute of Race Relations (SAIRR) states that in 1984, there were 287 deaths caused by police, which is significantly higher than deaths caused by police use of force for the period 1970-1985 (Foster & Luyt, 1986). This figure takes account people killed in civil unrests in 1984 and 1985 but excludes those killed in the 1976 and 1977 unrests whereby (202 in 1976 and 149 in 1977) people were killed in non-unrest related circumstances during this period. Throughout the Soweto uprising and other civil unrests in other townships 451 people were killed from 16 June 1976 to 27 February 1977. The total

deaths of 653 people in 1976 (comprising of both unrest and non-unrest related circumstances) were a resultant of police use of force.

The three years in which the majority of police fatalities were made was in 1985 (763 people), 1986 (716 people) and 1976 (estimated 653 people). In 1987, 400 people were killed as a result of police use of force. In addition, these figures were not inclusive of deaths of people in custody or detention, “assassinations, disappearances and other convert murders” by police officials (Bruce, 2005, p. 154). Moreover, these figures exclude deaths in independent ‘homelands’, which are now integrated into South Africa, including these geographical areas during Apartheid would have resulted in higher fatalities by members of the police (Bruce, 2005). It is difficult to believe the reliability of statistics of deaths as a result of police use of force provided before the formation of the ICD (Independent Complaints Directorate) in 1997, as these were provided by the SAP before 1994 (Bruce, 2005). During the period of 1994 to 1996 there were 500 deaths as a result of police use of force provided by the SAPS. These death rates are under-represented as the ICD reported 1 493 deaths for the period 1997 to 1999 (ICD, 1998/99), thus the “sudden, dramatic and completely unexplained increase between these periods is highly unlikely” (Bruce, 2005 p. 155).

The brutal nature of the SAP continued post-Apartheid which is thus indicative of how the SAPS also executed torture and unrestrained use of violent force (Bruce, 2000). This is indicated in the ICPD 2016/17 statistics which indicate 173 torture cases as compared to the 145 torture cases in the ICPD 2015/16 report (IPID, 2016/17). In the Apartheid era, the period between 2000/01 (942) 2004/05 (938) and 2010/11 (1276) are the periods which were recorded as having the highest deaths as a result of police action and deaths occurring in police custody. Therefore, the period post-Apartheid shows more deaths occurring as a result of police use of force compared to the Apartheid period.

2.3. CONSTITUTIONAL, REGULATORY AND LEGISLATIVE FRAMEWORK:

The SAPS is governed and regulated by the following frameworks which describe instances where the use of force may be applied and to what degree the force may be applied by members of the police service. Sections of the legislative framework which consist of the use of force by police officials include:

2.3.1. The Constitution of the Republic of South Africa Act 108 of 1996

Post democracy, the Constitution of the Republic of South Africa, section 205 (3) of Act 108 of 1996 specified the objectives of the South African Police Service (SAPS) which are to prevent crime, combat crime, investigate crime, maintain public order, protect and secure the inhabitants of the Republic and their property and uphold and enforce the law. Although the use of force is not explicitly stated, section 12 (1) of Act 108 of 1996 does describe areas related to the use of force which state that every individual has the right to freedom and security which includes not being detained without trial, being free from all forms of violence from either public or private sources, not to be tortured in any way or not to be treated or punished in a cruel, inhumane or degrading way.

The impact of the use of force is also mentioned in section 36 (1) of Act 108 of 1996 which states that “the rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom” The police’s goal is to maintain social order in a manner that aligns with every individual’s constitutional rights. However, there needs to be a “balance between the suspect’s rights to dignity, freedom and security of the individual, with society’s entitlement to the same rights” (Berg, 2005, p. 2).

Police officers are permitted to use force in circumstances where it is necessary for them to perform their duties (Bruce, 2010). Therefore, only in situations where police are not able to complete their duties without the use of force is the use of force allowed. Police brutality can be defined as police members' behaviour against suspects and/members of the public outside of custody and in public places, which includes physical assaults, torture and instruction by police members to assault suspects (Bruce, 2002). The term 'police brutality' can be defined as the unnecessary, unlawful and deliberate use of force by police officers to abuse civilians (Hesselink & Haefele, 2015). A further elaboration of the definition is provided by Walker (2011) whereby police brutality is defined as the excessive usage of force, verbal assault and psychological intimidation. Although academic scholars have provided definitions of what constitutes of police brutality, this study focuses on the ways in which the Participants' themselves negotiate and contest what constitutes as police brutality.

These definitions are contested as the line that distinguishes reasonable use of police force from excessive use of force (Babovic', 2000) is difficult to discern. Article 3 of the UN Code of Conduct (United Nations Code of Conduct for Law Enforcement Officials) states that police are allowed to use reasonable non-violent force when carrying out an arrest of suspects or preventing crime. Under no circumstances is the police allowed to use more force than what is required during their arrest, except in "exceptional" circumstances. Police officers are not permitted to use firearms unless they are unable to arrest the suspect due to resistance to arrest by using their firearm or placing the lives of others in danger (OHCHR, 1979). The UN Code of Conduct also states that no police officer may "inflict, instigate or tolerate any act of torture or other cruel, inhumane treatment or punishment" (OHCHR, 1979). The United Nations has explicitly stated the conditions under which force may and may not be applied. However, this study focuses on the way members of the public negotiate these definitions and conditions in their own constructions what constitutes police brutality.

Bruce (1998, p. 4) further defines police brutality as the “deliberate unlawful violence and actions which amount to criminally negligent uses of force”. Police brutality is still an occurring problem, regardless of the changes that have been made towards legislative frameworks and constitutional rights in South Africa (Muntingh, 2011). Police brutality should also be considered as actions that are equivalent to criminally negligent use of police force (Bruce, 1998). Torture is a particular form of police brutality that does not have its own offence category. As a result of torture being prosecuted within other violent offence categories such as assault, murder or attempted murder as a result of an absent torture offense category in South Africa and other countries, it is difficult to measure torture. It is concerning that torture does not have its own offence category as this makes it difficult to measure it, thus hindering the ability to record this offence of police brutality.

Article 16 of the United Nations Convention Against Torture (UNCAT) (United Nations, 1987) states that differentiating assault, assault to cause grievous bodily harm and torture is challenging. In this study torture constitutes as one of the forms of police brutality thus it is necessary to define what it comprises of. There are contestations within the law and academic researchers regarding what constitutes as ‘acceptable or excessive’ force which are underpinned to understand particular circumstances in light of existing laws and principles. In contrast, this study examines how everyday people contest to be ‘acceptable or excessive’ force and how they rely on interpretations in light of laws, principles, discourses and other factors.

Article 1 of the UNCAT (United Nations, 1987) includes these four main elements in the defining of torture:

- a) The infliction of severe mental or physical pain or suffering
- b) The intentional or deliberate infliction of pain

- c) The pursuit of a specific purpose, such as gaining information, punishment, intimidation or other reasons based on discrimination and
- d) Is committed by or at the instigation, consent or acquiescence of a public official or person acting in official capacity

Moreover, the term torture refers to “severe and aggravated forms of ill-treatment and always has a purpose, which often is to extract information or force/ intimidate a person into making a confession” (Langa, 2015, p. 5). According to Streater (2008) discrimination means purposefully inflicting mental or physical suffering on an individual as a result of their gender or sexuality and race. The application of legal interpretations or principles such as the UNCAT to specific cases involves the interpretation of terms such as severe, intentional/deliberate, purpose and discrimination in every possible circumstance. However, it is not feasible for the laws and principles to state beforehand in every circumstance how these terms should be interpreted in every possible incident. Members of the public have their own ways of interpreting whether the use of force is acceptable or excessive and what constitutes as severe, intentional, purpose and discrimination based on laws and principles or other factors.

2.3.2. The Criminal Procedure Act 51 of 1977

South Africa’s Criminal Procedure Act 51 of 1977, specifically section 49 which addresses the amount of force that police may use during arrest, the legal justification when arresting suspects and the circumstances in which arrest may be employed was amended in 1998 to reduce police use of force (Berg, 2005). The amendment of section 49 of the Criminal Procedure Act demonstrates that lawmakers were aware of the excessive use of force by members of the police and ensured that the law becomes amended to reduce the degree of force being employed by police officials. Therefore, it establishes the use of excessive force by members of the police as a relevant concern for law makers. In contrast, focuses on how everyday members of society

orient to a similar concern, and examines how they negotiate and contest meanings of police use of force.

According to section 49 of the Criminal Procedure Act, the use of lethal force for arrest is necessary when protecting individuals against direct threats to life and bodily injury and in contexts where there is high risk of the suspect causing serious harm to others during their attempt to escape (Bruce, 2003). According to section 49 (2) if a suspect resists an arrest and attempts to escape when it is clear that an attempt to arrest them is being made and the suspect cannot be arrested without the use of force, in order to effect the arrest, the use of such force may be reasonably necessary and proportional in the circumstances to overcome the resistance or to prevent the suspect from fleeing. Provided that the arrestor is justified in using deadly force that is intended or is likely to cause death or grievous bodily harm to a suspect only if:

- (a) The force is immediately necessary for the purposes of protecting the arrestor, any person lawfully assisting the arrestor or any other person from imminent or future death or grievous bodily harm
- (b) There is a substantial risk that the suspect will cause imminent or future death or grievous bodily harm if the arrest is delayed
- (c) That the offence is in progress and is of a forcible and serious nature and involves the use of life threatening violence or a strong likelihood that it will cause grievous bodily harm

Although the constitution has given rise to laws to determine the circumstance in which force may be applied during the arrest of a suspect, this study aims to understand the discourses that ordinary members of the public construct in their interpretations of incidents of possible police brutality. The study therefore examines these matters as everyday public discourses, rather than as matters of formal legal decision-making.

Section 49 of the Criminal Procedure Act deals specifically with deadly force. Deadly force is a concern for various reasons:

- 1) The term deadly force is usually used to refer to the use of firearms but more generally refers to force which potentially may cause death. The effects of deadly force are not only death but also serious injury and disability.
- 2) The consequences of deadly force are mostly irreversible, unlike other decisions taken by the police which when found to be unjustified can be reviewed and reversed.
- 3) There is a high potential for error as decisions relating to the use of deadly force are often taken quickly thus there is a high potential for them to be taken in error.

Furthermore, Section 49 is problematic as it states that force may be used to prevent the escape of an individual that poses a risk of causing grievous bodily harm or death in the future, as there is no specification of when an individual is posing a “future risk”. As such, Bruce (2011) argues that it is necessary to amend Section 49 as it lacks clarity on circumstances in which force can be applied. Even if the law were amended, however, it would still be necessary for those implementing it to interpret what counts as acceptable and excessive use of force, and to defend these decisions against possible criticisms of them by members of the public. This makes it important to consider how ordinary members of the public negotiate and contest such matters in their responses to possible instances of excessive use of force by police. In other words, independently of what the Constitution and the law states about that police use of force, members of the public may have their own accounts of the circumstances in which lethal force may be applied, and it is thus important to examine these constructions independently of their legal status.

2.3.3. The South African Police Service Act 68 of 1995

The duties of members of the police force pertaining to the use of force are described in terms of section 13 (3)(b) of Act 68 of 1995 which states that:

- (a) Only members permitted by the law to use force can perform such a duty in a reasonable manner in that circumstance
- (b) When a member who performs an official duty is authorised by law to use force, they may only use the minimum degree of force reasonable in that circumstance

Although the South African Police Act explicitly states that police officers should make use of minimum force in that current situation, it is difficult for one to immediately judge what minimum is in every conceivable circumstance. Therefore the amount of force that should be utilised by police officials is a “judgement call” which results in “occasional misjudgements being inevitable” (Miller, 2015, p. 98). It is also difficult to determine how to interpret what constitutes as a ‘misjudgement’ as there is not a measure in place to establish the degree of force being used. Therefore, members of the general public can have various accounts of what is considered excessive or acceptable force as the interpretation of what counts as ‘force’ has no standard measure of excessive force in place.

2.4. FACTORS INFLUENCING THE USE OF FORCE

Characteristics such as race, gender, ethnicity, social class and nationalities of the suspects may contribute to the use of lethal force by police officers in South Africa (Tomlinson, Beauregard, Bremmer & Mangcu (2014) and marginalised minorities being more likely to be victims of police use of force (Siegel, 2005). Most of the victims of police brutality are black males. A

study by Langa (2014) showed that in 2008, 91 percent of torture victims that died in police custody were black (Langa, 2014). Moreover, another study conducted by Langa (2015) indicated that of eight cases of torture by police officials, all the victims were young black males. The racial stereotypes of young black males being responsible for the criminal activities in their neighbourhood, places young black males at a high risk of being tortured by the police. This racial profile of suspects provides an indication of which racial groups are most vulnerable to police use of force. Although racial, gender and nationality of suspects may be ‘objectively’ related to the discussion of police brutality, this study will focus on how the everyday person interprets these factors as being relevant in their constructions of possible cases of police brutality. It is important to include literature regarding the role that race, gender and nationality of the suspect plays during interactions with the police as the Participants’¹ in this study could make use of racial and ‘foreigner’ discourses in their constructions of possible police brutality.

The police violently assault individuals from marginalised groups as a result of racial inequality thus impoverished and unemployed black males are the victims of police assault (Langa, 2014). Moreover, young black males residing in townships are regarded as a threat due to being stereotypically perceived as being disruptive and violent by police officers thus police officers hold negative, violent attitudes towards suspects in low-income communities (Langa, 2013).

Furthermore, victimisation by police members towards black foreign individuals in South Africa is high and a large proportion of police force against foreigners involves black police (Bruce, 2002). Xenophobia is defined as a “hatred or fear of foreigners” (Harris, 2002, p. 167) or as “a process of discrimination against some groups of the population based on their foreign origin or nationality” (Jearey-Grahamh & Bohmke, 2013, p. 23). The 2008 violent attacks on non-nationals is an indication of the lack of respect towards foreign individuals in South Africa

¹ The participants’ in this report will also be referred to as the public and every day members of society.

and the majority of police violent interactions with non-nationals are driven by the xenophobic attitudes that police law enforcement hold towards them (Langa, 2013).

A study conducted by the Centre for the Study of Violence and Reconciliation (CSVR) in 2004 showed that 87% of SAPS members associated foreigners with criminal activities and majority did not perceive foreigners as having human rights (Masuku, 2006). This negative attitude towards non-nationals is used to justify the use of violence towards them (Langa, 2013). According to Crush et., al (2008, p. 118) these ‘anti-foreigner’ attitudes of most South Africans develop “in a vacuum unchecked by real relationships with foreign nationals and fuelled by political rhetoric, state-sanctioned xenophobia, media reports and ‘anti-foreigner’ attitudes that prevail within social systems”. As stated by Crush (2001, p. 118) “hostile attitudes are not driven by experience but by stereotype and myth”.

Moreover, foreign nationals are identified as the ‘other’ based on cultural and physical attributes by police officials and are arrested and tortured based on their appearance, accent and inability to communicate in a local language (Langa, 2013). Some members of the police force state that non-nationals are at fault for the increased crime levels in South Africa thus resulting in the use of force and harassment of police officers towards non-nationals and as a result of their marginalised status in society (Langa, 2013; Masuku 2006). Vigilantism occurs in communities as a result of feeling as though the police are not dealing with criminals and the levels of crime. Which thus results in community members taking the matter into their own hands by harassing or torturing criminal suspects and non-nationals suspects to death with minimal sympathy (Harris, 2011, Martin, 2012). The Participants’ in this study could orient to discourses of vigilantism in their constructions of possible police brutality.

According to Langa & Kungwe (2016, p. 2) South Africans ignoring their “ethnic and racial divisions”, which are also a cause of intergroup conflict in South Africa, and bond as a unified

group through delegitimising non-nationals based on their nationality. There is a lack of understanding of the rights of non-nationals in law enforcement which reduces the protection of non-nationals. This is evident in Faull's (2010) study which indicated that police officers used excessive use of force towards non-nationals due to not having money or refusing to pay a bribe. Non-nationals are made subject to such torture as a result of being vulnerable as they do not report their cases due to the fear of being deported. This is a further indication of the ways that the police impose excessive force, control and violence towards individuals who are marginalised in society both economically and politically.

Police officers use violence as a form of discipline on the streets to resolve personal issues with individuals which they regard as threatening their authority. Russel-Brown (2004) states that individuals from groups that are perceived to be threatening are at an increased risk of being victimised by the police compared to people from other groups. Van Maanen (1978) states that these individuals are referred to as 'assholes' by police officers, and are the most vulnerable to physical attacks on the street by police officials, as a way of correcting what police officers interpreted as an offense or challenging their power. This is evident in Jaansen (2008) report which stated that members of the police force often use lethal force as a means of asserting authority while engaging with civilians. There are discourses, such as the police being too 'soft' thus not dealing with violent crime and criminals efficiently. This could result in police use of deadly force against violent crime suspects as well as innocent individuals who did not pose any threat to the police officers and general public (Langa, 2014) in order to prove that that they are capable of 'taking care' of crime.

Several cases portraying the abuse of power and unnecessary use of force by the police in the news media include but are not limited to the Marikana mining incident whereby 34 miners in 2012 were killed by the police during a strike and many wounded (Hesselink & Benjamin, 2015; Hesselink & Haefele, 2015, Kynoch, 2016). Another case being the assault, torture and

murder of the 24 year old Sidwell Mkwambi (Zondi, 2014). Moreover, the Mozambican taxi driver Mido Macia who was dragged behind a police van and died in police custody in February 2013 (Zondi, 2014). Andries Tatane, a teacher who was shot and killed by the police in April 2011, while participating in a strike (Hesselink & Haefele, 2015). A study conducted in examining 1 189 violent acts of misconduct and torture in print media indicated that 34% of the torture cases occurred during police interrogations. Whereby, the police force employed techniques such as “mock executions, suffocations, severe beatings and use of electricity” (Dissel, Jensen & Roberts, 2009, p. 29).

These studies have provided evidence of police use of force and the ways in which the police use force to resolve matters in various contexts which is an indication of the way in which the police exert ‘excessive’ force to perform their roles. However, this study will examine how members of the public may use various discourses of social class, gender, race and nationalities when they interpret incidents of possible police brutality and the use of force. Therefore, regardless of whether these factors are ‘objectively’ related to police brutality, this study will examine how everyday people interpret them as being relevant for making judgements about the acceptability (or lack thereof) of police uses of force.

2.5. ONLINE DISCUSSION FORUMS (YouTube)

Incidents of police brutality can be recorded and filmed on devices such as mobile phones and posted on online sites such as YouTube for public viewing (Reilly, 2013). There is increased usage of the internet as a medium for data collection in qualitative research (Jowett, 2015). The use of internet forums as a means of obtaining data has become increasingly beneficial as it enables researchers to study everyday conversations and interactions with data that they would have otherwise had difficulty obtaining. Furthermore, internet forums provide naturalistic data, whereby the presence of the researcher does not have an impact on the formulated discourse

and interaction (Jowett, 2015). Online discussion forums serve as a basis where individuals can interact with one another as well as create meaning and sense-making through participation in discussions and debates (Stainton- Rogers, 2009).

Since being founded in 2005, YouTube has grown progressively, with over 35 hours of video content posted every minute and 200 million videos watched on a daily basis (Edgerly et al., 2013). “YouTube provides a forum for people to connect, inform, and inspire others across the globe and acts as a distribution platform for original content creators” (Edgerly et al., 2013, 277). Furthermore, YouTube acts a platform for registered members to express themselves by uploading videos and partake in debates by commenting on videos and engaging in conversations through replying to other members’ thread messages (Edgerly et al., 2013). A study consisting of YouTube videos revealing police brutality and corruption indicated that users respond differently to the same video (Mervio, 2015). This suggests that individuals produce accounts of the same videos in different ways. Similarly, academic researchers, legal professionals and law makers may have different interpretations about what constitutes as excessive or reasonable force. This study will focus specifically on the commentaries of everyday people on videos of possible police brutality and will attempt to examine in detail how the users apply various kinds of discourses in making interpretations of incidents.

2.6. ONLINE STUDIES OF POLICE BRUTALITY

Traditionally, direct interaction with the public and the presence of distant bystanders was the only visibility of police officials. Goldsmith refers to this as “primary visibility”. (Newell, 2014, p. 82). This visibility also included “uniforms and marked uniforms as markers of official authority and legitimacy” (Newell, 2014, p. 82). Increasingly, individuals globally have gained accessibility to information through the development of mass media and recording devices

which has instilled a “secondary visibility” as a result of individuals recording encounters between police and ordinary citizens and uploading the content online. This increase in secondary visibility has been termed “police’s new visibility” (Newell, 2014, p. 82).

As a result of the increase in new media platforms such as Google, Facebook, Twitter and YouTube (Hennig-Thurau et al., 2010), “given the proliferation of mediated forms and networks of communication it is difficult for political actors to throw a veil of secrecy around their activities and much harder to control the images and information that appear in the public domain” (Thompson, 2015, p. 49). Goldsmith (2010) states that new media when applied to public responsibilities of policing can improve police accountability. According to Newell (2014), over the years, police misconduct has been observed through mobile devices and uploading of videos on online websites and social media. This filming of police-citizen interactions in large-scale protests and ordinary policing situations has been an attempt to hold police officials accountable for their actions. This has brought about debates regarding police accountability and the government.

In a study conducted by Antony & Thomas (2010) where comments were retrieved from a YouTube video, recorded by ordinary civilians, showcasing Oscar Grant shooting. This study aimed to show “unjust and unwarranted aggression against an unarmed man” by police officers (Antony & Thomas, 2010, p. 1281). Comments were analysed to examine the public’s response to citizen journalism. The results indicated that individuals who challenge police officials are “forced to pay for their actions” (Antony & Thomas, 2010, p. 1281). Although the prior study did not have a specific focus on police brutality, it did shed light on how police use unnecessary lethal force in circumstances where the suspect does not pose to be a threat.

In addition, police use of force was shown as racially motivated in a textual analysis study conducted by Carney (2016) which focused on public commentary retrieved from Twitter regarding the deaths of American citizens Michael Brown and David Garner in 2014. Themes were identified using grounded theory. The results from this study indicated that there was a contestation in terms of the discourse on race and racism. Some users stated that the police act was racially motivated while others resisted this #BlackLivesMatter² movement by using #AllLivesMatter instead. This was deployed as a way of denying violence being used towards the suspects because of their race by generalising it to every racial group. Similarly, the present study focuses on how the Participants' themselves construct these discourses when interpreting incidents of possible police brutality. For example, Participants' contestations may orient to police violence as a result of race or deny the involvement of race in police use of force.

These discourses from #BlackLivesMatter American studies correlate with a South African study by Bosch and Mutsaers (2017) which examined 100 Twitter images through content analysis. The study examined racial discourse and legitimisation by using Twitter images posted by ordinary civilians during the Fees Must Fall³ (#FeesMustFall) campaign. Constructing the use of force of police officers interaction with police protesters as being excessive or unnecessary also tagged their tweets with the American hashtag Black Lives Matter campaign. Furthermore, in a study conducted by Mudavanhu (2017) which, through the use of a thematic analysis, examined the ways in which commentary on a Facebook page represented the #FeesMustFall, #RhodesMustFall and #Shackville movement. The results

² #BlackLivesMatter is a movement following the deaths of Michael Brown and Eric Garner in 2014. The Black Lives Matter movement is a "rallying cry for ALL black lives striving for liberation" (Black Lives Matter: A Movement, Not a Moment; blacklivesmatter.com)

³ The Fees Must Fall is a protest in response by university students to the government stating that in 2016 there will be a 10% fees increase in institutions of higher learning in South Africa. The demands of the movement included "free education, cancellation of student debt, decolonisation of the curriculum and insourcing of all university workers" (Mudavanhu, 2017, p. 22).

indicated that the posts of the students being mistreated by police officers constituted police brutality as causing physical harm to the students and reminiscence of the Apartheid police force.

Although these studies have examined commentary on online devices they have not specifically interpreted the way the discourses are brought about through the contestations occurring on the online platform. As such, this study examines interactions between users and the ways in which constructions of possible police brutality are contested through discourses. Moreover, this study makes use of conversation and discourse analysis in order to understand the discourses that derive from the interactions.

CHAPTER 3: METHODOLOGY

3.1. RESEARCH QUESTIONS

A research question guided this study based on the literature discussed above.

The question is as follows:

1. How do Participants' construct police brutality in online videos of actions involving police uses of physical force?

3.2. RESEARCH DESIGN

A qualitative research design was employed as the data obtained was commentary produced by public viewers of the online videos. Qualitative research aims to understand individuals' point-of-view, meanings and explanations assigned to behaviour, events and situations (Hakim, 2000). According to Silverman (2004) it is essential to take into account where the subject's point of view comes from or the way in which experience is made sense of and that these accounts of experiences develop from the contexts in which their produced.

By adopting a qualitative research paradigm, I was able to acquire constructions of the individuals' comments and the way individuals constructed police brutality from the kinds of accounts that they produced and what this revealed about the systematic ways in which people account for or make sense of events such as police brutality. In this research study, the Participants' comment that were analysed were retrieved from the viewer comments section on acts of police brutality shown in the videos which consisted of interactional exchanges between viewers.

3.3. SAMPLING AND DATA COLLECTION

The population from which the sample was drawn from consisted of a population of commentary on YouTube videos of police brutality. YouTube is an online broadcasting forum that permits individuals to upload, share, view, and comment on videos comprised of various content (Benson, 2015). The site acts as a platform for users to post comments regarding the video and enables users to create threads in which they can respond to the original posts and/or to other responses (Coulson, 2005). According to Halpern and Gibbs (2013), YouTube users have anonymity as personal data is not required for participation in the online space. YouTube was selected as the preferred online forum as it consists of numerous videos showcasing videos of police use of force and threads. Using these comments as a data source allowed the researcher to examine the ways in which the public accounts for or makes sense of police brutality, as well as how they internationally produce and negotiate these accounts.

A purposive sampling strategy, specifically, homogenous sampling was used, which is defined as a non-probability sampling method which is comprised of entities with similar characteristics or understandings of a phenomenon under study (Macnee & McCabe, 2008). Furthermore, purposive sampling strategy is beneficial as it guarantees the inclusion of characteristics important for the research (Rajamanickam, 2001). Purposive sampling was implemented by specifically including a homogenous set of videos depicting police usage of force while attempting to capture a wide range of various ways of accounting for or making sense of the videos. The videos which were used for analyses were chosen by entering the following terms in the YouTube search engine in order to identify relevant videos:

- “Top 10 most viewed South African police brutality”
- “Police brutality in South Africa”

- “Most watched police brutality videos”
- “Most watched police brutality videos south Africa”
- “10 Most watched police brutality videos South Africa”
- “Police brutality videos South Africa”
- “Police brutality South Africa”
- “Most viewed police brutality videos”
- “Police brutality”

Table 1: YouTube videos where commentary included in the study was retrieved:

Video	Title	Description	YouTube address	Uploading date	Number of views
1	Police brutality-Immigrant dies at the hands of police	Cellphone video footage of a taxi driver being dragged behind a police van	https://www.youtube.com/watch?v=E1G7FjGzISg&t=9s	February 27, 2013	283,967
2	Man shot on camera by the police	Man beaten and shot by policeman	https://www.youtube.com/watch?v=vB5uu7QPvoY	September 14, 2011	16,869, 817
3	South African police brutality in Vaalwater 2011	Man beaten and dragged by policemen	https://www.youtube.com/watch?v=botEmqHMHu4	March 13, 2012	166, 842
4	Police brutality hits again! South Africa	Man beaten by policemen	https://www.youtube.com/watch?v=gWwZpEO4hqw&t=16s	August 25, 2015	496,301
5	South African police brutality caught on camera	A video showing a Nigerian man being brutally attacked by uninformed police in South Africa	https://www.youtube.com/watch?v=Y4sh_NLYVVg	March 11, 2014	122,110

The specific search words were used to find the content that is of interest for the study.

However, my analysis examines subjective constructions of police brutality which will further

be discussed in the limitation section. A two-stage sampling strategy was applied. This sampling method was achieved by firstly searching for videos using search terms and then videos with the highest number of views were included in the final sample for analysis. This allowed the researcher to gain deeper understanding of a phenomenon by including commentary on particular views and understandings regarding the phenomena. Five videos were attained by selecting the filter option on YouTube then choosing 'view count' which automatically allocated the videos from the most number of views to the least number of views. The comments were retrieved from the Top 5 most viewed videos, for each video clip, the option 'Top comments' was chosen from the YouTube comment option 'Sort by'. The videos were downloaded by using "YouTube Video and Audio Downloader" (Firefox, 2017) in .mp4 format and stored securely on my personal computer. The comments were screenshot from YouTube and then saved in a pdf format for analysis.

3.4. DATA ANALYSIS

The online data was analysed through the usage of a qualitative approach drawing on principles of conversation analysis (CA) and discourse analysis (DA). Conversation analysis is a method that analyses recorded, everyday naturally occurring talk-in-interaction (Antaki, 2008; Hutchby, & Wooffitt, 2008). In the past, CA was predominantly used for spoken exchanges; however, it has recently been applied to both spoken and textual interactions (Kaufman & Whitehead, 2016) and various scholars (Cresswell, Whitehead & Durrheim, 2014; Stommel, 2008) have applied CA in understanding online talk. Conversation analysis was applied by analysing the structure of the interactive text and the exchange of comments (Hafner, Chik & Jones, 2015) regarding police brutality videos, in order to examine the registered YouTube users' comments.

Traditional CA developed by Harvey Sacks in the 1960s and 1970's has limited representation of online communication features as it is specifically designed for talk (Gilles, et al., 2015). The transcription method developed by Gail Jefferson though transcribing for Harvey Sacks (Have, 2007) which mostly consists of symbols for indicating changes of pitch and volume are redundant when applied to written communication (Gilles, et al., 2015, p. 48). Psathas (1995) states that the only requirement for conversation analysis data is that the data used for analysis should be naturally occurring, meaning that the occurrence of the interaction would have taken place regardless of the researcher being present or not and data not being collected for research purposes (Liddicoat, 2011). Furthermore, CA aims to describe conversations produced by individuals in natural settings, as described by Stommel, 2009, p. 92:

“CA seeks to describe the conversational methods that individuals themselves use in their actual descriptions of settings...It analyses how people do things, rather than why they do them”

CA was employed as the interactions used in this study are naturally occurring as they have been retrieved from an online platform (YouTube) in their natural form and have not been arranged for the purpose of the study. This study will analyse how members of the public construct police uses of force.

Discourse analysis focuses on the ways in which meaning is constructed through language (Silva, Mendes, Burlamaqui, & Bezerra, 2012). In social interaction, speakers are achieving meaning in many levels. A discourse analysis of comments is beneficial in retrieving the core structure and meaning of the texts through a thorough analysis of the language used in context (Larsson, 2015; Stommel, 2009).

The data was analysed using discourse analysis, specifically, principles of Discursive Psychology (DP). Similar to CA, DP focuses on ‘naturally occurring’ conversations, the

Participants' own understandings of talk through the actions being performed in talk. DP focuses on the participant's view instead of the researcher (Lamerichs & Te Molder, 2003). Regarding DP, "an important starting point for analysis is the way in which Participants' themselves orient towards a particular utterance." (Lamerichs & Te Molder, 2003, p. 459). Moreover, DP describes discourse as being action oriented, therefore Participants' construct discourse through their conversational actions (Potter & Edwards, 1999; Potter, 2011). As Potter (2011) states that action is situated in the here and now of conversational sequence, therefore the interest being on the way events occur in real time. Referring to Heritage (1984), Gee & Handford (2013, p. 107) state that "talk is context dependent in that it picks up from, and responds to, the immediate conversational context; and it is also context reproducing in that it builds a new context for whatever talk is immediately following"

Principles of DP were employed in this study to analyse the video commentary in order to understand how the Participants' develop their constructions of police uses of force in their interactions (Potter & Edwards, 1999; Silva, Mendes, Burlamaqui, & Bezerra, 2012). Therefore, this study aims to examine the way that meaning is constructed in order to gain understandings of the ways that the public constructs police brutality through using particular discursive resources. It does not aim to understand the degree to which these comments represent an 'accurate' reflection of the law and other institutional debates on the use of force in policing

3.5. ETHICAL CONSIDERATIONS

There has been substantial debate regarding ethical issues of examining data retrieved from the internet (Naslund, Grande, Aschbrenner, & Elwyn, 2014). The debates constitute of what is regarded as a public or private space. Researchers state that content that is uploaded and made accessible for the public to retrieve does not require consent (James & Busher, 2015; Jowett,

2015). While other scholars state that content accessed on online platforms without the informed consent of the people who uploaded the data is invading the privacy of the online members (Eysenbach & Till, 2001; Roberts, 2015). According to James & Busher (2015) the online quotes posted by the public could be traceable and the 'sensitive' information posted can have an effect on the individuals that uploaded the content. For this study, only videos and comments that were publicly available on YouTube were included for analysis.

Although users have posted the videos and comments for the public to have access thus allowing for the retrieval of content, using videos and comments that were made available publicly does not circumvent confidentiality completely. Thus it was necessary to use pseudonyms and remove the profile pictures in order to ensure confidentiality as it is not feasible to obtain the Participants' consent to use their comments as data as it would not be practical to track the users down.

The names of the people who have revealed their names as their usernames were changed to pseudonyms to ensure anonymity and their profile pictures were removed using GNU Image Manipulation Programme (GIMP). However, YouTube is an online social media publicly accessible to any individual with internet connection thus any harm to the Participants' as a result of using the content provided on YouTube for research purposes is unlikely to result in any worse harm to Participants' than harm that could result from other uses of the content resulting from its availability to the general public (Kaufman & Whitehead, 2016). In relation to this, internet researchers have argued that an online forum consisting of more than 10 members is public, therefore the comments and interactions can be considered public (Coulson, 2005). This is supported by Jensen & Laurie (2016) who state that everything with a broad potential audience that does not require any kind of password access to allow accessibility from strangers should not generally require informed consent.

According to The British Psychological Society's (2009, p. 91) ethical guidelines; "observational research is only acceptable in situations where those observed would expect to be observed by strangers." YouTube represents a case of this because Participants' who post any material on YouTube by default give the public access to the information that they have uploaded as the users are also able to access other individuals' comments. Moreover, online users expect their posts to be read by strangers and to address strangers (Jowett, 2015). Therefore, it is acceptable to analyse YouTube videos and comments without seeking consent from individuals who produced those comments for public consumption.

CHAPTER 4: FINDINGS AND DISCUSSION

4.1. INTRODUCTION

This chapter will present the findings from the commentary taken from five ‘Police Brutality’ YouTube videos and discuss them in terms of existing literature and the research question in the study. This study analysed the public’s comments for the ways in which they constructed police brutality in multiple and often contested forms. This study did not aim to analyse the ways in which public commentary reflects precise or “correct” understandings of the law and other institutional debates on the use of force in policing. Therefore, possible legal understandings or interpretations of these incidents that were not evident in the Participants’ interactions are not discussed in the analysis. The comments have thus been analysed by focusing on the discourses deployed in contestations involving ordinary members of the public who commented on the videos. The selected quotes are used to provide evidence for seven discourses which serve to answer the research question: How do Participants’ construct police brutality in online videos of actions involving police uses of physical force?

The discourses that are discussed are: Legal Discourse vs. Human Rights Discourse; ‘They had it coming to them’ in Legal Discourse; ‘They had it coming to them’ in Foreigner Discourse; Discourse of Foreigner Crime; Historical Continuity Discourse; Race/Racism Discourse and Vigilante Discourse.

Legal Discourse was constructed by the participants’ as the justification or non-justification of the use of force and non-compliance to the law due to resistance of arrest or engagement in illegal activities. Human Rights Discourse was constructed as the right to protection of any life, regardless of any protest to arrest. ‘They had it coming to them’ in Legal Discourse was constructed by the Participants’ as disobeying the law by engaging in illegal substances. Which justifies the use of force as a consequence of the suspect’s actions. ‘They had it coming to

them' in Foreigner Discourse was the result of foreign criminals being held responsible for criminal activities, therefore police use of force being attributed to their actions. Discourse of Foreigner Crime was the construction of Nigerians being responsible for criminal activities on the basis of their citizenship. Historical Continuity Discourse was violent policing practices being a continuation from the Apartheid Era. Race/Racism Discourse was constructed by Participants' as police brutality being racially motivated by being attributed to the suspect's race. Vigilante Discourse was the community using excessive force towards the suspect by taking matters into their own hands.

4.2. Legal versus Human Rights Discourse

In the below extract, there was a contestation amongst the users regarding the conditions under which the police are permitted to use excessive force when dealing with suspects versus when it is positioned as the violation of human rights. Participants' in this extract constructed the use of force by police officers to be a legal discourse. This was constructed by Participants' stating that suspects resisting arrest were disobeying the law. Therefore, police use of force against these suspects was not constructed as police brutality. The human rights discourse was constructed by Participants' stating that a life is more important than any protest. Thus, no circumstance justifies the use of force against the suspects.

DEALBREATH333's comment positions the excessive use of force on suspects resisting arrest as not constituting as police brutality. Whereby the act of violent force from the police is justified when the individual that does not comply to the law enforcement's orders. This is illustrated through the extract below:

Extract 1:

Comment retrieved from Video 2: Description of footage by the person who posted the video:

“Cops beats and shoot a men in front of the camera.” Bongani Sangweni

- DEALBREATH333 1 year ago
It's not brutality, you attack and resist police. you deserve to be shot
Reply • 33  
[Hide replies](#) ^
- Lawksquawts 1 year ago
+ DEALBREATH333 Oh really ? do you even know what he was protesting for fuck tard.
Reply • 1  
- DEALBREATH333 1 year ago
+ Lawksquawts if you defy police, you deserve to be arrested, you attack police, you deserve to be shot. doesn't matter what they protested.
Reply • 4  
- DayBragBingo 1 year ago
+ DEALBREATH333 you make me sick no one is allowed to take a life unless you yourself take a life but for protesting and defending himself from the police who grabbed and attacked the poor man when he did not even harm anyone before he was being detained then they are not allowed to be shot because he only pushed one cop when the rest started attacking him so he fought back they have no right to take his life i bet if you were in this situation you would fight back
Reply •  
- Klanir Ullikh Viyanov 1 year ago
+ DEALBREATH333 In your logic the Revolutionary war was a criminal movement.
Reply •  
- BrandondorpburgPhicial 1 year ago
No matter who it is, or what they did, a life is still important. Maybe they needed to be shot for others safety if he would have fatally wounded an officer or several pedestrians, but we was defending his rights and never once hurt someone enough to deserve a bullet. Resisting arrest can be solved with a few years in jail, but you only get one life, and that life matters to many people. That is murder
Reply •  
- BrandondorpburgPhicial 1 year ago
+ Dishflaming he*
Reply •  
- Physuearr 1 year ago (edited)
+ DEALBREATH333
Reply •  
- Derse Derse 1 year ago (edited)
+ DEALBREATH333 Why? Because life doesn't matter? What if you were bad state of mind and to resist police or who ever comes near you, would you deserve to be shot? If 6 man cannot restrain 1 man why did they even became police officers? Your logic is sick. Human life should worth something. It is easy to end it but you are doing something right when you try to preserve it. Even if it threatens you.
Reply • 2  

DEALBREATH333 indicates that the attempt to resist arrest by a police official is a justification for deadly force being used during the arrest thus police use of force is not seen as brutal behaviour because the suspect was resisting arrest. In addition, DEALBREATH333's

comment implies that the police have the authority to shoot suspects when violated. This then places accountability on the public, by implying that excessive use of force by law enforcement is a result of not obeying police orders. As such, any action that disobeys police orders has a consequence (Pruitt, 2010).

The human rights discourse is constructed in Lawksquawts Oh- prefaced response which in this context functions as a ‘change of state’ token. According to Heritage (1998), this indicates a new understanding of taking an oppositional position with the prior statement. Lawksquawts follows with a question or statement that elaborates on their oppositional view. Moreover, Lawksquawts evokes the human rights discourse by challenging DEALBREATH333 with the question of whether DEALBREATH333 knows what the suspect was protesting for. This depicts the suspect’s actions as being potentially legitimate as it is a human right to protest. There is an undertone of what kind of protest is considered legitimate and what kind is not, therefore when police use of force is considered as brutality and not brutal. Thus the content of the protest is important in this construction. DEALBREATH333 holds his/her initial position by further reiterating his/her initial statement, “*you attack police, you deserve to be shot*”. Oftentimes repetition is used “to emphasise or elaborate on a point” (Scott, 2002, p. 316).

DEALBREATH333 further responds by stating that it does not matter what the suspect was protesting, thus for this user it is immaterial whether the protest was legitimate. What matters is that the person did not respond to the police’s attempt to arrest them. DEALBREATH333 utilises the legal discourse by remaining in his position of disagreement or resistance to the previous respondent that resistance of police is a justification for excessive police use of force. Therefore, regardless of the human right to protest, the law should not be disobeyed. DayBragBingo response “*you make me sick*” is an indication that they are in disagreement with DEALBREATH333’s comments. S/he states that life is important and no one is allowed to murder anyone “*no one is allowed to take a life*”. Therefore, there is a contestation regarding

human life being more important than the content of any protest. DayBragBingo introduces a human rights discourse by constructing life as being valuable, having worth and should not be addressed in a violent manner.

DayBragBingo's further constructs the human rights discourse in their response to DEALBREATH333 that the "*person did not even harm anyone*" and that he was "*for protesting and defending himself from the police who grabbed and attacked him*", thus DayBragBingo states that the protest did not cause harm to anyone, it's a human right to protest thus police did not need to inflict force on an unharmed person that is protesting. DayBragBingo further stating that the suspect was defending themselves from the violence inflicted by the police officers provides a direct challenge to the legal discourse constructed by DEALBREATH333. Therefore, DayBragBingo positions circumstances where the suspect does not pose to be a threat to the police officer or the public and is protecting their life is viewed as self-defence. DayBragBingo further resists the legal discourse constructed DEALBREATH333 by using the human rights discourse that the suspect is "*not allowed to be shot because he only pushed one cop when the rest started attacking him so he fought back*" A position taken by DayBragBingo states that by the suspect pushing the police officer elicited the other officers' response to mitigate the threat to police by causing harm to the suspect.

Police brutality in the above extract is depicted as a physical attack on the body of a human being which overrides verbal or non-body threats. This is evident in DayBragBingo comment in the way in which physical action of the police "*grabbed and attacked*" is constituted as brutality towards the suspect. There is a legal discourse contestation of whether resistance or protest against police is a justification of police use of excessive force. This contestation was evident amongst the Participants' as there was constant debate about what warranted police use of force towards the suspect. This contestation was mostly in regards to whether resistance was portrayed as disobeying police officers or not.

Another factor that warrants police use of force is physical threat posed to the officers or pedestrians. Thus police brutality is depicted as reasonable or acceptable in a context whereby the suspect is causing intense harm or is a threat to officers or the public. This is evident by BrandonorpburgPhicial construction of the legal discourse which aligns with DayBragBingo's construction of legal discourse by stating that the suspect "*maybe they needed to be shot for others safety if he would have fatally wounded an officer or several pedestrians*". The usage of the word '*if*' in the statement that follows indicates the 'condition under' thus if the suspect had harmed or put one officer or 'several pedestrians' safety at risk then it would have been justifiable to shoot them for the safety of others. Furthermore, there are factors that warrant an attack on human life. These 'objects' are offered as warrants- 'innocent pedestrians', 'overpowered police officers trying to do their jobs' and 'overt resistance' to the law. Moreover, BrandondorpburgPhicial locates the human rights discourse by stating that "*no matter who it is, or what they did, a life is still important*". In their view, everyone's life is significant, regardless of who the individual is or which actions they have committed. BrandonorpburgPhicial aligns with DayBragBingo's human rights discourse by stating that the suspect was "*defending his rights and never once hurt someone enough to deserve a bullet*".

Therefore, the Participants' use of the similar reasoning to the laws and principles such as section 49 of the Criminal Procedure Act, which states that the use of lethal force for arrest is necessary when protecting individuals against direct threats to life and bodily injury and in contexts where there is high risk of the suspect causing serious harm to others during their attempt to escape (Bruce, 2003). Therefore, the Participants' do not explicitly need to state the laws in order to use similar logic embodied in them. Furthermore, the Participants' in the data are making use of similar accounts to Harmon's (2008) assertion that force should not be applied in circumstances whereby the arrest can be achieved without any use of force.

Regardless of the suspects' resistance to the arrest and when the resistance does not threaten the police enforcement's life.

Klanir Ullikh Viyanov response to DEALBREATH333 that in their view the Revolutionary war was a criminal movement. A Revolutionary war is one that stands against oppression, revolting against what is to be taken as lawful, thus defy against the law. S/he is implying to DEALBREATH333 that they view a necessary act of revolt even when necessary as a criminal act. Therefore, Klanir aligns with the legal discourse evoked by DEALBREATH333 that police use of force is not brutality in situations where the suspect is disobeying the law.

The human rights discourse is evident in Derse Derse's response to DEALBREATH333 by questioning them "*Why? Because life doesn't matter?*" through the usage of question formats , which are used as a way of challenging statements (Tsukimi, 2012). They further question if they "*were in a bad state of mind*" would they deserve to be shot thus attributing suspect's behaviour to lack of mental/psychological wellbeing. Derse Derse further constructs the human rights discourse by stating that "*You are doing something right if you try to preserve it. Even if it threatens you*". Therefore, Derse Derse implies that it is right to take the necessary means to protect your life, even if it places you in a dangerous situation such as being in an altercation with the police.

4.3. 'They had it coming to them' in Legal Discourse

In this extract, Participants' construct 'They had it coming to them' in legal discourse by situating police use of force as not brutal as the actions of the suspects are what caused the police to behave in the violent manner. This is specific to suspects engaging in illegal substances warranting the use of police use of force thus not seen as police brutality.

Extract 2:

Commentary retrieved from Video 4. Description of footage by person who posted the video:

"Anton" and "Shane"* has been the victims of another alleged police brutality attack” – Martin De Kock

Bella Pakena · 1 year ago

This is insane. When will police learn that they are not above the law? Shocking!

Reply · 9

Hide replies

Mr Trutter · 1 year ago

+ **Bella Pakena** In all honestly Ancillar mangena I firmly believe we are not hearing the other side of this story. I'm sure these two guys were trying to buy cocaine and the cops just did their work. Also we aren't seeing the moments before he was put on the ground. I'm sure they were not cooperating.

Reply ·

Voopsta · 1 year ago (edited)

+ **Mr Trutter** Does it come that much as a surprise to you that these two men were victims of a hate crime by the real people who should serve and protect? You are so fucking ignorant. A long time ago I was driving in Parklands and just before a police van (driving into the opposite direction) passed me I switched on my headlights as it was starting to become darker. The police made a u-turn and pulled me over. They were two black males and it was just me and a lady friend of mine. Then one stood by her side of the car and the other on my side and the one was continuously harassing and insulting me trying to provoke a response from me that would allow him to take the matter further. I felt that I could only try and protect my lady friend by calmly apologizing profusely for being in the wrong (which I indeed was not) and after about 10 minutes he looked at me and said we must go and get out of there. The street was also a busy street which is why I felt we got away unscathed. To you Mr Kruger...I openly say fuck you and any of these new age SA racist police force. I'm not in SA anymore and feel much safer every single day. It's not a choice but a privilege to leave SA behind. How can people be protected when they are victimized by those same people who are there to serve and protect? In other news I am glad the nine officers who was found guilty of the murder of the Mozambican man is going to pay for their crime.

Show less

Reply ·

Voopsta · 1 year ago

+ **Mr Trutter** Another thing...if a police man tells you to strip naked in the middle of daylight in a busy street in the middle of town (let's say Cape Town why don't we) and you say no....are you then not cooperating with them and does it give them the right to hit and kick you??? Hmmmmm why does that event sound so surprisingly familiar to me.....

Reply · 3

Mr Trutter · 1 year ago

+ **Voopsta** Listen here buddy. Where in this video did anyone strip naked hmmm? Your sad little story of how you switched your lights on is also bullshit. You know you gave them some high beam action! The evidence in this video is enough to call bullshit. The guy on the ground is so drunk its not even funny. And telling me to fuck off. To you I say no thank you!

Reply ·

Rian van Vree · 1 year ago

+ **Mr Trutter** ..the fuck matter with you?! clearly you've got some shit in ur eyes...noted. cant see too clearly. They're violating his privates and if that would've happened to my friend.... ek sal dai ding se kop ingeskop het!!

Reply ·

Alexander C · 1 year ago

+ **Bella Pakena** Police ARE above the law!

Reply ·

Rufus Balister · 1 year ago

+ **Rian van Vree** Agreed.I dare them to try that with me.Big surprise for you.

Reply ·

Mr Trutter · 1 year ago

+ **Rian van Vree** You absolutely have no and I mean no knowledge of police protocol. So rather keep quiet. These guys were at that location to buy drugs.

Reply ·

In the beginning of the sequence, it is clear that Bella Pakena invokes a legal discourse by disagreeing and is against the police acts in the video. Therefore there is a disagreement amongst the users regarding the action of the police towards the suspects. The question “*When will police learn that they are not above the law?*” is not requiring an answer, it is displaying disbelief (Tsukimi, 2012) and it is claiming that the police actions are transparently illegal.

Police brutality is contested as being justifiable in instances when the law is violated through engagement in illegal substances such as “*buy cocaine, buy drugs, being drunk*” and non-cooperation with police officers which is also evident in extract 1 whereby resistance to police officers was a justification for the use of excessive force. This is evident in Mr Trutter justification of the police behaviour by attributing the blame to the victims by stating that “*Guys trying to buy cocaine*” thus implying that the victims engaged in illegal activity “*cocaine and drunkenness*” which warranted the violent police behaviour. This indicates a ‘They had it coming to them’ discourse which is interwoven with the legal discourse. This discourse is evident in that Mr Trutter justifies the police behaviour by stating that the actions of the victims are what caused the police to behave in the manner. The reasons being the victims’ illegal possession of drugs and non-cooperation with the police officers. Mr Trutter’s response invokes a legal discourse therefore, although Bella Pakena and Mr Trutter have opposing views regarding instances in which police use of force is acceptable, they are both using legal discourses to support their arguments. Which is indicative of how legal discourses can be flexibly employed and do not necessarily support one side of the dispute or the other.

Alexander C enforces a legal discourse through his/her opposition to Bella Pakena’s comment by stating that “*police ARE above the law*”. Thus they have the authority to not abide to the law. S/he places emphasis on police holding higher authority than the law through the usage of caps lock “ARE”. Rufus Balister agreement to Rian van Vree indicates that s/he is referring to the police as “them” thus also implying that s/he would respond to police behaviour towards

them. Mr Trutter opposes with Rian van Vree through a legal discourse by firstly indicating that Rian van Vree has “*no knowledge of police protocol*”. Thus demonstrating that police were performing their duty and again reinstating that the victims were engaging in illegal activity “*These guys were at that location to buy drugs*” which justifies the use of police force towards the suspects.

Voopsta’s response to Mr Trutter “*Does it come that much of surprise to you*” indicates lack of common sense knowledge (Benwell, 2012) regarding Mr Trutter not knowing that police duty is to “*serve and protect*” the public. Voopsta invokes a legal discourse as s/he situates the police as having the responsibility to protect societal members and the police fail to fulfil their duties by inflicting harm on the same members of the public that they are supposed to protect. This is evident in Voopsta’s response “*these two men were victims of a hate crime by the real people who should serve and protect*” Opposing Mr Trutter Rian van Vree invokes the human rights discourse by constructing the action of the police as having violated the suspect’s rights “*violating his privates*” and compromised their integrity and rights by stripping them naked. Rian further views non-compliance as not a reason to condone police brutality, thus violation imposed by the police officials is regarded as brutality. The human rights discourse is also further imposed by Rian van Vree agreeing with Voopsta that the man’s body in the video is being violated. This is evident in his/her explanation of causing harm to police officers “*ek sal dai ding ingeskop het*” (“I would have kicked that thing in.”) thus implying that it is justifiable for citizens to fight the police if their body is violated. This is consistent with extract 1’s thread whereby police brutality was constructed as physical harm or violation to the body of a human being.

4.4. 'They had it coming to them' in Foreigner Discourse

In the below extract, Participants' construct 'They had it coming to them' in foreigner discourse. This discourse refers to the contestation between Participants' regarding police use of force as a result of the foreign suspect being responsible for criminal activities. In this extract there is a contestation regarding Participants' constructing foreigners as being responsible for criminal activity in South Africa. Therefore, police use of force is not constructed as being brutal but rather as foreigners being subjected to violence by the police as a result of engaging in criminal activity.

Extract 3:

Commentary retrieved from Video 5. Description of footage by person who posted the video:

"A video showing a Nigerian man being brutally attacked by uniformed police in South Africa has sparked public outrage and prompted a heated discussion about the country's attitudes towards immigrants." BBC News

Kert Oosthuizen 1 year ago

They kidnap kids, sell drugs, internet fraudsters. They get what they deserve. Dont comment from your cozy first world countries. Come and live here, you will feel the same.

Reply • 2  

Hide replies ^

Sammy 1 year ago (edited)

+ **Kert Oosthuizen** hi. so i just stumbled on these videos. how long has this problem been simmering in South Africa? Because i'd guess it's been a problem for a while before it gets to these extremes.? Also how ironic that now black and white police officers unite to beat up a naked black man, in South Africa of all places

Reply •  

BILLY Paba 1 year ago

+ **Sammy** They're the major drug lords here, they get the south african women into prostitution and are generally the scum of the country. I could only imagine what he must've done to get that reaction out of the police. Probably a drug lord or pimp or robber they've been chasing for a while now.

Reply • 1  

Matt Bandell 1 year ago

Sitting here in my first world country wishing we had more cops like this, and less tolerance for crime and criminals. Every time something like this happens here, along come the liberal apologist and race baiters. They never care what the person did, only that the police are mean. You must fight these invaders before there is nothing left to fight for.

Reply • 1  

Kert Oosthuizen states that the people he has categorised as “*They*” are responsible for multiple criminal activities such as “*sell drugs*” “*internet fraudsters*”. Kert Oosthuizen does not state who s/he is referring to by ‘They’ but an inference can be made that s/he is referring to the Nigerian man mentioned in the footage description. S/he further states that they deserve the violent police behaviour by stating that “*They get what they deserve*”. This indicates a ‘They had it coming to them’ discourse which is interwoven with foreigner discourse. Thus claiming that anyone subjected to violence by the police must have done something wrong to warrant the treatment they received by the police. In this case implying that the foreigner must have done something wrong for the police to use force on them.

The foreigner discourse is constructed in Kert’s comment which holds a certain expectation about first world countries by stating “*Don’t comment from your cozy first world countries. Come and live here, you will feel the same*”, which implies that only South Africans will understand that foreigners are responsible for the criminal activities. Kert further tells the audience that they should reside “*here*”, referring to South Africa as stated in the footage, to experience what South Africans experience. The South Africans pose as ‘insiders’ and as having the knowledge about what is going on and ‘outsiders’ will not understand.

There is contest over who is entitled to comment on South African action and under what conditions. This opening sequence is about the right to comment and the kind of moral frameworks that operate in local contexts to justify action. Kert Oosthuizen is employing similar discourses to those used to account for police violence by academic researchers. For example, according to Masuku’s (2006) findings, foreigners are perceived as being culprits for unemployment and criminal activities. Irrespective of their legal status, foreign nationals are discriminated against and blamed for various criminal activities occurring in South Africa. As such, by police use of force upon foreign nationals is condoned because they are seen as criminals. Therefore, police use of force against them is seen as deserving and warranted.

Moreover, the Participants' mobilised similar accounts to Jearey-Graham & Bohkme (2013) study in which Participants' regarded foreign nationals as economically threatening and responsible for the lack of resources and criminal activities in South Africa. In addition, this study found that there was a contestation regarding how the police can protect South African citizens from "*drugs*" and "*prostitution*" (Jearey-Graham & Bohkme, 2013).

The first respondent begins his/her comment with a greeting "*hi*" which can be regarded as s/he being polite as the greeting is followed by a question. Sammy identifies himself/herself as an outsider, as s/he was not looking for the video but "*just stumbled across*" it. S/he requests information by asking how long the problem has been "*simmering*" in South Africa. Sammy positions him/herself as an outsider, therefore agreeing to Kert's right to "insider" knowledge about South Africa's current affairs instead of resisting it. Moreover he/she further positions themselves as an outsider by stating "*I'd guess it's been a problem for a while*" which is formulated as uncertainty rather than knowledge. S/he offers another condition in which a person can become an insider. By the usage of the term "*simmering*" s/he could be referring to the situation is not escalating. Sammy's reference to "*these extremes*" indicates the escalating problem from the "*simmering*" level. They are not specific on what they are referring to as being the problem. Sammy identifies the occurrences as a problem in the first place and assumes that other people understand it to be a problem as well. They can either be referring to Nigerian criminal activities as insinuated by the first commenter as escalating or to police "*brutal*" behaviour escalating. "*Also*" could indicate a shift from a question to an opinion, that even as outsider s/he has an opinion although s/he is an outsider.

The human rights discourse is interwoven with racial discourse by Sammy stating the racial aspect of black and white policeman attacking a "*naked black man*" could be denoting to the humiliation of being naked and black people continuing to being humiliated. Sammy evokes the historical continuity discourse constructed in extract 5 by referring to the situation as "*How*

ironic that now” they could be referring to Apartheid when white policemen abused black individuals and presently both black and white policeman are abusing a black person. Moreover, by the usage of the term “*unite*” s/he could be referring to an expected unity but not the kind of unity portrayed in the video. The action of the word implying an intended purpose thus policemen came together intentionally to attack a black man.

Billy Paba situates the ‘they had it coming’ discourse by stating that “*They’re the major drug lords here, they get the south African woman into prostitution*” I could only imagine what he must’ve done to get that reaction out of the police” This is further supported by Billy’s comment by stating that the suspect is “*Probably a drug lord or pimp robber*”. Therefore, situating the suspect as having been involved in criminal activity to warrant police use of force against them. As such, police use of violence is not seen as police brutality but as dealing with criminals. There’s an alignment with the ‘they had it coming to them’ discourse between Kert Oosthuizen and Billy Paba’s viewpoint that Nigerians are responsible for the criminal activity in South Africa, thus justifying police’s violent behaviour towards them. There seems to be some agreement about the fact that direct threats to citizenship should be dealt with severely. Therefore, Kert and Billy are not constructing use of force as police brutality but as foreign nationals deserving of the violent use of force because they are criminals.

Matt also does not construct the use of force as police brutality by justifying the use of excessive use of force as a way of ‘controlling’ criminals or criminal behaviour. This is evident in their statement “*wishing we had more cops like this, and less tolerance for crime and criminals*” Matt situates the ‘they had it coming to them’ discourse by stating “*We must fight these invaders before we have nothing left to fight for*”. The police should fight the “*invaders*” which they consider to be criminals before the problem escalates further until “*there is nothing to fight for*”. Therefore, there is an agreement amongst Matt, Kert and Billy that the use of force

by the police is controlling criminals and criminal activities and is not considered police brutality.

These users identify themselves as belonging to a different social group which is constructed through the use of pronouns in determining 'the other' is evident in the repetitive usage of the word "*they*" when making reference to South Africans as the insider and foreign nationals as the outsider. The users justify the use of force towards black foreign individuals due to the immigrants being associated with illegal substances and committing criminal behaviour. These results are consistent with Misago et al's (2010) findings in which individuals impacted by violence' perceptions justified violent acts against foreign nationals due to the belief held by the respondents that non-nationals were responsible for criminals activities, lack of financial opportunities and other adverse social problems (Langa & Kiguwa, 2016).

4.5. "Foreigner" Criminal Discourse

In this extract, the discourse of 'Foreigner' crime is constructed by Participants' contestations regarding police use of force being committed on the basis of citizenship. Therefore, police force is not constructed as brutal when committed against Nigerians. As Nigerians are constructed as criminals that are responsible for criminal activity in South Africa.

Extract 4:

Commentary retrieved from Video 5. Description of footage by person who posted the video:

"A video showing a Nigerian man being brutally attacked by uniformed police in South Africa has sparked public outrage and prompted a heated discussion about the country's attitudes towards immigrants." BBC News

Dydrick Beroh Buthi 1 year ago

I REALLY DON'T LIKE NIGERIAN THEY GOT ALL KIND OF CORRUPTION. THEY ARE NOT HEAR FOR GOOD THING. DRUG FRAUD TRFICNG . ALL ARE NOT WORKING BUT THEY AFFORD WHAT WE CANT

Reply •  

[Hide replies](#) ^

Troo MMP 1 year ago

Shutup you idiot. You sound like an ignorant and uneducated moron.

Reply • 1  

Dydrick Beroh Buthi 1 year ago

+**Troo MMP**,

hey**Troo**it's like drug trafficking does not affect you and you community. yes im not educated, i will shutup once government stand up for South Africa. last month i was under arrest by the criminal who broke in my house and still evry thing that i work harder to buy. as you know that uneducated people works hard get some of the things, so i f*ck him up,

Reply •  

Troo MMP 1 year ago

Dydrick Beroh Buthi dont South Africans kill foreigners? You idiots killed other black Africans for no reason. I love South Africa it is a beautiful country but you sound like an idiot. There is good and bad everywhere remember that.

Reply • 1  

Dydrick Beroh Buthi 1 year ago

im not racist.

Reply •  

Dydrick Beroh Buthi 1 year ago

white blacks to me we are the some. i spend lot of time with Defr people . zimbawen, malaweans, mozambi..., they are cool no drugs trafficking.

Reply •  

Isan Tris 8 months ago

They also rape little girls like the Asian South Africans. The Nigerian was later released after an Asian cop sucked his dick.

Reply •  

Dydrick Beroh Buthi states that their reason for disliking Nigerians is as a result of corruption. S/he also associates them as being responsible for “*DRUG FRAUD*” and “*TRFICNG*” (trafficking). The behaviour the commentator uses to describe Nigerians is the same behaviour attributed to “Nigerians” in Extract 4 who are described as being responsible for criminal activity or illegal activities and residing in South Africa. S/he further states that “*all*” Nigerians are unemployed but that Nigerians are able to afford what “*WE CAN’T*”. Dydrick Beroh Buthi having referred to “Nigerians” (a national category), the default for “*we*” would be another national category “South Africans”, possibly black South Africans specifically but this is unclear.

This is consistent with the assertion made by Langa & Kiguwa (2016) that some members of the public justify the use of force against non-nationals due to attributing lack of economic opportunity to foreign nationals. In this extract, the users are making claims about corruption and drug trafficking which are not the same as attribution of lack of economic opportunity,

although Dydrick Beroh Buti is suggesting that this claimed illegal activity is particularly unjust in light of the economic position “we” (South Africans) occupy. According to a study by Altbeker (2008) the manner in which law enforcements’ act during the arrest of foreign nationals has been influenced by these perceptions (Langa, 2013).

Troo MMp positions Dydrick as “*ignorant and uneducated*” which treats justification of police violence as something that only “*an ignorant and uneducated moron*” would do, thus strongly condemning what the police have done using this discourse of ignorance. Therefore, Troo treats any answer that justifies the police violence as being inherently illegitimate and indicating ignorance. Dydrick subverts this reasoning and uses it to say exactly why s/he is allowed to speak. He/she replies to Troo by stating ‘as a fact’ that “*drug trafficking*” affects Troo and their community. Dydrick admits to not being educated after being accused of this by Troo but while Troo MMp uses it to delegitimise his statement, Dydrick subverts the claim made by Dydrick that he is ignorant and uneducated. Thus, Dydrick does not take up the subject position of ignorance that has been constructed for him/her and uses his/her ownership of being uneducated to say exactly why they are allowed to speak. Dydrick also uses the positioning of being ignorant imposed by the previous commentator to justify their actions towards a criminal that broke into their house “*as you know uneducated people work hard to get some of the things, so I “f*ck him up”*”. S/he mentions his/her own personal experience of a house break-in by a criminal that “*still*” (stole) their belongings and he attacked him/her and states that Troo is knowledgeable of unemployed people having to “*work harder*” for their belongings.

Troo responds to Dydrick by questioning him/her by asking “*don’t South Africans kill foreigners? You idiots killed other black Africans for no reason*”. This further reinstates the distinction of South Africans and foreigners. South Africans are responsible for the murders of black Africans. Therefore, indicating that the police violence has been performed on the basis

of citizenship, as opposed to being justified by whatever the victim/suspect⁴ may have done – as it treats this kind of violence as endemic to South Africa (performed by South Africans against other black Africans). It thus constructs the police actions in this case as ‘another instance of xenophobic violence by South Africans’ as opposed to being ‘police brutality’ specifically.

Dydrick responds to Troo’s prior post “*I’m not racist*” as a turn to deny being racist by positioning Dydrick’s prior post as an accusation of racism. Whereby Troo claims violence against “*other black Africans*” as being xenophobic, which Dydrick in this context seems to be treating as synonymous with “*racist*”. Dydrick elaborates in the next turn that regardless of the race and citizenship everyone is the same. Thus, rejecting the claim that the violence is xenophobic, instead claiming that it is based on illegal activities (“*drugs trafficking*”). Therefore Dydrick continues this contestation over whether what the police did in this case was justified by the supposed illegal behaviour of the suspect/victim, as opposed to being committed on the basis of the suspect being a foreigner as Troo has constructed it as being. Dydrick further evokes the foreigner discourse by stating that other foreign nationalities do not engage in drugs by stating “*I spend lot of time with Defr people. Zimbawen, malaweans, mozambi..., they are cool no drugs trafficking*” thus classifying Nigerians as being responsible for criminal behaviour when compared with other foreign nationalities. Therefore warranting the use of police force against Nigerians as they are constructed as being criminals based on their nationality.

In the above instance, Dydrick evokes the foreigner discourse by claiming that only Nigerians engage in illegal activity, thus every foreign national other than Nigerians is being excluded from this complaint of involvement in criminal activity. Which warrants police use of force against Nigerians. Dydrick further partakes in “*Nigerian/South African*”, intersecting with

⁴ Suspect and victim will be used interchangeably, being used as the same term in accordance with the participants’ varying orientations to them as such.

criminal/ non-criminal binaries through the repetitive use of "we" and "they" which constructs a barrier between Nigerians and South Africans. Langa (2013) asserts that some members of the police force state that non-nationals are at fault for the increased crime levels in South Africa thus resulting in the use of force and harassment of police officers towards non-nationals. Whereas in Langa (2003)'s study Participants' stated that foreigners were responsible for criminal activity.

In this study, members of the public account Nigerians as being responsible for criminal activities, thus police use of force against them is not constructed as police brutality but brutality but police protection from Nigerians. Moreover, the commentators blame Nigerians for the crime that is occurring in South Africa thus they are being used as the 'scapegoats' for the ill social problems in South Africa (Harris, 2002). As such, police behaviour is not constructed as brutal but as protection of 'South African' citizens from direct threats from Nigerians.

This comment further reinforces the predominant negative representations of Nigerians being associated with criminal behaviour and activity. Thus reinforcing the stigmatisation of Nigerians being regarded specifically as the non-citizens involved in criminal activities. This is worth noting as literature concerning foreign nationals does not distinguish foreign nationals from one another. However in this study, the commentators have in some instances justified the use of force against Nigerians due to regarding Nigerians as the foreign nationals responsible for crime in South Africa. This is supported by a study conducted by (Jearey-Graham & Bohmke, 2013) where the Participants' stereotypically perceived Nigerians as being the foreign nationals bringing drugs into the country. Furthermore, through this discourse, the construction of Nigerians as 'The Other' attributes them as being responsible for the criminal activity thus shifting blame onto Nigerians. However, in this analysis, Participants' failed to

make the distinction between “foreigners” and “Nigerians” consistently, and often conflated “Nigerians” with “foreigners” more generally.

4.6. Historical Continuity Discourse

In the below extract, the Participants’ construct the historical continuity discourse by constructing police use of force by attributing police brutality to Apartheid. Whereas in the above extract, Participants’ construct police brutality as a result of the suspect disobeying the law, their citizenship, nationality and engaging in criminal activity.

Extract 5:

Commentary retrieved from Video 4. Description of footage by person who posted the video:

"Anton" and "Shane"* has been the victims of another alleged police brutality attack” – Martin De Kock

Thuto Lenka 1 year ago
nothing new to me but maybe new to whites
Reply • 23  
[Hide replies](#) ^

Bernard Barnes 1 year ago
+ **Thuto Lenka** lol I agree, they were well protected under their apartheid blanket and since the fall of their blanket they suddenly feel the cold hard reality of real life, AND TO THE WHITES READING THIS I AM AS WHITE AS YOU CAN GET...just glad to me blacks are people to and therefore not my underlings or lesser counterpart, because you do get stupid blacks and I think blacks will agree but just as much you really get stupid whites ...we are all equal now, thanks Mr Mandela, just note how he softened the point that his friend was a bit slow to get out of the car ...he asked for that treatment , the world needs to understand that it isn't South Africa's fault if we ended up with majority of STUPID IGNORANT SO-CALLED WHITES just as it was not the Jews fault that Germany voted in Hitler but we are forced to live with them and they tend to make life difficult for us who want to move on, and I can safely say that my brother from another mother Mfundo will agree ...
[Show less](#)
Reply • 3  

StPeter. BookSeven 1 year ago
+ **Bernard Barnes** | Are you a Jew?
Reply • 2  

Bernard Barnes 1 year ago
nope
Reply •  

Thuto Lenka states the incident in the video is not new to him/her but is new to white people. From this statement it is clear that Thuto does not identify himself as being white thus categorising themselves as belonging to another racial category. Thuto evokes the historical continuity discourse through his/her construction of police violence continuing into contemporary South Africa as current police brutality. Therefore, s/he is constructing police brutality as an everyday reality for black South Africans as prior to 1994, policing in the Apartheid era was characterised by violence towards black individuals (Pruitt, 2010). This is distinct from the other constructions of police brutality mentioned above as it is attributed to the Apartheid history, in contrast to constructions that treat it as a result of the suspect/victim's criminal actions or their resistance to arrest. This reproduces a discourse of historical continuity that has been discussed in the above literature of police violence continuing after Apartheid into the contemporary era. Therefore, in the same way that Pruitt (2010) has stated continuities between Apartheid era and modern instances of it, Thuto Lenka is invoking this discourse of historical continuity.

In this extract it is about lines of continuity between Apartheid and post-Apartheid South Africa. This is supported by Bernard Barnes response to Thuto Lenka which states that white people were "*protected under the apartheid blanket*" but had to face reality when Apartheid ended. Bernard Barnes aligns with Thuto's use of the historical continuity discourse by initially excluding themselves from the category by using "*they*" (as opposed to "*we*"), but then identifies as being in the white category "*I AM AS WHITE AS YOU CAN GET*". So s/he seems to be both distancing themselves from the whites for whom this is new, while also identifying themselves as white. Bernard seems to be claiming an 'anti-racist' white identity thus identifying themselves as white but not like the white people who have no awareness of the history Thuto has invoked. Therefore, positioning themselves as having knowledge of the historical continuity discourse.

Bernard evokes the legal discourse by stating *“just note how he softened the point that his friend was a bit slow to get out of the car...he asked for that treatment”*. Therefore, justifying the use of police force against the suspects because the suspects did not obey the police officers. By Bernard stating that *“we ended up with majority of STUPID IGNORANT SO-CALLED WHITES”* s/he is replacing the “The non-racial category ‘They’ by a racial reference form” (“WHITES”). (Whitehead & Lerner, 2009, p. 621). Bernard evokes the racial discourse by their statement *“blacks are people to and therefore not my underlings or lesser counterpart”*. S/he does not regard black people as being less human than they are. This is supported by S/he then states that there are both black and white stupid individuals who exist and that both black and white people *“are all equal now”*. S/he then continues to state that majority of white people are stupid and ignorant. S/he identified themselves as a member of the white category, thus by stating that majority of white people are *“stupid of ignorant”* he excluded himself as having those qualities of that category.

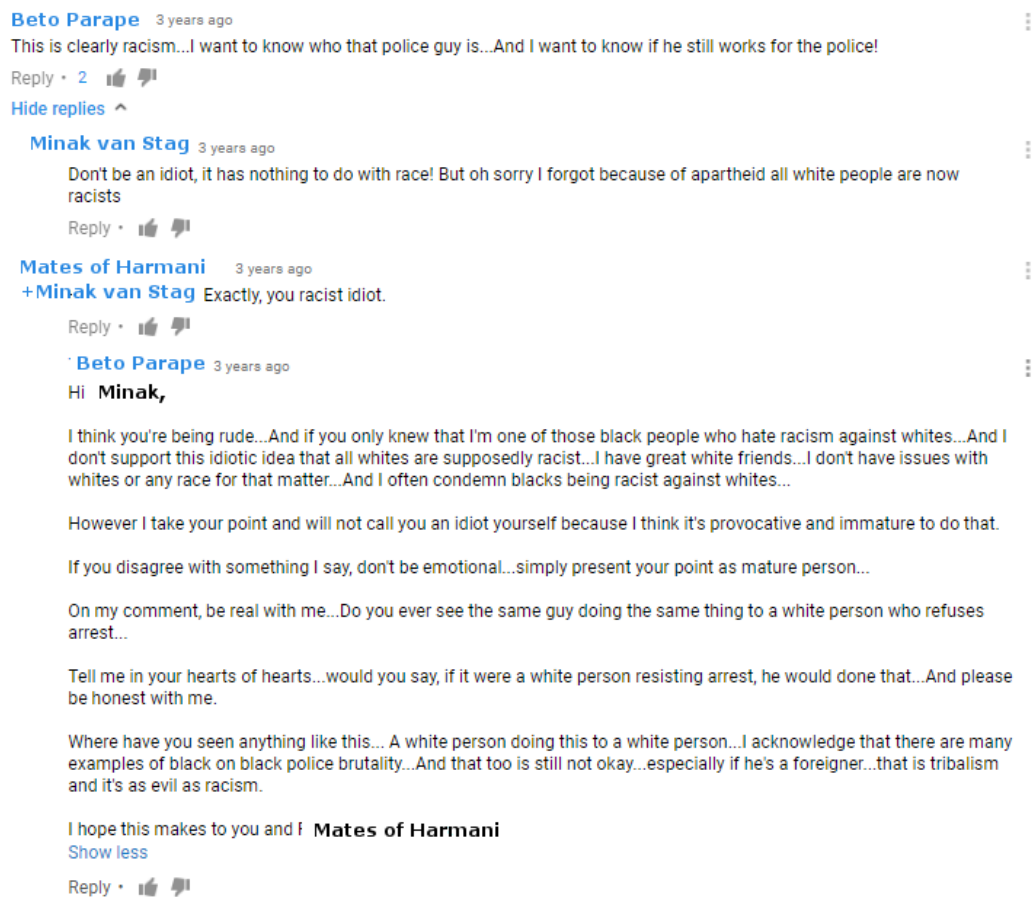
4.7. Race and Racism Discourse

Extract 6:

In this extract, the Participants’ construct the race and racism discourse by positioning police use of force as racially motivated. Therefore, there were contestations regarding police use of force as being attributed to the race of the suspect and not as a result of the suspect’s actions.

Commentary retrieved from Video 5. Description of footage by person who posted the video:

“A video showing a Nigerian man being brutally attacked by uniformed police in South Africa has sparked public outrage and prompted a heated discussion about the country's attitudes towards immigrants.” BBC News



Racism is overtly stated in this extract. There also seems to be a common knowledge regarding the racism in this context. In addition, racism is contested with regards to the race of suspects or the police officers race as constructed as being the motive for police brutality. This is evident as Beto Parape constructs police violence as being racially motivated by stating “*This is clearly racism*”. Therefore, using a discourse of race and racism to interpret the incident in the video.

The first respondent denies racism to “undermine the racial generalisation” (Creswell, Whitehead & Durrheim, 2014, p. 2522) by telling Beto to not be stupid and that the video “*has nothing to do with race*”. Minak then becomes sarcastic by stating that they forgot that as a result of Apartheid every white person is regarded as being racist. Therefore, Minak is resisting the discourse of race and racism imposed by Beto Parape through sarcasm using the historical continuity discourse seen in the previous extract. Mates of Harmani constructs police use of

force as not being racially motivated by their response to Minak *“Exactly! You racist idiot”*. It is unclear whether s/he is agreeing to Minak regarding the video not having anything to do with race or all white people being regarded as racists as a result of Apartheid.

Beto constructs the racist discourse as white people being racist and black people being racists by stating that *“I don’t support this idiotic idea that all whites are supposedly racist” “And I often condemn blacks being racist against whites”* stating that black people can also be racist. As such, Beto supports the notion that violence is racially motivated by stating that *“Do you ever see the same guy doing the same thing to a white person who refuses arrest”*. Beto is not clear who is being referred to as *“the same guy”* an inference can be made that s/he refers to white people as being treated differently than people of other race during arrest, even when resisting arrest. Therefore, the use of police use is constructed as being used against a black suspect. Therefore, police brutality is racially motivated which is further supported by Beto’s statement *“where have you seen anything like this...A white person doing this to another white person”* thus relating to police use of excessive force being applied by black police officials to black suspects. In addition, Beto explicitly labels the violence as *“police brutality”* and constructing the use of force being racially motivated not being acceptable by stating *“I acknowledge that there are many examples of black on black police brutality...And that too is still not okay”* Therefore, there are contestations regarding the use of police force as being racially motivated and not as a result of the suspect’s behaviour.

Extract 7:

In the below extract, Participants’ construct similar discourses of race and racism as in the previous extract. However, in this extract, Participants’ have contestations regarding the construction of police brutality being attributed to race and racism or legal discourse. This is

constructed by the members of the general public constructing police use of force as racially motivated and/or as being warranted as a result of the suspect disobeying the law.

Video 1:

Commentary retrieved from Video 1. Description of footage by person who posted the video:

“Police watchdog, the IPID, is investigating the death of a Mozambican man at the hands of police in Daveyton, east of Johannesburg. The probe follows a Daily Sun report based on cellphone video footage of a taxi driver being dragged behind a police van.” eNCA

Dorothy 53777 4 years ago

+ **Silephule Bofa**, you can't just drag any person for any reason whatsoever! There are meant to be civilized procedures to follow when people break the law. What do you think?

Reply •  

Keith Muller 4 years ago

Uhm...nah its stupidity and arrogance.. all the same.. think your'll own the country. All your'll do is make it worse!! Maybe one of your'll need to stand up to your own kind! Speaking about racism!! Your'll are the most racist!! Wake UP!! Stop being daft

Reply •  

Silephile Bofa 4 years ago

lol @ **blocksgraffi**, I am black and I am not stupid, stop generalizing and putting race issue where it does not belong, this man might have done something, you can't just drag a person for no reason.

Reply •  

Mirloch Lock 4 years ago

Calm down, guys! Just share a few beers and discuss how to get rid of Zuma instead.

Reply •  

Brooks Coons 4 years ago

We gotta admit that most of us blacks are stupid which is a fact. We fight, but you'll never see a white police doin that to a white person, it always us. Dn't take this personal it just a comment.

Reply •  

In the above extract⁵, Brooks Coons constructs police use of force as being racially motivated. This is evident in Brooks Coons comment “*You’ll never see a white police doin that to a white person*” which classifies the incident in the video as being racially motivated, such as in the

⁵ Commentary in this extract is arranged chronologically from bottom to top

extract above. Through their positioning, Brooks constructs police use of force as only being used against black people. Which is explained by their statement that a white person will never be seen behaving in that manner towards another white person. This is constructed in Brooks comment “*always us*” which explicitly situates black police officers using force against black people as s/he has positioned himself/herself as being black by stating “*most of us blacks*”. In addition, Mirloch Lock disregards police brutality in its entirety by stating that the members on the site should “*Calm down, guys! Just share a few beers and discuss how to get rid of Zuma instead*”, thus constructing police use of force as not being ‘a problem’ and should not be the topic of discussion in the interaction.

Silephile Bofa responds to Brooks Coons by identifying herself/himself as being black and not stupid. S/he denies the racial discourse constructed by Brooks by stating “*Stop putting race where it does not belong*”. Therefore constructing police use of force as not racially motivated but as a result of the person disobeying the law. As such Silephile is evoking the legal discourse by condoning police use of force being used as a result of the person breaking the law. This is evident in his/her statement “*you can’t just drag a person for no reason*” thus implying that the suspect’s behaviour is the reason behind the police’s actions. This relates to the discourse of ‘They had it coming to them’ in extract 2 as s/he is constructing police use of force as not being police brutality because the police were using force as a resultant of the suspect performing a wrong action to warrant the treatment they received by the police.

Keith Muller agrees with Brooks that intra-racial violence is “*stupidity and arrogance*”. As the two commentators have identified themselves as being black. It can be inferred that Keith is referring to all black individuals as being “*the same*”. Keith Reinforces the racial discourse by stating “*think your’ll own the country. All your’ll do is make it worse*”. The “*your’ll*” could also imply that Keith is addressing all black individuals in their post and not just the people who have identified themselves as being black. Although not mentioning his race, it is clear

that he distinguishes himself from black people by stating “*your own kind*”. S/he further “produces a generalised claim about racism” (Cresswell, Whitehead & Durrheim, p. 2515) by stating black individuals as being “*the most racist*” and that black people should not be stupid and realise this “*wake up*”. Thus, Keith categorising himself explicitly as “*white*.”

Dorothy 53777 locates the human rights discourse, similarly to extract 1 in their disagreement with Silephile Bofa by stating that it is not justifiable to “*just drag any person for any reason whatsoever!*.” Dorothy 53777 also constructs the legal discourse through their position that the laws in place should be adhered to when individuals break the law.

4.8. Vigilante Discourse

In this extract, vigilante discourse was constructed by the Participants’ taking the matter in their own hands by the community or township members using excessive force towards the suspect. Therefore Participants’ do not construct police use of force as brutal, as it is the community that uses excessive force than the police when dealing with suspects.

Extract 8:

Commentary retrieved from Video 3. Description of footage by person who posted the video:

“Video on South African police brutality in Vaalwater a town in South Africa in 2011. Now just imagine what would have happened, if that was a Withe “[sic]” policeman, beating up the black guy. No but it is a black policeman, so the cop gets a promotion, too.”

To provide the above commentary with context, it is noteworthy to state that the subtitles on the YouTube video state that there is laughing occurring in the video.

The EvilOne Columbian Revolt

3 years ago

Why laugh at a brother who is getting beat up by a police man?
please have some respect

Reply • 4  

[Hide replies](#) ^

Belief in God

3 years ago

Nice pic.

Reply •  

Samuel Dillian

2 years ago

dude first of all if you get caught here in south africa by the towns people doing a crime you'd better pray for the cops too come because the township community won't hesitate to kill you...

Reply • 1  

Bulo Pekane

2 years ago

+daniel williams Thank You Daniel. People who don't live in South Africa or in the townships have no idea how shit works around here. I don't condone what the cop was doing at all. had there been no Police around, depending on what he did, he could have gone through a 5hour street beating that would've left every bone in his body broken and to finish the whole thing off a burning tire around his neck. That's reality of how we feel about crime around here

Reply •  

The EvilOne Columbian Revolt usage of the term “*beat up*” implies excessive use of force, thus implicitly referring to the police actions towards the suspect as excessive. Therefore, The EvilOne Columbian Revolt constructs police brutality as an excessive use of force towards the suspect. The question also indicates remorse towards the suspect, thus s/he is implying that police use of force should not be used when dealing with suspects. Samuel Dillian constructs the vigilante discourse in their response to The EvilOne Columbian by stating that it is better for the police to deal with suspects because township community members will kill the suspect themselves “*the township community won’t hesitate to kill you.*”

Bulo Pekane aligns with Samuel Dillian’s discourse of vigilante by responding “*Thank you Samuel*” and identifying themselves as residing in the township thus being knowledgeable regarding the police behaviour towards the criminals in the township by stating that it is “*how shit works around here*”. Participants’ are constructing police use of force as not being police brutality as they state that the community is more brutal when dealing with suspects. Bulo does not support the police behaviour, he/she points out how the suspect could have experienced an

extensive beating from the township community which would have resulted in grievous bodily harm grievous depending on what the criminal had done.

In the above extract the vigilante discourse was constructed as the community or township using excessive force towards the suspect, therefore not constructing police use of force as brutal, because the community uses more force than the police. This is evident in Bulo Pekane's construction of the vigilante discourse by stating that the community would have taken the suspect through a "*had there been no police around...5hour street beating that would've left every bone in hose body broken...burning fire around his neck*". Thus, Bulo and Samuel align with the vigilante discourse as their commentary indicated that if the police did not deal with suspects, the community would take the matter into their own hands and that would result in deadly force. Therefore, although the users are not justifying police use of force, they state that the community applies extensive force when dealing with suspects.

Bulo also places emphasis on their assumption that all South Africans or people residing in the township "*how WE*" hold the same viewpoint about how police handle crime. Thus they are not the only ones who think crime is handled in that manner which mobilises similar accounts to (Baloyi, 2015) who indicated that a vast amount of lives in South Africa have been lost as a result of mob justice. According to Baloyi (2015) predominantly no trust in police officials is resulting in community members taking accountability for criminals in their communities.

This notion is further supported by findings in which the Participants' stated that a factor contributing to mob justice was the police's ineffective handling of criminal activities (Madienyane, 2013). Therefore, the Participants' orient similar constructions to that of the researcher findings on vigilante in that police use of force is constructed as being less severe than the community's excessive use of force towards suspects. Which positions police use of

force as not being brutal, but rather the community using lethal force when dealing with suspects.

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

5.1. CONCLUSIONS

The analysis of the study focused on how the public makes sense of police brutality on YouTube by examining the accounts that appear in the “comments” sections of the videos in order to examine the ways in which members of the public constitute or construct the acts of police brutality shown in the videos. The conclusions are based strictly on what is evident in the discourses and constructions of police brutality that were observable in the Participants’ commentary. The analysis aim was not to analyse the degree of which the Participants’ constructions of police brutality reflect ‘accurate’ understandings of the law and other institutional debates.

The discourses discussed are the legal Discourse versus. Human Rights Discourse; ‘They had it coming to them’ in Legal Discourse; ‘They had it coming to them’ in Foreigner Discourse; Discourse of Foreigner Crime; Historical Continuity Discourse; Race and Racism Discourse and Vigilante Discourse. The Participants’ constructed the legal discourse through contesting views regarding protest and legitimacy of police use of force, the context in which the use of police force is justifiable and what actions constitute as police brutality. There were specific conditions under which protest of a suspect warranted an attack on human life, these factors were inclusive of non-compliance to police officers such as resistance to arrest and when the suspect poses as a deadly threat to police officials or innocent bystanders. The Participants’ in this study used similar accounts to the results of a study conducted by Lersch and Feagin (1996) which indicated that the demonstration of non-compliance during police-citizen encounters resulted in violent interactions with police officers than if the suspect had posed as a threat to policed officers or innocent pedestrians. However, in this analysis non-compliance and deadly threat to police officers and the public were regarded as being a justification for police use of

force. Non-compliance was a prominent contestation in the different illustrations, while there was an agreement that non-compliance was a justification for police use of excessive force.

The findings of this study shows that even though constitutional and legal frameworks provide legal definitions of police brutality, members of everyday society have their own interpretations of what constitutes as police brutality. Some of the Participants' views could be understood as conflicting with these legal frameworks, as factors such as engaging in criminal activities and the race and nationality of suspects does not justify the police use of police force according to the law. However, it is important to recognise that the Participants' in this study apparently regarded such factors as a basis for the acceptance of police brutality. This is of concern as not only do these legal frameworks have unmeasurable definitions of police brutality, but the public themselves have their own constructions of what constitutes as police brutality, making it difficult to discern whether police use of force should be considered brutal in any specific circumstance.

The human rights discourse was constructed in Participants' disagreement with the legal discourse through constructing the incidents in the video as a violation of human rights. The human rights discourse was further constructed by Participants' stating that self-defence does not warrant the use of police force against the suspects. There was a contestation of what constitutes as resistance as while it was regarded as violating the police officers thus transgressing the boundaries of the law other users viewed it as "self-defence" and as a mean to preserve one's life thus constructing police actions as excessive. There was also a contestation regarding police brutality when police violated the rights of the suspect. The violation of rights included bodily integrity which consisted of nakedness, cavity searches. Police actions were also constructed as being brutal in contexts whereby the bodily integrity of the suspect was compromised.

‘They had it coming to them’ interwoven with the legal discourse was constructed by members of the general public who constructed police use of force as not brutal when suspects were non-compliant which consisted of engagement in illegal substances such as drugs and being drunk as a justification for police officials violating the suspect’s rights. Some Participants’ constructed the force as not being brutal as the actions of the suspects were what caused the police to behave in the violent manner. This is specific to suspects engaging in illegal substances warranting the use of police use of force thus not seen as police brutality. Participants’ used legal discourses in their contestations with each other. This indicates how the same discourse can be constructed differently by the various individuals in their interactions with one another to construct opposing views on police use of force. While some Participants’ constructed the use as warranted by the suspects’ engagement in illegal activity, others constructed the legal discourse by stating that police are not above the law, thus should not use excessive force during arrest of suspects.

In some cases the Participants’ blamed foreign individuals for the criminal activities in South Africa. Therefore they did not construct police use of force against foreign individuals as being brutal, but instead as a disciplinary action to punish them for alleged criminal involvement. These anti-foreigner sentiments are constructed in ‘They had it coming to them’ in foreigner discourse by constructing police use of force as being attributed to the nationality of the suspect. The Participants’ constructed foreigners as being responsible for criminal activity in South Africa. Therefore, the contestations in the interactions that the Participants’ had with one another constructed police use of force as not being brutal but rather as foreigners being subjected to violence by the police as a result of engaging in criminal activity. Therefore, constructing police use of force as being acceptable when used against foreigners who were seen as having been engaged in criminal activity.

In some cases, discourses of police brutality were not only based on the basis of being a foreigner but more specifically being Nigerian. In this study, members of the public constructed the discourse of “Foreigner” crime by Participants’ contestations regarding police use of force being committed on the basis of the suspect being Nigerian. Nigerians were constructed as the foreign nationals that are responsible for the criminal activity in South Africa. Therefore, the Participants’ in the study constructed police use of force as not being brutal when committed against Nigerians.

The Participants’ constructed the historical continuity discourse by constructing police use of force by attributing police brutality as a continuation of policing during the Apartheid era. Therefore, there were contestations regarding police brutality being an everyday reality for black South Africans and not for white individuals. The Participants’ constructed police brutality as being a legacy of the Apartheid Era by violent policing practices still being reflective in today’s society during the arrest of a black suspect.

Police use of force was also constructed as being racially motivated in the Participants’ interpretations of the incident in the video. The discourse of race and racism was constructed in the contestations regarding black individuals being the targets of police brutality based on their race. Both the race of the suspect and the police officer’s race was constructed as being a factor in the use of force against black individuals. Therefore, the use of force was constructed as police brutality when the police officer was seen as using force against black people as a result of their race. There was also a contestation regarding white officers using force against black people being constructed as racism.

Police use of force was constructed as not being brutal as the community and/or townships were constructed as using excessive force against the suspect to deal with violence. Therefore,

the vigilante discourse was constructed by the Participants' stating that they take matters into their hands which is more brutal than the violence that the police use when arresting suspects.

5.2. LIMITATIONS TO THE RESEARCH

The search words could have been biased for the results. However, my analysis examined subjective constructions of police brutality thus accommodating the bias. For example, if I had selected police use of force in South Africa, very different videos (and comments) would have been generated by the YouTube search algorithm. However, this did not imply a fundamental threat to my analysis because my framework accommodates ‘contestable’ rather than ‘objective’ orientations to the use of force.

Commentary posted by Participants’ on YouTube can be edited or deleted by individuals that posted the comments. The commentary analysed was that which was present at the time that the data was collected, therefore, the commentary could change when viewed at a different time. In addition, the videos can be deleted which can result in the commentary not being available for retrieval.

The content of the top five YouTube videos selected in the study could be a restriction in that the commentary analysed was of physical interaction between the police officers and the suspect thus not providing constructions of how police brutality is constructed in other police-citizen encounters. Furthermore, the method of sampling, purposive sampling is limited in that the sample can’t be generalised. With YouTube receiving billions of posts every day, the data collection was limited as it was specifically narrowed to police brutality in South Africa. Although this method of collection was beneficial in answering how members of the general public construct online videos of police brutality. It is not transferrable to analysis external of commentary of online videos of police brutality.

In addition, although there are personal experiences or pre-existing views of police brutality before viewing the online video that could determine the way that the Participants’ construct the online videos of police brutality, this study is positioned to examine the interactional

exchanges in the threads and rely solely on information stated by the Participants'. Therefore, the commentary that was by the Participants' is what was used to analyse constructions of police brutality.

5.3. RECOMMENDATIONS

This research study looked at physical attacks of police brutality. Further research could potentially examine non-physical attacks such as interrogations or verbal attacks during police-citizen interactions. Furthermore, this study can generate important debates on police use of force and what constitutes as police brutality. This study has shown that police use force is constructed to be police brutality when the suspect is disobeying the law by resisting arrest and/or engaging in illegal activity. There were also contestations regarding police use of force being attributed to continuity of Apartheid, as being racially motivated and the nationality of the suspect. Therefore, further debates on the general public's constructions on the use of force are encouraged regarding what circumstances police brutality is warranted or not.

The use of social media as a source of data collection to analyse police brutality is recommended. Shifts in discourses provide the opportunity to understand the different contestations of police brutality. Moreover, it is important to focus on what members of the general public construct or constitute as police brutality. Therefore, researchers or academics should conduct further studies on accounts of individuals regarding the use of police force against suspects.

Police officers should be accountable for their use of force against suspects. It is important to be sensitive to the Participants' constructions or accounts of police brutality. Thus, understanding what everyday members of the public constitute as police brutality can aid in police accountability. The findings from this study have offered insights regarding how the general public makes sense of and constructs police brutality. As a result, the findings will influence the development of policies regarding the use of force during the arrest of a suspect by ensuring that law and policy makers understand what the everyday public constitute as

excessive police use force in order to ensure that police are held accountable for using 'unnecessary' excessive force during the arrest of suspects.

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Appendix: Complete set of data extracts

Extract 1:

DEALBREATH333 1 year ago

It's not brutality, you attack and resist police. you deserve to be shot

Reply • 33  

Hide replies ^

Lawksquawts 1 year ago

+DEALBREATH333 Oh really ? do you even know what he was protesting for fuck tard.

Reply • 1  

DEALBREATH333 1 year ago

+Lawksquawts if you defy police, you deserve to be arrested, you attack police, you deserve to be shot. doesn't matter what they protested.

Reply • 4  

DayBragBingo 1 year ago

+DEALBREATH333 you make me sick no one is allowed to take a life unless you yourself take a life but for protesting and defending himself from the police who grabbed and attacked the poor man when he did not even harm anyone before he was being detained then they are not allowed to be shot because he only pushed one cop when the rest started attacking him so he fought back they have no right to take his life i bet if you were in this situation you would fight back

Reply •  

Klanir Ullikh Viyanov 1 year ago

+DEALBREATH333 In your logic the Revolutionary war was a criminal movement.

Reply •  

BrandondorpburgPhicial 1 year ago

No matter who it is, or what they did, a life is still important. Maybe they needed to be shot for others safety if he would have fatally wounded an officer or several pedestrians, but we was defending his rights and never once hurt someone enough to deserve a bullet. Resisting arrest can be solved with a few years in jail, but you only get one life, and that life matters to many people. That is murder

Reply •  

BrandondorpburgPhicial 1 year ago

+Dishflaming he*

Reply •  

Plysuearr 1 year ago (edited)

+DEALBREATH333

Reply •  

Derse Derse 1 year ago (edited)

+DEALBREATH333 Why? Because life doesn't matter? What if you were bad state of mind and to resist police or who ever comes near you, would you deserve to be shot? If 6 man cannot restrain 1 man why did they even became police officers? Your logic is sick. Human life should worth something. It is easy to end it but you are doing something right when you try to preserve it. Even if it threatens you.

Reply • 2  

Extract 2:

Bella Pakena 1 year ago
This is insane. When will police learn that they are not above the law? Shocking!
Reply · 9
[Hide replies](#) ^

Mr Trutter 1 year ago
+ **Bella Pakena** In all honestly Ancillar mangena I firmly believe we are not hearing the other side of this story. I'm sure these two guys were trying to buy cocaine and the cops just did their work. Also we aren't seeing the moments before he was put on the ground. I'm sure they were not cooperating.
Reply ·

Voopsta 1 year ago (edited)
+ **Mr Trutter** Does it come that much as a surprise to you that these two men were victims of a hate crime by the real people who should serve and protect? You are so fcking ignorant. A long time ago I was driving in Parklands and just before a police van (driving into the oposite direction) passed me I switched on my headlights as it was starting to become darker. The police made a u-turn and pulled me over. They were two black males and it was just me and a lady friend of mine. Then one stood by her side of the car and the other on my side and the one was continuously harassing and insulting me trying to provoke a response from me that would allow him to take the matter further. I felt that I could only try and protect my lady friend by calmly apologizing profusely for being in the wrong (which I indeed was not) and after about 10 minutes he looked at me and said we must go and get out of there. The street was also a busy street which is why I felt we got away unscathed. To you Mr Kruger....I openly say fcuk you and any of these new age SA racist police force. I'm not in SA anymore and feel much safer every single day. It's not a choice but a privilege to leave SA behind. How can people be protected when they are victimized by those same people who are there to serve and protect? In other news I am glad the nine officers who was found guilty of the murder of the Mozambican man is going to pay for their crime.
[Show less](#)
Reply ·

Voopsta 1 year ago
+ **Mr Trutter** Another thing...if a police man tells you to strip naked in the middle of daylight in a busy street in the middle of town (let's say Cape Town why don't we) and you say no....are you then not cooperating with them and does it give them the right to hit and kick you??? Hmmmmm why does that event sound so surprisingly familiar to me....
Reply · 3

Mr Trutter 1 year ago
+ **Voopsta** Listen here buddy. Where in this video did anyone strip naked hmmm? Your sad little story of how you switched your lights on is also bullshit. You know you gave them some high beam action! The evidence in this video is enough to call bullshit. The guy on the ground is so drunk its not even funny. And telling me to fuck off. To you I say no thank you!
Reply ·

Rian van Vree 1 year ago
+ **Mr Trutter** ..the fuck matter with you?! clearly you've got some shit in ur eyes...noted. cant see too clearly. They're violating his privates and if that would've happened to my friend... ek sal dai ding se kop ingeskop het!!
Reply ·

Alexander C 1 year ago
+ **Bella Pakena** Police ARE above the law!
Reply ·

Rufus Balister 1 year ago
+ **Rian van Vree** Agreed.I dare them to try that with me.Big surprise for you.
Reply ·

Mr Trutter 1 year ago
+ **Rian van Vree** You absolutely have no and I mean no knowledge of police protocol. So rather keep quiet. These guys were at that location to buy drugs.
Reply ·

Extract 3:

Kert Oosthuizen 1 year ago
They kidnap kids, sell drugs, internet fraudsters. They get what they deserve. Dont comment from your cozy first world countries. Come and live here, you will feel the same.
Reply · 2
[Hide replies](#) ^

Sammy 1 year ago (edited)
+ **Kert Oosthuizen** hi. so i just stumbled on these videos. how long has this problem been simmering in South Africa? Because i'd guess it's been a problem for a while before it gets to these extremes.? Also how ironic that now black and white police officers unite to beat up a naked black man, in South Africa of all places
Reply ·

BILLY Paba 1 year ago
+ **Sammy** They're the major drug lords here, they get the south african women into prostitution and are generally the scum of the country. I could only imagine what he must've done to get that reaction out of the police. Probably a drug lord or pimp or robber they've been chasing for a while now.
Reply · 1

Matt Bandell 1 year ago
Sitting here in my first world country wishing we had more cops like this, and less tolerance for crime and criminals. Every time something like this happens here , along come the liberal apologist and race baiters. They never care what the person did, only that the police are mean. You must fight these invaders before there is nothing left to fight for.
Reply · 1

Extract 4:

Dydrick Beroh Buthi 1 year ago

I REALLY DON'T LIKE NIGERIAN THEY GOT ALL KIND OF CORRUPTION. THEY ARE NOT HEAR FOR GOOD THING. DRUG FRAUD TRFCING . ALL ARE NOT WORKING BUT THEY AFFORD WHAT WE CANT

Reply •  

[Hide replies](#) ^

Troo MMP 1 year ago

Shutup you idiot. You sound like an ignorant and uneducated moron.

Reply • 1  

Dydrick Beroh Buthi 1 year ago

+ **Troo MMP,**

hey **Troo** it's like drug trafficking does not affect you and you community. yes im not educated, i will shutup once government stand up for South Africa. last month i was under arrest by the criminal who broke in my house and still evry thing that i work harder to buy. as you know that uneducated people works hard get some of the things, so i f*ck him up,

Reply •  

Troo MMP 1 year ago

Dydrick Beroh Buthi don't South Africans kill foreigners? You idiots killed other black Africans for no reason. I love South Africa it is a beautiful country but you sound like an idiot. There is good and bad everywhere remember that.

Reply • 1  

Dydrick Beroh Buthi 1 year ago

im not racist.

Reply •  

Dydrick Beroh Buthi 1 year ago

white blacks to me we are the some. i spend lot of time with Defr people . zimbawen, malaweans, mozambi., they are cool no drugs trafficking.

Reply •  

Isan Tris 8 months ago

They also rape little girls like the Asian South Africans. The Nigerian was later released after an Asian cop sucked his dick.

Reply •  

Extract 5:

Thuto Lenka 1 year ago

nothing new to me but maybe new to whites

Reply • 23  

[Hide replies](#) ^

Bernard Barnes 1 year ago

+ **Thuto Lenka** lol I agree, they were well protected under their apartheid blanket and since the fall of their blanket they suddenly feel the cold hard reality of real life, AND TO THE WHITES READING THIS I AM AS WHITE AS YOU CAN GET...just glad to me blacks are people to and therefore not my underlings or lesser counterpart, because you do get stupid blacks and I think blacks will agree but just as much you really get stupid whites ...we are all equal now, thanks Mr Mandela, just note how he softened the point that his friend was a bit slow to get out of the car ...he asked for that treatment , the world needs to understand that it isn't South Africa's fault if we ended up with majority of STUPID IGNORANT SO-CALLED WHITES just as it was not the Jews fault that Germany voted in Hitler but we are forced to live with them and they tend to make life difficult for us who want to move on, and I can safely say that my brother from another mother Mfundo will agree ...

[Show less](#)

Reply • 3  

StPeter. BookSeven 1 year ago

+ **Bernard Barnes** Are you a Jew?

Reply • 2  

Bernard Barnes 1 year ago

nope

Reply •  

Extract 6:

Beto Parape 3 years ago

This is clearly racism...I want to know who that police guy is...And I want to know if he still works for the police!

Reply • 2  

[Hide replies](#) ^

Minak van Stag 3 years ago

Don't be an idiot, it has nothing to do with race! But oh sorry I forgot because of apartheid all white people are now racists

Reply •  

Mates of Harmani 3 years ago

+**Minak van Stag** Exactly, you racist idiot.

Reply •  

Beto Parape 3 years ago

Hi **Minak**,

I think you're being rude...And if you only knew that I'm one of those black people who hate racism against whites...And I don't support this idiotic idea that all whites are supposedly racist...I have great white friends...I don't have issues with whites or any race for that matter...And I often condemn blacks being racist against whites...

However I take your point and will not call you an idiot yourself because I think it's provocative and immature to do that.

If you disagree with something I say, don't be emotional...simply present your point as mature person...

On my comment, be real with me...Do you ever see the same guy doing the same thing to a white person who refuses arrest...

Tell me in your hearts of hearts...would you say, if it were a white person resisting arrest, he would do that...And please be honest with me.

Where have you seen anything like this... A white person doing this to a white person...I acknowledge that there are many examples of black on black police brutality...And that too is still not okay...especially if he's a foreigner...that is tribalism and it's as evil as racism.

I hope this makes to you and f **Mates of Harmani**

[Show less](#)

Reply •  

Extract 7:

Dorothy 53777 4 years ago

+**Silephule Bofa**, you can't just drag any person for any reason whatsoever! There are meant to be civilized procedures to follow when people break the law. What do you think?

Reply •  

Keith Muller 4 years ago

Uhm...nah its stupidity and arrogance... all the same.. think your'll own the country. All your'll do is make it worse!! Maybe one of your'll need to stand up to your own kind! Speaking about racism!! Your'll are the most racist!! Wake UP!! Stop being daft

Reply •  

Silephile Bofa 4 years ago

lol@**blocksgraffi**, I am black and I am not stupid, stop generalizing and putting race issue where it does not belong, this man might have done something, you can't just drag a person for no reason.

Reply •  

Mirloch Lock 4 years ago

Calm down, guys! Just share a few beers and discuss how to get rid of Zuma instead.

Reply •  

Brooks Coons 4 years ago

We gotta admit that most of us blacks are stupid which is a fact. We fight, but you'll never see a white police do that to a white person, it always us. Don't take this personal it just a comment.

Reply •  

Extract 8:

The EvilOne Columbian Revolt

3 years ago

Why laugh at a brother who is getting beat up by a police man?
please have some respect

Reply • 4  

[Hide replies](#) ^

Belief in God

3 years ago

Nice pic.

Reply •  

Samuel Dillian

2 years ago

dude first of all if you get caught here in south africa by the towns people doing a crime you'd better pray for the cops too come because the township comunittee wont hesitate to kill you...

Reply • 1  

Bulo Pekane

2 years ago

+daniel williams Thank You Daniel. People who don't live in South Africa or in the townships have no idea how shit works around here. I don't condone what the cop was doing at all. had there been no Police around, depending on what he did, he could have gone through a 5hour street beating that would've left every bone in hose body broken and to finish the whole thing off a burning tire around his neck. That's reality of how We feel about crime around here

Reply •  