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Victims or Villains? Deconstructing the Policing of Migrant Children in South African Border Towns

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DECLARATION

I declare that this thesis is my own unaided work. It is submitted for the degree of Masters in Forced Migration Studies, University of the Witwatersrand, Johannesburg. It has not been submitted for any other degree or examination in any other university.



Katharina Obser

June 2010

ABSTRACT

Research surrounding issues of police treatment of migrant children at South Africa's border areas remains incomplete and often policy-driven. Similarly, theoretical literature on policing often fails to consider the sociological and anthropological complexities that impact upon police officers' conceptions of criminality, vulnerability, and ultimately, their behaviour. This paper seeks to study the policing of migrant children in a predominantly sociological framework by examining the influences on South African Police Service (SAPS) officers' behaviour and constructions of criminality and vulnerability in migrant children. The research is grounded within an extensive review of the theoretical and contemporary literature pertaining to policing, policing of vulnerable groups, and the South African policing context, and included approximately three months of ethnographic fieldwork of interviews and participant observation in Nkomazi Municipality at South Africa's border with Mozambique. Conclusions identified that personal history and experiences, an officer's perceptions of his or her work within a localized and even nationalized environment of some accountability and culture, as well as external factors ought to be heavily considered and are fluid influences on a police officer's behaviour toward migrant children. These factors, which can result in seemingly arbitrary policing within a nonetheless structured localized and individualized culture, suggest a unique framework within which to consider policing from a sociological perspective even beyond their specific impact on migrant children or the border area.

I. INTRODUCTION

…Simplistic 'good cop'/'bad cop' answers to questions of why and whether police officers engage in morally and ethically dubious behaviour continue to suggest that we ignore the unavoidable informality and ethical ambiguity of real police work. (Vigneswaran and Hornberger, 2009: 1)

1.1 Overview

Policing in any society often seems an elusive and enigmatic occupation. The structure of law enforcement rests on so many overarching factors: the type of government controlling the country, bureaucratic structure, the design of the laws that an officer is to enforce, and many others. No matter the environment, a certain amount of conflict exists between the laws to be enforced and the methods executed to enforce them. Existing theories surrounding policing often attempt broad and sweeping explanations of what generates police behaviour without taking into consideration the large gap between laws created at a national level and their daily practical application in dozens of different local environments by thousands of individuals. Although research taking into consideration this gap exists on policing in South Africa (see, for example, Polzer 2007, Hornberger 2007, Marks 2005 or Vigneswaran and Hornberger 2009), the complex relationship between national police culture, rules governing law enforcement, local administration, and an individual police officer's role remains less studied on local levels.

At the same time, research surrounding issues in child migration remains incomplete and often policy driven, emphasizing those child migrants considered to be the most vulnerable (e.g. Hillier 2007; O'Connell Davidson and Farrow 2007). Police treatment of migrant children in South Africa varies hugely, despite international and domestic legal frameworks designed to protect the rights of certain types of migrants and of children, and child migrants. This includes especially those who do not fall into categories of vulnerable migrants (e.g. asylum-seekers), individuals who are

often perceived and treated as criminals rather than as children to be protected (O'Connell Davidson and Farrow 2007).

This criminalisation of child migrants, manifested in their detention and deportation and, to some extent, in their marginalisation through lack of access to social services, is often attributed by service providers to a lack of training and understanding of South African law (Hillier 2007, Palmary 2007 and 2009). Critics frequently cite additional instruction for police officers and civil workers as a remedy for the treatment of child migrants. This study sought to delve further into the nature of policing child migrants, asking what sociological factors lie underneath a police officer's legal perception and treatment of a child migrant. Specifically, are child migrants often perceived by police first as migrants and only second, or perhaps never, as children protected by international and domestic statutes? Though this question can be posed universally, border areas such as the South African border with Mozambique in the Nkomazi Municipality present a particularly interesting case study. The Mozambican border area has a presence of a large and transitory migrant population, including children, and the presence of law enforcement and service providers that regularly interacts with migrants. Those migrants who remain in the area are often farm workers or informal vendors in local markets; children are both accompanied and unaccompanied, some having chosen to migrate alone voluntarily with others having been subject to labour exploitation. The location thus presents an interesting and often understudied migrant population when compared to, for example, the South African border area with Zimbabwe at Musina,

This report set out to examine police treatment of migrant children from primarily a sociological perspective. By examining conceptions of the culture of policing as well as conceptions of vulnerability and criminality associated with the protection of children and certain migrants, this study sought to make sense of how law enforcement officers construct and act upon their own conceptions of child migrant vulnerability. Existing research in South Africa reveals that while police

sometimes treat children as criminals, detaining and deporting them, in other cases police and social service providers assist children who are victims of harm or demonstrate need (Palmary 2007). I wanted to explore the notion that a police officer's interactions with child migrants depend less on the law and legal training than on individual experiences with and conceptions of child migrants framed within a localized culture of policing.

As will be explained below, I approached this research from two perspectives: the views of migrant children in the area as presented in group interviews, and through observation of and interviews with members of the South African Police Service (SAPS) in the Nkomazi Municipality. My guided questions in the many open-ended interviews with migrant children and police officers on this topic allowed for different perspectives and insight to my topic. In contrast, participant observation with police was a different kind of window into policing; with little control over where I went and the activities of the police officers I accompanied, my focus could be taken away from migrant children and instead emphasize policing behaviour more generally. I spent a significant amount of time observing the SAPS in the Nkomazi Municipality, and much of what I saw involved no interaction with migrant children. However, my observation, and my interviews, allowed me an insight to the daily life of a police officer, whether on patrol or at a station, male or female, Afrikaans or black African. My observations allowed me to see beyond the gap between the local and the national directly into the world of individual police officers, functioning within an established local environment that nonetheless presented daily variations and challenges.

My conclusions will address how I felt these behaviours affected the treatment of migrant children, derived directly from migrant children's and police officers' accounts. However, because my research often gave me insight to police behaviour more broadly, I eventually had observations I could not ignore even if they did not relate entirely or directly to children, shaping my research to focus not only on children but on other individuals with whom officers interact. When I began the

research, I expected to see police officers stop regularly to interact with migrant children, regardless of whether the officer saw them as an "illegal" migrant or a child in need. As my time with the police continued, I realized that to some extent, conceptions of criminality and vulnerability came second to or comprised a part of forces influencing police behaviour that were both more concrete and more abstract. I found that examining vulnerability and criminality was ultimately too limited a framework within which to examine police actions, whose behaviour was fluid and could depend on a number of other factors outside of conceptualisations of abstract concepts. Therefore, though my original research question focused exclusively on questions on constructions of child migrant criminality and vulnerability, my data analysis and conclusions were designed to reflect what the nature of my research allowed me to see: the broader scope of what impacts policing of migrant children in a South African border area.

1.2 Research Question

How do police officers construct conceptions of criminality and vulnerability, and how do these often competing conceptions impact upon police officers' treatment of child migrants?

1.3 Research Objectives

This study aimed to deconstruct notions of child criminality and vulnerability in the context of migration, from the perspective of law enforcement officers or state officials as seen in the South African border with Mozambique. It sought specifically to examine the sociological factors underlying police interaction with child migrants. It did this through research on conceptions of policing, policing vulnerability, migrant and street children, and examining the South African context, and through fieldwork with police officers and migrant children. Additional objectives are to:

- Address the existing connections and lack thereof between legal frameworks, their foundation, the state's implementation of the law, and their execution by local state and law officials.
- Determine how institutional and individual components of police culture interact and impact conceptions of and interaction with migrant children. This includes contextualizing police officers within the area and country within which they execute their work.
- Examine both the direct and indirect impact of the treatment by state officials and police officers on migrant child vulnerability and behaviour. How does police behaviour appear to impact the behaviour of migrant children, and if it does, how does this behaviour affect police conceptions of those children?

1.4 Rationale

This study's purpose aligned directly with previous and current work of the Forced Migration Studies Programme (FMSP) on the monitoring of migrant rights, especially similar work that was carried out in other border areas in 2009 in conjunction with Save the Children UK and UNICEF on the situation of unaccompanied minors in South Africa. Previous FMSP data (Palmary 2007) on the access of child migrants to rights in Musina and Komatipoort and insufficient policies on child rights in South Africa suggested that more research is needed on what creates the gaps between the law, policies, and the local execution of those policies. In addition to theoretical contributions, this study's data and findings served as part of broader FMSP work, making it particularly timely.

Furthermore, this study stemmed from gaps in the literature that fail to bridge the connection between international law, the practice surrounding those laws on a local level, and

whether and how these practices relate to the law or any of a number of different motivations for the behaviour of those policing child migrants. In their report, O'Connell Davidson and Farrow (2007) directly call for more research examining the "social processes" by which some child migrants are victims of trafficking or asylum seekers entitled to protection whereas other children who have been subject to rights violations and abuse are labelled "illegal" without the same assistance. Similarly, there has been a call for more ethnographic literature on policing in South Africa (Marks 2005). Various literature exists on the construction of the "illegality" of migrants (e.g. De Genova 2002, Webber 2004), the legal framework surrounding child migration (e.g. Bhabha 2008) the general vulnerability of children and child migrants, including in South Africa, (e.g. Clacherty 2003, 2006; Hillier 2007, Palmary 2007), the complexities of policing (e.g. Skolnick 1975, Lipsky 1992, Chan 1996, Reiner 1997 and others), and specifically in South Africa (e.g. Shaw 2002, Baker 2008, Baker 2002, Steinberg 2009, Altbeker 2005), policing vulnerability in South Africa (e.g. HRW 2007, IOM 2008, etc.), and youth in South Africa (e.g. Le Roux and Smith 1998a and 1998b, Bray 2003, and Samara 2005). Through an in-depth case study, this report sought to approach these issues from a fresh approach, looking less at the gaps in the law surrounding migrant children, but the sociology behind on-the-ground policing of migrant children and policing more broadly. In doing so, it will hopefully provide a new and much-needed perspective not only behind the reasons for treatment migrant children experience once in South Africa but for generate a fresh framework within which to consider conceptions of law enforcement behaviour.

1.5 Structure of the Research Report

This report is divided into five further sections. The first is a literature review covering topics of policing, policing of vulnerable groups in particular, issues surrounding migrants and migrant children in South Africa, an extensive section on policing in the South African socio-

historical context, and finally a section on youth and in particular street children in South Africa. Section Three will cover the methodology employed to gain the data for this report, covering both the work I completed with the SAPS as well as the interviews I conducted with migrant children. Section Four provides a glimpse of Nkomazi Municipality and the environment in which the research was carried out, fundamental to understanding the context of the SAPS on a more localized level. Section Five presents the most relevant data collected from my time with the police synthesized with my information gathered from migrant children. This section is divided into four subsections that each contribute to understandings of the construction of arbitrariness in everyday policing and conclude with the visible impact of this policing on children. These subsections relate to a police officer's personal history and experience, perceptions of work and surroundings, and external factors in the policing environment. Finally, Section Six will conclude by revisiting the conclusions on police treatment of migrant children and the literature within which this report finds itself and suggest broader frameworks and questions within which to study border policing in South Africa.

II. LITERATURE REVIEW

2.1 Introduction

In her 1978 book on approaching the law from an anthropological perspective, Sally Falk Moore discusses the dichotomies between law, its use as social regulation, and its divergence from the execution of social regulation. She notes that, "social reality is a peculiar mix of action congruent with rules […] and other action that is choice-making, discretionary, manipulative, sometimes inconsistent, and sometimes conflictual" (3). As a result, she argues that:

> if one is dealing with *partial* order and *partial* control of social life by rules, then any analysis which focuses entirely on the orderly and the rule-bound is limited indeed, and does not place the normative in the context of the whole complex of action, which certainly includes much more than conformity to or deviance from normative rules (3, emphasis in original).

It is precisely this dichotomy with which this research sought to engage, in the specific context of police interaction with migrant children. I will argue that it is insufficient to analyse and critique the interactions of police officers with migrant children solely from a legal perspective; literature reveals many complex elements that comprise the foundation of police behaviour, which have too often gone unconsidered when examining police interaction with migrant children.

Essentially no literature exists directly discussing the sociology behind the policing of child migrants. Rather, this study draws its foundation from several areas of research. It will begin with examining some of the existing literature on the culture of policing, beginning with overarching theoretical approaches and moving increasingly towards localized police culture and individual behaviour within broad concepts of policing. It will then move to research that more specifically relates to policing groups that can be considered vulnerable in their perceived lack of belonging and agency: migrants, children, and migrant children. Finally, I will draw on literature focusing

specifically on the South African context in both fields, examining the SAPS in context both historically, culturally, and its history of policing and policing children or migrants.

2.2 Concepts of Policing

Debates around policing center much of their focus on issues of law versus order as well as law enforcement as an institution with a collective culture versus an individual police officer and the discretion and categorization utilized in executing duties. Historically both are important, though often derive from research and observation carried out in the United States, Great Britain, and other Western countries. This section will look at these debates more broadly before establishing how especially a focus on the individual police officer will be used in analyzing the interactions of police with migrant children.

Skolnick's 1975 work on concepts of law enforcement begins with fundamental questions of the dilemmas on the role of the police. Determining whether an officer serves as an agent of social control or an instrument of the legal system are essential in establishing his or her position in democratic society and how he or she derives obligations to law and society. Key to this discussion is the often-found conflict between the meaning of order and its relation to the law. Though the basic principle of the law is the reduction of arbitrariness, law can often be implemented in the form of procedures designed to restrain social control. However, Skolnick then challenges the concept of "order," arguing that "conceptions of order seem to be variable and tend to respond to the requirements of different communities and institutions," and that "conceptions of order also seem to be associated with conceptions of appropriate modes of achieving it" (Skolnick 1975: 10). Reiner (1997) echoes this debate in his overview of the history of studying policing, emphasizing, however, that the notion of police as a "functional prerequisite" of social order results in too broad a concept of social control.

There is, thus, an inherent tension between law and the order based in some respects upon the law, a tension that police officers, as enforcers of order as based upon law, encounter on a regular basis. In dealing with everyday situations, the question of the relevance of the law becomes increasingly apparent, both in the context of individual agency as well as the system and culture of policing within which an officer operates. Though individual agency and the relevance of the law will be addressed below, I will first briefly examine the debates surrounding police culture.

Set against a backdrop of the law, the operationalization of law and order into policing within an organizational context has been frequently discussed (e.g. Lipsky 1982, Reiner 1997, Chan 1996). Skolnick (1975) early on in his book discusses police conduct as related to the institution rather than the individual, raising the importance of internal organizational standards instead of the importance of the law that police officers obey and enforce. Lipsky (1982) also discusses the relationship between police officers and other street-level bureaucrats as being relevant to examining the decisions officers reach.

Though discussion of organizational politics are not irrelevant, more interesting to this topic are the debates surrounding "police culture" related to both the structure within which a police officer functions and notions of his or her agency. The systemization of policing into a broad culture seems impossible to separate from a police officer's behaviour. Chan (1996: 110), in her work on police culture, discusses "a layer of informal occupational norms and values operating under the apparently rigid hierarchical structure of police organizations" (citing Cain 1973, Manning 1977, 1989, and Holdaway 1983). In summarizing various views on police culture, she notes that all of them are inadequate by referring to a universal instead of differentiated culture, omitting the role an officer plays in creating his environment, the lack of contextualizing culture to policing, and the inadequacy of a static definition of police culture. She argues that police culture ultimately results from "an interaction between the 'field' of policing and the various dimensions of police

organizational knowledge" (1996: 109). Reiner (1997) examines how police culture can entail different types of knowledge, from cultural variations within forces, to those between forces, to the structural explanations underlying it.

Within these debates of culture arises the question of a police officer's individual discretion in serving as an agent of social control, a question that in some ways cannot be separated from the environment in which an officer operates. Chan (1996), for example, argues that discussion of police culture must incorporate an "interpretive and active role of officers in structuring their understanding of the organization and its environment" (112) and suggests a better understanding is needed of why police officers behave the way they do. Lipsky (1982) places police officers in a framework of public servants or, as he categorizes them, street-level bureaucrats, and discusses the dilemma in providing what is an ideally individual service on a mass basis. He argues that "the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively *become* the public policies they carry out" (Lipsky 1982: xii, emphasis in original). In making his point, Lipsky establishes that as long as the work entails complicated tasks requiring human intervention, discretion is a crucial element of public service (16). Reiner (1997) mentions a similar idea, asserting that defining the function of policing as social control within a legal process is too broad, and that really policing is just "responding to demands" (1007). Though he goes on to discuss the importance of identifying the culture, values, and beliefs underlying a police officer's actions, he also emphasizes, as does Skolnick (1975), the importance of a *structural* analysis of police, focusing on the context. Skogan and Meares (2004), in their analysis of police and the law, identify the "exercise of power" that lies with a police officer as being difficult to observe and control, and also call for analyzing police from the inside to determine reform.

Within notions of discretion lie two additional layers of analysis: stereotyping and categorizations, and accountability. Farrell and Holmes (1991), in their study of stereotyping in the American legal system, identify stereotypes as internalized social structures, but still taking into account the broader institution surrounding police and the legal system. As Skolnick (1975) writes, the policeman is a craftsman, not a legal actor (231). Furthermore, many authors discuss the importance of accountability, or lack thereof, within agencies and around actors of the legal system (e.g. Chan 1996, Reiner 1997); the amount of perceived accountability on a system, or an actor, is related to how a police officer perceives his or her functions.

All of these debates relate to the issues surrounding the policing of migrants and migrant children. In analyzing the sociology behind a police officer's interaction with a migrant child, it is important to keep in mind the social structure in which he or she functions, whether the law appears to have any relevance to that structure, and especially the level and type of individual discretion and agency an officer exhibits.

As Marks (2005: 242, citing Jansen 2003) says, "we need to be critical of the idea that government policy is inherently rational and coheres with institutional practice." More specifically, Vigneswaran and Hornberger (2009: 2-3) note in their introduction to a discussion on corruption in the SAPS:

> Only a certain – and often quite small – range of police officers' activities while on duty are specifically contemplated and circumscribed statutes and legal procedures. Like any person at work, police officers chat with one another and with members of the community, transport themselves from place to place, stop for snacks during lulls in their day, and manage aspects of their personal lives during shifts. The majority of these sorts of activities are essential features of police work, but you will find no reference to them in legislative documents, case files, and police manuals. They are not necessarily unethical or illegal, but neither are they part of conventional and legal understandings of "normal" or procedurally correct police behaviour.

This analysis constitutes a fundamental foundation of the conclusions of this report, especially given its South African context.

2.3 Policing the Vulnerable and the Other

Most literature touching on the policing of migrant children often has a policy focus or compares examples of migrant child agency against vulnerability in migrating and places of destination. Some authors (e.g. Bhabha 2008) do review the contradiction of the gap between existing legal protections designed to protect *all* children as human beings, regardless of "legality" and circumstances. In doing so, none discuss the interaction of a police officer or other state official with a child from a sociological perspective, generally focusing instead on various gaps between protective law and enforcement children face from a more removed perspective.

O'Connell Davidson and Farrow (2007: 19), in their work on child migration and construction of vulnerability within it, highlight that "types" of migration can be irrelevant from a human or child rights perspective, and discuss the vulnerability generated both by "illegal" status as well as by many other factors. In examining the legal framework around children and migrants, Bhabha (2008) notes the inability of the current legal framework to address the fact that migrant children who cross borders face both a legal challenge (becoming "noncitizens") and a social challenge (an "outsider" status). Watters (2008) also notes the discrepancy between the *immigration control trajectory* and the *welfare trajectory* that refugee children specifically face in crossing borders. Bhabha (2008) points out that in the first international human rights declaration, the 1924 "Declaration on the Rights of the Child," two of five principles were relevant to child migrants. Today, outside of a child's relation to a migrant parent, the law contains a major gap in protecting migrant children distinctly from "migrants," or "children." Though focusing on a U.S. legislative framework, her conclusion that it is "radically incomplete and […] dramatically ineffective, because even where binding obligations or legal requirements exist, their implementation is erratic, left to the vagaries of underfunded and ill equipped legal services" (Bhabha 2008: 16), is relevant to this study.

However, though important, Bhabha, as many authors, glances over the importance of the individual enforcement agent and the environment within which he or she functions in her discussion of gaps in the law, focusing instead only on its (ir)relevance.

Within the literature on migration, there is some theoretical discussion on the treatment of migrants and refugees as criminals from the migrant's or advocate's perspectives and of the increasing "criminality" or "illegality" of migrants. In her article on the broad criminalisation on immigrants, Webber (2008) relates the increasing criminalisation of migrants in the face of economic difficulties worldwide, and notes the incompatibility of the treatment of migrants with international legal standards. Taking a step back from this perspective, De Genova (2002) examines the legal and theoretical origins of migrant "illegality" and "deportability" from an epistemological standpoint, citing Malkki (1995) in stressing that the term (with regard to refugees) is essentially nothing more than a legal definition. He argues that "only by reflecting on the effects of sociolegal, historical contexts on research does it become possible to elaborate a critical anthropological perspective that is not complicit with the naturalization of migrant 'illegality'" (423).

Within the literature of enforcement, less information exists directly relating to migrants. In addition to some of Heyman's work on U.S. border areas (cited above and below), Janet Gilboy's 1991 study on U.S. immigration inspectors analyses the usage of categories and practical decision-making in deciding "who gets in" the country (though grounded within an organizational structure). She also highlights, notably, that the data she examines is specific to the set of agents she studied, and that specific context must be taken into account. Officers had a significant amount of leeway in decision-making, and retained a low visibility in their work. Gilboy (1991: 582, citing Emerson 1988 and Hughes 1990) notes the debate surrounding "categories," asking whether they are "preliminary hypotheses leading to further inquiry or presumptive definitions acted on with little or no further questioning." Much of the reporting on migrant interaction with South African officials certainly

implies the use of stereotyping and categories (relating to country of origin, legal status, etc.) in determining how to behave towards and treat a migrant.

Heyman (1995, 2000), in his work on U.S. Immigration and Naturalization border officials, takes an ethnographic approach to the discretion of immigration work. Through ethnographic study, he contends that a relative individual morality cannot be separated from enforcement duties in that "moral ideas shape people's understanding of social information and motivate, often strongly, their personal and collective responses to other people" (2000: 635). Similarly to Gilboy, he attempts to analyse immigration work in a border area from a less legal and more anthropological perspective, looking at the intersection of broader state-power as it translates into on-the-ground enforcement characterised by "thought-work" (1995).

This research report, though it will focus conclusions on police behaviour in the context of migrant child vulnerabilities, cannot ignore the profound debates that have been structured around migrant children's agency. Several authors (e.g. Hashim 2006, Thorsen 2006, Kwankye et al. 2007, Punch 2007, Fass 2003) have pointed out the role of agency and imply the conflicting nature of seeking to protect migrant children while also recognizing that often a plurality of factors, not all with a negative implication, lead to a child migrating. Many authors, however, continue to focus on the vulnerabilities of migrant children at the hands of unsympathetic or legally irresponsible states, whether a child recognizes these concerns or not (e.g. Bhabha 2008, Cunningham and Tomlinson 2005, O'Connell Davidson and Farrow 2007, HRW 2002). Understanding these debates is critical in studying migrant children in the context of an individual history rather than an assumed vulnerability and a need for a specific kind of interaction and protection. These concepts are also relevant in exploring what role conceptions of agency, both in the context of migrancy and of childhood more broadly, play in a police officer's perceptions of children. Though fieldwork showed that police did in some ways consider migrant children as a less threatening, more vulnerable group than adult

migrants, migrant children were also perceived as independent and self-sufficient actors who were capable of conducting business as much as perpetrating crimes.

2.4 The South African Context

Thus far, this literature review has focused on broad and international debates on issues surrounding policing and migrant, child, and migrant child vulnerability. This section seeks to continue by situating these particular issues within South Africa, suggesting how these concepts may interact to produce certain results in this context.

2.4.1 The New "Other": Policing Migrants in South Africa

Much of the literature surrounding migrant rights, policing, and migrant children in South Africa is seen in the form of reports and policy literature. Human Rights Watch, in 2007, documented extensively the problematic application or disregard of the law resulting in migrant rights violations in South Africa. Citing the 2006 Shadow Report on South African Compliance with Provisions of the International Convention Against All Forms of Discrimination, it highlights the problematic implications of the delegation of power by Department of Home Affairs as granted by Section 3 of the 2002 Immigration Act resulting in the use of the South African Police Service (SAPS) as well as the South African National Defence Force (SANDF) in conducting searches, arrests, and deportations (SAHRC 2006). HRW cites examples of failures of notices of decision to deport or informing migrants of their right to appeal that notice, and cases of assault, extortion, and abuse.

The 2006 CSVR report notes that over 20% of those arrested by SAPS each year are illegal migrants. Around one in five arrestees by the South African police, working in a country ridden with violent crime, often results in no consequence other than a deportation (or, as Masuku 2006 points

out, the accidental imprisonment of a South African citizen who had unfortunately been unable to present papers). Immigrants, and especially undocumented Africans, however, are perceived to be a huge resource drain and consequential threat to South Africans, taking work, using services, and bringing disease and crime (Crush and Dodson 2006: 440, citing Crush 2000, Croucher 1998, and others), a perception held commonly by society and perpetuated by faulty statistics (Masuku 2006, Crush and Dodson 2006). Consequently, the majority of South Africans never or only sometimes supported police protection for immigrants (including refugees or others with legal status), according to a 1999 SAMP Survey cited by Crush and Dodson (2006). A shift in policing to immigration-oriented policies was seen, and though exclusion policies of immigrants are not comparable to those seen under Apartheid, the measures taken against immigrants have been noted by more than one author to be reminiscent of Apartheid-era pass laws and operations (for example, Peberdy 2001: 21, HRW 1998). Until the implementation of the only somewhat more progressive Immigration Act in 2005 (an Act that Landau, 2004 calls "overtly anti-foreigner"), police controlled migration under the auspices of the Aliens Control Act, one of the last pieces of legislation enacted prior to democratization. Peberdy (2001) notes how even efforts to bring the Act in line with the new South African Constitution resulted in frequent violation of human and migrant rights.

Though written prior to the finalization of the 2002 Immigration Act, Klaaren and Ramji (2001) argue that immigration enforcement had not dramatically changed since the end of Apartheid, noting that no structures exist to implement the human rights protections found in the law and that minimal coordination exists between agencies involved in the policing of migrants. Border control is reinforced by "military style policing" that allows for officer discretion without oversight. Because of the power accorded to SAPS in collaboration with the enforcement of immigration control, SAPS spends an enormous number of resources on the policing, arrest, detention, and deportation of migrants (Crush and Dodson 2006). Bruce and Newham (2000, cited

in Masuku 2006) indicate that any black Africans who "look foreign" are subject to arrest; despite this, a 2004 CSVR study cited in Masuku 2006 showed those police officers who interact with foreigners most are the ones that receive the least training on diversity. Migrants are also marginalized from the Community Policing Forums. Broadly, the areas with migrants that are most targeted are increasingly the sites where "responsibility for designating criminality, deviance, and punishments are being assigned to *ad hoc* networks of police corruption, vigilantism, and private security guards…" (Landau 2004: 11).

Migration management at border areas is more recently discussed by Polzer (2007) in her study of local government's role in migration in the Nkomazi Municipality at the Mozambican and Swazi borders with South Africa. She notes that border areas often have high volumes of migration, economic opportunities, but few resources for political and physical capacity. In part because of the perception of migrants as transitory or exceptional groups, there are few local migration management plans, resulting in informal and extralegal responses to migrants. Because "legality" is poorly defined, there is a grey area between criminals and undocumented migrants, confusing groups of migrants and the types crimes with which they are locally associated by often associating all migrants with all crimes (29). Similarly, Vigneswaran and Hornberger (2009: 6) point out that whereas police have been tasked with enormous far-reaching challenges, "they have been asked to deal with these problems using largely locally and intuitively developed knowledge and reactive crime-fighting methods." In other words, policing without much national or provincial support often takes on a local and, indeed, very personal nature.

Violations of migrant rights and migrant children's rights are extensively documented, often in policy literature. The IOM (e.g. 2008) and UNICEF (e.g. 2009) describe extensively the circumstances facing migrants and migrant children as they cross into South Africa. UNICEF cites children as young as five who cross into South Africa without documentation and estimates that

between 1000 and 2000 need assistance. Palmary (2007 and 2009), Hillier (2007), Clacherty (2003 and 2006) are among those whose studies of migrant children in border areas and urban areas of Johannesburg document their vulnerability in an inability to access services, find protection from labour exploitation, and protect themselves from additional gendered vulnerabilities. These vulnerabilities increase exponentially in border areas, though also exist further inland in urban areas such as Johannesburg. A 2004 judgment in the case of the Centre for Child Law vs. the Home Affairs minister determined that unaccompanied migrant children must be dealt with under the provisions of the South African Child Care Act, and should have legal representatives assigned to them under section 28(1)(h) of the Constitution. The decision placed the responsibility on government departments to coordinate efforts to implement the ruling (Landau, Ramjathan-Keogh and Singh 2005). Despite this, unlawful detention of children continued, resulting in a May 2009 North Gauteng High Court judgment that re-emphasized migrant children's rights in ordering the closure of the detention facility at the Zimbabwean border in Musina (Bell 2009). Given the recent nature of the decision, it is unclear what its full impact will be, both in Musina as well as in a national context.

2.4.2 The Evolution of the SAPS

Structural Transformation

Brewer (1994: 6) has characterized the SAP (South African Police) under Apartheid as an institution that translated the state's power into practice. Police were "agents of the government rather than the law," suggesting that policing dynamics in South Africa consisted not of a tension between law and order, but occurred at the level of the foundation supporting policing as an institution. Brewer characterizes South Africa's police at the time as a force of internal colonialism; it operated directly as a branch of the state's authority and, as such, its primary role was to police race

relations. Brogden and Shearing (1993: 44, cited in Newham et al. 2006: 13) describe how police culture in Apartheid South Africa was affected by a "social heritage" that taught that protecting whites from "the Black Danger" was their "special mission." Public accountability was low and investigations were reactive, not proactive. Brewer (1994) summarizes by explaining that "the South African state used the police to implant an alien rule on a subject population that resisted it, requiring the police to intervene in social conflict in a politically partisan fashion" (338). Rarely was the police considered autonomous.

With the gradual dismantling of the Apartheid-police came (perhaps only the image of) structural changes both to the police and the policed. Janine Rauch (1991) describes the merger of the Detective Branch with Crime Combating units in an attempt to de-politicize the police. Simultaneously, eleven different police forces were joined into one national force with a completely restructured administration (Newham et al. 2006: 5). In addition to this, police hiring and internal practices had been discriminatory and racist. Newham et al. (2006) and Rauch (1991) demonstrate the serious problem of illegitimacy that SAPS faced in 1994; the government soon moved to transform SAPS into an institution that was diverse and representative of all those now considered South Africans. McDonald (2003: 234 cited in Newham et al. 2006: 9) describes how policing in South Africa came to be represented by a new paradigm: "In the old paradigm, enforcing the law was the highest value. In the new paradigm, enforcing the law is still important but increasingly is being placed second to maintaining racial and ethnic harmony."

After 1994, complementing the need for legitimacy was a need for accountability. Black South Africans, who had rarely been policed for crime prevention as much as movement control, regarded the South African police as oppressive (Gastrow and Shaw 2001). Furthermore, the police had historically been alienated from communities, functioning within a different kind of framework (Rauch 1991). To better facilitate a relationship between the new police and South African society,

the government tried to include local communities in the policing of neighbourhoods, (see, for example, Gastrow and Shaw 2001, Newham et al. 2006). Though these Community Policing Forums were to become somewhat ubiquitous, their effectiveness has not been high, as police often ignored wishes of the community or where exclusionary tactics remained (Gastrow and Shaw 2001). In addition, the 1996 National Crime Prevention Strategy was seen as an attempt at improving, legitimately, the fight against crime. It, too, was plagued by ineffectiveness, and its failures saw the eventual rise of private security firms in lieu of state policing. This ultimately led to what Gastrow and Shaw (2001) cite as the "gloves off" approach that was initiated with a change in leadership in 1999. The accountability that was still so fresh was scaled back with a reduction in oversight of the ICD (Independent Complaints Directorate). "As [New Minister of Safety and Security Steve] Tshwete's remarks implied, the ICD was performing a disservice by trying to protect criminals rather than victims" (Gastrow and Shaw 2001: 271).

One consequence of this kind of dramatic restructuring, as David Bruce (2007: 18) points out, is a kind of destabilisation leading to a "loss of rigour and quality in selection and training." Police officers had oversight, but studies show that training schedules, for example, on diversity, are not universally followed and that often those who need mentoring and instruction most receive it the least (Newham et al. 2006). Cultures of white male supremacy remained ingrained in SAPS, though some strides toward gender equality in addition to racial equality were also being made (Newham et al. 2006).

Notable in the discussion around policing in South Africa are Bruce Baker's studies of policing that occurs outside of the official state context (Baker 2002, 2008), often as a result of external constraints. In his 2002 study on non-state policing in South Africa, he discusses the many different kinds of informal policing that exist in South Africa. In his broader work on multi-choice policing in all of Africa (2008), he examines the conflict between the state as dominator, creator of

the rules, and security guarantor while rarely manifesting its presence in any of these roles. He notes the absences of the government in oversight and accountability, and that the lack of provision of national service often leads to local actors providing security. An implication of this trend away from accountable state policing is that an unequal distribution of protection results without any agency taking responsibility for protection or lack thereof. In addition, Shaw (2002) studies the context of apartheid on contemporary policing in South Africa, noting that the placement of crime elimination as the top priority within social control reduced the importance of additional goals, such as accountability (41).

More specifically, Julia Hornberger's ethnographic fieldwork focusing on the human rights framework as found in the Johannesburg police system details the "uncomfortable" notion that liberal human rights policies bring about good policing practices. She notes that "it is not simply an issue of the practicalities of implementation which stand in the way of fulfilling the policy's prophecy, but rather the unrecognised or unacknowledged social differences within the society and the tenacity of existing social practice" (2007: 256). Though focusing on a different locale and subject, Hornberger's findings are at the core of one of the aims of this study: that it is not a lack of training on the national law that influences a police officer's interaction with migrant children. Steffen Jensen, in his 2009 chapter dissecting police practice based on fieldwork completed in Cape Town as well as Nkomazi Municipality, approaches these issues as well, examining "the tensions emerging from having to cater to the diverse needs of the population, as well as the sometimes-conflicting ones of (national and international) human rights activists" (61). Jensen notes that "Nkomazi (and Capetonian) policing is full of events where individual officers navigate between the vision of the state and their own moral convictions and sense of security" (74). All of these elements—the state's vision as well as an officer's personal perceptions morally and within his or her environment, are critical to understanding policing in a sophisticated, contextualized manner.

2.5 "Proudly South African": Working Within A New National Identity

Accompanying structural transformations within the SAPS, (a transformation establishing a new foundation for law and order) was a national restructuring of identity. While trying to repair decades of racial oppression and discrimination, creating a new national identity had an additional impact, as, for example, Peberdy (2001) points out, of creating an exclusionary environment for all those with no claim to membership in society. Beall et al. (2005), in their piece on the "fragile society" illustration of post-Apartheid South Africa, invoke Thabo Mbeki's "I am an African" speech at the 1996 unveiling of the Constitution. Gastrow and Shaw (2001) recall Mandela's emphasis on South Africa as the "Rainbow Nation," and his highlighting the need for reconciliation and developing a new South African patriotism. While not engaging in the kind of collective forgetting that Ernest Renan (1882) describes in the making of a nation and nationalism, the country has been involved in its own kind of national forgiving and moving on through the Truth and Reconciliation Commissions, contested in acceptance and impact though these may have been.

Within the formation of a new national identity was also a new national exclusion of all those not considered entitled to that identity. Even though Mbeki's philosophy eventually shifted to emphasizing South Africa as a country of two nations, these were still two "South African" nations and excluded all non-South Africans. "Immigration policy," Peberdy (2001:16) argues, "must be seen in the context of the nation-building project of the post-1994 state." Citing Cohen (1994) and Peberdy (1999), she demonstrates that movement control is an essential characteristic of state power. Furthermore, "the material and symbolic processes of inclusion and exclusion are embedded in the nation-building projects and national identity of states" (Peberdy 1999, Manzo 1996, Cohen 1994, Anthias and Yuval-Davis 1993, Gilroy 1987, cited in Peberdy 2001: 16). As Peberdy (2001) shows, one of the fundamental notions of citizenship includes the question of who belongs (citing

Cohen 1994, Anthias and Yval-Davis 2003, et al). "New legislation makes citizenship, rather than culture or ethnicity, the basic legal marker of national identity" (28). It is a citizenship grown out of a divided history that unites around exclusion, fostering rather than diminishing patriotism and, with it, xenophobic tendencies.

In addition to strict laws reinforcing anti-foreigner sentiment, the South African media also complicates perceptions of foreigners. Karmen Erjavec (2003: 99-100) notes that "the heightened concern about the foreigners threatening national security is always connected to identity." As Vigneswaran illustrates, communities and identities are often tied to historical narratives that have been manipulated for contemporary purposes. This again implies the inevitable connection between the policing of migrants in post-Apartheid South Africa with the policing of black South Africans under Apartheid. However, because of the media's framing of migration as a contemporary, post-Apartheid issue, the connection is lost to most who still identify with an identity of having been a target of discrimination and persecution (Vigneswaran 2007: 12-13).

2.6 Youth

Although their circumstances fundamentally differ from migrant children from a legal perspective, it is also critical to examine youth "deviance" more broadly in the South African context. Baker (2008) touches on the policing of young people, emphasizing that they are often viewed in conjunction with crime. Baker blames this on a lack of fostering social development by African states, asserting that "unless African states foster in youth a real stake in society […] they will turn to the thrill and reward of deviance. They will be outside the reach of the law and their identities will not be shaped by the law" (Baker 2008: 40, citing Altbeker 2001). Also important is the context of decades of violent policing of youth under Apartheid, a practice that led to an alienation and skepticism between South African youth and police (Davis 2003).

Le Roux and Smith (1998a), in their study on psychological characteristics of South African street children, illustrate that the lives of street children can be unstructured and unstable. Citing Peacock (1994), Le Roux and Smith (1998a) note that street visibility is generally regarded by children as exposure to vulnerability, not protection, and that a resilience to stress depends on a nurturing environment (892). Despite issues of vulnerability surrounding children, street children often lack society's favor, and even if punishment is less severe than in an adult, perceptions of street children as perpetrators of violence impact their reception by communities and police. Black and Reiss (1975), in their work on police and juveniles in American cities, note one finding that an "overwhelming" number of incidents in which police interact with juveniles involve "minor legal significance" (67) and found that policing of youth is tied to complaints by the community to the police, focusing on a citizen-police relationship.

Existing literature on youth and juvenile violence in other countries often focuses on children who are nationals of that country, making it in some ways difficult to compare migrant children's social agency and legal status with circumstances surrounding domestic street children who have at least some claim to membership in a society. Despite this, street children and migrant children share many characteristics, and one finding of this study seems to be that, at least in border areas, cross-border migrancy is of little relevance in police interaction with children. Rachel Bray (2003) discusses fear surrounding street children in the context of AIDS orphans, noting that the exaggerated widespread panic about increased juvenile delinquency preceding a "social breakdown" ignores the "multiple layers of social, economic, and psychological disadvantage that affect individual children, families, and communities" (39). Along with arguing in her conclusion that we cannot assume "labels of vulnerability," she emphasizes the importance of not ignoring "the possibility that children have various means of adapting to and managing situations that involve the

absence of parents" (52), factors that are equally relevant for many of the unaccompanied migrant children I encountered.

This perception is bridged, in some ways, to existing perceptions of migrants by Tony Samara in his 2005 work on street children in the context of urban renewal in the Western Cape. He notes how the construction of street children as a threat to social order is a reproduction of the "*swart gevaar*" or "black menace" under Apartheid, a construction that though more a continuation than a product of transition, parallels certain portrayals of migrants. He quotes Bray (2003) that "childhood, and particularly youth, is a dangerous period of life. Young people are considered vulnerable, but also rebellious and potentially delinquent. For these reasons, there is a perceived need to organise and control the young in order to prevent social disorder" (211). Existing efforts geared towards controlling and assisting street children by relevant organisations, NGOs, and government departments were, however, generally considered insufficient by these stakeholders, resulting in the continual presence of street children and presenting contradictions within conceptions of urban renewal.

In a separate piece engaging with street children, Le Roux and Smith (1998b, citing Tacon in Schurink & Rip 1993) argue that "no treatment program designed for street children can succeed unless the community is prepared to respect, protect, and provide opportunities for them." Though identified over 15 years ago, this stance is equally applicable today and poses a critical challenge to policing migrant children. Just as Bray (2003) reminds us that children are adaptable as much as they possess certain vulnerabilities, communities—and the police who enforce their laws—need policing and treatment mechanisms that address street children's needs, rather than the fears they sometimes create. SAPS Social Crime Prevention officers—officers tasked with dealing particularly with vulnerable groups such as victims of abuse and minors—can be seen as one part of this effort

though, as research will show, at least in an area where migrant children are seen as synonymous to street children, even these may be insufficient in dealing with the needs of children.

III. METHODOLOGY

3.1 Selecting a Location

Driven by research with migrant children conducted in South African border areas (e.g. Palmary 2007, Hillier 2007, Save the Children 2008), this study was particularly interested in police and enforcement behaviour in South African border areas. Ideally, I would have conducted research with police officers in most of the major border areas of South Africa, including Musina near Zimbabwe, the Nkomazi municipality spanning the border between Mozambique and Swaziland, and Ficksburg on the Lesotho border. Given time and resource constraints I focused specifically on the Mozambican border, though similar data gathering was completed in other locations (such as Ficksburg) by other FMSP researchers.

The Mozambican border is one of South Africa's most significant border areas, with several hundred thousand border crossings annually. Although it is impossible to estimate the number of migrant children present in the area, studies indicate a prevalence of unaccompanied migrant children who have travelled to South Africa due to lack of food, poverty, or the death of a parent in their home country (predominantly Mozambique). Children come to South Africa seeking better opportunities of employment or education. Palmary's 2007 study, in which 48 Mozambican children (predominantly boys) were interviewed, found that 13 percent of children in Komatipoort had been illegally returned across the border. Ten percent were irregular migrants, though the average length of stay in South Africa by migrant children in Komatipoort was approximately 40 months. In addition to illegal deportations, children in Komatipoort, as with many children interviewed in the report, encountered some corruption and maltreatment in interactions with the police. However,

previous data indicated that very few children approached the police at all; qualitative interviews revealed that most children were hesitant to approach police for fear of deportation or maltreatment. Migrant children who were victims of crime seemed to have little recourse.

Although police interaction with migrant children along the Mozambican border is not representative of all South African police interaction with migrant children in South Africa, I believe this study was better served by spending more time researching one area than attempting to research more areas in a limited amount of time. Based on previous research, the area presented a valuable case study; migrant children were known to frequently cross and reside there, reports show evidence of illegal deportations, and the area is known to have a local system of migration management and service provision. Once I gained permission, I conducted research with four different police station; descriptions situating these stations will follow in a separate section below.

3.2.1 Approach – Police

This paper sought to examine its subject, the sociological background to the policing of migrant children, from two perspectives. The primary component of this research was obtained through qualitative, ethnographic research with police officers in the Mozambican border area, both in the form of participant observation and some semi-structured key-informant interviews. In his 1989 book on participant observation, Jorgensen writes that this methodology is "exceptional for studying processes, relationships among people and events, the organization of people and events, continuities over time, and patterns, as well as the immediate sociocultural contexts in which human existence unfolds" (12). It emphasizes the "meaning of everyday life" (15) and is particularly appropriate where "the research problem is concerned with human meanings and interactions viewed from the insiders' perspective" (13). The approach is especially useful in police work, where it is critical to reach beyond the "front stage act," (Goffman 1959, cited in Hornberger 2007) to "the

important reality that [police] work is built upon more occupational, informal or personal working rationales" (Hornberger 2007: 27).

Research began officially on September 2, 2009, although I had also spent three days in Komatipoort in June to familiarize myself with the area with the help of a local expert who has worked on issues of trafficking and with unaccompanied children in the area. With his assistance, I had spent weeks trying to foster a relationship with the Cluster Commander responsible for the police stations of Nkomazi Municipality. Though this individual granted me access to his police station (Tonga), obtaining permission to conduct research at all police stations eventually required permission from the SAPS in Pretoria. Consequently, the police research was put on hold from approximately September 8 until October 12, continuing until November 13, 2009. In total I spent portions, generally three to five hours but sometimes reaching seven to eight hours, of 25 days with the SAPS in the municipality, as well as another 5 days exclusively with Lebombo Border Post SAPS from December 3 to 8. I recorded approximately 85.5 pages of field notes from this work.[1]

The process of gaining access to the police was not as smooth as I had hoped and observation was far less structured than I expected. When I arrived in Komatipoort at the beginning of September, I sought, with my contact's assistance, access to the three police stations he considered most relevant to my work based on his experience. I was already familiar with the Komatipoort police station, having spoken to Constable A., the Social Crime Prevention officer and a friend of my contact, in June. I gained some access to the Tonga police station after meeting with the Station Commissioner and Cluster Commander there. Though I also met with the Station Commissioner and a captain in the Schoemansdal station seeking access, I was told that permission would have to wait based on responses from the cluster and provincial levels.

[1] Fourteen of these pages come from a colleague who accompanied me during my final observation on the border, but they reflect my experiences as well.

After having spent a few hours for four days familiarizing myself with the Tonga police station, my request to conduct research was forwarded to the provincial and national levels by the Komatipoort police station. I explained to the National Commission the research to be conducted (providing, in particular, an Atlantic-Philanthropies funded report on migrant children as auspices under which to complete this work), and my proposal was eventually accepted and approved by the Mpumalanga Provincial Police Commission. The proposal specifically focused on the three police stations mentioned above, but requested flexibility if other police stations were identified as relevant to the research. The proposal also suggested seeking access to patrol and other operations as was relevant to the study.

Armed with a copy of a two-paragraph SAPS letter granting me access, I began to renew my contacts at the three police stations. While on one hand the loss of time proved frustrating, on the other I believe my persistence impressed upon the high-ranking officials of the various police stations my seriousness in conducting this work. Despite the permission to observe a number of tasks, I started small, primarily limited to observing the Community Service Center (CSC) of each station. It was only after repeated insistence that I eventually, after two weeks, was allowed to do some observation on patrol. While the reluctance on the part of the police to let me observe patrol was doubtlessly due in part to concerns over my safety, I gradually arrived at the impression that it also had to do with a certain amount of indifference to the success of my research. In other words, it was simply too much trouble and inconvenience to organize for a patrol to take a random outsider along with them (or to inform me when might be the best time to arrive to catch a patrol going out so as not to cause any inconvenience).

While time spent at the CSC was initially of great interest to someone completely new to observation and the South African police, it quickly became mundane, though not uninformative, as will be described below. Once station commissioners learned that the nature of my work had to do

with children, I was generally assigned to work with that station's social crime prevention officer. However, I did eventually gain access to patrols in Komatipoort and Tonga, as well as accompanied Social Crime Prevention officers in Komatipoort, Tonga, and Schoemansdal on school outreaches and, in the case of Tonga, responding to particular problems. At the Lebombo border post, where I spent two days during the month of observation as well as an additional five days of observation, research consisted predominantly of sitting with police officers on the departures side though also included time spent walking around the entire border area, including on one occasion into Mozambique.[2]

Integral to participant observation was an ongoing flexibility in refining and elaborating the study's themes. While important to not forget an original question, it was critical to remain open to all observations, including those that were contrary to what I suspected was problematic. Evaluating and re-evaluating my questions and data through identification of concepts and trends was an ongoing process throughout the research. In doing so, I hoped to ensure validity of this research through continual exploration of key issues, analysing how they emerged and examining how all of this related to this research question (cf. Wiseman 1970, cited in Jorgensen 1989).

Based in part on research that was completed with children as well as observations made with police, I also conducted semi-structured key informant interviews, designed to gather additional information in key areas, with certain police officers. These eight interviews were conducted at the end of my fieldwork. I planned to select interviewees believing that I would have had enough exposure to certain officers by the end of my observation to augment my analysis of their behaviour

[2] Access to the Lebombo Border post, it should be noted, was gained differently from the other police stations. During the week of October 26, I met a police officer, Constable B., who was off-duty and visiting the Social Crime Prevention officer in Komatipoort. I explained that I was conducting research on the police and asked whether it would be alright for me to spend some time on the border. He agreed to this, and on October 29-30 I spent several hours with him and his colleagues. Though I'd offered to provide documentation justifying my presence, he said it was unnecessary, and if any supervisors noticed my presences, they did not approach me. When I returned in December with a colleague, we presented our request more formally to the supervisors of the Lebombo SAPS, who agreed that we could continue to observe for a few days.

through interviews; though the subjects I selected were ones I spent more time with than others, the informality of my observation and the fact that I was never assigned to stay with specific police officers meant that correlating interview data to observation data was not as instructive as I foresaw. Though my interviewees were ones I had spent some amount of time observing and who I had established some degree of relationship with, the level of trust probably did not reach the levels I had hoped. Three of the interviews were relatively short, lasting approximately 25-30 minutes, which I believe was primarily due to language issues and some degree of nervousness in the respondents. Others were longer, ranging from 45 minutes to over an hour. Questions were mostly descriptive and focused on two issues: the officer's background and reflections on time spent with the SAPS, as well as more factual experiences pertaining to migrant children in the area. The goal was to fully understand fundamental perspectives and elements of life history, as well as conceptions of how officers felt they fit into their environment; both contribute to how a police officer in a border area today functions more broadly and interacts with migrant children more specifically. Though I had a basic set of questions that I asked each officer, interviews often departed this structure and resulted in follow-up questions to information that was presented. Interviews were conducted at the police stations in rooms away from others and designated by the police officers. Before each interview began, I negotiated attribution and confidentiality with the officers, and each interview was tape-recorded.

Additionally, much of my time observing consisted of informal interviews with the people I accompanied, and though this data is collected only in fieldnotes from memory, it allowed me background on more officers than I initially expected. To interview all the officers I interacted with would have been impossible, but these informal interviews were just as helpful, and provided background to the interviews I was able to conduct. Similarly to the work that was carried out for Vigneswaran and Hornberger's 2009 report, "these less direct interviews were a way of establishing

the particular identity of individual officers, the kind of social networks in which they moved, and the types of advantages and pressures these networks provided and exerted on their professional lives" (4).

One important element in this research involves reflecting on the impact of my presence on police behaviour. Drawing on his research with the Los Angeles police department in the 1990s, Herbert (2001) discusses the importance of evaluating validity of participant observation with police officers. He describes two primary elements of this validity: an understanding that reactions to the observer's presence are not obstacles to data but data themselves, and the sensitivity and patience required for carrying out work in a field where the researcher's views may differ from the subject's. Although I do not believe that my presence had any substantial impact on the officers I observed, I was presented with a few interesting situations that revealed some influence, some of which will be described in more detail below. My assumption is largely based on the fact that most police officers communicated in SeSwati as an official language, rather than English, and most knew or could tell that I was unable to understand what was being said. This probably resulted in less concern over what was happening. I also believe that many officers did not question, and therefore did not fundamentally understand, my presence in their midst, namely because they accepted whatever explanation they received from their supervisor to allow me to accompany them. Because they did not know always immediately know my views, background in migration issues, and purpose for being there, there may not have been much intentional change of behaviour. (This is illustrated by the fact that police often translated the issues I was interested in—migrant children—to "social" issues more broadly, such as domestic violence, and would introduce me as researching these issues. I attempted as often as possible to correct this misconception, though I am not sure that my protests were heard.) However, as an outsider who gave some explanation of my background and purposes of being there, my presence likely had some effect on the officers around me, whether in

ways relating to professionalism, perceptions formed of me, or, more significantly, occasionally relating to actual policing style.

As an (unique) example, toward the end of my time observing, once I had conducted some interviews, I began for the first time to notice the potential impact of my presence. After interviewing Constable C., a conversation in which his experience interacting with migrants and "illegals" naturally arose, I accompanied him on what I thought would be an ordinary errand. Instead, he decided to "show" me the border and some of the paths that "illegals" used to cross via the border fence. These were things I had seen before, but I was curious as to what he would show me and also no real choice in the matter. On our way, he pointed out various people coming down road from the border post, and in particular a woman who was carrying no bags. See her? She's an illegal, he said, and pulled over towards her, asking to see her papers. She looked uncomfortable and continued walking away from us, not responding. He called out one more time to her from the car before continuing onward, feeling he had demonstrated that people illegally crossed the border all the time. This was one of the few instances in which I really grappled with the effects my role as observer, because I believe the officer's behaviour was directly linked to the interview we had, though fortunately nothing happened.

Police behaviour may have also altered more broadly when officers thought they were somehow helping me conduct my research. Much as I tried to insist that I was there to observe everything exactly as it was happening (even when officers protested that they would have to do something to make observation less boring for me), occasionally events, such as school outreaches, were planned because of my presence. Though this might seem to jeopardize the integrity of participant observation, I do not believe that these events would not have taken place had I not been there. They would have simply occurred more spontaneously and, given that I was dividing my

time between two to four stations at any given time, the likelihood that I could have observed these outreaches would have been significantly reduced.

3.2.2 Ethics of Research with Police

Confidentiality is of utmost importance in any study, but especially when doing sensitive work with government officials. As such, I intend to keep the identities of officers I interacted with anonymous by using initials different from the officers' names. Although I initially planned to not identify police stations in my report, I believe I interacted with enough officers that I can identify an officer's police station if it is relevant without revealing their identity. In the case of the key informant interviews, I negotiated attribution with all of the officers I interviewed, most of which were happy to agree to have their name be used in the report for which this data will also be used.

I treated the national and provincial commissions' approval of my proposal request (instructing local police stations to comply) as consent to my work. Nonetheless, I still introduced myself to the station commissioners of all the stations where I worked (save, initially, for the Lebombo border), worked closely with whomever they deemed to be my contact at the station, and always explained my presence when it was requested. Most of the lower ranking officers took a friendly interest in me and cared much more about my background as an American than anything else, but I generally explained that I was a researcher in the Forced Migration Studies Programme at Wits University, that I was researching issues of migration and migrant children in particular, and that I was there to understand how the police worked. There were, of course, people whose consent I was not in a position to obtain; several times I was involved in responding to complaints, and in these situations I was not able to explain my presence or purpose. When describing situations involving these subjects, I have tried to reduce minimize their role to the extent possible and have not included any identifying factors.

All of my research was conducted in a professional manner, and I was generally treated with respect (and the occasional indifference). The formality of my conversations with officers during research varied, of course, to questions and answers on issues directly concerning police work to more personal subjects such as family history, background, etc. For the most part, these conversations also remained professional, if more friendly and informal, and were on topics in which I was very much interested in gathering more information. While there were many instances in which I was also asked about my personal life (especially my marital status), there was only one situation in which types of questions crossed a line of inappropriateness. However, when I made clear that there were certain topics I would never discuss, the officer immediately apologized, and I decided not to discuss this with anyone at a higher level.

This research was designed to study the reasons underlying and forming police behaviour toward migrant children in border areas, and I tried to approach it in the most sensitive and meaningful way possible. While I know my presence had some impact on the behaviour of those I researched, I ensured as much as possible that my presence would not have a negative impact on the people or situations around me.

3.3.1 Approach – Children

In addition to working with the police, I also sought to interview migrant children in the Nkomazi Municipality to gain a better understanding of the circumstances under which they had and might interact with the police and other officials. Previous data (e.g. the research carried out in Palmary 2007) existed pointing to their experience, and I hoped that additional research gathering updated information would provide a useful insight to this study.

In her 2003 study of migrant children in Musina, Glynis Clacherty describes the importance of initially building trust when working with migrant children, and doing so by identifying and

engaging local fieldworkers. She also highlights the need for a flexible approach, having first sought to do workshops but adjusting to interviews when it became clear that certain children did not wish to work in groups. Clacherty used diverse techniques, including encouraging children to reflect on their experiences by drawing and then using drawings as a basis for discussion. Work was gender-sensitive, and every effort was made to maintain contact information for follow-up.

I tried to use a similar approach in my interviews with children. My contact as well as his colleague were invaluable in helping to identify children and assisting in translation during interviews. In total, I spoke with approximately 42 children (eight girls), mostly in group interviews, although some preferred to be interviewed individually. Almost all were Mozambican, though a handful were from Swaziland. The children I met comprised a large age range, though those with whom I had substantive conversations generally ranged from ages 12 to 18. Almost all were unaccompanied, most had migrated using irregular means, and many, especially those who were informal vendors, frequently returned to Mozambique. Similarly, many of these children had only entered South Africa for the first time quite recently. Interviews began in September and continued into October 2009, occurring primarily during the time in which I was still awaiting permission to conduct fieldwork with the police. They were conducted at the following sites:

- The marketplace in Naas: Naas is a bustling area and forms part of Tonga. An intersection forms the central area, with a taxi rank and several shops to one side and more informal stalls to another; on Wednesdays, a large market occurs behind the area with informal shops. I spoke to 25 children in this area in groups of one to six children, all of which worked in Naas as informal vendors. My contact, who had worked and conducted interviews in this area before, used his knowledge and experience to seek children who might be willing to talk to me. The empty market stalls behind the informal shops provided an ideal setting for interviews; children were in a place in which they felt safe and comfortable, but we were far

enough removed from noise and the public eye that I felt interviews could be conducted without distraction or disturbance. Conversation with children and my contact indicated that somewhere further removed might have resulted in distrust toward the work and posed problems. I clarified repeatedly throughout the research that children were comfortable with the location; respondents did not seem bothered when occasionally a bypasser (generally another curious child or a friend of one of the respondents) came by. In these situations, for purposes of confidentiality, I stopped interviews, and my contact would kindly explain that we were in the middle of something, asking the person to return later.

- Amazing Grace: Both of my contacts work at the orphanage in Malelane, essentially the most well-known and best organized shelter for children in the entire municipality. One identified five boys and three girls of the perhaps fifty or so children at the orphanage as migrants, and I conducted individual interviews with the five boys. The three girls preferred to be interviewed together, although their shyness prevented much information from being disclosed. Interviews were conducted in the empty reception room of Amazing Grace, away from other children, and a setting in which the children felt safe.
- Orlando (Komatipoort): Though Komatipoort has dozens of migrant children, it proved very difficult to arrange interviews in the area. Neither of my contacts had as much experience in the town as in Naas, and it was difficult to find a space that would have been sufficiently removed from the public eye without being too far from town. We were concerned about stigmatizing children we would select to interview in the eyes of those passing by, and were concerned about "employers'" reactions if we chose to interview children. Scheduling a time when someone to interpret would be available outside of school hours was equally difficult. As a result, interviews in Komatipoort took place in the tiny township, Orlando, just northwest of the town. Interviews were conducted in two settings.

- A small and informal day care centre affiliated with the Komatipoort health clinic. We accessed the first through contacts at the clinic, although children at the centre were too young to conduct any formal interviews. However, I did spend time getting to know the children, and working with them through drawings to identify some of their impressions of the police and public officials.
- We gained access to the local school in Orlando when we met with the school's vice-principal, explained my research, and asked him to arrange any children that might be interested in talking to me. (I was told that previous researchers who had worked with my contacts in the area had done the same thing.) The children I met with decided to divide themselves into boys and girls, who I interviewed on separate occasions.
- In addition, I conducted one interview with a migrant child who worked in Komatipoort and agreed to speak to us after we explained our research. Because the interview took place on a day where there was heavy police presence at the centre in Orlando (in connection to illegal occupation of RDP housing), the interview took place during a walk around the little village.

Interviews generally lasted anywhere from 20 minutes to over an hour, depending on the number of children being interviewed and the amount of information they were willing to share. Interview sessions began with me introducing the research and requesting consent; I signed consent forms for each child that agreed to speak to me. In the cases of children who worked, I also explained before beginning that they would be paid R 20 for their time. With non-working children who allowed themselves to be interviewed, appropriate compensation was determined by the situation and in consultation with my contacts; it generally consisted of food, though this was not announced before the interviews began.

Interviews were semi-structured; as much as possible, I tried to let conversation be guided by children's responses. Children often chose to be interviewed in groups, and in these situations I tried to ensure everyone was being included and felt they were able to comment on other's responses. I started with a basic set of questions asking about their experiences in coming to South Africa and any interactions they may have had with police officers or public officials more broadly here. If specific scenarios were raised, I followed up by asking for more details while always gauging to see whether the child seemed comfortable discussing these situations.

Two dominant limitations existed to my research with children: language, and age. Interviews were primarily conducted in Swazi or Shangaan/Tsonga with the help of either of my contacts as interpreters. Despite my efforts to make children feel comfortable with my presence, I believe that not being able to speak to them directly in their language prevented a higher level of comfort and trust in my intentions. Jokes and laughter are not as easily conveyed when they first have to be translated. Additionally, with some of the younger children it was extremely difficult to explain the logic of my research and the information I hoped to obtain. Where I could tell that children were not as comfortable talking about this or any subject, I suggested using drawings as another outlet. This was primarily in the case of the three ten-year old girls I spoke with at Amazing Grace as well as the much younger children at the centre in Orlando. In some cases, this simply resulted in random drawings but in a few I was presented with drawings reflecting children's experiences of migration and interaction with officials. This method was based on Clacherty's work, which makes clear the importance of various outlets of expression and assessing constantly what was most appropriate for each child I met.

3.3.2 Ethics of Research with Children

In addition to many of the ethical issues outlined above, conducting research with migrant children created further considerations to standard qualitative research. Migrant children face additional challenges particular to their cultural and socio-economic circumstances, as well as exposure to traumatic situations (see Clacherty and Donald 2007, Boyden 2003, Thomas and Byford 2003). In particular, there exists an additional element of power disparities between the researcher and children (Thomas and O'Kane 1998) that the researcher must take care to sensitively address. I wanted to ensure that children did not see me as threatening or intimidating, but simply as someone interested in their point of view and grateful for receiving their time. Clacherty and Donald, in their suggestions for research with children in the Southern African context, emphasize the importance of a researcher's familiarity with a child's cultural background as well as with local cultures. By having familiarized myself with the area in June and then having spent an extensive amount of time in the area, I had some sense of the circumstances in which these children lived. In addition, I spent several days accompanied by my contact, whose experience with migrant children and knowledge of the area was invaluable in developing my background on how and why children would migrate.

Another major concern in researching with children and migrant children was ensuring that the information I received was consistent and non-contradictory (Clacherty and Donald 2007, Mann and Tolfree 2003). I hoped that by spending a significant amount of time in the area, and through group, to gain the trust of these children by honestly explaining my presence and the contribution they can make. Additionally, as the researchers above suggest, I tried to clarify key points in information I obtained from interviews to make sure I understood the information correctly. In order to help establish trust with children, especially those in Naas, we would sometimes take a picture of me with the group of children at the conclusion of the interview (with their consent) and, whenever possible, try to relocate children on the next occasion to give them a copy of the photo.

Confidentiality was critical to my interviews, and I used the no-name rule posited by Clacherty and Donald (2003) to avoid creating harmful situations. Many of the migrant children I met did not have legal status in South Africa, and I assured them that this was not information I would reveal to anyone. I wanted to ensure that children felt comfortable taking the time to interview with me about sensitive issues and histories and were in safe space to do so .

Informed consent is a controversial and difficult ethical challenge with children (cf. Cocks 2006, cited in Clacherty and Donald 2007). I tried my best to have an understanding of the situation sufficient enough to gain trust of children, and as such was able to more meaningfully explain consent to them. I believe the presence of my contacts—individuals with more presence and trust in the community than I as a newcomer—were invaluable in this. Since these children were almost exclusively unaccompanied, obtaining consent from a guardian was generally not possible. I verbally explained that I was conducting research on what it was like for them to interact with police officers and about circumstances surrounding receiving assistance through police. I also made clear that they could decide to stop participating at any time, and continually checked that they were comfortable partaking in the interview. As stated before, I also tried to clarify the data I gathered with children by following up to ensure I had understood what they had intended and were trying to convey.

With this study I sought to make a beneficial contribution to the field of policing and protection issues surrounding migrant children in an innovative way. I tried to constantly assess whether any interactions could potentially cause greater harm to a migrant child, for example by creating stigmatization with their peers or maltreatment by police officials or other actors. There was only one circumstance that I had not previously considered and, though I do not believe it caused any harm, it is something I would take into consideration in a future study. I conducted most of the interviews prior to gaining permission to observe the police. In interviews, I was emphatic that I was in no way related to the police and was simply trying to gain information that would hopefully

improve relations between the police and migrant children. I think that sometimes children were wary of this, despite my contacts' and my own assurances. In my final week of accompanying the police, which took place at least a month and a half after my last interviews in Naas, I was on patrol with Tonga police officers. The officers decided to stop briefly at the plaza of shops in Naas for a cold drink. I realized as we approached the plaza, which is often filled with migrants and migrant children, that there was nothing I could do to hide my presence in a police vehicle or to change the situation. Naas is a town that is occupied exclusively by black Africans, meaning I, as a white person, am very easily spotted. I hoped that no one saw me or, if they did, that my lack of uniform indicated that I was not there for any official police business. Though I had told children the purpose of my study, I had not made it explicitly clear that I would also spend lots of time with the police, as I feared this would lessen children's trust in me. In the future, I would look for a way of both pre-empting situations like the one above while also still ensuring respondents' trust in my questions and my work.

3.4 Analysis

In conjunction with careful review of literature on themes surrounding the sociology of policing migrant children, this research employed methods of coding various concepts and themes after having reviewed field notes and interview transcripts. As described by Strauss and Corbin (1990) and similarly by Jorgensen (1989), I first converted observed phenomena into categories of concepts and processes and then begin to identify relationships between these various concepts and processes. In doing so, I tried to take care to not lose sight of the original relationship that this research aimed to uncover while also being open to unexpected data. Furthermore, I always tried to incorporate the context in which this research was carried out and situate myself within the research. As a student from a different demographic background and nationality than the individuals I worked

with, it was important to analyse how these factors may influence the themes and relationships I identify.

Incorporating thematic analysis, analysis of field notes and transcripts was influenced by discourse analysis, which can examine themes and data both within the text as well as analyse the context of the text or those who produce it (Hornberger 2007: 28). Based on interviews, I was particularly interested in examining the history of a police officer and what forms his or her "worldview," as Heyman (2000) examines through participant observation with U.S. immigration officers. Here it was especially critical to not only consider what a police officer says in an interview, but to contextualize this to the environment in which he works and functions on a daily basis as well as the circumstances under which he is interviewed.

3.5 Limitations

This study sought to contribute to the debate of what underlies and motivates police behaviour, and to particularly examine these phenomena in the context of migrant children in a South African border area. Given that protective laws and policies exist but are often not enforced, this paper suggests that the subject should be conceived from a different perspective, one that identifies sociological factors affecting police behaviour rather than the presence of legal provisions.

This study had some major limitations. Because it was carried out by one researcher in the course of less than a year, a lack of time prevented this researcher alone from exploring the issue in more than one geographic area. By not expanding the scope of the study, it risked losing generalizability and meaningfulness. In addition, given the potentially highly individual nature of their work, it is possible that the police officers or stations observed were not representative in their interactions with migrant children or the motivations for these behaviours. It is possible that

behaviour was altered in the presence of a researcher, or that the researcher was not fully understand a situation due to language and cultural barriers.

However, this research stood to make a valuable contribution to a literature with major gaps on this subject. Whether in this paper, or for additional FMSP research, the data gathered in this study can be used in a broader study focusing on other South African border areas. Though this particular study may not be able to analyse how police interact differently with migrant children on the Mozambican border versus the Zimbabwean, it critically identified new ways of examining how individual police behaviour, especially toward children, can be analysed in current and potentially new frameworks. In doing so, it sought to generate discussion on approaches to treatment that may affect a migrant child's well-being and behaviour, and allowws that the law may not have much relevance in that discussion. Ultimately, in moving away from a legal framework, police officers can be examined in a light distinct from their compliance with law, focusing instead on contextual and sociological conceptions of how a migrant child should be treated.

IV. SITUATING THE BORDER (AND THE RESEARCHER): KOMATIPOORT AND SURROUNDINGS

Prior to this research, I had not spent a great deal of time in rural South Africa, or indeed the rural parts of any country, and as I progressed with my research I continually learned what it was to reflect on my position within my research and surroundings. My first visit to Komatipoort in June 2009 left me with impressions of a small, hot, dusty, farming town, rural, segregated in some ways while integrated in others. The town sits on the eastern-most point of the N4 highway in South Africa, just a few kilometres from the Lebombo border post which police described to me as the second busiest in the country after the Musina/Beitbridge border with Zimbabwe. It is part of the Nkomazi Municipality, whose jurisdiction spans from Kaap Muiden on the western end and includes the former township Malelane (nearly 20 kilometers east of Kaap Muiden and 50 kilometers west of Komatipoort), borders Kruger National Park on the North, and spans to Swaziland to the South. Komatipoort was and remains a town inhabited predominantly by Afrikaners, though with many black South Africans and migrants seen in the streets on a daily basis. Farmers live all over the area and Afrikaners also live in Malelane and Hectorspruit (approximately halfway between Malelane and Komatipoort). Most of the other areas in the municipality are villages and townships in which black South Africans and some migrants live. Some of these, including one in which I attended a government-sponsored outreach, are remote and far removed from public services, reached only through dirt roads often in poor condition.

As an outsider, I was gained an increasing awareness of my own perspectives, and how these perspectives changed as my stay in the area continued. A researcher's position can take many forms and can result in frequent introspection, following any number of positions on reflexivity (see a discussion in Stronach et al.'s 2007 article on reflexivity as a "signature"). Accepting that to some extant neutrality was not possible in my research, I nonetheless tried constantly to assess how my own views might affect my perceptions of what occurred around me, whether in police observation or other parts of my life in my Komatipoort.

The area contains sprawling farms of sugar cane and various citrus, some long owned by Afrikaners, some more recently gained through land claims. In between are houses of the wealthy who prefer to live near Kruger National Park, villages of RDP (Reconstruction and Development Project) housing alongside informal settlement-like shacks, and most things in between. It was difficult to reconcile so many types of places in one small space. Many police officers I interviewed lived in Naas and Tonga, south of Komatipoort on the Mananga road. I went to these places regularly for interviews with migrant children and to conduct fieldwork with the Tonga police; only on rare occasions did I see other whites driving there and, if they were, it was always men.

I struggled daily with the racial dynamics I observed in the area, relying on my status as an "outsider" to keep me in a position in which I could gain credibility and acceptance. I quickly noted that many black police officers seemed more at ease once I told them that I was not Afrikaans, allowing me to gain their trust more easily. At the same time, I eventually became close with a small number of local Afrikaners, a position that felt difficult for me to navigate even as it allowed me insight to perspectives and a glimpse of the community I would otherwise never have known. No matter who the observer, a 25-year old white woman on her own was a curiosity and often generated a lot of attention and interest in my background and work. I kept my explanations simple: I was an

American researching migration in South Africa and particularly interested in the complexities of how the police interact with migrants.

Nkomazi is hot. Even by early September, barely the beginning of spring, temperatures could rise into the 30 degree Celsius range, and by November the 40-odd degree temperatures coupled with nearly 100% humidity could make days unbearable. Komatipoort, with some degree of pride, maintains a reputation among the different towns of being the hottest. Police officers sweated through non-air conditioned police vehicles and those on the border regularly moved positions along with the shade provided by the small amount of covering.

To the east of Komatipoort lies a small mountain range—the Lebombo mountains that give the border post its name—forming part of the Kruger National Park to the north but continuing for some kilometres to the south. Dividing the mountain, at the top, is a massive barbed wire fence that remained electrified until some years ago. South African National Defence Forces (SANDF) used to patrol the mountain for immigrants. Both of these barriers against undocumented migration were removed some time ago, leaving only a small police force assigned to the mountain to guard against undocumented migrants, or "illegals" as most in Komatipoort and its surroundings refer to them. (Rumours have it that the soldiers are to return in time for the 2010 FIFA World Cup.) Within a week of my arrival in Komatipoort, I was fortunate to have a chance to see the fence for myself; having found a running club to join in the area to train with in preparation for an upcoming marathon, I joined this group as they repeated the course of a half-marathon annually held along the Kaftan mountain. As we climbed up and down the steep paths directly alongside the fence, it was easy to see the massive holes people had created to cross through. On one occasion, we actually saw migrants cross, luggage tossed over first before the group followed and took one of the many paths down the mountain to the nearby road. Once there, they would probably catch a minibus taxi to Naas or Tonga. When my (Afrikaans) fellow runners, all locals, had told me before that I would

likely see migrants cross, I thought they were joking. None of them seemed fazed by the experience; many mumbled something about the problems of illegal migration before quickly refocusing on the hilly kilometres still to come.

Mozambican migrants are a part of life in Komatipoort, as much as braais or Sunday afternoon drives into Kruger. Civil war in the 1980s in Mozambique led to a massive influx of migrants in the area, movement that—since the end of the war in 1992—continued with economic migrants (Human Rights Watch 2007). Many of those migrants eventually gained South African citizenship, particularly through a 1999 amnesty for Mozambican refugees (Polzer 2005, cited in Human Rights Watch 2007). Locals might say the number of migrants has declined since the end of the war in Mozambique, and some police told me that the number of "illegals" has dropped even more in recent years. Though many Mozambicans will continue on into the cities in search of a livelihood, a number remain in this area, finding work on local farms or in the marketplaces. Locals will complain about the crimes they cause, most often theft and robbery, and many are regularly arrested and deported. At the same time, they are known in the area for being hard workers and sought by farmers, some of whom will go on to exploit their labour through low wages and poor work conditions. The border is porous; police officers and locals alike will tell tales of migrants who come one day, commit a theft, and have disappeared by the time the crime is discovered. They will also say that when a migrant is deported, in the vast majority of cases he or she will be back within days, if not hours.

At stations I interacted and worked with officers of many different ranks, from trainees still finishing their two years of training and parole to constables, sergeants, inspectors, captains, and even station commissioners and superintendents. Not all stations had the same proportion of each rank; in addition, certain officers had assumed other responsibilities separate from their rank: detectives, social crime prevention, shift, sector, or community service center (CSC) commanders.

The CSC is generally the first point of service for most clients, many of whom are there simply to have documents certified, complete an affidavit, or file a complaint.

The four police stations I worked with, of which I spent the most time at Tonga and Komatipoort, each had their own uniqueness and were recommended to me by my contact based on his experience in the area. The two stations in the municipality I did not spend any time with were Malelane and Kaap Muiden, although both are in areas that still regularly see migrants, especially those en route to Johannesburg and other cities. The station where I spent the least time was Schoemansdal. It was over an hour's drive from Komatipoort, making it difficult logistically for me to go there frequently, and I never familiarized myself enough with its personnel to gain the insight and access I sought. Schoemansdal is south of Komatipoort and appealed to me because of its proximity to Swaziland. In addition to visits to introduce myself, I only spent two other days there: one accompanying Constable D., the social crime prevention officer, on a school outreach to a local school and the other observing the CSC. The school contained a number of Swazi migrants, but other than this, Constable D. explained, the police officers in the area did not have much interaction with migrant children.

Tonga Police Station covers the largest area, employing nearly 200 staff and serving a community of over thirty villages and two townships spread out across five sectors. Because the station commissioner of Tonga doubles as the Cluster Commander—the officer in charge of the police stations in the municipality—it was Tonga where I first introduced myself and where I spent the first five days of my fieldwork before another police station required that I obtain provincial permission before continuing the fieldwork. In Tonga I was assigned to the communications officer and social crime prevention officer, Sergeant E., a man who was initially (and understandably) sceptical of my presence. It is a bustling place, with a separate table outside for the many certifications requested and a high wall separating those who enter from the officers behind the

desk. Though it was always cleaned, the station remained permanently dusty and brown. On my first day there, I noted the poor state of the little furniture in the station and thought to myself that this must be typical of under-funded police stations. (To my surprise, while observing a few days later someone came in to assess the furniture situation. But within the three months that I saw the station, to my knowledge no new furniture appeared.) Flyers announcing everything from meetings to emergency numbers that had been written over three times covered the walls. A trailer for victim support services, staffed by someone from the Masisukumeni Crisis Center, (an organization dealing with victims of violence and in particular victims of domestic violence in the area), from across the street, sits outside the station, and nearby was a DHA trailer that always seemed ready for outreach on documentation or other matters. New to the fieldwork, I was surprised at how quickly the lower-ranking officers accepted my presence in the CSC.

Tonga underwent a sort of transition during my time with the station. Sometime in October, a new station commander was appointed, an Afrikaans-speaking woman who had recently been promoted to senior superintendent. I cannot say for sure that the physical changes I saw in the station—more neatly arranged flyers on the wall, photos of provincial and national level leadership hanging in a corner—can be attributed to her arrival, but they occurred around the same time. Along with everyone else, I was immensely curious how this woman would be accepted at a station that was not only the largest in the municipality but completely black African. Senior Superintendent F.'s appointment caused quite the stir, in ways that I will describe further below.

It was in Tonga that I was first introduced to the difficulties of rural policing. During my second day of observation, Sergeant E. took me out to respond to some issues a local social worker had reported. Sensing the impact my newness to the area had on how I received my surroundings, he began to talk about the issues he rightly thought I had not yet considered. What I saw and learned that day would only continue to be confirmed during other occasions that I could accompany Tonga

police. In villages navigated only through a complex web of small dirt roads, streets have no names and houses no numbers. Citizens often have to get themselves to the police station first in order to report a complaint before the police can get to the site of a complaint. Sergeant E. and others talked often of the Pakistani and Somali population in the area, individuals who cross through Mozambique and are known to be small business owners in the area. For weeks I believed Sergeant E. to have exaggerated how many there were, but on my one occasion of accompanying patrol, during which we stopped at every tuck shop in the officers' assigned sector, I saw that most owners or managers were indeed probably not from South Africa.

Komatipoort was the station that eventually allowed for the longest period of observation. Only a few kilometres from the border, the station serves the small, mixed (both ethnically and nationally) community within which it is located and ranks somewhere between Tonga and Schoemansdal in levels of chaos and busy-ness. Its CSC struck me as better designed than Tonga's—customers can see the officers with whom they interact—but it also caused observation to be slightly more awkward in that I was immediately visible to outsiders. As in Tonga, flyers were on the walls: a sign on how to identify stolen electrical cables, a wedding invitation, a notice saying that under no circumstances were members of the public to see prisoners in the cells. Until Senior Superintendent F. arrived in Tonga, it was the only station I knew with a mixed race staff, although I believe only four members were Afrikaans speaking. Of these, the only one I regularly interacted with was Inspector G., a fit but weathered man somewhere in his late thirties who has been with the SAPS since the early 1990s. Inspector G. readily talked to me about most everything I wanted to know, something I appreciated amidst the many SAPS members who often just left me alone.

However, the person I was "assigned" to in Komatipoort was Constable A., the social crime prevention officer of the station who I had met via my contact during my first visit in June. Constable A. has an almost infectious cheer, laughing often and loudly. However, as with Sergeant

E., I sometimes grew frustrated with what felt like unfulfilled promises of accompanying patrol when I would instead often just sit in the CSC. It was my own efforts, along with the support of Inspector G. and other officers whose trust I had gained, that eventually allowed me to gain access to patrol in the area.

Komatipoort's jurisdiction is one of contradictions. In addition to the "urban" problems that can arise—shoplifting, etc.—the police deal with farmers, the wealthy and the poor, and migrants of all different kinds of legal status. Perhaps 20 kilometres or so west of Komatipoort is the relatively wealthy, gated area of Marloth Park, situated close to Kruger and containing small lodges, private homes, as well as farms. In a single day, an officer might have to respond to a complaint in town, a break-in of one of the fancy houses in Marloth Park, and a domestic dispute in the small, impoverished villages outside of Komatipoort or Hectorspruit. Their location requires an additional sensitivity to the racial dynamics in the area, an often-tense relationship—based on prejudices, stereotypes, and a certain degree of mistrust—to which I could never find a resolution.

Finally, my observation included time at the Lebombo border post, a location distinct from the other stations in its position and jurisdiction. The South African side of the border pertaining to the police includes arrivals and departures on either side of the road, and a pedestrian walkway situated behind the first point of vehicle inspection on the departures side. The actual station also sits on the departures side. Directly before the border area are a number of informal stands serving food and providing other goods, manned by both migrants and children. Depending on the time of day or month or year, the border can either be quiet and calm or overloaded and hectic. Unlike with other stations, my introduction to this area came through a lower-level officer, Constable B.; my first two days of observation involved mostly sitting with him and a handful of other officers inspecting cars leaving South Africa. Upon my return in December, I was able to get a better sense of the entire area, sharing the observation with a colleague whose presence allowed for less conspicuous

observation. Officers in the area generally either stand or try to find shelter from the sun (or rain) in fairly rundown areas. Furniture is nearly nonexistent, keeping most officers on their feet for their twelve-hour shifts. The location allows for a decent view up the Lebombo mountain, and it was not unusual to see people crossing in the far distance. The police have a good, if informal relationship with the Mozambican officers across the border.

Other Actors

Although the permission I received was exclusively for the SAPS, my time exposed me to several other actors working in the border area, people whose work also figured into the work of the SAPS. These included members of the Department of Home Affairs (DHA), the Department of Social Services, the Department of Agriculture (at the border), the South African Revenue Service (SARS, also at the border), and the traffic police. The two most relevant of these were DHA and the traffic police. Home Affairs officers regularly came to the police to deal with individuals who were to be deported and at the actual border were the ones who dealt most immediately with repatriation. The traffic police regularly conducted stop-and-search operations in the area, stretching between a kilometre from the border all the way to Kaap Muiden. According to Inspector G., officers are either armed with a sort of blanket warrant to arrest undocumented migrants or can have the right, within 10 kilometers of the border, to detain immigrants if he or she is suspected of being undocumented. I myself was subject to one or two stop-and-searches in the area, but could only speculate on what these must have felt like as an undocumented migrant passenger in a minibus taxi.

V. PRESENTATION OF DATA AND ANALYSIS

Tonga, November 9, 2009

> *I had to wonder throughout all of this how policing even functions in an area like this. It's sort of amazing to me that there is any faith at all in a system that couldn't have been designed to work in areas without means of communication or literacy or finding intruders. How does a detective do work? How can you possibly get the police to arrest someone when the complainant first must trek to a station that could be several kilometers away, then wait for patrol officers to take her out to the site of the complaint; naturally the criminal has already disappeared. It feels like one giant Sisyphean task: no end ever in sight with nothing accomplished along the way. Except a police officer that, day in and day out, continues to show up for work and continues to try. Maybe I'm not giving them enough credit, I thought.*

Near the end of my time observing, when I had finally accessed patrols in addition to observing the community service centers, and when I had seen the daily work performed by border officers, my perspective of the police in the Nkomazi Municipality had changed. To be sure, I could have identified a number of things that struck me highly problematic or inefficient, but with an understanding of the area that only time in the area afforded me I could see not only police behaviour, but also the environment in which that behaviour existed. I realized the importance of affording the police a holistic view, of not walking into a station with negative preconceptions based on reports of problematic behaviour and ongoing human rights violations but with an open mind of trying to understand their environment.

This research, while designed to understand what drives police officers' treatment of migrant children through better understanding of their conceptions of criminality and vulnerability, could not help but take on a bigger scope during my fieldwork. My observation often involved no police-migrant child interaction or, when it did, was in settings other than I had expected, such as schools and during outreaches. While these two things—the seeing and the not-seeing—are both essential to

answering my original question, the remaining time also allowed for observations that have generated a better framework for analyzing police behaviour more broadly, not only that in the context of migrant children. However, in addition to the many interviews with migrant children, my conversations and more in-depth interviews with police provided sufficient insight such that, while I expanded my original questions of focusing only on conceptions of vulnerability and criminality in migrant children, I am still able to apply the below data to the treatment of migrant children.

This analysis will illustrate that policing, while situated within an existing structural framework, and guided by individual acts of behaviour driven by sometimes-patterned responses, is ultimately, and somewhat counterintuitively, arbitrary. Conceptions of criminality and vulnerability may not matter as much as, for example, the time of day in an officer's shift or his or her underlying reasons for having joined the SAPS. As Chan (1996) suggests, policing is an intensely personal, individual experience within a contextualized culture. Falk Moore (1978) makes it clear that policies cannot matter as much as the people who execute them, something which has to be analysed within the context of the environment in which they are executed. However, while it is critical to understand the role of discretion of individual officers, or street-level bureaucrats (Lipsky 1982), it is additionally important to try to understand from where that discretion derives. This question goes back to the heart of the original research question of how a police officer forms conceptions of vulnerability and criminality and acts upon them.

This research suggests that this arbitrariness rests on three broad themes: an officer's history and personal experiences, his or her perception of the work performed, and external factors. Data will show that an officer's place of origin, their level of experience, their relation to the area, the number of years they had spent with the SAPS all impacted how they might behave. Additionally, behaviour was influenced by an officer's perception of his or her work and the environment in which it was carried out. These factors include the reasons a member is in the SAPS, the degree and

conceptions of accountability an officer perceived when performing duties, the race relations that existed in the area in which work occurred, and the perceived priority of a task. Finally, external factors played a huge role in how an officer responded to a task or acted proactively. These include things as simple as specific location (a village instead of a luxurious home), the temperatures, resources available to a station, the time in the officer's shift during a particular occurrence, language issues, and so forth.

Each theme will now be examined more closely, using data from observation and interviews. Through these analyses, I hope to illustrate more clearly the arbitrariness of policing in the area around the Lebombo border. Ultimately, I will relate this arbitrariness back to the topic of migrant children, demonstrating even without having seen as much migrant child-police interaction how a revised conceptualization of police behaviour impacts police treatment of children.

5.2 The Influence of Personal History and Experience

> *She asked where I was from and what I was doing, and upon explaining that I'm from Wits (something usually recognized, although seemingly not by her), she told me that she'd studied electrical engineering at the technical institute (the former name of the University of Johannesburg) in Jo'burg. However, because she'd been unable to find the required skills training usually completed in the fourth year, she never graduated nor has any acknowledgement that she completed the program. She returned back and eventually learned through a relative about the SAPS; needing only a driver's license and matric, she applied and was hired for an open position. She told me a lot about the practical test required when applying for the SAPS, the running, the obstacle course, the wall that needs to be scaled, and so forth…She proudly told me that when she ran in last year's fun run, she placed second in her category. That said, she made clear that she hadn't wanted to be a police officer, and seemed still upset that she had not gone further with her engineering degree.*

It was only my third day of observation. I was at the Tonga Police Station, sitting behind the desk at the CSC, excited to have any stab of observing the police and not yet knowing that I was going to lose it temporarily only a few days later. That morning, a Thursday, I was just as much the subject of intrigue as I was intrigued by the officers around me and, unlike what would happen later during my observation, officers still took interest in the random girl sitting quietly in the corner of the CSC. In between dealing with the questions and seemingly insignificant problems of the people who came in that morning, the story this constable told me would prove to be similar to many that I would hear over the course of observation, even if she distinguished herself from many others by having even had the chance to attempt further studies beyond her final, matric year of high school. I would soon learn that, despite the best of intentions, the SAPS was not exactly where most officers had seen themselves ending at the time of their high school graduation. The constable was proud of her work in the SAPS, to be sure. At the time, it was unclear to me whether she ever left the CSC, or whether she had any desire to, and unfortunately I never much interacted with her shift again following my hiatus of waiting for permission. But she was my first insight into the type of constable I would often find in my observation: someone who wanted some degree of financial stability, who thought she was capable of more than being a police officer but also thought this might be as far as her skills and available job opportunities would take her.

Reasons for the SAPS

No officer ever specifically told me that because of certain experiences they policed in a certain manner. However, drawing on Heyman (1995, 2000) and to some extent Gilboy (1991), it is impossible to rule out an officer's educational and professional background when assessing how and why they make decisions on a day-to-day basis. It is impossible to disregard their family situation: whether or not they have partners, children, living parents, and how those family members feel about his or her work with the SAPS, can all have some impact on police behaviour. At the same time, as with all the influences on police behaviour this report will cover, different backgrounds do not necessarily indicate that a case or problem would have a different outcome, given the several other factors playing into any particular action an officer takes.

> *Sgt. E asked me whether I'd ever wanted to be in the police and was unimpressed with my stuttered reply, namely, I think, because he's very proud to be in the police. "You have a lot of power" he explained, "on your shoulder." He is clearly pleased by this.*

Sergeant E., the officer who was my primary contact at the Tonga police station, took some time to warm up to me, and I could never tell exactly whether to what extent I was a burden or a person of interest to him. He made clear from the beginning—our second day, when I accompanied him to a local social clinic and school—how important police work, and certainly the image of police work, is to him. On that day, I made my first mistake when we got into the car and reached for my seatbelt. "It is not in the culture of the police," he explained, "to wear a seatbelt," since this could prevent the most immediate reaction to a problem. We had barely left the station when he made three U-Turns, pulled into a shop across the street, and jumped out into a store. He emerged with a child, sending the child off somewhere before getting back into the car and driving to a nearby clinic. After some further stops, we ended up going to a nearby primary school where I would witness one of the few interactions between a police officer and a child. In my notes, I wrote:

> *His demeanor was the most empathetic I'd seen; he was quiet and reserved, though his posture looked more like someone who was bored rather than someone who wanted to be there. It was*

> *incredibly hard to tell what he thought about all this: was it routine? Unnecessary? Beneath him? He explained to me that this is part of his job, and [the social worker who'd informed him about the case] confirmed that in extreme cases she works with Sgt E's help.*

To this day, I do not know how much of the activity on that particular day—a day when Sergeant E. probably did not yet much trust me—was for show and how much of it was genuine. I did learn, eventually, that Sergeant E. describes counseling training as an important part of his background, whether acquired only from sessions with the Masisukumeni Crisis Centre across the street or other experiences. I learned that Sergeant E. has two children, a two-year old and a seven-year old, whom he described with reverence, and who he told me he keeps in mind when doing his work. Over the course of my time with him, I watched him interact with women struggling with domestic problems, local tribal chiefs, and school administrators. Sergeant E. is by no means a perfect police officer, but in addition to a deeply ingrained passion for police work and the resulting attention, on these occasions he struck me as someone whose counseling training made him a good candidate for his position. In addition, unlike Constable A. or others like her I met, Sergeant E. seemed to possess some genuine motivation for his work, an issue that will be discussed in more detail below.

Years in the SAPS

History did not consist only of the experiences prior to policing or an officer's family life. The number of years that had been spent in the SAPS could also influence how an officer responded to certain situations, affecting the discretion used in policing. On my first day of observation in Komatipoort, sometime mid-October, I met Inspector G. At the time, he was the longest-serving SAPS member I had met (and would only be surpassed by a handful of senior-level officials at other stations). Inspector G., one of the few Afrikaans police officers I worked with, was extremely informative and responsive to my presence, unlike many officers who were unsure what to do with me. One of the first notes I wrote about him was a description of how he talked about a death that had occurred in the Komatipoort cells the weekend before. "I was struck by the

nonchalance in which he could talk about all of this. Someone had been stabbed and killed." What did it take to create that behaviour, I wondered? I would learn, not only through my conversation with him that day, but also through an extensive interview nearly a month later, that Inspector G. had been a member of the SAPS since the early 1990s. It must have been turbulent time to join, especially given that he began his career in Gauteng. He moved to Komatipoort later in the 1990s, remaining there for years before also spending a few years as a member of the Kruger National Park police and ultimately returning to Komati.

Inspector G., like other officers I interviewed more in-depth, described his work in the police as a calling. He was more specific than the rest on why, however. He'd studied human resources at college (after having also spent compulsory time in the South African Defence Force), and described realizing during his studies that he was a "people person." Especially at that time, he recalled, it was necessary to have police officials who could perform their duties in a time of transition (he stumbled a bit here) from Apartheid to post Apartheid. His extensive time in the SAPS has allowed him exposure to different locales, different challenges, and different posts. Though he has never risen above the rank of inspector—something that after so many years of service without a single complaint against him troubles him deeply—he has worked both as detective and as CSC commander.

I was unable to see Inspector G. in action much. I asked him, though, how he personally dealt with the trauma he has seen in his nearly two decades of service.

> *If you become emotionally involved into every case, it's going to be very difficult. You still remain human, yes by all means that's possible, but as a police official don't get emotionally involved in any cases, because that's where you allow the trauma from the outside to get to yourself. I've seen babies put into the microwave. Scenes like that…you won't ever forget scenes like that. Picking body parts off the N4 bit by bit, you know, with your hands in plastic bags […] but just emotionally you mustn't get involved in things like that. You can help the people that suffer by all means but when you allow yourself to be affected by these things—they still remain with you—but to be affected or not to let it affect you is a thin line and if you stand that line you'll be alright.* (Inspector G. explained that he was not professionally trained to handle these things.) *Now I understand myself. That's the first thing you've got to learn is to understand yourself before you can*

help somebody else. If you help yourself every day, your mind and well being, then you can help somebody else.

Inspector G. was the only one who ever told me that one had to understand oneself to perform police work, but I suspect many officers eventually and maybe inadvertently reach this conclusion. In addition to many other factors—the environment in which he worked, the resources he had at his disposal—Inspector G.'s decisions, including how he treated his fellow police officers, victims of crime, and criminals, saw influence from his years of experience.

Training

Many officers expressed, in some way or another, that there were parts of their jobs for which they had not received training or insufficient training. This seemed especially apparent for those tasked with the particular role of social crime prevention officers and for officers asked about training received relating to children. While some officers were aware of the gap, not all indicated a need for additional training, focusing instead on a lack of resources and manpower when it came to dealing with children. It was clear, however, that there were other ways of developing a background for their tasks. After listening to Constable H., a Lebombo official with some two or three years in the SAPS, describe how he behaves if he suspects a child is being smuggled across the border, I asked him whether he'd received any particular training on trafficking. No, he replied. You have colleagues who have been here for 15 years, and they will teach you, and you will get used to it.

Constable H. presented a complex case for me. The first time I saw him in action, he seemed overly self-confident bordering on arrogant. In the rain, he chose to stop a woman who'd crossed the border in the rain, carrying a baby and several other items. The baby's head was uncovered, and I watched Constable H. berate the woman for what he perceived as her carelessness (this was apparent, but he also confirmed his actions later). Like so many other male officers, several minutes of our first conversation were about me, my background, the wealth and glamorous life that I presented as an American and which I always tried to qualify as untrue. However, further

discussions with him, as well as my interview over a month later, showed me a different side of Constable H. Having grown up with dreams of becoming a doctor and eventually, after his studies, doing graphic design, Constable H. became a police officer because of a phone call from his aunt the day a round of SAPS applications were due. It was a job—one that he needed—but also one that fit with his initial plan of serving the community. Though disillusioned with his compensation and willing to give up police work if something better should come along, he feels that policing is not just work done during a shift, but always. Others told me this, too, that they felt compelled to intervene even if out of uniform, simply because of their SAPS experience, and their "calling" to work with people.

Relationship to the Policed Area

Constable H.'s case raised another issue within personal history as well: the relationship between an officer and the area which he or she polices. Many of the officers I spoke to were not originally from the area in which they now policed, but a handful of the ones I interviewed were (or others, like Inspector G., had simply lived there long enough to now call it home). It affected them.

> *It is difficult, it is not difficult sometimes. I cannot say it's difficult. But it's difficult when you are sent to arrest a person—especially you know that person. Because I'm staying in that area and I'm working on that area, when sent to arrest that person it become difficult, because that person will insult you with other names.* (Interview with Constable D., Schoemansdal)

Constable D., a soft spoken, smaller officer who nonetheless managed a surprisingly imposing presence when performing a school outreach that I once observed, captured the difficulties of policing the area in which he lived well. Constable H. at Lebombo also expressed his concern to me of what it might be like to police one's own area and having to arrest those you know. I asked myself how concepts of criminality and vulnerability would be impacted if the accused was someone known to the police officer, wondering whether an officer would stand firm to his or her task or be too biased by personal knowledge to do so. There was, however, another side to policing one's own

community, which Sergeant E. described while expounding during his interview on his belief in community policing.

> *You must see a police as a member of the family. I'm working with this family as I'm talking. I'm staying in Tonga and working for the families of Tonga. That is why each and every day I must make sure that this family is safe and there is no crime. That is why I like community policing[…]No one wants his family to suffer[…]To break in to steal something. So if they recruit people around here we have so many police around[…]But if they take police from other places somewhere, maybe, maybe they don't care. Because they say, their family they are up there.[…]If there is an armed robbery in Tonga, I'm going to rush, because it may be one of the members of my family.*

These examples illustrate clearly that the experience between the police officer and the policed mattered. It was something I thought about especially in Komatipoort, given the town's racial dynamics and the fact that virtually no African police officer was from the town. Though not irrelevant here, this is a topic that will be examined in greater depth below.

Marrying amount of time in an area with experience in the SAPS was Capt. I, a headstrong, sophisticated woman who had been in police services since the early 1980s in Komatipoort and Schoemansdal. As Inspector G. also told me in a discussion describing the treatment of street children, she adopted a (likely Mozambican) infant found in Komatipoort about ten or 11 years ago. During our conversation she could not rave enough about her boy, discussing with me his growth, talents, and the problems she was beginning to face with him. It was yet another example of not only something that had occurred while policing in her own community, but the impact it seemed to have on her sympathies with others.

The last two examples of the potential impact of personal history in police behaviour both occurred in Tonga. As described above, during my time observing Tonga, the police station experienced a transition. I learned about this from a police staff member, J., who had been brought in from Nelspruit as an additional assistant to the leadership. J. had worked for many years in Nelspruit and distinguished herself from her colleagues with a certain degree of sophistication and better level of English. She felt she lacked acceptance in Tonga and missed the way of life that came

with an urban environment. I wondered how her new post would treat her; how would her work ethic, her perceptions, and her demeanor change after some time here.

J.'s arrival was followed soon after with that of the new station commissioner, Senior Superintendent F. I will discuss my interactions with her more later, but in the context of a discussion of experience impacting a police officer, Senior Superintendent F. cannot be omitted. A strong personality with plenty of good humor, determination, and charm, Senior Superintendent F.'s presence in Tonga was immediately felt. In my conversation with her, she described her working class background and a lack of money as her primary reason for having joined the SAPS sometime in the late 1980s. She worked her way up through the ranks, resulting in being a surprisingly young senior superintendent, by having most recently managed a police station in rural Limpopo Province for the past eight years. Senior Superintendent F. conveyed many character traits that exemplified the discipline she sought in policing. It seemed that precisely because she had experienced what it was like to be an Afrikaans leader in an entirely African community that she was prepared for her role in Tonga. News of her arrival, I recall, was met with a lot of skepticism and anticipation at the station, but within a few weeks most people seemed to praise her. Whether it was her experience in her younger years or the history of policing in another village (and likely a combination), both played an enormous role in her perceptions and policing style.

Over time, I realized how crucial all of these factors were to policing and the policing of migrant children. Someone who may see policing as a means to exert power, such as Sergeant E., might be less sympathetic to children, but these factors could also be outweighed by his family life and his strong passion for creating a sense of a welcoming community. Someone like Inspector G. might behave differently purely because his extensive experience has allowed him more insight to consequences of various policing behaviour. If someone like Captain I. could adopt a migrant child from the streets, surely that must have some influence on how she perceived other migrant children,

if her position ever allowed her enough time in the field. As I listened to the stories that migrant children told me of interactions with and perceptions of the police, I both believed to have a small sense of what perspective an officer they described might be using while also becoming increasingly aware that it would be impossible to tell without knowing the officer him- or herself.

5.3 The Importance of Perceptions

This section may, in some ways, be the most complex of the themes describing the motivations for a police officer's conceptions and behaviour. Perceptions, as used here, has a wide variety of meanings, and applications, and refers as much to an officer's perceptions of him- or herself as it does to perceptions of the external. I have broken down perceptions into several parts, beginning with perceptions of purpose for being in the SAPS and going on to motivation and perception of priorities. However, it is also important to remember that perceptions are not just of an officer him- or herself but equally of the environment in which he or she works. This section, therefore, also seeks to address issues of the policing culture and framework within which I observed; elements of this include most prominently the level of accountability that was perceived and the impact of perceptions and actualities of race relations in the area.

Perhaps what makes this section the most difficult is that it relies, more than any other, on my own perceptions as a researcher and observer, as a white, American, woman who until this research had not lived in a rural area. The conclusions in this section derive mostly from observation and less from the interviews I did. The best example of this uncertainty is in the judgment I use when comparing interview answers to my own observations. By the end of my month or more of observation, even though I had struggled to accompany officers outside of the station, I felt I had gotten at least some sense of patrolling. Given that many of my interview questions focused on immigration and undocumented migrants and children, I was surprised to hear answers of the constant roadblocks and stop-and-searches conducted when I had witnessed only one serious incident of a stop-and-search amongst several instances of observing interaction with (or near) migrants. Though these discrepancies were almost never serious enough to make me question the validity of my interviews, they were notable enough to make me question even the impact that the

perception of a tape recorder's and my presence had on these officers. The most obvious example of this was probably during my final days of observation at the Lebombo border. My colleague noticed a migrant child crossing informally from the South African to the Mozambican side, and later questioned Constable B. on whether he'd noticed. He laughingly said that he had but that the police no longer chased such migrant children who regularly cross, saying there are too many to be effective. In an interview with me a few days later—a much more formal setting in which he seemed ill-at-ease—he insisted that such crossings would not be permitted. Based on what I witnessed, I am more inclined to believe that the children are not chased on a regular basis; I suspect that feeling as though he was "on the record" may have influenced his response.

Perceptions of Work

Having already elaborated reasons for joining the SAPS above, I think it is worth reconsidering here whether and how the perceptions of the SAPS given in those reasons impacted police behaviour. Did those who find it a calling really go about their daily routine differently? Based on the following example, I believe there is a negligible difference between the two. It was the only time that I went on patrol (besides accompanying Sergeant E.) in Tonga, and it was a day filled with responding to calls as well as stopping at various tuck shops to check in on how the owners (virtually all immigrants of Asian origin, it seemed) were faring. It was the only day I would accompany these two officers, who were incredibly open and friendly with me. We covered a wide range of subjects, but eventually turned to their background:

> *I asked the men what had prompted them to join the SAPS. The driver […] replied that it was in part because of the money and the idea of performing a community service, but that it was also due to a lack of other options. The officer to my left replied, with seeming genuineness, that he liked people and working with them. He wanted to learn from their problems, given that everyone has problems. The difference between the two is that the first officer had an air of superiority, while the second appeared to have a genuine appreciation of the community's troubles. And though he'd been talkative as well, it was with less of an air of expertise.*

What made this case interesting is that, despite these seeming differences in their background and style, I noticed no apparent difference in their behaviour or interactions during our several hours together. Both treated victims with sympathy, were polite to the inhabitants of the houses where we stopped, and were interested in making sure their daily task of checking in on convenience stores was completed efficiently and with care. One was more talkative than the other and, as usual, language barriers prevented me from getting the full story each time, but they seemed overall to work well and similarly together. I suspect that to some extent their personality differences were negated by a desire for working together pleasantly and effectively. The experience forced me to consider again that though traits were present that I believe affected individual perceptions, they were not the only factors in policing style.

Motivation

Motivation, or the perception of *why* police work should be carried out played another important role. Police work is not easily a rewarding job, at least not externally, and many of the police officers I spoke with wanted more recognition for completing hard work. Many responded that their best day came with a sense of accomplishment (whether they defined accomplishment by making a lot of arrests or by helping a victim or receiving a smile of gratitude). Probably all thought or said at some point or another that they were entitled to more compensation for such a difficult job. I wrote of Constable C., a small-ish, friendly Komatipoort constable, for example, that "he strikes me as a decent guy who will do the job he's given. He wants to make it somewhere, to be able to support an eventual family, and [learning that a promotion might take two more years than initially thought] dashed his hopes even more than the idea of waiting seven years." "Instinctively, I imagine that Detective K. likes the relative independence and almost privacy that comes with being a detective; he doesn't have to work shifts, he is allowed to wear civilian clothes, and he doesn't have to be at the CSC or on constant patrol[…]I wonder where his motivation comes from to deal with

rape cases," I wrote about a Tonga detective working exclusively on rape cases. Both Constables D. in Schoemansdal and A., the social crime prevention officer in Komatipoort, described some of their best days as those when they received recognition. Constable H. at Lebombo bemoaned the fact that his falsification detection abilities so often went unrecognized, and more broadly that he and other SAPS officials he knows are never recognized in the regular SAPS publications such as the SAPS Journal and Servamus.

At the same time, it is not just perceived recognition that keeps the police motivated. Inspector G., who has attempted several times to receive a promotion, will undoubtedly remain an officer for many years to come even without a new title. Though might be attributable to a lack of alternative options, Inspector G. emphasized heavily his love for his work.

Prioritization of Tasks: the Internal and External

Another critical element of policing behaviour during my observation seemed to be prioritization of tasks, both externally and individual instinct. Each station has its priority cases, most often focusing on rape (particularly in Tonga) and crimes such as theft, house break-in, and armed robbery. Migrants factored into this only insofar as they are perceived to commit a lot of crime into the area, but solely "illegals" ranked low for most officers, and undocumented street children even lower.

> *While waiting for Constable A., the subject of "illegals" came up with the other constable as we were talking about the number of migrants on the farm. Casually he said that "illegals" caused "all the problems," in the area, but that they're virtually impossible to catch. "They'll cross the fence at night, steal something, and go back the same night," he said. I asked Constable A. and her colleague whether they ever arrest migrant children, and they kindly laughed "no." Only the adults, they implied. "We don't arrest kids, they're* innocent.*"*

Similarly, another officer told me:

> *[Treatment based on whether the child is local or foreign] shouldn't differ, it shouldn't differ. Because it's a child. It doesn't matter. It shouldn't differ. But I think in practicality it might differ. From my side, if I see a street kid and I have to pick him up and take him somewhere, like Amazing Grace, it doesn't matter to me if he's an illegal or[…]to me it didn't feel doing something wrong. But I know other people might see it as wrong. I left them. I didn't arrest them. Two children at the*

back[…]the children are cold and wet and hungry, I've given them some money and said I'm not going to arrest you. Do whatever you want. Go. We're on the border, you know?

Migrant children, according to every officer I interviewed, ranked low as a priority for detention and arrest. They were arrested and deported, to be sure, but rarely, it seemed, as anything more than part of a round-up of other migrants. As will be seen below, migrant children's narratives often matched those I received from police officers, illustrating the receiving end of the implications of personal history, perceptions, and external factors.

Prioritization was one area where observation revealed more than the words in an interview. On several occasions I witnessed interactions with migrants who may well have been undocumented but whose status was never questioned because some other matter was at hand. Officers all knew where the areas with the most migrants were, yet almost never did we intentionally stop in these places for the sole purpose of seeking out undocumented migrants. On one occasion, I spent some time at the day care center/orphanage in Orlando, the tiny village immediately next to Komatipoort. Several SAPS members, none of whom I knew at the time, were in the courtyard, investigating cases of illegal occupation of RDP housing in the area. Yet none seemed concerned about the legal status of the migrant children and mothers in their midst. I accompanied Tonga police officers to the migrant-filled plaza in Naas, as described above, where their only concern was to look at something in Spar—one of the many local supermarkets—while dozens of probably undocumented migrants were around us. On another occasion I attended a call—perhaps the most difficult one I ever witnessed as what felt like a powerless bystander—of dozens of disgruntled Mozambican farm workers whose salary had been withheld for months. The Komati police I accompanied to the scene were preoccupied only with resolving the tension and keeping the peace, not with checking ID documents. Nor were two different constables I observed on school outreach concerned with IDs, telling me that a child must have documentation to go to school. (Whether or not this is actually the case was unclear. Indeed, on a separate occasion, during a government outreach to a small village, a

school principal told me she tried to allow all pupils to study, even if they lacked documents.) The constables I accompanied on checks of tuck shops near Tonga, all seemingly owned by immigrants whose status was, by these officers, unknown, cared mainly about the well-being of the shop.

The last time I returned to Komatipoort, much closer to the December holidays and when my time was spent solely at the border, I did notice more notable police behaviour, scenes where police appeared to be stopping undocumented migrants but of which I cannot be sure. The only times I ever saw it in person were in Komatipoort, and I believe two of those three times it may have been prompted by my own discussion or questions. In one instance police stopped and searched a minibus taxi at the BP station between Komatipoort and the border (all passengers had their passports and it was a ultimately friendly exchange). The other was after interviewing Constable C., who was still early into his career. Prompted by my questions on migration, he took me for a ride to the border to show me the paths used by undocumented migrants that by now I had seen countless times. Along the way he pointed out a woman he was sure was undocumented, basing his assumption on her looks and the fact that she carried little. We pulled over near to her, much to my dismay, and he cried out to her for her documents. When after two attempts she did not respond, rather than becoming more serious, Constable C. drove away.

These examples from observation demonstrated to me that despite the harsh talk against migrants, and the undoubtedly many migrants who are caught in traffic stops and the police stop and search operations, police behaviour often seemed to be driven by the task at hand, and not any additional or—in their eyes—immediately relevant steps. Each decision an officer makes, each action he or she takes, is guided by so many factors, and many do not seem mutually exclusive. Priority of tasks and goals, however, definitely seemed to rank high as a reason for why certain actions were taken.

The SAPS Environment and Accountability – The National, the Local, and the Individual

Hand-in-hand with their perceptions of their own reasons, motivations, behaviour, and rewards came a perception by police officers of the environment within which they worked. This, for me, played out predominantly in a context of either accountability or racial dynamics.

> *I'm not sure whether it was the presence of the Captain that made everyone more eager to work in books, or whether it was legitimate work that needed completing. On that note, it's been very difficult to get a sense of how efficient things are at the station, or how responsive. Certainly when the Afrikaans guy was there last week things moved quickly. Much of the time I get the impression that questions require simple answers and nothing further. In those cases where follow-up is needed, I think (as much of my experience in South Africa has taught me) that the work lies with the customer, not the police. Defer or delegating tasks seems to be the preferable option.*

This observation came from my fourth day of work; early on, in other words, in my understanding of police work in the Nkomazi Municipality and before I had a chance to see any other police station. It captures both of my points in one situation, though both would be become more complex through further observation.

SAPS is a complicated and intricate organization with a huge hierarchical chain of command. Once, when trying to observe at the border, having already obtained permission from the highest levels of the station, a local officer insisted that I also get permission from his shift commander before stepping closer. Unlike my initial contact there, who seemed at ease with my presence and had an easy-going relationship with his shift commander, this officer was concerned of the reprimand he would receive if someone found me there without permission. And indeed, even that morning when we had obtained permission from the Captain on duty, he had dryly informed us that he always keeps his door and windows open to make sure he could see everything happening around him.

The nature of the higher levels of control played a significant role in determining the kind of environment in which police functioned. (As did my presence, to some extent.) When Inspector G. was at the station, the CSC seemed more efficient, more ready to act than in his absence. He was demanding without being unprofessional and unkind, and his presence had an effect on those

working under him. His confirmation was needed before I was allowed to go out on patrol, but once it was clear that I had his permission the shift commanders had little problem letting me go. In Inspector G.'s presence, I witnessed what it meant to have accountability, at least at a station level.

Police officers, when they considered it, seemed to have little faith in the truly high ranks. Nowhere was this more clear than when Inspector G. told me what he thought of the prospect of an FMSP report making it to his desk. Perhaps even more memorable was when a higher-ranking officer, I believe an inspector, discussed with me his thoughts on the national police levels. He'd just appeared with a copy of *The Sowetan* with an article on the many shoot-to-kill incidents—in which police officers had inadvertently killed bystanders to crimes—that had recently occurred. I asked the inspector his opinion on this, and after telling me that the officers were not executing the oath they've sworn and ought to be disciplined (a reaction I was surprised to hear), he continued, approximately: Still, he said, it is silly for politicians, those at the top, to make policies when they themselves have never properly worn the uniform and worked on the ground. Though on the topic of resources, Constable H. at the Lebombo border told me at some point in his interview that he wished those at the top could switch positions with the lower ranks for just three days. As with others, he had no confidence that the highest level had any idea what it meant to police on the ground and I realized that though he probably cared about his shift commander's opinion of him, he lacked belief that anyone at a higher level might show interest in his policing style.

I could not tell much of the impact of the station commissioners on any particular station, with the huge exception of Tonga. With the new station commissioner's arrival, things began to change dramatically, from the positioning of items (now including framed photos of the SAPS' highest ranks) on the CSC walls to the appearance of officers in the area. It was not only here, but also in the cluster as a whole that changes were and are likely to be seen. If nothing else, Senior Superintendent F. seemed determined to change the levels of discipline in her station and her

cluster, from small things such as properly wearing a uniform to broader elements such as more proper enforcement behaviour. (She noted the many community complaints that the police too often ignore criminal activity, especially by undocumented migrants.) Her presence, though it may well not be positive for migrants in the area, had a rousing effect on the Tonga police station. Constables seemed excited by her enthusiasm and willingness to fight for resources on their behalf, leaving them perhaps more inspired than before to do their work.

The Social Environment

Senior Superintendent F. brought out another critical element within the police environment on and around the Lebombo border, a topic that was perhaps the most difficult for me to capture in my entire time there. As an Afrikaans woman in an entirely black African station, she arrived in Tonga facing unquestionable levels of skepticism. Many black African officers I spoke to, whether in Tonga or elsewhere, were wary of Afrikaners, often going so far as to call them racist. My own acceptance by certain police officers sometimes seemed to hinge upon their knowledge that I was not, in fact, Afrikaans, or even South African, but, in fact, a total outsider. I can recall countless times where, sitting behind the counter in Komatipoort, an Afrikaans customer entering would automatically look to me, and not one of the three African uniformed officers next to me, for service. On certain occasions, once I explained that I was not employed by the SAPS, I would continue to get sympathetic looks, or looks wanting sympathy, throughout the person's time at the station. In these moments I struggled how to navigate my acceptance with the police.

> *I asked about Apartheid and Afrikaners. Constable B. told me that Apartheid isn't over, not in this area, not since he joined the SAPS in 2005. I asked him for an example, saying that it seemed, for example, many blacks rank higher than whites in the police. He agreed, but said, for example, that a white officer would be far less likely to salute a black officer, that he will still expect things to be done for him, and so on. Then he gave the example that when responding to a complaint, if it is a white person, you must respond quickly or they will call your supervisor. Blacks would not do such a thing.*

I never knew how to balance comments like this with the sometimes "undisciplined service" that Senior Superintendent F. described to me and that I had also seen over the course of my observation. While some, like Constable H. at the border, *liked* the diversity within which they worked, many of the officers I spoke with at some point expressed concerns over racism and prejudices, no matter in which direction. Detective K. told me he experienced racism. Inspector G. was frustrated at a lack of advancement in the SAPS because of what he assumed was his race. Senior Superintendent F. explained to me the difficulties of working in a mixed race area, that if a white person seeks help with another white person (I thought back to my experiences in Komatipoort), it would be seen as racist. On my last day in Komatipoort, I was out with two constables to attend to a complaint reported by a black man to the station. We found the subject of the complaint, an Afrikaner, at his bakkie nearby, and it seemed the issue was a matter of getting either a receipt or payment the following Monday when the complainant wanted it the same day.

> *[The Afrikaner] then went on to say that what was happening was possible only because the complainant was black and he was white, and because it's easier to get something out of a situation that way. Make the white guy the bad guy, that's it. I stood there, just watching, feeling sorry for the police officers I was accompanying who had no choice but to listen to this. Everything's complicated, there isn't necessarily right and wrong, truth and false, but statements like these don't help anything. In the end, the complainant had to contend with the fact that he would be getting nothing before Monday.*

In the end, I saw that there were prejudices everywhere, and that they were not necessarily linked to black and white but to Nigerian and Pakistani, to villagers versus the wealthy, to immigrants instead of South Africans. Sometimes I was surprised to hear a positive remark when I was expecting otherwise; sometimes I felt I wanted to give up on understanding the dynamics of the area. No matter my own relationship to it, however, what mattered is that it constituted a part of the environment in which the police functioned as much as the policies from above, the commanders to whom the police reported, and the perceptions the police had of themselves and their internal priorities and motivation.

This section sought to give meaning to the complicated relationship not only between an individual police officer and his or her "street-level" work, but the relationship between police officer and fellow police officers, police officer and police station, and police officer and station to the broader SAPS structure. These relationships comprise a critical element to a police officer's everyday task and how these are perceived, including tasks relating to and interactions with migrant children. The illustrations here follow Chan (1996) and her emphasis that police behaviour, rather than isolated to one or a few fundamental attributes ought to be a dynamic and ongoing contextualization. Policing involves, as Reiner (1997) says, different types of knowledge that constantly interact with one another.

5.4 Beyond Influence: External Factors

I spent a few hours each day with the police at the actual border post, bonding with an agriculture department worker while he confiscated hundreds of mangoes that can't enter South Africa, watching how easy it is to cross with zero documentation, and most of all wondering how anyone is capable of working 12 hour shifts in the 100F+ degree heat, 99% humidity of that place. Personal journal, December 2009.

So far, I have discussed some complex factors that contribute to every element of a police officer's behaviour: his or her background, their perceptions of their environment and their environment based on my own perceptions, levels of accountability, and racial dynamics. All of these play a role in each action a police officer takes, each conception of a person with whom they interact. However, one last, crucial element remains: the external factors. These are the things over which a police officer has little or no control, (certainly at least those officers of the local ranks). Though I am sure there are countless such things, the ones I saw most often in my observation were location, climate, the lack of resources, the time of the day or other circumstances, and language.

Location

As describe above, Nkomazi Municipality and the area surrounding the border is diverse, both in ecology and demographics. In Tonga, relationships to local communities through policing, the way that Sergeant E. always so eagerly described, seemed absolutely essential to functional policing. Without these relationships, as I saw on more than one occasion, it would be impossible to navigate policing through the 32 villages and two townships that comprise Tonga's jurisdiction. It was similar in Komatipoort. While policing there could be through marked streets of Komatipoort proper or Hectorspruit, it also involved reaching out to numerous farms with countless windy paths and, more critically, the village outside of Hectorspruit. This village, which often phoned in complaints to the Komatipoort station, was in some ways the bane of the Komatipoort Visible Policing/Crime Prevention Unit. Once there, officers would always drive first to the house of the primary Community Policing Forum member for assistance. If they were fortunate enough to find

him there immediately, they would then follow him to the scene of the complaint. Without the CPF leader, it seems they would be hopelessly lost. Even then, however, confusion arises. I once attended a call when, just as we were about to leave, what eventually turned out to be the same complaint was radio-ed in again. It was around this time that, in my fieldnotes that followed, I both questioned the officers' insinuations that the villagers were drunk and therefore less desirable to police as well as the villagers' understanding of what policing meant and how it was to be used. At the same time, the police worked in areas such as Marloth Park, relying on the help of the gated area's field security to guide them to scenes of crime. Responding to calls in the two places was a very different experience.

Climate

Komatipoort proudly calls itself the hottest town in South Africa, and perhaps the most immediate response I would get when asking what it was like to work there, rather than complaints about migrants or crime, was: "hot!" More than one officer I interviewed reported having had to see doctors to deal with an adjustment to the climate. Though cooler than outside, all stations I worked in lacked functional air conditioning in the common areas, and no patrol car I entered, no matter how nice a bakkie, had air conditioning. The heat was especially draining at the border, where officers were much more likely to be on their feet all day and, at least on the departures side, had little cover from the sun. Those officers covering the pedestrian side moved their tattered chairs to follow the bit of shade they had, while others mingled on the arrivals side as much as possible where there was a more proper roof. (This roof was also the only effective shelter during the massive rainstorms Komatipoort sees in the summer.) I found myself embarrassingly tired after only a few hours in any of these stations and constantly wondered how officers managed 12-hours shifts. It was on this subject that Constable H., at Lebombo, raised the prospect of trading places with senior officials. There was no doubt that the temperatures outside, whether excruciatingly hot or horribly rainy, impacted the policing, especially at the actual border. This could take any of a number of

forms, from fatigue resulting in sluggish activity around checking passports to rain discouraging extensive stops of crossing vehicles.

Resources

Resources proved another difficulty in my observations. I once accompanied the Komatipoort police as they escorted 10 prisoners to the local clinic for treatment. Although measures were taken to ensure they went straight from the cells to the vehicle and from the vehicle to the clinic, no restraints or handcuffs were involved. I was told that this was because there simply weren't enough, and so the officers made do. Komatipoort had no more than two or three vehicles and generally only one vehicle available for visible policing in four sectors that sprawled thirty kilometers to the west and south. Tonga had one vehicle per sector, although dealing with much larger sectors; the day I accompanied the Tonga police officers, we attended a complaint outside of their sector due to a lack of cars and officers available to go.

One of the most telling moments of my observation was during my conversation with Senior Superintendent F. upon her arrival. She had been in Tonga for four weeks already and was still struggling to have a reasonable number of phone lines, printers, and other equipment installed. That a senior superintendent could not organize these things was incredibly frustrating for her, and even more when she considered that the station had gone for so long without such essential resources.

There was a general agreement that, given the lack of resources, it was impossible to do everything the police needed to do, whether at the border, in a town, or a village. My sense was that even the existing priorities could not be sufficiently addressed by the resources available. However, I was also told, by Constable H. at the border, that sometimes it only appears there are too few police officers. He explained that during the quiet times there are actually more than enough officers, but that during the busy times—especially the holidays—one could not possibly check everyone.

Language

Language is another factor not to be discounted in policing, something I observed myself when watching two Komatipoort constables trying to negotiate with Mozambican farmworkers while simultaneously talking with two Afrikaners either in mediocre English (on both ends) or through an interpreter. Inspector G. informed me that one of the major problems in dealing with immigrants is a language barrier, and that sometimes the police will try to take a case to Portuguese-speaking locals in town to get a better understanding of a person's case and needs. One of the reasons I struggled in Schoemansdal was simply the lack of English that persisted among much of the staff, resulting in almost no understanding for me of the officers' backgrounds and thoughts. In Komatipoort, Afrikaners often entered expecting service in Afrikaans, or otherwise struggling to explain their situation in English. Affidavits that needed certification have to be written in a language the police officer understands, rendering even such a small task difficult in such a multi-lingual area.

Time

Lastly, the time of day, or within a shift, also impacted an officer's behaviour. On my last day in Komatipoort, just after 6 pm, an (Afrikaans) traffic officer came in the station.

> *There'd been an accident on the N4, he said, and the police must come immediately for someone was injured. Neither Constable C. nor L. seemed eager to go quickly, which I couldn't understand. It had been a long, hot, day, sure, but at the same time, someone was injured, which was a) some excitement and b) simply urgent.*
> *Eventually the traffic officer impressed the urgency of the matter on the constables, and so we left, following the traffic patrol car with its lights flashing. (Isn't it sad that the traffic patrol car has that ability, but the police bakkie doesn't?)*

The scene, though not too dramatic, required time to analyse. I accompanied one of the constables and witnesses to where the actual accident had taken place, after which we returned to the station. The two constables, by this point in their shift, had no interest in dealing with the remainder of the case and seemed to just be counting the minutes until they could leave.

> *I was pretty sure nothing else would happen in the remaining 15 minutes of their shift, when I was sure C. and L. would take off as soon as possible. It was a Friday night, and they'd had a long, hot day of interviewing, patrol, stolen toothpaste, and now an accident. Who wouldn't want to leave?*

Had it been my first day of observation, perhaps I would have struggled more to understand, writing notes with greater emphasis on my surprise at the indifference to the victim than the expectation that the officers wanted to leave. But after a month with the police and more than two in the area, a part of me saw it from a different, new perspective. They'd been pressured by someone they might have felt threatened by to attend the scene, and their motivation to help in a case that was about to be privately resolved was gone. In addition, they were exhausted, no longer caring around the well being of the people around them. In 12 hours, they'd be back for their next shift—another long, hot day without air conditioning—with perhaps seemingly little reward ahead.

5.5 Synthesis: the Policing of Migrant Children

He says that the police are treating them this way because they believe they are children. And if they were older they would probably, probably they would be treated differently Because they have, these kids have they are saying they have actually experienced different treatment by the police, too, in relation to adults. Interview with 18-year old Mozambican, Naas (translated)

As described above, this study employed content and thematic analysis of interviews and fieldnotes to answer its principal question of what drives South African border-area police officers' conceptualizations of criminality and vulnerability and how these conceptions interact in their treatment of migrant children. In conducting the ethnography for this research, the scope of the subject expanded beyond conceptualizations and moved into other elements that appear to drive police behaviour, accepting that it may not only be a conceptualization of a migrant child as vulnerable or criminal that impacts an officer's behaviour and discretion in any given case. Factors such as an officer's personal history and experiences, his or her perceptions of his work and the environment in which it is carried out, and various external factors all play a role in what might happen when a migrant child and a police officer meet in the streets of Nkomazi. Policing, based on this study, is a very localized, highly individualized activity with local levels of prioritization, accountability, and other actors serving as significant influences on a police officer. Locals, especially migrants, have perceived this, and share tips and advice with other cross-border migrants on how best to function in an environment in which they are considered "illegal" by all officials. Based on my interviews with migrant children, this suggests that there are some patterns to police behaviour, as there are in virtually all aspects of the public arena.

The migrant children I spoke with presented multiple scenarios in which they interacted, (or chose not to interact) with the police. Several children had never had any encounter with the police, describing only passing police vehicles on the street and occasionally verbally or nonverbally greeting

an officer in what seemed like a non-threatening situation. (Some of these responses came from the children sheltered at Amazing Grace in Malelane, where police seem to be familiar with the institution and the children that stay there.) Perhaps the next most common experience was having paid a bribe to South African police at a border area (generally the Lebombo/Mozambican border). Often, however, it was someone accompanying the child—someone older: a relative or someone who had recruited him to work—who would conduct these interactions. Several children acknowledged that, though they would not approach the police for help (listing inefficiency or uncertainty as a more immediate reason more than fear of deportation, though fear also existed), they were unafraid to interact with police in the street and even used public phone facilities on police station grounds. In some cases, especially of those I interviewed at Amazing Grace, the police were seen as the first time that a child had been offered a "proper" bed or food. Though some children were disappointed that they were being taken to Amazing Grace instead of "home," (which would first require serious coordination between Amazing Grace, the Department of Social Services, and other actors), they seemed grateful to be there.

These experiences described by children complemented on the information gained from police officers, as well as the literature that paints policing of street children as happening more frequently when requested by the community (see, for example, Black and Reiss 1975). More specifically, it matched what I saw when police seemed engaged with other priorities, such as the officers going to the grocery store in the midst of a plaza filled with migrant children or those checking in on RDP housing based at an orphanage surrounded by migrants; in both cases with unknown immigration statuses. It matched what certain officers told me of having sympathy for street children based on years of experience with them, or knowing that Captain I. might react differently to a migrant child having adopted an orphan years before.

Others had more negative encounters with the police. One 18-year old Mozambican described the following situation:

> *They took us to the police station—it was just for a few hours. I don't know exactly how long it was but it was just a few hours. They took us—they took us to the police station and they tried to open the prison cell to actually put us in there and while they were doing that they decided to actually not put us in the police cell and said give us money and we said we didn't have money and then they released us.*

Based on my time with the Komatipoort police, this scenario no longer surprised me in the way it might have at the beginning of my stay in Nkomazi Municipality. Another respondent told a story of others paying a bribe and then being released. Only in a few instances did migrant children actually tell stories of deportation of children they knew or themselves. In that case, the respondent indicated that police were not threatening, violent, or intimidating, but simply took him back to Mozambique. This is unquestionably a serious offense on the part of the police officer, who ought to have gone through several steps to ensure the child's welfare, safety, and well-being, though the description coupled with my time with the police implies a conception of criminality more complicated than what I might have originally imagined. Whatever the reason for the deportation (it is difficult to imagine a justification), the reasons for bypassing other steps in the process of arresting anyone perceived as "illegal" may be entirely distinct, and have far more to do with scenarios described above than a deep-seated desire to deport a "criminal." Police officers near the border saw the arrest of migrants as part of their job, and a combination of a lack of resources and little to no training coupled with any combination of external factors: the time of day of their shift, the amount of paperwork that might be involved in processing a migrant child on a Saturday, or the superior to whom they had to report that day, may mean that they did not see a migrant to be deported as a threat to social order but as a "task" to be completed before their shift could end.

Other responses on interactions with the police focused on comparing the respondents' situations to those of others. One Mozambican adolescent in Naas told me: "Well I was told that

South African police, they usually don't confront people. They won't find you in the street and confront you. But if you commit a crime they will definitely arrest you. That's what I was told about South African police." This is consistent with what some police officers mentioned to me in interviews, explaining that migrant children are not a priority for policing unless officers are specifically informed that they have committed a crime or been caught by shopkeepers hovering around local shops. Even then, procedure (according to what many officers told me) requires officers to go through various steps before any deportation should occur; steps including insuring that a child's guardians whereabouts are known and that the child is safe. To the extent that individual officers—given a lack of emphasis on policing of children and training to the sensititives of that task—are even aware of what the Child Care Act might require of them and prioritize protection, it seemed impossible to execute, given the lack of shelters, social workers, and other resources to care for a child in the area.

Other respondents were insistent that while Johannesburg and even Nelspruit were dangerous spots for migrants in fear of the police, Naas, Tonga, and other areas in the municipality were well knows as safe spots for migrants from the police. This kind of information is, to some degree, consistent with reports of heavier migrant policing in South Africa's more urban locals, particularly in Johannesburg (see, for example, Vigneswaran and Hornberger 2009). Many children told me, as quoted above and again consistent with police interviews, that they believed migrant children were treated differently from adult migrants in the area, with the latter group as far more likely to be pursued by police. In addition, some respondents had been warned about roadblocks and the usage of vaccination scars as a tactic to identify migrants, something that matched with what Inspector G. had once described to me.

> *They are not all the same. There are others that will come and ask for a passport from you and if you tell them that don't have they will just grab you and put you in the van and take you away.*
> 17-year old Mozambican, Komatipoort

Where occasionally police behaviour or accounts implied that he or she saw the child as a problem, perceptions likely included a mix of "deviant" street child and of a migrant who commits crimes. That said, as my research demonstrated, despite the presence of a number of factors, all of which can be aligned into certain, predictable patterns of behaviour, police behaviour on a day-to-day basis could still be erratic, unpredictable, and arbitrary. Some police saw migrant children as a low priority, not simply on an operational, local level where they were not prioritized, but from their personal perspectives. Many saw unaccompanied migrant children on a daily basis as simply part of their environment. Some told me that they saw children as innocent, others had children of their own that impacted how they might treat a child they policed, and yet others were simply preoccupied with other issues. If it was late in the day, or particularly hot, or there was a lot of fatigue, a police officer seemed less motivated to actively engage in policing.

For example, interaction with and treatment of migrant children, at least according to one officer in Komatipoort, could depend on whether it was a weekday or weekend and, consequently, the availability of a social crime prevention officer. One officer described bringing a migrant child back to the border after hearing a noise complaint simply because it was Saturday and he considered deportation a better option than the cells; to him, following the law was impossible at the time. In the context of the influences on policing described above, and even if I had not known this police officer, it is well possible that the officer deported the child not because he viewed him as a dangerous criminal but because he had been tasked to respond to a complaint, had not been told what to do in case the social crime prevention officer was unavailable, and chose not to spend the time finding out the proper steps when his previous experience told him he would not be in trouble for directly deporting the child. In addition, it was a Saturday, perhaps later in his shift; taking the time to find out the proper procedure may have meant that he would have to stay late with seemingly no reward. Finally, he seemed to consider deportation the charitable act given the options

he considered available: detention or deportation. (None of this, of course, excuses the officer's behaviour. But it does, perhaps, identify some reasoning behind it.)

In any encounter with a migrant child, is the officer interacting with a migrant child one who sees policing as power or a menial task? Someone with a background in counseling or a background in Home Affairs? These questions could not only continue endlessly, but also pose an infinite number of combinations resulting in yet additional potential behaviour. Some undoubtedly did see migrant children as the sort of street children that Le Roux and Smith (1998a and 1998b), Bray (2003), and Samara (2005) describe. Any concern of migrant children as a threat to the community rose with perceived criminal behaviour in the children; one officer might call children "innocent" while others have been called to respond to complaints about migrant children causing crime. Either way, however, officers were working as individuals, in a localized culture of children, with a legal framework that seemed unsuitable given the lack of resources as well as the adaptability of some of the children I met.

Ultimately, despite a structured environment, despite patterns, despite some predictability, these factors can combine in any number of ways to make an action more arbitrary than predictable. This arbitrariness affected different populations in different ways; immigrants, for example, probably benefited to the extent that arbitrary policing practices seem less likely to result in deportation than the discipline advocated by Senior Superintendent F. Because there seemed to be a significant lack of higher-level oversight of local police, each individual officer was more able to conduct policing in the manner that seemed most appropriate for the situation and time, situated in the environment with which he was familiar, employing discretion in a situation consisting of dozens of other relevant details.

VI. CONCLUSION

This research report was originally proposed with an objective to answer a question on police conceptualizations of migrant children in South African border towns. Recognizing certain limitations, it sought to make a valuable contribution to the field of policing, particularly the policing of a group considered by many legally and socially complex, by approaching its subject from an anthropological and sociological, rather than legal, perspective. Through original field research with both migrant children and members of the SAPS, this researcher realized that, to some extent, she had posed the wrong question, one that was too limited in scope. Conceptualizations of vulnerability and criminality of migrant children are fluid rather than concrete ideas, changing on a daily basis and impacted by countless factors. The most prominent of these findings, based on many hours of participant observation with SAPS and several in-depth interviews with SAPS officers, in addition to interviews with migrant children in the area, were described above. When identifying influences in a police officer's behaviour toward migrant children, personal history and experiences, perceptions of an officer's work as well as a localized and even nationalized environment of some accountability and culture, as well as external factors ought to be heavily considered. These could impact not only an officer's policing of migrant children, but any police work carried out on a daily basis.

It is crucial to understand that the arbitrariness that can result from these combined factors does not necessarily result in as negative consequences for the policed. For some populations, in some areas, it may have severe and unpopular consequences. For others, it seems to be far preferable to the policing and treatment that might result from a more disciplined, predictable police force (though predictability, as Jansen 2009, for example, conveys, may be impossible as part of the process by which a police officer acts). In the making of any new policies for the police, this is an important contribution not to be discounted. First, any new policy must take into consideration that

its execution will not be as straightforward as the language of a law might prescribe and depends on several critical factors to be realized in the way in which it was conceived. Second, policies must account for not only the individual discretion that will be applied in their execution, but the considerable variance in locales in which they will be executed. Though impossible to create laws specific to an individual village, policies should be practicable, applicable, and relevant. They must take into account the several different actors involved in their reach, the capacity and training of those actors, the accountability they face, the coworkers with whom these policies will be implemented, etc.

In addition to concrete changes in the area that would create an improved environment in which to police migrant children—changes such as better and more facilities to shelter and provide for unaccompanied children in need—policies concerning migrant children, if any were ever to be created specifically for such a population, should consider that many local police seem less likely to see migrant children as migrants than as ordinary street children who also happen to be undocumented. Policies as they stand do require steps to identify a safe course of action for a migrant child taken into custody, but because of the complexity of these steps, the number of actors involved, and the lack of clarity in understanding migrant children's rights, these policies have had a history of mis- or lack of application, often resulting in illegal deportation or other action (or lack therof) against migrant children.

This research situated itself in a broad range of literature. It sought to approach theoretical approaches to policing from a more practical perspective and to examine a subject often discussed from a legal point of view in a more sociological and anthropological manner. Focusing on a geographical location with different features from the inner-city locales so frequently discussed in the policing of migrants, it tried to locate one area's experience with policing, migrants, and a group of migrants sometimes seen as particularly vulnerable in the narrative on transitional and post-

Apartheid policing in South Africa. It sought to understand how and why law is implemented in a particular manner and in a particular setting, and what factors could influence a different implementation of that law. And it sought to engage with a very particular population—that of migrant children—from a perspective rarely seen in the policy-oriented literature in which it often arises.

In examining the fluidity of police conceptions of migrant children through officers' behaviour, this study highlighted the related volatility of its research objectives. Literature suggests that legal frameworks governing migrant children are incomplete, focusing either on an individual as a child, or a migrant, but rarely both. Compounding the complex laws surrounding either category is the inability to effectively convert them into state policies which also take into account the locality and variations of the execution of those policies at a local level. It engaged with the local level by analyzing both institutional and individual components of police culture, demonstrating how uniquely these affect perceptions of and interactions with migrant children by the different behaviors observed, reported by children, and addressed by police officers. Finally, it sought to show how both unpredictable and yet influential state official treatment of children is, suggesting that children might be inhibited from seeking police assistance if they have negatively interacted or heard of negative interactions with a police officer. Though the link is impossible to know, it is certainly possible that a migrant child who has heard of police mistreatment, or simply believes in the inefficacy of the police, may not approach the police, leaving the police to ignore migrant children's needs if not frequently enough engaged for assistance.

Where this study ends, and what remains to be answered in future research, is the question of how to implement meaningful policies that account for the many organizational, situational, and environmental factors that play a role in their execution. Knowing that police officers will never be robots in a strictly administered organization, and taking into account that policing in a busy but

nonetheless less strategic border area (compared, at least in the last year or two, to the Zimbabwean border at Musina) differs from policing at other border areas which differs dramatically from policing in various South African cities, it would be fascinating to establish how policies could incorporate these variations. Knowing, at least to some extent, the answer to what influences exist on police behaviour and recognizing the fluidity of these influences, it is important to ask how we can most effectively and meaningfully work within this knowledge.

This study sought to make an important contribution to the literature on policing and more specifically the policing of migrant children in South Africa. Even with data specific to one locale, its findings, focused on what drives everyday policing behaviour, are applicable beyond the small town of Komatipoort and the Nkomazi Municipality. It has identified new ways of analyzing police behaviour by going beyond overarching themes of law and order and focusing instead on the individual officer, what drives that officer's actions and discretion, and ensuring that these are analysed within the environment within which they occur. This report examined these questions through the lens of the impact of such arbitrary police behaviour on perceptions and treatment of migrant children. It considered, as described above, that the law may not have as much relevance in how police interact with those around them, suggesting that instead of a legal framework police officers could be considered in a light in which their compliance with law constitutes only one aspect of more contextual and sociological conceptions of behaviour.

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