

Policing Protests (RIOTS): An Investigation and Analysis of Crowd Management Strategies

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Abstract:- This article presents a literature overview which probes police and operational policies, relevant legislation and crowd management guidelines, in an effort to pin-point popular modern protest management practices in South Africa. The study adopts a discursive framework, with information gathered, categorized, plotted, critically considered and a line of reasoning developed. In order to verify the current status of Public Order Police (POP) in South Africa, a thorough study of all relevant legislature and working guidelines (including National Instructions, Standing Orders, SAPS strategic plans, etc.) has been piloted and the implications of these instruction documents examined. Firstly, notwithstanding the paucity of studies on service delivery complaints conducted or published between 1994 and 2000, this study shows a significant disparity among complaint management policies used within the trial organizations. Secondly, the studies that are available are narrative analyses of rally events and are not grounded in any hypothetical ideals or investigative philosophy. The author believes that this article will play an important role in shaping future government theory and therefore practices, and in contributing to an empirical measure of dissent. This will be of applied benefit to decision-makers at all levels.

Keywords:- Policing of protests, crowd management, democratic policing, violence, formulative research into crowd management policy.

I. INTRODUCTION

The National Instruction Policy Document on Crowd Management (South African Police Service, 2013) and the following authors Borch, 2013; Madensen & Knutsson, 2011, Mahlangu & Ndabeni, 2013; Nathan, 2010; Omar, 2006 all maintain that when a police service acts as crowd control, their primary goal is preventing violence. Section 205 (3) of the South African Constitution, mandates that Public Order Police (POP) maintain civil order during public gatherings and demonstrations. Following the necessary, enormous changes that happened in the 1990s the cruel conduct of the police during mass management maneuvers raised many critical questions. This violence led to the Goldstone Commission of Enquiry (formed in October 1991) which set out “to investigate and expose the background and reasons for violence, thereby reducing the incidence of violence and intimidation”. The goals of the Commission were to:

- “Inquire into the phenomenon of public violence and intimidation in the Republic, the nature and causes thereof, and what persons were involved therein;

- inquire into any steps that should be taken in order to prevent public violence and intimidation;
- make recommendations to the State President in respect of public violence or intimidation.”

The following recommendations for the preclusion of violence and terror in exceptional protest situations were presented to the President by the commission:

- “deploying an effective police presence in local communities;
- utilising the new division of Internal Security to counter violence;
- taking urgent steps to prohibit the carrying of dangerous weapons in public; and
- improving the relationship between the police and local communities”.

The Goldstone Commission also identified the need to legislate the control and management of mass demonstrations, given that the first democratic elections in South Africa were soon to be held. The result was the Regulations of Gatherings Act 205 of 1993. This Act means “to regulate the holding of public gatherings and demonstrations at certain places; and to provide for matters connected herewith”. The basis of the Act is that everybody has the right to engage peaceably in demonstrations and to enjoy the protection of the police. This was momentous progress for public policing in South Africa.

The Public Order Policing (POP) Unit is an expert, dedicated, section of the Crime Combating Units and Tactical Response Team within the South African Police Services (SAPS). This unit is trained and authorized to control crowd situations during protests (Omar, 2006b:1; Iwu and Lwu, 2005). According to Tait and Marks (2011:15-20), the Internal Stability Unit (POP) was directed to manage crowds but they encountered criticism including mention of the strong-arm tactics that were used during rallies, a tally of the high number of arrests of instigators and reports of the unit itself provoking aggression during protest action. Obviously, given these facts, everyman’s democratic right to engage in non-violent civil disobedience was not assured, indeed demonstrators were dealt with as though they were criminals.

In South Africa civil liberty, including the freedom of expression, is a principal right given to all civilians “everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions” (The Constitution of South Africa), but during protests the SAPS face a unique challenge as they are required to balance individual rights with societal and economic (because violence can cost the economy billions of rand in

destruction of property, injury to persons and mental health issues) safety. The South African Police Act 68 of 1995 attempted to change the policing approach in line with these rights and to introduce community based policing together with eradicating the cruel apartheid-era policing style.

Protests occur globally and across all income groups and South Africa is no exception. Clashes between demonstrators and representatives of state authority in metropolitans and municipalities have been a dominant theme for both citizen activists and police organizations throughout modern history. There is long-standing scholarly interest in civil protest in South Africa (Nyar & Wray, 2017:27). Much of the academic literature produced on these protests has focused on the study of activist politics and social movements (Bond & Mayekiso, 1996; Ballard, Habib & Valodia, 2006). However verifiable research from the police perspective regarding these incidents is yet to be studied by South African academics. Given that South Africa is rated as the “protest capital of the world” (Buccus, 2017 and Suidlanders, 2016) there is an urgent need to investigate, manage and forecast in the area of civil protest. Particular interest is being shown by policymakers in the appraisal of the SAPS and how it responds to demonstrations, riots, protests and waves of collective action.

II. PROBLEM STATEMENT

Police operations in control of public protests have to be carried out within the context of each civilian’s right to protest. Important decisions often need to be made at short notice to manage situations of public order according to fair protocols. The purpose of this contemporary study is to explore police policies, relevant regulations and public-policies (including National Instructions, Standing Orders, etc.) which govern crowd management to link and assess the effectiveness of current protest management practices in South Africa. The study allows the researcher to reflect on the literature and adopt the role of investigator and interpreter to shed new light on the perspectives of authority during riots and other forms of protests.

III. LEGISLATIVE AND POLICY FOUNDATIONS WITH REFERENCE TO PUBLIC PEACE IN SOUTH AFRICA

The following is a brief synopsis and analysis of the provision made in the South African legislation for the management and policing of civil protests.

The judicial endorsement governing public protests in South Africa consists of numerous mechanisms. Chapter 2 of the 1996 Constitution outlines the rights citizens are entitled to and which the government is instructed to respect, protect, endorse and uphold. Specifically, Section 17 states that “everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions”, while Section 18 further guarantees the freedom of association: “everyone has the right to freedom of association”. The Labour Relations Act (No. 66 of 1995) guarantees employees’ freedom to participate in protest action. Section 64(1) provides for employees to engage in

strikes and employers the right to lock employees out provided: “(1) the issue has been referred to a councillor to the Commission and a certificate stating that the dispute remains unresolved has been issued; or (2) a period of 30 days, or any extension of that period agreed upon between parties to the dispute, has elapsed since the referral was received by the council of the Commission”. It is illegal for an employee to apply for leave to take part in civil disobedience, and the principle of ‘no work, no pay’ applies unilaterally to all employees who are objecting. The act, however, specifically prohibits essential service employees from participating in protest action.

The Regulation of Gatherings Act 205 of 1993 (amended by the Safety Matters Rationalisation Act 90 of 1996 and Dangerous Weapons Act 15 of 2013) regulates civil protest action and similar shows of dissent in specific places. The Act is premised on the right to protest:

Every person has the right to assemble with others and to express his views on any matter freely in public and to enjoy the protection of the State while doing so. (p. 1).

The Ministry of Police’s “*Policy and Guidelines: Policing of Public Protests, Gatherings and Major Events*” (2011:5) attempts to guarantee that the patrol and protection of civil disapproval rallies is congruent with the constitutional rights of all people, in line with peaceful crowd control policies, and that the policing does not promote tension or any form of violence between the police and the community which it is seeking to safe guard. These aims are re-iterated by the South African Police Service (SAPS) Standing Order (General) No 262 on Crowd Management which states that protests, demonstrations and riots must be policed in such a way that the democratic principles of the Constitution and International Standards of policing are adhered to. Furthermore the policy states that any form of force including coercion, compulsion, use or abuse of power and/or obligation must be avoided at all costs; management of protest action should always be done with tolerance, patience and lack of prejudice.

IV. THE CONSTITUTION: SOUTH AFRICA’S BILL OF RIGHTS

Citizens do, on occasion, express their disapproval (especially about unresolved service delivery matters) through rally’s, riots, marches and other protest action. Regardless of whether these gatherings are meritorious or not, the Government has a responsibility to maintain public order because the advantages and disadvantages of public protest actions are not always unambiguous. If order is not upheld criminal elements may be able to make use of public gatherings and protests to serve their own restricted ends. The Constitution of the Republic of South Africa (Section 205 sub-section (3)) clearly defines the tasks of the police in such circumstances “to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law.” South Africa has also developed domestic laws, guidelines and regulations, within the framework of International Standards, on the “right to public

gatherings” which includes human rights standards. The challenges of effective implementation, monitoring and evaluation of these standards during public protest action, however, remains. This is specifically difficult if the protest action starts spontaneously, as under those circumstances the SAPS are not able to plan in advance and therefore tend to respond in a hasty, ‘knee-jerk’ manner.

V. SOUTH AFRICAN POLICE SERVICE ACT, 1995 ACT

Section 17 (Chapter 6) of the South African Police Service Act no 68 of 1995 directs that “a public order policing unit shall be established and maintained by the National Police Commissioner who may deploy the national public order policing unit, or any part thereof, at the request and in support of a Provincial Commissioner. Where the national public order policing unit or any part thereof is deployed to a Province the unit shall perform its functions subject to the directions of the Provincial Commissioner concerned.” In fulfilling their functions, the National Public Order Police Unit (NPOPU) observes the ‘Standing Order 262 on Crowd Management’ and ‘The National Municipal Policing Standard for Crowd Management’ is subject to the instructions and controls of the Provincial Commissioner concerned. The President may also order the National Commissioner to deploy the National Public Order Police Unit if such involvement is required to maintain public peace and the Provincial Commissioner concerned is unable to re-establish it without the assistance of the NPOPU.

VI. MINISTRY OF POLICE: POLICY AND GUIDELINES WHICH SPEAK TO THE POLICING OF PUBLIC PROTESTS, CROWDS, RALLIES AND OTHER MASS GATHERINGS

This policy document aims to provide a framework (with recommendations) for the SAPS to situate its operational strategies, commands and directives with a view to minimizing provocation, intimidation or violence when policing public protests. The guideline was signed into effect on 29 August 2011.

The objectives contained in the blueprint are to:“(1) promote crowd control and management capacity within the police in order to secure public trust and maintenance of safety during public gatherings;(2) provide a framework and facilitate the development of appropriate guidelines by the SAPS on the use of force in relation to crowd control and management that adheres to international accepted standards; (3) establish the principle of intervention in controlling public protest in order to proportionate the means of force that can be applied by the police; (4) facilitate the introduction of appropriate training initiatives which must, among others, address the principle of ‘first responder’, guide the SAPS operational planning and response, resource development and physical execution”.

In short, the document acts as a checklist of standards for the SAPS to act in accordance with, to ensure the professional and proper handling of crowds by the police officers working in a protest situation. Constructive and

peaceful crowd control requires tactics that do not negatively influence the protesters or enhance tensions between the police and the community(as these emotions, and the actions resulting from them, have the potential to carry on even beyond the original picket time and place); the protestors constitutional rights must be upheld regardless of circumstances. In other words the policing approach should not generate the very violence it seeks to control.

VII. THE REGULATION OF GATHERINGS ACT 205 OF 1993, SECTION 205 (3) AND (5)

The Regulation of Gatherings Act of 1993, prescribes that:

“every person has the right to assemble with other persons and to express his views on any matter freely in public and to enjoy the protection of the state while doing so and the exercise of such right shall take place peacefully and with due regard to the rights to others”.

Furthermore the Act stipulates that the responsibilities of the police member who receives the intelligence and/or evidence of the proposed mass action. Sub-section 205 (3) states the conventions with which the organizer of the mass gathering must comply. These conditions include that written notice is required; that the required, present, marshals, the route and time of the rally are all to be noted; that participants should not carry weapons; that neither protestors nor police may incite hatred or cause violence; that protestors may not disguise their identity and that the rally may not delay or restrict the emergency services or block public access.

Sub-section 205 (5) lays down the conditions under which rallies may be forbidden. These include if there is any risk that the proposed mass action may result in the serious disruption of traffic flow or that the participants (or other persons) may be in danger or likely to be hurt or that extensive damage to property may result. In this case the responsible officer then meets with all the relevant role-players in order to consider banning the gathering. It is important to note that if all the requirements of the Act are not met, the gathering is not necessarily illegal. A police official may only disperse a gathering if it has been declared prohibited or if a SAPS inspector (or someone of higher rank) has reasonable grounds to believe that as a direct result of the rally peril to persons and property cannot be prevented should the gathering proceed.

The Regulation of Gatherings Act was ratified “to regulate the holding of public gatherings and demonstrations at certain places”. It repealed the following legislations; No. 52 of 1973 Gatherings and Demonstrations in the Vicinity of Parliament Act, 1973, No. 71 of 1982 Demonstrations in or near Court Buildings Prohibition Act, 1982, Gatherings and Demonstrations at or near the Union Buildings Act, 1929 and Sections 46(1) and (2), 47, 48, 49, 51, of the Internal Security Act. The fundamental premise of the Act is that each citizen has the right to participate peacefully in protests and receive the protection of the police while so doing.

The Regulation of Gatherings Act identifies key role players in the organization of protest action and places considerable emphasis and obligations on organizers of gatherings to comply with all sections of the Act and to take responsible steps to ensure that the demonstration occurs in an orderly and peaceful manner. Moreover under section 12 of this Act the organizers can be held liable for failure to take adequate steps to control participants of the gathering and/or to ensure their compliance with all the conditions set out in the approval of the gathering document. The Act allows for the criminal prosecution of organizers if they fail to meet their responsibilities.

VIII. CRIMINAL PROCEDURE ACT NO 51, SECTION 49

The Criminal Procedure Act sets out the legal foundation for the use of force in detaining a citizen. The Act defines an “arrestor” to be any person “authorized under this Act to arrest or to assist in arresting a suspect.” A “suspect” is defined as “any person in respect of whom an arrestor has or had a reasonable suspicion that such a person is committing or has committed an offence.” The Act, in paragraph (2), states that “if any arrestor attempts to arrest a suspect and the suspect resists the attempt, or flees, orit is clear that an attempt to arrest him or her is being made and the suspect cannot be arrested without the use of force, the arrestor may, in order to effect the arrest, use such force as may be reasonably necessary and proportional in the circumstances to overcome the resistance or to prevent the suspect from fleeing; provided that the arrestor is justified in terms of this section in using deadly force that is intended or is likely to cause death or grievous bodily harm to a suspect, only if he or she believes on reasonable grounds:

- that the force is immediately necessary for the purpose of protecting the arrestor, any person lawfully assisting the arrestor or any other person from imminent or future death or grievous bodily harm;
- that there is a substantial risk that the suspect will cause imminent or future death or grievous bodily harm if the arrest is delayed; or that the offence for which the arrest is sought is in progress and is of a forcible and serious nature and
- involves the use of life-threatening violence or a strong likelihood that it will cause grievous bodily harm.”

According to Burchell (2011), section 49 of the South African Criminal Procedure Act 51 of 1977, affords police officers the legal grounds to use force in making an arrest. This section of the act also clearly communicates the guidelines governing the extent to which force maybe used, as well as the circumstances under which such force maybe wielded. Should a police officer’s conduct extend beyond the limits of these legislative conditions, that officer may be subjected to criminal liability. Bruce (2012) argues that misuse or abuse of force by the police may cause public instability: in other words force is likely to expose the police officers to increased danger when carrying out their duties.

IX. SAPS STANDING ORDER ON CROWD MANAGEMENT DURING GATHERINGS AND DEMONSTRATIONS (NO. 262)

A Standing Order is an instruction or prescribed procedure left in place until replaced or cancelled. The purpose of this Standing Order (which is applicable to all operational members of the SAPS) is to have widely understood protocols in place to which police officers can refer to balance human rights(including freedom of speech) with managing crowd control within the democratic principles of both the South African Constitution and the internationally accepted protection standards. This Standing Order obliges the SAPS to “play a proactive role in identifying and diffusing possible conflict”, through the Community Policing Forums. The order stipulates that a register of approved members, assigned in terms of section 2(2) (a) of the Act must be available in the Area Commissioner’s office and this list of names must also be displayed in the Community Service Centre. These sanctioned members have the responsibility and duty to:

- represent the Service during all consultations;
- maintain good relationships with all parties;
- arrange and negotiate the extent of the security forces to be deployed;
- inform the responsible duty officer of the organised and unforeseen gathering;
- record keeping of plans and reports for three years;
- attend the debriefing(s);
- request conditions or prohibitions, and
- brief all members performing duties at a gathering or demonstration regarding the content of the notice in accordance with the Act”.

Key to this Standing Order and the procedures that follow it is that a threat assessment needs to be done to decide the level of the risk and “the most suitable component to manage the proposed event.” A joint operational centre must be founded and a commander of the joint operational centre must take command of the facility. The joint operational centre is required to prepare a written operational strategy and to submit the proposal to the Area Commissioner and furthermore to implement an effective information-gathering system. This information is then used to determine how resources are allocated.

The Order specifically addresses community partnerships and communication with the public, signifying the SAPS’s move towards a more community-oriented approach. Standing Order No. 26clearly states that the use of force must be avoided at all costs. Furthermore, members deployed for the operation must act with patience and tolerance. Any use of force for the dispersal of protestors must comply with the requirements of section 9 (1) and (2) of the SAPS act. The Standing Order further outlines the procedure(s)to be followed by the police if negotiations with the protestors fail and the lives of people and property are exposed to danger and/or destruction. This Standing Order also sets out the steps which are to be followed by the police if the use of force becomes completely unavoidable.

This Standing Order proposes that the briefing of the members to be deployed proceeds as follows: the operational commander must brief the members personally and communicate “the objectives of the operation clearly to all members deployed for the event”. Emphasis is to be placed on the nuances: the operation must “be defined in detail”. The operational commander must “instruct all commanders or section leaders to furnish detailed written plans on their specific tasks”. Sub-paragraph (11) prescribes the use of force during the execution of the operation. The use of force must be avoided at all costs and recommendations are given as to the procedure when negotiation fails: “If force is unavoidable, minimum force must be applied to accomplish the goal”. The “degree of force must be proportional to the seriousness of the situation and the threat posed”. The force must be reasonable and it must be discontinued once the objective has been achieved. The use of 37 mm stoppers, firearms and sharp ammunition including bird shot and buckshot is prohibited. The use of rubber bullets is restricted. Shotgun batons may only be used to disperse a crowd in extreme circumstances, when a less forceful method proves ineffective. Members may not act individually. Force may only be used on the command of the commander of the joint operational centre. All visible members must be trained in crowd management. This order does not affect the principles of self-defense of common law. According to sub-paragraph (12) an operational diary must be noted to ensure that a detailed record of activities is logged. Sub-paragraph (13) orders that the debriefing be recorded and a name list is to be compiled of all members present; the debriefing is to determine whether the operation was effective and/or whether communication was adequate. “A thorough evaluation must be conducted and, if possible, video coverage must be shown”. Trainers must attend the debriefing(s) to identify mistakes and improper conduct. Good practices must also be identified as part of a learning process. Member(s) who arrive first at an unforeseen gathering should act in accordance with sub-paragraph 14 which requiring the member to preserve the peace and to contact the operational center.

X. PEACE AND SECURITY PROTOCOL (PSC)

Through the sentiment expressed in the Peace and Security Protocol the commitment of the African Union (AU) to respecting and observing the human rights of all citizens, to the articles of international humanitarian law, to the sanctity of human life as enshrined in Article 4 (o and m) of the ‘*AU Constitutive Act*’ and Article 4 (c) of the ‘*Protocol Relating to the Establishment of the Peace and Security Council of the AU*’, is emphasized.

XI. BASIC PRINCIPLES ON THE USE OF FORCE AND FIREARMS BY LAW ENFORCEMENT OFFICIALS

In keeping with the ‘basic principles’ of the United Nations (UN) regulations, the police-force may only use force when essential to but notwithstanding this exacting series of domestic and international human rights laws, there have been widely varying interpretations and out-workings applied by the SAPS in respect to the use of force against people engaged in public protest. Regrettably many of these do not meet the international standards to which the South African government is signatory. ‘The right to life’ of protesters, the police and the general public may be at stake during mass gatherings and protest action, but ‘the right to life’ is absolutely fundamental in the recognition of all the rights enshrined in international human rights treaties and must be respected by protestors and protectors alike.

XII. DUTIES, ROLES AND RESPONSIBILITIES OF PUBLIC ORDER POLICING (POP)s

In section 205 (3) of the constitution of South Africa, 1996, the essential duty and authority of the Public Order Policing (POP)s is assigned and these include “to maintain public order, protect and secure the inhabitants of South Africa and their property, and to uphold and maintain the law”. This command asserts that POPs maintain public order by ensuring that protests and demonstrations are run in a well-regulated and orderly fashion and also by employing intelligence-driven crime prevention and combating manoeuvres to restore peace.

The South Africa Police must, in consultation with other policing agencies including through the Community Policing Forums (CPFs), form partnerships and devise effective methods to promote public safety, de-escalate and stabilize outbreaks of public violence as well as reassure the various communities that they are protected. To fulfill this responsibility, the SAPS must play a pro-active role in identifying and diffusing any possible conflict before it escalates into violence. Honest communication with the public is indispensable in this venture. The CPF unit manages many South African service delivery protests each day and is often decried by the public and the media for the way in which it performs and executes its obligations. The SAPS goal is “to maintain public order by combating serious and violent crime, policing public gatherings, rendering specialised operational support to other units/components/divisions and ensuring effective information management”. Before 1994 orders and instructions came from police headquarters in Pretoria – in other words there was a country-wide centralized public order unit. After 1994 the unit was decentralised to provincial level and with the establishment of the POPs, the units have been decentralised even further to area level, although they can be deployed on an area, cross-area, and provincial basis.

XIII. COMMAND AND CONTROL

Standing Order No. 262 outlines that command and control of the Community Policing Forum (CPF) Units is delegated to area level and is coordinated by the Public Order Policing (POP) commander who in turn reports to the deputy area commissioner responsible for operations and uniformed policing. The area-level POP commander is accountable for:

- “ensuring the effective and efficient functioning of the unit in terms of capability, capacity, skills and resources;
- ensuring that POPS members are deployed in accordance with area priorities;
- ensuring an effective information gathering process that focuses on serious and violent crimes on a continuous basis;
- providing all support services (finance, logistics and human resource management); and
- ensuring that regular evaluations are conducted.”

The SAPS Head Office in Pretoria provides the strategy for community-oriented policing, while the provincial departments deal with policy, procedures, standards, monitoring and evaluation. It is the area level that is the crucial link because this is where the functioning and day-to-day deployment and activities of the POPs are handled. At a national level, the POPs fall under the divisional commissioner of operational response services, who provides the strategy to preserve public peace and order. The provincial commissioner may, however, issue instructions on any provincial operations relating to community-oriented policing.

Strategic planning for POPs operations is developed on the information which is gathered by the Area Crime Combating Forum. Following the analysis of all relevant crime information and the review of requests from police stations for forthcoming crime combating operations reviewed, operational plans covering key issues are drafted. This exhaustive process allows for the POPs to participate in crime combating operations, but is not to prepared to supplement stations with additional personnel for day-to-day activities. The POPs document is clear on this: “The aim of these units is to participate in planned intelligence-driven, crime-combating operations in support of stations”.

The explanation above outlines the policies, training, equipment and operations that are established for POPs. But the pivotal question is whether these policies are being correctly and safely executed. A grave concern is that the gradual decentralisation of control of the POPs to area level has resulted in (some) members not being appropriately trained or equipped because police at an area level (who often lack specialized training in this type of policing) are now responsible for the success of these units. An even greater concern relates to command and control of peace officers during crowd situations: worst case scenario this may result in injuries or fatalities among members of the community during emotional, unstable and highly charged situations. Examples of this are the Ellis Park soccer disaster of 2002 and the Harrismith municipal protest of 2005.

XIV. CONCLUSION

This article has surveyed the legislative framework governing public order policing with particular focus on mass gatherings, riots and protests action. The South Africa Constitution (1996) lists the functions of the police service which are, amongst others, to protect and safeguard the inhabitants of the Republic of South Africa and their property, and to uphold and implement the law. These functions are regulated by the SAPS Act 68 of 1995 which provides the necessary power (including the use of force under certain conditions) to members of the SAPS. The appropriate use of force is clearly communicated in subsection 13(3) (b) “Where a member who performs an official duty is authorised by law to use force, he or she may use only the minimum force which is reasonable in the circumstances”.

The Regulation of Gathering Act of 205 (1993) controls the public’s right to gather peacefully to protest and demonstrate and yet seeks to protect each individual’s rights to safety and security. Furthermore, Standing Order 262 provides the SAPS with the regulations for responding to crowds. It states that the use of force should be avoided at all costs and members deployed for crowd control operations must display an exceptional degree of patience and tolerance with the general public. Any dispersal of crowds must comply with the requirements of section 9(1) and (2) of the SAPS Act which further sets out the procedure(s) which are to be followed by the police if negotiations in a public gathering fail. These policies are important as these situations can expose the lives of people (and their property) to danger.

The Criminal Procedure Act 51 of 1977, provides police officers with legal justification to use force in carrying out arrests under certain specific circumstances and includes the definition of the degree of force which may be used, as well as the circumstances under which such force may be employed. Where a police officer’s forceful conduct extends beyond the ambit of these legislative provisions, s/he/they may be subjected to criminal liability. The number and intensity of public protests in South Africa is increasing given the pressing problems of poverty, poor service delivery (especially at local government level) and transport difficulties. The heightened community dissatisfaction is going to require sensitive and management by frontline SAPS professionals.

In conclusion, this article provides a comprehensive survey of the published literature on the extent of the need for crowd management, the implications of crowd management and control and the potential resultant violent protests. Specifically, the study addresses how rallies have been scientifically conceptualized by researchers and the senior management of the SAPS from the perspective of theory, concept, policy, command and practice; how these thoughts have developed and evolved over time in incorporating the history and role of POPs & Standing Orders and any overarching aspects or themes -including the use of power and force - in the academic literature on crowd management, crowd control and protest rallies.

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