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Does data count?

The politics of complaint,
data and police accountability

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Advances in technology have expanded the possibilities of state surveillance, but they have also expanded opportunities for citizens to collect data on the state.² At present, cell phone videos, WhatsApp monitoring groups and crowdsourced mapping of real-time events are producing a raft of new data to add to older forms of civic data gathering. In the wake of global mobilisation around issues of police wrongdoing and accountability, it is important to reflect on the impact that data may have on the pursuit of justice, redress, and transformation.³

While not discounting the rich policing literature that exists on police accountability and change, we have opted in this article to draw on the work of Sara Ahmed, who explores complaints in the United Kingdom higher education sector.⁴ Her work, we argue, can help us understand why counting people does not always make them count. In other words, Ahmed shows how the effectiveness of data in securing redress and reform is often curtailed by the same patterns of oppression and stigma that facilitate police wrongdoing in the first place. In this article, we explain Ahmed's concept of a 'complaint biography' and her exposition of complaint work more broadly. We also apply her ideas to incidents of complaints against the police, and interrogate the role and importance of physical violence in this regard.

Introduction

A diverse range of organisations across the globe, from Equal Education to the World

Bank, believe that data on government services provides the key to accountability and reform.⁵ This belief applies across multiple areas of

governance, including state policing. Advocates have argued that better data will bolster efforts to secure censure and change.⁶ The growth of technology, from cell phone cameras to bodycams, has only amplified such hopes.⁷

While faith in data has enjoyed a fresh lease of life over the last decade, largely driven by talk of the 'data revolution', its roots are far older.⁸ So, too, are the voices reminding us that accountability and change are political processes that may remain impervious to technical changes in data collection.⁹ The broad contours of these debates may be familiar to those involved in researching, pursuing and practising government accountability; however, the socio-political terrain where we find ourselves is constantly in flux. To understand the possibilities and limitations of data today, we need to constantly refine our theoretical tools and our empirical understandings.

In recent years, mobilisation around questions of police wrongdoing and accountability has ricocheted across the globe.¹⁰ In its wake, it is useful to revisit the role that data might play in the quest for police accountability and, as such, it might be tempting to return to the wealth of policing studies literature.¹¹ After all, policing is often seen as a unique state service, with police officials adopting the role of 'violence workers' for the state.¹² Indeed, many would argue that it is their ability to use discretionary violence that separates the police from other state officials.¹³ This may encourage us to think of police accountability as a distinctive issue, with its most relevant theoretical frameworks coming from within policing studies. We would agree that police work is unique in its relationship to violence, yet we argue that Sara Ahmed's work *'Complaint!'*, forged from experiences within higher education in the UK, provides us with invaluable conceptual tools for exploring complaints against the police, the pursuit of accountability, and the possibility of

reform. Through Ahmed's work, we can see how personal, interpersonal and institutional factors combine to shape attempts to secure police accountability. In this article we connect Ahmed's thinking with the findings of two workshops that we conducted with civic activists in Kenya and South Africa on the topic of police violence, accountability and change. Furthermore, to ensure that we capture the unique challenges of holding 'violence workers' to account, we extend Ahmed's work to place greater emphasis on the physical risks of complaint work in this sector.

The article is structured as follows: After providing an overview of the workshops that we conducted, we unpack Ahmed's work. In doing so, we make four key arguments. Firstly, Ahmed's notion of a 'complaint biography' helps us to think meaningfully about complaints before they come into existence institutionally. We argue that this is particularly useful in situations of police brutality, where the police may intentionally try to blur the line between legal and illegal force. The long life of a complaint that may never enter institutional channels is recognised in myriad books on police violence and accountability.¹⁴ Ahmed's conceptual approach draws together many of the themes emerging in a diffuse literature on police accountability, placing the victims of police wrongdoing at the centre. Secondly, we suggest that Ahmed's focus on 'complaint work' enables us to highlight the different forms of emotional and bureaucratic labour that go into maintaining complaints. Thirdly, Ahmed's notion of 'institutional violence' speaks to the risks that come with complaining, and we extend this notion to include the physical violence exercised by individuals and institutions. Finally, Ahmed's call for 'complaint collectives' illustrates the importance of collective work in the pursuit of police accountability and change. This perspective encourages us to trace the shape of solidarity between marginalised groups, while also pushing us to reckon with the limitations of collectivity.

Definitions and methodology

When we speak of ‘complaints’ in this context, we are talking about a wide range of actions that bridge informal and formal processes. Therefore, the scope of the study includes complaints that go directly to oversight bodies such as the Independent Policing Oversight Authority (IPOA) in Kenya and the Independent Police Investigative Directorate (IPID) in South Africa, as well as complaints that are lodged elsewhere in the police service and cases that are opened against police officers. We see the plurality of this category as a strength, as it does not privilege formal or legal means of recourse over others.

Our understanding of ‘data’ is broad, ranging from statistics to videos, from handwritten forms to digitised maps. In this article, we use the term ‘data’ as opposed to ‘information’ or ‘evidence’ because the latter two terms refer to the meaning that is made of data.¹⁵ We argue in this article that data has an indeterminate relationship to (and effect on) power. Its meaning and significance are fundamentally contested. What is seen as ‘evidence’ of police abuse by those who have been victimised by the police may not meet laws of evidence in a particular jurisdiction. It may also be ignored or rebutted for other reasons by those in power. The intention of our article is to explore the contestation that surrounds this process of meaning-making. In other words, by looking at complaint work, we are exploring the process of mining data as a raw material and then translating it into something more. For this reason, we refer to ‘data’ throughout our article, leaving the moments that it transforms into ‘evidence’, if at all, as an open analytical question.

When we talk about ‘police wrongdoing’ and ‘police abuse’ in this article, we are referring to instances in which the police break their own regulations and the laws of the state. We

remain alert to the fact that official definitions of wrongdoing are likely to diverge from popular notions of wrongdoing.

Finally, we understand ‘police accountability’ as the process by which police forces and/or police officers accept responsibility for their actions. This is usually accompanied by some form of legal, institutional, and/or social sanction. Personal and/or institutional reform is a logical but not inevitable outcome of police accountability. Consequently, we treat police accountability and reform as distinct.

Our analysis is based on two workshops held in Nairobi (Kenya) and Johannesburg (South Africa) between May and July 2019, with a total of 27 civil organisations working on police accountability in both countries. The Kenyan workshop was also attended by representatives of three government agencies. Representatives of the participating organisations were asked to make presentations in response to a set of questions on how they collected, stored and used data in their efforts to pursue accountability for the police wrongdoing that their members or clients experienced, as well as the challenges they faced in doing so.

Kenya and South Africa present an interesting set of comparative case studies. The history of police brutality in both countries, including harassment, torture, sexual assault, unlawful detentions, killings and disappearances, goes back to colonial policing,¹⁶ the aim of which was conquest and repression.¹⁷ Both Kenya and South Africa have since engaged in a range of symbolic, discursive and institutional reforms. These have included the establishment of civilian oversight bodies – IPOA in Kenya and IPID in South Africa – to investigate complaints of police misconduct and strengthen police accountability.¹⁸ These bodies sit within a broader architecture of institutions which should, it is hoped, promote and drive accountability in the police. In South

Africa these institutions comprise the Civilian Secretariat for Police Service (CSPS), to whom IPID reports, the South African Human Rights Commission (SAHRC), and the Public Prosecutor; and, in Kenya, the National Police Service Commission (NPSC) and the Internal Affairs Unit (IAU). In practice, however, reforms have been limited and flawed. In truth, neither the state nor its citizens have wholly renounced the use of police brutality in all contexts.¹⁹ In fact, research in both countries demonstrates continued support for police brutality.²⁰

Statistics (with all their limitations) demonstrate that police wrongdoing remains widespread in both countries. In 2023, Kenya's state police reportedly executed 118 people extrajudicially,²¹ and between 2018 and 2024 IPOA received 20 112 complaints against police officers, with 30 police officers being convicted.²² In South Africa, statistics primarily emerge from the IPID. The IPID has a large caseload and restricted funding,²³ and questions have been raised over the quality of its investigations, which relate to both issues of will and capacity.²⁴ The IPID registered 5 136 new cases in the 2023/2024 reporting period, adding to a backlog of 13 919 cases.²⁵ Some IPID cases are automatically assigned, as the directorate is tasked with investigating all deaths in police custody and as a result of police action. Other cases, such as allegations of police torture and assault, are opened when complaints are lodged. In 2023/2024, 460 cases of death as a result of police action and 212 deaths in police custody were referred to the IPID,²⁶ while the number of complaints was far higher, including 3 176 cases of assault and 273 cases of torture.²⁷ In addition, in 2023/2024, 2 032 cases were referred to the National Prosecuting Authority, including six cases of death in police custody and 147 cases of death as a result of police action.²⁸

In both Kenya and South Africa there is an awareness that police brutality is under-reported and sanctions against police officials, either through criminal conviction or disciplinary sanction, are inadequate.²⁹ Over the last fifteen years, some acts of police wrongdoing in both countries have provoked global attention. In South Africa these include the policing of #FeesMustFall protests, the killing of 34 miners in the Marikana massacre, and the killing of Collins Khosa during lockdown; and, in Kenya, the killing of six-month old Baby Pendo in the midst of an election dispute, and the abduction and killings of GenZ protestors. In both countries, civil society organisations remain a key driver of police accountability.³⁰

Despite these similarities, Kenya and South Africa differ in important ways with respect to policing and police violence. Firstly, their experiences of violence are different, and have shaped how they are policed. Kenya's encounters with al-Shabaab, for example, have fed a 'war on terror' that has, in turn, been used to justify police brutality.³¹ South Africa has experienced xenophobic violence that has exposed police brutality and inaction.³² Secondly, there are critical legislative differences between the two countries, which shape exposure to violence and the possibilities of accountability. South Africa has decriminalised same-sex relations, for example, but Kenya has not. While LGBTQ+ persons in South Africa continue to experience disproportionate violence, this legal difference remains important.³³

In consolidating the discussions of our workshops in South Africa and Kenya, we have gained a diverse but coherent set of insights into the process of seeking police accountability. As we explain below, we believe that Ahmed's work provides a useful structure for making sense of these experiences. While the workshop participants were not representative

of all complaints, their input provided valuable insights into the matter at hand.

Biography of a complaint

Our discussion of Ahmed's work begins with the notion of 'the biography of a complaint'. By this, Ahmed is referring to 'the life of a complaint in relation to the life of a person or group of people.'³⁴ To be interested in the life of a complaint is to be interested in how a complaint emerges as well as the directions that it travels: when does someone decide that their experience is grounds for a complaint? When do they decide to pursue that complaint? What formal and informal lives does that complaint have once it has been brought into existence? How does the life of a complaint shape the life of the people who made it?

Paying attention to the full life of a complaint is crucial in contexts of police violence, for several reasons. Firstly, it acknowledges the importance of a person deciding that their experience constitutes grounds for a complaint. In some cases, the fact that the police have broken their own rules is apparent to victims of their violent actions. In other cases, though, matters are not so clear cut.³⁵ The uncertainty surrounding some actions, compounded by long histories of being dismissed and disbelieved by officialdom, can make people question whether they truly have cause for complaint. This is particularly true in interactions with the police, because they have such broad legal discretion over the exercise of force and the pursuit of arrest.³⁶ Such discretion is often amplified by statutes that use concepts like 'reasonableness' to ascertain whether discretion was legal and, in doing so, give the police considerable room for manoeuvre.³⁷ Thus, potential complainants might know that an interaction was substantially unjust while not knowing if it broke state law or police procedure. In such contexts, as Ahmed recognises, making the decision that

an experience is grounds for a complaint is an important political move in and of itself.

Secondly, the notion of a complaint biography is important because it acknowledges the existence of complaints that may never make it to the doors of the state. As Ahmed explains, 'a complaint biography would include those times we decide not to make complaints'.³⁸ In doing so, she gives us conceptual room to explore instances in which complaints are articulated and then dropped. The lives of activists and civic organisations are strewn with part-formed complaints: statistics that remain on the desks of human rights advocates, affidavits that are stored in a victim's cupboard, or letters that lie half-drafted under their bed. The stories of such data also need to be told. When we look at police accountability through the lens of the 'complaint biography' we are encouraged to take seriously the fragments of data that have been abandoned, delayed or neglected because people are too demoralised, afraid, exhausted or under-resourced to bring them into the public sphere.

Finally, by following the 'biography of a complaint' we follow the multiple lives that a single complaint might have as it travels within institutions and beyond them. We might, for example, chart the way that the same complaint lies languishing in the filing cabinet of a police oversight agency, travels the globe in the form of a twitter thread, or embeds itself in the personal life of the complainer, shaping their future life chances and life choices. In this sense, Ahmed's work links us to broader socio-legal work on the multiple lives of disputes, prompting us to think about the different trajectories that disputes take over time and space.³⁹

In sum, the lens of a 'complaint biography' enables us to think about the political importance of identifying grounds for a complaint, the theoretical significance of complaints and complaint fragments at all

stages of a complaints process, and the multiple lives that one complaint can live.

Complaint work

The second facet of Ahmed's work that we highlight is her discussions on the 'work' of a complaint, which focuses attention on the emotional, bureaucratic and material labour required to make and maintain complaints. Indeed, one of the strengths of Ahmed's work is that she holds the importance of *both* forensically dissecting the institutional processes involved in a complaint and the emotional impacts that the complaint has on the complainant(s). As she explains, 'Making a complaint is never completed by a single action: it often requires you to do more and more work. It is exhausting, especially given that what you complain about is already exhausting.'⁴⁰

In this section, we start by acknowledging the material and emotional work of bringing a complaint to the police. Next, we illustrate how bureaucratic efforts to make institutions 'see' complaints can take their toll, leading to instances of non-recognition and misrecognition. These are the costs that accrue to complainants even when procedure is being followed. They are the costs of trying to act on the state's terms and in the state's language. As Ahmed argues, 'administrative labour is also communicative labour'; it is an attempt to try and communicate an experience in a form and language that is institutionally legible.⁴¹ And yet, it is often the same institution's wilful refusal to acknowledge such experiences that gives cause for complaints in the first place.⁴²

Let us start with the work of (literally) bringing a complaint to the desk of the police. As Ahmed argues, to embark on an institutional complaints process is often to encounter closed doors, both literally and metaphorically.⁴³ Many of the civic organisations at our workshops spoke of the difficulties of getting complaints 'through

the door' of the police station. Institutionally, complaints against the police often require people to open cases against the police. And yet, as participants in Kenya and South Africa reported, police officers often refused to record cases that were brought to them about their colleagues. Abahlali baseMjondolo (AbM), for example, is a shack dwellers' movement in South Africa that struggles for land, housing, and dignity. An AbM activist at the workshop recounted that he had tried multiple times to open cases of assault against the police. The officers at the desk refused. 'We cannot open a case against one of us', they retorted, before chasing him out of the station.

Matters did not necessarily improve when victims took lawyers, activists or journalists with them for support. In one case, a Kenyan police officer is said to have refused to record a case of victimisation, even though the victim was accompanied by an IPOA officer. In fact, activists in all workshops noted that the presence of civil society organisations can sometimes *increase* the ire of police. In the next section, we explore how this institutional intransigence turns violent.

Even where complaints were opened, complainants had to engage in complaint work to translate their experience into a form (and onto the forms) that the state would recognise. The collection and curation of evidence by civic organisations in Kenya and South Africa is an exercise in trying to make issues legible and credible in the eyes of the state as well as the public, donors and international organisations. This tends to happen in one of two ways. In some cases, stories are converted into statistics. Often, these statistics are made to cohere with the state's own reporting mechanisms. In Kenya, for example, many groups use official Violence Reporting Forms (VRFs), issued by the Ministry of Health.

In other cases, broader forms of data are used to corroborate victim testimonies, typically in cases where organisations are pursuing *legal* accountability. Following the #FeesMustFall protests in South Africa, for example, the Socio-Economic Rights Institute of South Africa (SERI) supported victim statements with independent forensic analyses, medical records and audio-visual files.⁴⁴ In Kenya, the Independent Medico-Legal Unit (IMLU), which documents cases of police violence and presents expert opinions in court, relies on the analysis of legal and medical experts to gather data on injuries and deaths.⁴⁵ Increasingly, however, corroborating evidence of police brutality is taking on an audio-visual form, such as photographs and videos.

Workshop participants highlighted two main difficulties with the approaches above. Firstly, stories were being rendered legible to the state on the state's terms. This led to forms of *misrecognition*. In Kenya, for example, organisations working with sex workers and LGBTQ+ persons were frustrated that the Violence Reporting Forms reflected state biases against them. The format of the forms, they argued, allowed people to report sexual violence but not to record violence that they had faced on account of their sexual or gender identities. In this case, it is clear where improvements could be made. In other cases, the solutions were less clear. In South Africa, for example, groups analysing the state's own case files for evidence of crimes against LGBTQ+ persons are limited by the fact that no data is collected on people's sexual and gender identities. However, given that police stations are not considered safe spaces, asking people to reveal this information would mean exposing them to trauma, abuse, and alienation.⁴⁶

Secondly, providing legible data risks endorsing the *non-recognition* of victim testimonies.⁴⁷ By acting as translators who convert people's testimonies of police brutality into 'credible'

data, organisations risk accepting a premise that they should be rejecting: that victim testimonies alone are insufficient in the pursuit of censure and change. Furthermore, even when civic organisations *do* translate their data into a format that is considered more state friendly, there is still the risk that it could be questioned or ignored. AbM, for example, have years of experience collaborating with legal organisations like SERI, working with UN Special Rapporteurs, and collecting their own data from within their movement. Yet, as their members have repeatedly argued, the problem that remains is political: the refusal of data is just one of 'the systemic ways in which the state ignores people and treats them with bureaucratic contempt'.⁴⁸

Non-recognition and misrecognition can take an emotional and material toll. In Ahmed's words, 'making a complaint can feel like becoming a character in somebody else's story'.⁴⁹ This does not just mean that the complainant's case exists at the whim of an institutional process. It can also refer to the fact that the *narrative* of their case has been contorted to fit the kinds of stories to which the state is willing to listen. In recognising this, we see 'how the same complaints procedures used as tools to redress bullying and harassment can be used as tools to bully'.⁵⁰

Socio-legal scholars have long acknowledged that institutional processes are taxing for those who go through them, even those they are supposed to protect: they take a material, economic, social and psychological toll on those whose lives they examine, dissect and disrupt.⁵¹ In her work, Ahmed suggests that this is perhaps particularly true of complaints processes, because they are often designed to be 'non-performative'.⁵² In other words, complaints processes exist so that they can be brandished at those who might otherwise accuse an institution of being unaccountable, but they are usually designed to contain and

resolve complaints rather than meaningfully attend to them.⁵³ By looking at the ‘complaint work’ involved in police accountability, we are called to explore the varied forms of labour bound up in this process, and the costs.

Institutional violence and the violence of institutions

Above, we have covered the significance of ‘complaint work’ and the toll that such work takes when it ends in non-recognition or misrecognition. In this section, we explore instances in which complainants face active persecution and physical violence. In other words, we discuss instances in which ‘the complaint ... becomes part of the crisis or trauma’ in the most visceral sense.⁵⁴ This is an area of inquiry that Ahmed recognises in her book but, given that her work is on complaints in higher education, she understandably places greater emphasis on the institutional violence that people face during complaints processes rather than the physical violence that they may encounter.

Below, we extend Ahmed’s work to apply to police complaints. Arguably, one of the distinctive threats that people face when complaining about ‘violence workers’ is further physical violence. However, as the civic groups we spoke to explained, it was not just aggravating the police that put complainants in physical danger. In the process of conducting complaint work, victims and their allies could become hyper visible. This is not to say that the search for other forms of accountability is always safe. The police, however, are a particularly formidable group to tackle in complaint work, not least because of the opportunities they have to abuse their capacity for discretionary violence, and their access to the criminal justice system. To make a complaint is to make oneself visible. In contexts where marginalised and minoritised communities face violence from state actors

and social actors, this visibility could place them in peril.⁵⁵ Here, we highlight the impact that such physical intimidation might have on creating data, being counted within data, and presenting data to the state.

We start with the act of collecting. Much has been made of the usefulness of technologies – especially cell phone cameras – in documenting police abuse.⁵⁶ The recording of George Floyd’s brutal killing, which triggered condemnation and protests across the globe, is a case in point. However, the civic activists we spoke to said that they often found it difficult to capture data of police wrongdoing. In some cases, this was because police officers limited the opportunities for capturing data that might be used against them. In South Africa, for example, activists spoke of the ways that police used police vans and cells for cover so as to increase their ability to assault activists with impunity.⁵⁷ In Kenya, a representative of the Bar Hostesses Empower and Support Programme (BHESP) claimed that police officers quickly removed the body of one of their members after she was killed by a police officer. The BHESP representative argued that the police were trying to stop the organisation from taking photos at the crime scene and from tracking her body to the morgue for an independent forensic examination.

In other cases, activists recounted how the police attempted to intimidate people who were capturing data of police wrongdoing on their phones. An AbM member in South Africa noted numerous cases in which the police had assaulted people as they tried to record police violence. He claimed that the police either destroyed their phones and cameras, or confiscated them under the guise of needing the recordings for evidence. This is a long-running trend. In 2005, for example, police fired on a peaceful AbM march to eThekweni mayor Obed Mlaba, with marchers claiming that the police used rubber bullets, stun grenades and

guns with live ammunition. Those who recorded the violence had their cameras confiscated, 'at times at gunpoint and always on threat of arrest'.⁵⁸ This was true not only for the shack dwellers, but for journalists and academics participating in the march.⁵⁹

Next, let us turn to the act of being counted within data. Above, we argued that when data is collected in a format that does not reflect people's identities and experience, this misrecognition is an act of symbolic violence. The inaction and injury that stem from symbolic violence can have material consequences. This is not, however, the only physical risk that complaint work holds for victims and their supporters. Ironically, the visibility that comes from having an act of police violence *correctly* described can also be dangerous. To understand why, we need to remember that invisibility can be a protective mechanism for those facing persecution. In South Africa, for example, homophobic and transphobic violence is widespread,⁶⁰ disproportionately affecting 'lesbians of colour in poorer townships'.⁶¹ There is manifold evidence that police officials are perpetrators and facilitators of transphobic and homophobic violence.⁶² In such contexts, to 'disappear' by leaving an area or by appearing to conform to dominant gender and sexual identities can be an important survival tactic.⁶³ Conversely, 'being counted' in non-anonymised data on homophobic and transphobic violence could jeopardise these survivalist strategies.

Complaints do not just render people visible to the police: they can pull police officials and victims into a public spotlight, on grossly unequal terms. When victims are targeted because of an assumed identity that they hold, coverage of their complaint will publicly tie them to that identity. For example, to bring a complaint to the police about homophobic and transphobic violence reinforces the public labelling of your own sexual and gender identity,

even if this label has been incorrectly applied. As Ahmed notes, 'when you complain, your own body is turned into testimony, revealing something about yourself as well as about the situation in which you find yourself'.⁶⁴ In some cases, this hypervisibility can lead to intimidating and endangering forms of exposure.

Finally, the violence of enforced visibility, exposure, and persecution does not end when a complaint is lodged. Far from it. As the civic organisations that participated in our workshop argued, complaint work is dangerous work. Complaining about the violence of the police can often *elicit* further police violence. In South Africa, for example, the journalist Paul Nthoba took a picture of police officers who were on patrol near the Caledon River on the border between Lesotho and South Africa. He was allegedly assaulted for this action. When he went to open a charge against the police officials in question, he claims that he was assaulted for a second time. Believing that his home was being watched by the police, Nthoba fled to Lesotho.⁶⁵ This is not a unique case. In South Africa there are many instances of violence and intimidation against people trying to complain about assault, rape or intimidation by police officials.⁶⁶ The same is true in Kenya. In 2009, for example, two Kenyan human rights activists who were investigating police excesses against members of Mungiki, an outlawed vigilante group that was accused of a series of beheadings, were killed by police officers while driving on a busy street in Nairobi.⁶⁷

In summary, this section has highlighted the violence associated with complaint work against the police. In her book, Ahmed pays careful attention to the multiple forms of violence that drive complaints, as well as the institutional violence of the complaints process. Physical violence is not, however, a common characteristic of the complaints process within higher education in the UK. We have therefore

broadened the lens of Ahmed's work so that it can better capture the violence that is a defining feature of complaint work against the police – unsurprising given that police officials are themselves 'violence workers'. By extending Ahmed's exploration of violence in this way, we help to tailor her insights to the context of police violence and accountability.

Complaint collectives

Our final section explores Ahmed's call for 'complaint collectives'. Complaint processes, she argues, can isolate people and individualise problems. Complaint collectives emerge when people identify with one another, sharing a sense of struggle and resisting fragmentation. Collectives not only sustain complaints, they can also spread the burden of 'complaint work' and build alternative spaces in which complaints are shared, acknowledged, and affirmed.⁶⁸ Sometimes these collectives might be institutionalised alliances with long histories of complaint work. In other cases, complaint collectives might be a transitory constellation of parties and individuals who gather around a specific case. We would argue that many of the civic organisations that we spoke with in South Africa and Kenya are functioning as complaint collectives: they are building alliances in which complaints are believed and pursued. Studying these collectives can give us important insights into contemporary relationships of solidarity.

Sometimes these collectives form around individual complainants whose complaints are seen as both inherently important as well as serving as significant test cases. And there have indeed been some cases where police officers have been prosecuted and jailed for acts of violence. In recent years, the Kenyan courts have sentenced several officers, including two officers who killed Kwekwe Mwandaza, a 13-year-old girl, in Kwale. Similarly, in South Africa, AbM has had some success in court pursuing cases against the police for violence

against informal settlement residents. These are important victories. That said, legal cases that deal with individual acts of police wrongdoing can suggest that an act of wrongdoing is an isolated transgression rather than a systematic, structural issue. This, in turn, can limit the systemic forms of accountability and change needed to tackle the issue of police violence and wrongdoing.

In any event, these victories, with all their limitations, are few and far between. Often, institutional complaints processes end in closure, not resolution. In such cases, complaint collectives can play an important role in keeping a complaint alive. Sometimes this occurs through memorialisation within a movement to ensure that victims of lethal police violence are not forgotten. At other times, we see movements pushing for accountability and change *beyond* the state. Complaint collectives, for example, have attempted to take data to social media platforms to try and shame police officials. It was through a social media campaign, for example, that a police officer who had assaulted a woman in a public toilet in Kisumu, Kenya, was identified and sanctioned. In this case, the police officer in question was both publicly shamed and institutionally sanctioned. Social media, however, is normatively fickle. While civic groups use their platforms to push for protection and redress, others may use the same platforms for further persecution. In both countries, activists described online abuse from anonymous accounts which were believed to be the work of police officials. In Kenya, 'Hessy' is the name of Facebook accounts allegedly used by anonymous police officers. These accounts are said to share the identities of alleged gangsters before they are assassinated.⁶⁹ Several young men and women who have been featured on these platforms have died because of subsequent police action. For example, members of *gaza*, an outlawed criminal gang,

were killed after their images had been shared on these Facebook pages.⁷⁰

In other words, the existence of a complaint collective is no guarantor of success. Much depends on the political environment in which complaint collectives are functioning. In some moments of rupture or transition, complaint collectives might be able to leverage their data to push for individual accountability *and* structural change. A notable example of this is the consistent documentation of police killings in Kenya since 1994, and the publication of quarterly repression reports by the non-government organisation Kenya Human Rights Commission (KHRC), which created a databank on police violations. Their work culminated in a year-long campaign against police killings in 1997, which led to some legislative changes such as the disallowing of evidence obtained through torture and the establishment of a National Security Intelligence Service (NSIS), as a separate entity from the police.⁷¹ Such successes often depend upon the availability of pertinent data at the points of reform. For instance, while the Waki Commission found that police officers were responsible for about one third of over 1 133 deaths that occurred in post-election violence, it claimed that there was not enough information about the individual police officers involved to push for legal redress.⁷² Therefore, while the commission's work would have an important impact upon subsequent constitutional and legislative reforms, it did not result in successful prosecutions.⁷³

So far, we have focused on the importance of complaint collectives as spaces of solidarity. In the remainder of this section, however, we point to the limitations of this solidarity. When thinking about police accountability, it is important that we do not romanticise civic spaces. The state has no monopoly on discrimination and exclusion.⁷⁴ Often, state behaviour is symbiotic; it is bolstered by broader social opinions which

it, in turn, consolidates. Nor does an experience of police repression make a person opposed to police violence in all its forms. People's objections are often context specific: they do not condemn police violence as such, rather, they condemn the violence that was directed against *them* and their social groups. A focus on complaint collectives encourages us to explore the limitations of collectives and the shape of solidarity around a particular event.

Notably, in both Kenya and South Africa, it was LGBTQ+ groups who highlighted that other civic groups were slow to come out in solidarity and less likely to articulate the foundations of a shared struggle. Heteronormative ideas, they suggested, continued to exist within civic spaces. Consequently, other civic organisations were slow, silent or even obstructionist in the struggle of these groups against police abuse. Look within LGBTQ+ organisations, however, and there are also histories of exclusion. B Camminga's work on South Africa, for example, demonstrates that LGBTQ+ organisations have often overlooked and undermined trans rights and protection for trans people, despite claiming to represent them.⁷⁵ Ahmed's work on complaint collectives pushes us to explore the forms of connection and disconnection, inclusion and exclusion that run through civic organisations.

In closing, it is important to note that there are also less ideological and more pragmatic factors that constrain complaint collectives. The process of data collection around police violence in Kenya and South Africa is fundamentally shaped by organisational remits, metrics, and procedures. As the civic groups we spoke to explained, different organisations collect different forms of data, which they store and share through a variety of programmes and platforms. This means that data on police wrongdoing can become siloed and

fragmented. This is particularly true with regard to digital data.

The growing interest in leveraging digital data has led to a proliferation of proprietary digital tools for gathering, storing and disseminating data on police violence. Organisational practices often emerge from a mixture of strategic priorities and resource availability, but once an organisation has become invested in a particular mode of data collection, its practices become hard to shift. Any change comes with large transaction costs, which makes longitudinal comparisons more difficult. Often there is also a logic as to why organisations count police wrongdoings differently. Amnesty International (Kenya), for example, has created Missing Voices, a platform for aggregating civil society organisations (CSO) data on extra-judicial executions and enforced disappearances by Kenya's state police.⁷⁶ The National Coalition of Human Rights Defenders in Kenya (NCHRD(K)), however, continues to run Mtezezi,⁷⁷ an app that serves as a panic button for human rights defenders in Kenya. While these two data sets intersect, Missing Voices does not capture all the violations that NCHRD(K) deems necessary. In other cases, the issue is the verification of data required. For instance, some of the cases recorded by the Mathare Social Justice Centre (MSJC), a local organisation committed to recording 'police killings', are often tagged as 'unverified' by Missing Voices. This is because the focus of Missing Voices is to record deaths that can be verified as 'extra-judicial executions' and 'enforced disappearances', which require a higher evidentiary threshold and demand time and resources beyond that obtainable by local organisations such as MSJC. The tagging of a report as 'unverified' has a material effect on its chances of obtaining accountability.

That being said, the reasons for sectoral fragmentation are not purely technical.

Shifting data practices also have political and economic implications. In some cases, organisations become known for collecting data in a particular form. To collaborate with other organisations on a different model could mean losing their standing in an overcrowded funding environment. Focusing on complaint collectives helps us see both the power that these collectives can exercise as well as their limitations when facing resistance.

Conclusion

'What leads you to make a complaint,' Ahmed argues, 'is what makes it hard to complain.'⁷⁸ In this article we have used Ahmed's work '*Complaint!*' to explore the experience of civic organisations in South Africa and Kenya that are attempting to use data to push for political accountability. We have demonstrated that her concepts of the complaint biography, complaint work, and complaint collectives are useful for unpacking attempts by civic groups to hold the police to account.

We have argued that the data on police wrongdoing that civic organisations collect and collate continues to usefully shine the light on a critical problem, but every step of their work is beset with challenges. Most of these challenges stem from the fact that victims of police wrongdoing are often from the most oppressed and stigmatised groups in society and face widespread social condemnation for who they are as much as for what they do. This presents several concrete issues. Firstly, there is safety in anonymity. This limits the degree to which these complainants are comfortable with the visibility that 'being counted' brings. In addition, even when data on police brutality is collected, verified and aggregated, it is often deprioritised as an issue.

The task of making police wrongdoing a priority for reform is a deeply political one. Of course, the police's ability to avoid censure is never a certainty. As soon as police officers step outside

the law, the possibility of accountability, however small, exists. On some occasions, data can create the leverage needed at critical moments to push for accountability and change. Still, we argue that much of the optimism surrounding data as a tool for accountability and reform overlooks how difficult the political work involved is for civic organisations. The risk is that we keep counting the wrongs that people face but we do not manage to make people count. Ultimately, social injustice doesn't increase because no-one knows it exists, but rather because the voices of victims are ignored, denied and/or silenced.

In order for data on police wrongdoing to count politically, the people who suffer it must be valued. In other words, their dehumanisation, which anchors their victimisation, needs to be reversed. What does humanising work look like? It is grounded in the voices and visions of people who are currently being dehumanised. Those visions are diverse. For some, humanising work is primarily legal. It is the work of decriminalising sex work or same-sex relationships. We agree that criminalisation is a powerful symbolic statement and has huge material consequences for those who are criminalised. That said, decriminalisation alone does not guarantee an inclusive society; the continued victimisation of LGBTQ+ people and informal settlement residents in South Africa is testament to that fact. Resisting and reversing dehumanisation requires slow, deep and multi-faceted work. It rests heavily on solidarity within and between diverse groups in society. In both Kenya and South Africa there are long histories of solidarity at a local, national and international level. Today, groups like AbM have made good use of networks of solidarity to provide protection for their members and others. That said, solidarity work is challenging. In some cases, groups with similar interests have diverged over tactics, and these divisions have caused rifts within civil

society. In other cases, oppressed groups with different identities have either failed to identify their shared interests or have not been able to overcome their differences. Solidarity has often proved even more tricky between oppressed and privileged groups in society, as those from grassroots movements have sought to maintain their independence, voice and priorities within complex alliances. Solidarity, then, is no simple solution. But this difficult work can reshape the political landscape and reverse entrenched patterns of dehumanisation. Only then can the legal, social, political and material realities that cement oppression and facilitate police brutality truly be challenged.

Notes

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