

AN ANALYSIS OF THE POLICING OF SERVICE DELIVERY PROTESTS IN
THE FREE STATE

By

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This Thesis is dedicated

to my late parents,

My Father Chinna Munsami, and Mother Allieamma Pillay

**TITLE: AN ANALYSIS OF THE POLICING OF SERVICE DELIVERY PROTESTS
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Summary

The study investigated the policing of service delivery protests in South Africa with specific reference to Free State province. Failure by local governments to provide basic services to the previously disadvantaged South Africans has led to a number of service delivery protests taking place. The manner in which these protests are managed by the police in South Africa more especially the Public Order Police who are specialists in this field, raises concerns. One would perceive that the police are losing the battle in dealing with protest action for they are criticised for their brutal tactics in quelling the violence. This brutal handling of protesters dates back to the apartheid era and not much has changed contrary to the expectations of a newly formed democratic country. This therefore led to the investigation as to why the police in South Africa fail to contain such protest actions.

The South African Police Services (SAPS) as it is known in a democratic South Africa employed tactics from international countries in order to introduce more professionalism in the SAPS. Although better tactics have been introduced, this did not seem to improve the situation because not only are properties destroyed but many lives are also lost through police action. The researcher conducted his investigation in the central part of South Africa in the

Free State Province concentrating in the three main areas; namely Bloemfontein, Welkom and Bethlehem where the Public Order Police units are based.

The investigation resulted in the researcher arriving at the conclusion that there are a number of challenges that are experienced by the SAPS when dealing with protests and the main problem identified was that of a shortage of manpower. This problem create challenges when it came to managing the number of protests taking place and exacerbated by not allowing the police to use the tactics that they were trained in.

As much as we acknowledge these challenges, there are best practices that can be learnt from international countries. The crowd psychology strategies applied by the Swedish police as well as the high tolerance level of the British police, are the good practices that can be recommended in dealing with protests in South Africa.

Key Terms

Public Order Policing; service delivery protests; gatherings; marches; picketing, command and control, crowd management; crowd management tactics; use of force; shortage of manpower.

Student Number: 3810 711 2

I declare that “An analysis of the policing of service delivery protests in the Free State” is my own work and that all sources that I have used or quoted have been indicated and acknowledged by means of citations as well as a complete list of references. Also, this study has not been submitted before for any degree or examination in any other university.

Signature

(Daniel Pillay)

Date: -----

ACRONYMS

ANC	:	African National Congress
AMCU	:	Association of Mine Workers and Construction Union
COSATU	:	Congress of South African Trade Unions
COGTA	:	Cooperate Governance and Traditional Affairs
CPF	:	Community Police Forum
DEIC	:	Dutch East India Company
ESIM	:	Elaborate Social Identity Model
HMIC	:	Her Majesty Inspectorate of Constabulary
IFP	:	Inkatha Freedom Party
IPID	:	Independent Police Investigative Directorate
ISU	:	Internal Stability Unit
LAPD	:	Los Angeles Police Department
NACTU	:	National Council of Trade Unions
NIU	:	National Intervention Unit
OCT	:	Operational Commanders Training
ORS	:	Operational Response Service
PAC	:	Pan Africanist Congress
POP	:	Public Order Police
PSJ	:	Procedural Justice Theory
RDP	:	Reconstruction and Development Programme
SAPS	:	South African Police Service
SWAT	:	Special Weapons and Tactics

TRT : Tactical Response Team
UDF : United Democratic Front
VOC : Venue Operational Centre

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CHAPTER 1: GENERAL ORIENTATION

1.1 INTRODUCTION

People elect their government representatives and pay taxes in most countries to enable the government to provide certain basic services. This makes the provision of basic services by the government to be a realistic expectation that each citizen is entitled to and this should lead to the improvement of the people's quality of life. In South Africa, the local government as the sphere of central government is closer to the communities; and in terms of Section 152 (1) of the Constitution of the Republic of South Africa 1996, its duty is to ensure the provision of good basic services to communities in a sustainable manner in order to provide a safe and healthy environment. The failure of local government (municipal and provincial administrations) to render these services - irrespective of the basis for such lack of service delivery (e.g. lack of finances or capacity), invokes an angry reaction from the communities who use means such as the refusal to pay for municipal services which most times manifests into violent protests. Mukadam, Herzenberg and Felton (2012: 05) state that in most cases, demonstrations and mass protests for services can be attributed to a state of paralysis in dysfunctional municipalities.

South Africa has recently been adversely affected by service delivery protests which in most cases turn out to be violent and result in much damage to property and the loss of life. The nature of public protests in South Africa necessitates the deployment of police officers who are well-skilled in crowd management tactics. This is to ensure the protection of life and prevention of damage to property on the one hand, while on the other hand ensuring that the protesters can be able to exercise their democratic right to protest peacefully without violating the human rights of other people who choose not to protest but to continue with their normal daily- life routines. Of concern though, is that some of the tactics of crowd management exhibited by police officers result in the loss of life; a classic case being the killing of Andries Tatane who was one of the service delivery protesters in Ficksburg - this in essence questions the ability and skilfulness of the police to carry out this task with extreme restraint in order to avoid the unnecessary loss of life. To understand the dynamics of the policing of the service delivery protests, it is important to research the broader perspective of the policing of protests in South Africa.

The South African Police (SAP) was created after the Union of South Africa in 1913 and maintained a close relationship with the then South African Defence Force (SADF). They were fully responsible for domestic law in 1926 but in 1948 the National Party Government changed legislation to make them (SAP) to be more militant especially when faced with hostile crowds. The South African Police was mostly white-dominated and supported by *kitskonstabels* (instant constables), who were not given proper training but were armed with shotguns, whips, batons and handcuffs (William & Pruitt, 2010:117).

Afrikanerisation of the South African Police took place in the late 20th century (Mathews, Heymann & Mathews, 1993:25). Previously the majority of white policemen who were drawn from rural areas dominated the police force. During this time the public was subjected to harsh measures and brutal tactics by the police, more especially when dealing with protests. The municipal police was also used by the apartheid government to suppress the black communities in the townships during the 1980s. These police officers were faced with the challenge of poor training and under-resourced municipalities. They were also notorious for their drunken and violent behaviour (Rauch, Shaw & Louw, 2001).

The manner in which the police dealt with protests in South Africa, has raised serious concerns in the public domain and in some cases their actions have left political authorities embarrassed, and the general public being of the view that the South African Police Service is not that different from the then South African Police. Research conducted by Faull and Newham (2011:01) has shown that the police in South Africa use paramilitary tactics that disregard human rights, much to the detriment of police-community relations. These paramilitary tactics include using excessive force that could be lethal - like using live ammunition on fleeing protesters. Also, they arrive on the scene with gear that seemed intimidating; as if they are going to war. This makes police actions during service delivery protests to not only anger communities and create a deep mistrust between the community and the police, but also to deeply dent the integrity and organisational image of the police.

Current challenges in the policing of protests have further raised questions on the effectiveness of crowd management training, the quality of strategies employed, and whether the culture of the South African Police Service (SAPS) is appropriate in a modern democracy. The other concern that has been raised is the ability of police managers to lead

protest management operations, to recruit suitable personnel into public order units, and to curb the brutal and excessive use of force by police personnel. Traits and Marks (2011:15) share the same concerns but go further by asserting that in comparison to their global counterparts, the police in South Africa have failed to uphold the required crowd management standards.

Van der Spuy and Rontsch (2008:01) state that many of the policing problems in South Africa are as a result of the violent nature of society that could be attributed to colonialism, slavery and apartheid. Matlala and Sinclair (2013:02) argue that dealing with these challenges requires a paradigm shift from the police that can encourage deeper understanding of the contemporary issues in society. They suggest the transformation of the police into research-driven organisations, as one of the ways to strengthen the understanding of the contemporary issues in society. It was thus Matlala and Sinclair's argument that inspired this research; to analyse the crowd management tactics used by the South African Police Service, particularly in the Free State Province.

This chapter, as the introductory chapter of this dissertation, will provide the background of the study and explain the research problem, research questions, research objectives, and the significance of the study including definitions of the key concepts that are used in this study. It will round off by providing the layout of this dissertation for the readers to have a preview of what the study entails.

1.2 BACKGROUND OF THE STUDY

According to William (2009:5), there are about thirty protests that occur on a daily basis in South Africa that the police have to handle. Most of these protests are peaceful but at times these protests can turn violent. The police need to do proper planning if they are aware of such protests, but at times police encounter spontaneous or "on-the-spot" protests and these pose major challenges as they do not give them time to properly plan on how to manage such protests.

1.2.1 Various types of protests that the police deals with

According to the Ministry of Police (2011:2), marches and gatherings in the early 1990s were handled in a riot-controlled manner. The Sebokeng clashes of 1990 and the Daveyton one of 1991 led to the transformation of the manner in which the police should deal with protest gatherings and marches. According to Tait and Marks (2011:15-20), the Internal Stability Unit that was primarily tasked to deal with crowd management encountered some challenges such as the strong-arm tactics that were used during protests, the high level of arrests of instigators, and the unit itself provoking violence during protest action. Thus it was evident that the democratic right to peaceful protests was no longer guaranteed and that demonstrations and protests were treated as if they were criminal actions.

The National Instruction document or policy on Crowd Management (South African Police Service, 2013) states that the role of the Public Order Police (POP) in South Africa is mandated by section 205 (3) of the Constitution. The mandate implies that POP maintains public order during public gatherings and demonstrations. Subsequently, many changes took place since the 1990s and the brutal actions by the police during crowd management situations raised many questions. This led to the Goldstone Commission of Enquiry which led to the coming into being of the Regulation of Gatherings Act 205 of 1993 that shifted the focus from obtaining permission to hold a gathering to giving notice of intended gathering.

The South African Police Service is expected to police or monitor different types of protests such as gatherings, marches, assemblies, mass meetings, demonstrations, processions, sit-ins, picketing, night vigils and roadblocks. The specialised unit that is supposed to do this function is the POP supported by the Tactical Response Team (TRT) and the National Intervention Unit (NIU). Although these units undergo specialised training to deal with crowd management situations, they are often faced with challenges of dealing with protest marches in a non-violent manner.

According to Section 9 (3) of the National Instruction of 2013 on Crowd Management (South African Police Service, 2013), there are three levels of crowds that the police deal with; namely - level one, which are peaceful gatherings and less significant sports entertainment; level two being crowds where there are unconfirmed threats against persons and property; and level three involves confirmed information regarding a likely threat against lives and

property. Theoretically it is expected that the POP unit should deal with level three crowds and provide tactical reserves at major events. But practically they tend to deal with all these levels. This is generally as a result of police station officers being preoccupied by public complaints and crime prevention activities. The three types of protests which the police deal with on daily basis and the manner in which they are handled as well as their challenges will be dealt with below.

1.2.1.1 Gatherings

According to Lombardo (2008:347), a mass gathering is a pre-planned public event that is held for a limited period and attended by more than 25 000 people. The length of stay is for several hours or even days. The main reason is to demonstrate support for or opposition to policies or principals including the government officials. According to Tait and Marks (2011:15), the right of freedom to assembly is a significant victory in the democratic South Africa which is also protected by the Bill of Rights and the South African Constitution Act 108 of 1996. The Regulation of Gatherings Act 205 of 1993 which recognises freedom of assembly and protest as democratic rights and seeks to ensure that they are practised in a peaceful manner, defines a gathering as any assembly, concourse or procession of more than fifteen persons in or on any public road. This gathering should have a specific purpose.

The main reason gatherings were prohibited in South Africa was their propensity to turn violent. Various Acts of Parliament were used to ban gatherings in certain places in South Africa. These include the Internal Security Act 44 of 1950 and the Public Safety Act 3 of 1953 which prohibited gatherings and demonstrations in the precincts of Parliament. The Dangerous Weapons Act 71 of 1968, municipal by-laws and the Natal Code of Zulu Law eliminated the rights of citizens to assemble. In 1976 a blanket ban was imposed by the Minister of Justice prohibiting all outdoor gatherings. The onus then was on citizens to show why a gathering should not be prohibited (Raunch & Storey, 1998). The Internal Security Act 74 of 1982 gave more powers to the Minister of Law and Order than the magistrate as section 46 (1) of the Act gave the magistrate the right to prohibit all gatherings for a period of 48 hours if they believed that the gathering will endanger public peace, whilst section 46 (3) gave the minister the power to prohibit any gathering if he deemed necessary.

Most gatherings in South Africa are politically motivated as they relate to service delivery or the lack thereof, and draw sympathy from the opposition political parties. As most of these gatherings turn violent, the police need to be made aware of them in advance in order to execute contingency planning and be ready for any eventuality. Most gatherings in South Africa take place in a confined space which makes it easier for the police to contain them, but it does happen at times that the gatherings do turn into marches, thus requiring more manpower from the police.

1.2.1.2 Marches

Protest marches are often held all over the world where protesters show their disagreement often to the government or employer. In South Africa most marches are undertaken by labour unions, political parties and people disgruntled by lack of service delivery. They often march in the Central Business Districts and to the main offices of their employers or the Local Government. These marches are also designed to attract the attention of the body that the march is directed towards as well as to garner public sympathy - particularly if it is a wage strike or a complete failure to provide basic services. The disruptive and violent nature of most marches tends to receive most media coverage.

The following are some of the most recent marches that turned violent which were covered by the media: A man was critical in hospital after police allegedly assaulted him following a protest of Mothutlung residents in the North West Province. These residents were protesting against the local municipality for failing to provide water (Mapumulo, Mkize & Magadala, 2014:15). The Economic Freedom Fighters (EFF) was granted permission to march but caused havoc at Mohlakeng outside Randfontein in Gauteng. Protesters set alight municipal buildings, looted foreign-owned shops and barricaded parts of the N4 (SAPA, 2015:03). Residents of Bronkhorstpruit near Pretoria marched to the regional office of Tshwane Metro to deliver a memorandum of their service delivery demands. This later turned violent leading to the police dispersing crowds with rubber bullets (Kotlolo, 2014:6)

Based on the analysis of various protests, the researcher is of the view that most marches turn violent due to the protesters not getting attention from local government and they therefore seek attention from the National Government through the media by committing such violence. According to Jain (2010:09), violent protests are those protests where participants

engage in physical acts that may cause harm to other people. It can also be the intentional injuring of the police, foreigners, government officials; or it may be a protest that leads to the burning down of houses or other structures, and the looting of shops. Violent protests also include the throwing of stones at passing motorists and the burning of tyres in order to block roads.

These dynamics warrant that the policing of marches should be carefully and properly planned so that every eventuality is taken care of. The police have to ensure that all role-players are part of this planning so that they can base their strategic plan on sufficient authentic information. Marches in the central business districts (CBDs) should be carefully monitored and policed as they normally expose more people to attacks; even most businesses were susceptible to destruction, vandalism and looting. South Africa uses a more scattered sporadic deployment approach as opposed to other countries such as Iceland, France and the United Kingdom that approach protests in a planned line-up formation. The line formation can be useful in the urban areas because it can block at each end an entire street lined with buildings. In so doing, the police protect the vulnerable areas that might be targeted by the protesters. At times, this formation will fail because it allows the protesters to target a weak point and thus break the line formation.

1.2.1.3 Picketing

Despite the law regulating the right to assembly, a picket is authorised in terms of subsection 69 (2) of the Labour Relations Act No 66 of 1995, which states that it might be held at any place to which the public has access but outside the premises of the employer; or with the permission of the employer, inside the employer's premises. Picketing is a form of protest in which picketers congregate outside a place of work or location where an event is taking place. This is also done to draw public attention to a cause. Their intention is to harm or disadvantage business, through loss of customers and negative publicity, by discouraging or preventing workers from entering a site. They also try to persuade others not to enter during the strike.

The protesters hold placards with slogans voicing their disagreements with business or government. Although persons have the right to picket, there are restrictions that are in place that they need to abide by. Picketing should be held at a reasonable distance from the office

that is being targeted, in so doing it prevents any sort of intimidation of workers or destruction to property. Picketers should not stop persons and compel them to listen to their demands. Vehicles entering or leaving such premises should not be interfered with (Delaney, 2007: 7-8).

Although most picketing ends peacefully, the police monitor a picketing very closely. Picketing has not been a major challenge to the South African Police Service because the picketers are normally fewer in numbers and in most cases there is proper communication between the police, convener and the business manager. The police also maintain close standby to react to any wrong doing by the picketers. However, police should be weary not to get involved on the views and merits of picketers. They (the police) need to uphold the law and take reasonable steps to ensure that peace prevails. They therefore have the responsibility to enforce the law, like arresting picketers who behave in a violent manner or those who are in possession of dangerous weapons in terms of Section 75 of the Dangerous Weapons Bill of 2012. The police are also responsible to protect the public from any harm if they feel that the picket will lead to violence.

The South African Government wants to move away from the militant style of policing the different forms of protests that are discussed above. That is why various units are sent on crowd management training so that the police can adapt to this new style of policing where people's rights are respected. Unlike in the past where the police rushed to the scene and used excessive force to disperse the protests: the police are now expected to do proper planning for these events taking into account the Regulation of Gatherings Act 205 of 1993 and the training that they have undergone to police such protests.

1.2.2 The Process to Inform the Police on Planned and Unplanned Protests

The Regulations of Gatherings Act 205 of 1993 is guiding and assist both the police and the public to coordinate a peaceful protest before it happens and provide guidelines that has to be followed, such as not protesting on private property like shopping malls; not gathering closer than 100 metres from a magisterial court unless it is on a weekend or public holiday or unless there is a written permission from a magistrate; not gathering in parliamentary buildings unless there is a written permission from the Chief Magistrate; and not gathering at the Union Buildings in Pretoria unless there is written permission from the Director General.

The Regulation of Gatherings Act 205 of 1993 manifests section 17 of the Constitution, which states that everyone has the right to assemble, demonstrate, picket and to present petitions peacefully while being unarmed. When there are sixteen or more persons involved, then it is called a gathering, and the process of the Regulation of Gatherings Act 205 of 1993 should be followed which states that the convener of such a gathering should within seven days notify the responsible officer at the local council of such a planned gathering. If this cannot be done within seven days, then it must be done within forty eight hours; however, the convener should give reasons as to why this could not have been done earlier.

This regulation is to allow the police and other role-players, adequate time to prepare in order to manage such a gathering effectively. It is prudent to point out that notification is not a request for permission to demonstrate or gather, but in terms of the legislation the convener is only required to give notice to the municipality. The following details should be included in the notice:

- names, address and contact details of the organisation and the convener;
- reasons for such gathering;
- duration of the gathering;
- the anticipated number of persons participating in such a gathering and the number of marshals appointed (there should be one marshal for every 10 persons);
- whether a document or petition will be handed over; and
- route of the march and dispersal points.

After the notice for the gathering is forwarded by the convener, the responsible officer needs to liaise with the police on the policing of such a gathering as the police might have other protests to manage. The planned protest will only go ahead if all the responsible parties are convinced that there is enough capacity to manage it appropriately and the convener will have to stick to the agreed plan as any deviations will result in contravention of the Regulation of Gatherings Act 205 of 1993 and possible arrests.

Section 8 (1) of the National Instruction of 2013 on Crowd Management (South African Police Service, 2013) informs the police when there is a need to call for a Section 4 meeting by the responsible officer with all the role players– this is the platform where information is shared in order that the protest takes place peacefully. It is during this meeting where all parties sit together to work out the best possible way to police the protest. The main role-players in these meetings are the convener, the authorised members of the police and the responsible officer of the municipality who organise such a meeting. This is what is normally called a “golden triangle”. If the convener is not present then this meeting can go ahead and any decisions taken should be communicated to the convener of which he/she is expected to abide by. Section 5 of the National Instruction of 2013 on Crowd Management (South African Police Service, 2013) states that crime intelligence is required to assist the police with information on planned and unplanned protests, in order to identify any threats at such protests.

According to the Ministry of Police (2011:12), most protests are due to poor service delivery thus protesters would normally target the local municipality. Although the police should always be ready to deal with any gathering at any time, the spontaneous (unplanned) protests make it difficult for proper planning and for contingency measures to be put in place. The South African Police Service can do a proper operational planning with planned protests by having the proper operational and deployment plans in place. Spontaneous protests on the other hand do not provide the luxury of planning and therefore calls for reactive measures which at times lead to some controversy. According to Trait and Marks (2011:19) contingency plans must be developed for spontaneous protests so that confrontation does not escalate between the police and protesters and that public order is maintained at all times.

1.2.3 Prohibition of a Gathering

Although every person has the right to protest, there are powers vested in the local council and the police to prohibit protests. The protest can be prohibited by the local council if it is believed that it might cause harm to persons or damage to property or traffic disturbance that is beyond the control of the police. However, when the affected convenor approaches the court to overturn the prohibition, a magistrate can overrule such a prohibition if he/she feels that the decision to prohibit such a protest is unfair. According to Section 5 (1) of the

Regulation of Gatherings Act 205 of 1993, the protest can be prohibited under the following circumstances:

- that a meeting has taken place between the convenor, responsible officer, the police and that the convenor has not agreed to the plans;
- that information under oath is received that there will be disturbance of traffic, possible injury to persons, and damage to property; and
- a letter received from the police providing reasons why they will not be in a position to police such a march or protest.

Section 5(1) of the Regulation of Gatherings Act 205 of 1993 demands that when there is credible information that the proposed gathering will result in serious disruption of vehicular and/or pedestrian traffic, injury to persons and extreme damage to property and that the police and traffic officers will not be able to contain the situation, then the police must as soon as possible meet the convenor in order to prohibit such a gathering and if this is unsuccessful the police can request the court to prohibit such a gathering.

It is important to continue with intelligence gathering (even if the protest is prohibited) to ensure that the police are well-prepared should the gathering proceed without the required permission. It does happen at times that the conveners do not brief the possible protesters that the permission for the protest has not been granted; while on the other hand protesters at times ignore the prohibition and go ahead with the protest. The Crime Intelligence section plays an important role in ensuring that the police have the current information on the prohibited march so that they have the contingency plan to cater for any eventuality.

1.2.4 Crowd Management Techniques

Members of the Public Order Policing in South Africa undergo intensive training that involves various crowd management techniques to ensure that the marches are closely monitored and that there is no injury to persons or damage to property. Trait and Marks (2011:19) state that the South African Police Service prefers a French crowd management technique model as opposed to the crowd management technique model of countries like Spain and Germany. The French model is preferred because it allows for close contact between the police and the protesters thus providing for opportunity to restrain forward

movement of the protesters and the opportunity to pick on certain individuals who are thought to be most provocative within the protest. The police lead these marches from the front ensuring the free flow and diversion of traffic. The policing from the rear ensures that the march is not delayed by protesters sitting in the street and disrupting traffic.

The most critical part are the flanks where police need to protect the businesses from being vandalised or looted. Video footage of gatherings and marches are also important to identify possible suspects if needed in court as evidence. The crowd management styles of Spain and Germany deploy strategic incapacitation using no protest zones that confines a crowd to a certain space (Chief Inspector of Constabulary, 2009: 42). This style prevents the crowd from demonstrating freely as compared with the South African situation. Although strategic incapacitation gives the police the psychological advantage over the protesters, this method can cause tensions leading to more violence. It will also infringe on a person's right to demonstrate as stipulated in Section 17 of the Constitution of the Republic of South Africa, Act 108 of 1996. South Africa adopted the French techniques which were regarded as highly professional in managing crowds. This style has also come under criticism for its rapid intervention, the saturation of space and the use of high police presence which is very intimidating.

The researcher is of the view that in order to manage crowds properly the South African Police Service members should be professional and work systematically. This should be done with proper command and control using the techniques systematically in the way that they have been trained.

The South African Police Division HRD (2014:26) mentions techniques that could be used by commanders based on their assessment of the prevailing situation. The first strategy before an operation the commander identifies a Forward Rendezvous (FRV). This is where vehicles are parked and briefing of members takes place. The FRV should be close to the area of operation, to allow for quick deployment and response, and members at the scene should have their equipment in their vehicle close to them to facilitate the quick response. Members are thereafter deployed to the relevant venues and some of the sections will be tasked to do patrols.

Secondly, patrols that can be used to make contact with participants during a gathering also help in getting information that can be of importance to the commander. They also serve as a deterrent when participants intend damaging property or blocking off thus making the general public feel safe. This method is useful especially when a gathering is not located in one area.

Thirdly, members are also deployed to be physically present at the march so that the police could have control over the situation and be able to prevent any possible threat. According to the South African Police Division HRD (2014:32) the escort is made up of three parts; the first is the leading part which is in front and will determine the speed of the escort and it should have vehicles with bull bars to remove obstacles. The second is the flanks which are placed at one or more sides of the action zone; they can be vehicles or footpatrols and at times motorcycles which are much more effective because they can manoeuvre between small spaces. The final part of the escort is the rear where members and vehicles are positioned behind the action zone. This keeps participants together thus maintaining the speed of the escort. A reserve section is normally placed at the rear and can be used to reinforce, relieve and execute an action where the threat exists. It does happen at times that there are opposition parties going to the same rally and in this situation the police have to tactfully canalise these groups. This is useful to the commander when there is a need to split opposing participants thus eliminating possible violence during a protest action.

The pushback method mentioned above is used in crowd management situations where the police lead the participants in a certain direction. When executing this style, members are armed with batons and shields. Pushback can also be done using horses. The pushback is done in a slow progressive manner keeping the participants moving. The sections execute this by moving along the limits of the operation in the direction of the participants. They move in co-ordinated lines keeping the participants together. In the possible event of participants being armed with dangerous weapons, the police will encircle these identified participants or groups (South African Police Division HRD, 2014:44) in order to deal with the situation in a more contained manner.

Encircling is a defensive locking system that restricts an area to ensure the maintenance of public order. The encircling system enables members to look inwards in the direction of the action zone and move inwards towards the participants to be able to search, arrest, remove or

keep participants in a particular area for a specific period. This action is mostly executed by the overall commander who has to ensure that he/she has adequate manpower to perform this action because the participants who might escape would come and rescue their colleagues (South African Police Division HRD, 2014:51).

The search method is one of the methods that is also used at crowd management and service delivery protests situations where the police intend disarming protesters off dangerous weapons. This also embodies the tactical option of isolation and encircling where the police isolate and encircle protesters and only allow those persons who are already searched to leave the encircled area (South African Police Division HRD, 2014:63).

During major events it does happen that some participants evade the blocking line and enter the restricted zone. These participants become a threat and get evacuated by the police. Once evacuated, the building will be blocked from further entry to these people. This is done with shields and tonfas where protesters are pushed in a certain direction out of the building. In this process the operational commander has to consider the speed of the evacuation, any obstructions that would make the evacuation difficult and the safety of the protesters (South African Police Division HRD, 2014:64).

In addition, the dispersal method which is the breaking up of a crowd into smaller manageable groups in order for the police for easier control may also be used in crowd management. This splitting of crowds destroys the morale of the protesters and allows the situation to return to normal. It is effective in situations when participants block off roads, gather illegally, or when groups are involved in public disorder - this is managed by members on foot, and depending on the situation, vehicles and horses can also be used. The police also use stun grenades, tonfas, teargas and rubber-bullets. This tactical option is normally used as the last resort and any force applied must be in relation to the threat, and once the desired option is reached the use of force should cease (South African Police Division HRD, 2014:80).

The researcher is of the view that although the police have adopted crowd management techniques from countries such as French and Belgium, SAPS needs to adjust these techniques to the South African situation, taking into consideration the different types of

protests and the terrain. Most of the techniques discussed above can be used in urban situations; however, most of the protest action in South Africa takes place in open areas where the police find it difficult to control. This could be one of the reasons why police resort to excessive force.

1.2.5 Planning to Police the Protest

According to Section 11 of the National Instruction of 2013 on Crowd Management (South African Police Service, 2013), the Commander of the Public Order Police is expected to implement an effective operational plan for a protest. By doing so he/she has to be proactive in the gathering of information involving all the relevant role players. The plan should entail the following: equipment to be utilised for crowd management; prohibitions that should be put in place; personnel deployment; powers to be dispersed; and the use of force

This process is first initiated by a briefing session where internal and external role players get involved. The internal role players include all the police departments like the public order police, visible policing, and specialised units such as the air-wing, K9, flying squad, and crime intelligence. The external role players include the traffic department, disaster management, and the municipal police. In this briefing session all these role players are afforded an opportunity to give their inputs and the predictable challenges are also addressed. It is also during these sessions where tasks are allocated. The Regulations of Gatherings Act 205 of 1993 places the responsibility on the organisers and conveners to comply with the Act and ensure that the gathering proceeds in a peaceful manner. It is the responsibility of the organisers to indicate during their initial session (section 4 meeting) with the authorities that they have arranged for sufficient capacity of people to be deployed as marshals and provide names of such persons who the police commanders will liaise with during the manifestation of such a gathering or protest (Ministry of Police, 2011:13).

The National Instruction on Crowd Management 2013 (South African Police Service, 2013) states some of the information that is vital for the planned protest: the route that the participants will take; the possibility of violence; whether the participants are aggressive; the possibility of the presence of firearms and other dangerous weapons; the intention of the participants; the expected number of participants; and any other information that is of importance for proper planning. The above information helps the police and all other role

players to do proper planning of the human and logistical resources that will be required for such protests and how it will be effectively policed to prevent injury, loss of life and the destruction of property.

1.2.5.1 Three phases of planning

After the initial planning session (section 4 meeting) which is inclusive in nature, the police organise their own meeting where they unpack all the issues related to the planned protest. As this meeting considers all the available information including intelligence reports that could be dealing with potential threats that are not made public, it becomes the meeting for the police only. The police then use this information that indicates the threat level to determine the resources that will be required and the policing strategy that will be used. To prepare for any eventualities, the police should be fully armed during the policing of the protest. Media reports have constantly shown that the police are at times not properly armed during the policing of protests as echoed in some reports. In his article, Watson (2014:3) states that after the death of Andries Tatane in Ficksburg in 2012, the South African Human Rights Commission (SAHRC) reported that the SAPS used excessive force and that they were not properly trained and equipped to manage violent crowd situations. According to Sefara (2014:12), following the announcement by the then National Commissioner Riah Phiyega stating that the police had to handle 1 800 protests which are increasingly becoming violent, he believes that although police are stretched to the limit they are ill-equipped and unskilled. Moreover, Professor Rudolph Zinn from the Department of Police Practice at Unisa, also disagrees with the comments made by the then - Minister of Police, Nathi Mthethwa who said that police are well trained and equipped when dealing with crowd management situations (Bailey, 2014:09).

The failure to be properly armed, enhances the propensity to resort to more excessive force which is contrary to the use of commensurate force that is expected from any professional police agency. The successful policing of the protest is also dependent on the utilisation of members who fully understand their mandate. This makes the briefing of members on the planning and the strategy to be used to be of the utmost importance; this places the responsibility on the commanders to ensure that operational officers are properly briefed in terms of section 12 of the National Instruction of 2013 on Crowd Management (South African Police Service, 2013).

1.2.5.2 Command and Control

The successful policing of the protest is mainly grounded in a sound command and control structure of skilled and disciplined police officers who understand fully what is expected of them. That is why it is not only important that police officers undergo intensive crowd management training, but it is equally important that the commanders are also fully trained and knowledgeable in assessing the situation and giving appropriate commands. This is important to contain the crowd and prevent injuries and death to the rank and file members of the police force. The training that both the police officers and their commanders undergo equips them to respond spontaneously to the prevailing situation. The operational commander takes charge of the scene and gives instructions to the platoon commander who ultimately gives instructions to section members. When arriving at a scene it is expected that POP takes over the control of the scene without interference from other policing structures. Negotiation skills are thus imperative for the POP commanders as this is also critical to defuse the tense situation (Ministry of Police, 2011:18).

1.2.5.3 Police Powers in Crowd Management

The police may also be in a situation where all attempts to avert disruption and violence fails, and paragraph 14(2) of the National Instruction of 2013 on Crowd Management (South African Police Service, (2013) guides police on the necessary actions that needs to be taken in this regard. They need to firstly put defensive measures in place and revert to their contingency planning, which will involve all role players to keep them prepared in a worst case scenario. In order to disperse the crowd the police should give warnings in at least two official languages. This should be done in languages understood by most participants. The police should also warn the participants on what actions (taken by the police) will follow if they (protesters) do not comply and taking into consideration a reasonable time period for them to leave - but if the violence has already started the time frame should be immediate. On the second warning the innocent bystanders are also informed to leave. Failure of the participants to comply may warrant the police to bring in their reserve platoon that will be responsible for the offensive measures and this measure is embarked upon as a deterrent to prevent further violence.

When dispersing a crowd the police need to consider various factors to ensure the safety and security of all involved, among others allowing participants adequate time to disperse, in order to avoid stampedes or injuries. In their response to the prevailing threat, the police should implement a gradual response to ensure the use of proportional force that is warranted under the circumstances. It is important to emphasise that minimum force should be used in order to accomplish this goal, and such force should be discontinued once that objective has been achieved.

The researcher is of the view that the National Instruction of 2013 on Crowd Management (South African Police Service, 2013) was developed to address the gross human rights abuses during protest management. But this did very little to bring about the required change as the use of excessive force by the police is still very evident during various protests that are covered by the media. The killing of two people and the injuring of many others at Mothutlung where the police were accused of using deadly force barely after the Marikana massacre, being a classic example (Mosombuka, 2014:01).

1.2.6 The Public Order Police

The policing of service delivery protests is largely done by the Public Order Police. There were various name changes to the police units that are dealing with the policing of public order from the Riot Squads, Internal Stability Units, Public Order Policing, Area Crime Combating Units, and then back to Public Order Policing. The Riot Unit was established by the apartheid government to deal with protests and riots by the majority of people who were opposing the apartheid regime. These officers who are expected to do crowd management were once trained to combat bush wars. According to Cawthra (1992:2), the culture of violence was deeply entrenched in the South African Security Forces and a restructuring and re-orientation was needed.

The Ministry of Police (2011: 2) states that the political activity of the early 1990s brought many challenges to the riot control units because marches and rallies were not properly managed. After the incidents of Sebokeng in 1990 and Daveyton in 1991 where the police clashed with protesters, the government realised that the role of the riot units in perpetrating violence had to be addressed. The police had to now confine their policing styles to be in line with the country's new legislation and human rights. Training methods and policing styles

had to be researched from other countries to determine the best styles that suit the South African situation.

According to the Ministry of Police (2011: 02), the policing of public protests in South Africa after 1994, underwent a major shift from that of the period prior to 1994 where the police supported by the army used force to suppress unrest that was emanating from political opposition. This made the police to lose the legitimacy and support in the eyes of many people who perceived them as the instrument of the then apartheid regime. Trait and Marks (2011:15) state that the policing of public protests in South Africa seemed to be headed to international acceptability in the mid-1990s but the ugly face of past methods of protest control have come to the fore in recent years. According to the Independent Police Investigative Directorate (IPID), there was an upsurge in police brutality since 2006, reaching its zenith in 2009. Under the new legislation the Independent Police Investigative Directorate is mandated to investigate deaths as a result of police action, and complaints of torture and assault against police officials (Faull, 2011:37).

1.2.7 Trend of Police Brutality during Public Protests and Measures Designed to Curb it

The re-emergence of police brutality in the policing of public protests surfaced by the recent killings of Andries Tatane – a protester in Ficksburg, and thirty four miners who were shot dead by the police in Marikana (Sosibo, 2011; Pauw, 2012). Previous incidents which occurred include the killing of a seventeen year old boy by the police who opened fire on the protesting crowd on the N3 near Harrismith in the Free State on 30 August 2004. In this case thirty seven school children were also arrested when 4 500 people took part in an illegal march to protest against poor service delivery (Anon, 2004).

On 2nd May 2012, residents of Mokwallo, in Vredefort held a protest due to the lack of service delivery as they were particularly unhappy with the disruption of water and electricity. Residents attempted to set fire to the municipal buildings in Mokwallo. At the same time residents of Zastron in the Southern Free State protested about poor service delivery that turned violent as they started looting shops owned by foreign nationals (Anon, 2012b). More than 100 people were also arrested in Botshabelo after residents who were unhappy with the removal of hawkers from the shopping centre started to loot and destroy foreign-owned shops. Police had to help foreigners to evacuate their shops but unfortunately

three shops were burnt down (SAPA, 2012). Despite the atrocious effect on the affected people, the use of excessive force by the police during protests denies the public their constitutional rights to assemble, demonstrate and picket. The increase of protest incidents from 8 907 in 2009/10 to 12 651 in 2010/11 as indicated by the Annual Reports of the South African Police Service accentuates the need to look closely on how these protests are policed (South African Police Service, 2011:2).

According to Anon (2013), South Africa has been dubbed “the protest capital of the world” as it has one of the highest rates of public protest in the world. This keeps the Public Order Police (POP) pre-occupied with the policing of these protests for most of their time. The manner in which the police deals with these protests continuously place them under the public’s scrutiny, particularly when considering the abovementioned incidents of police brutality that shocked the nation. In 2002, Standing Order 262 on Crowd Management during gatherings and demonstrations was introduced. This was to regulate crowd management in accordance with the principles of the Constitution in order to focus more on a community-orientated approach (Omar, 2006:9).

Policing of crowds is now done in terms of the Regulation of Gatherings Act 205 of 1993. According to Omar (2007a:7), the Regulation of Gatherings Act 205 of 1993 was developed in response to the findings of the Goldstone Commission of Inquiry which was established in October 1991 to investigate and expose the background and reasons for violence and intimidation in South Africa. This Commission found that violence and police brutality were widely prevalent at mass marches and demonstrations in the early 1990s. The Commission recommended that citizens be accorded the right to participate in peaceful public gatherings, and that the role of police at these gatherings be re-assessed. Omar (2006:8) states that the Goldstone Commission also recommended that urgent steps be taken to prohibit the carrying of dangerous weapons and to improve the relationship between the police and the community.

The Regulation of Gatherings Act 205 of 1993 should be understood in the context of the objectives of the South African Police Service, as set out in section 205 (3) of the South African Constitution Act 108 of 1996. These objectives are stated as being, to prevent; combat and investigate crime; to maintain public order; and to protect and secure South Africa’s inhabitants and their property and to uphold and enforce the law. The Public Order

Police are trained in crowd management and they are deployed to assist local police stations in managing public protests in their respective jurisdictions.

The competency of these members in managing crowd situations raise many concerns today if one considers some of the unfortunate incidents that are mentioned above. In the same breath, it also has to be understood that managing an angry crowd during a service-delivery protest cannot be easy due to the mindset of protesters. Most actions taken by the police are often criticised by the general public and the media, and in some instances we do not understand that the police have to work under considerable pressure. Some of the criticism and counter criticism can be detected from the following incidents:

- Police spokesperson blamed negative media reporting on the then worsening violence in the public protests in Mpumalanga (Sebola, 2010);
- The community spokesperson of Mashisheng in Mpumalanga alleged that the police were making the situation worse by shooting at the protesters with rubber bullets (Masinga, 2009:4). According to Sege (2011:2), the police were responding with rubber bullets because the protesters were stoning them and barricading roads with the burning of tyres, so their action were justified in terms of the Regulation of Gatherings Act No 205 of 1993.

The researcher is of view that there might be cases where police used the force required to overcome the prevailing situation and there might also be cases where the police overstepped the bounds. According to Trait and Marks (2011:16), there are cases where police response to public protests led to an escalation of confrontation resulting in street battles.

1.3 PROBLEM STATEMENT

Due to the nature of their work, the police are amongst the institutions and occupations in which the public expects the highest confidence and trust. But Stephen (1999:3) states that various police studies indicate that bad manners are the frequent complaints that the citizens have against the police. This sentiment is also echoed by Traits and Marks (2011:15) who are of the view that the South African public feels that the police are lacking in various standards that are expected of them particularly when policing public protests.

According to Faull and Newham (2011) the use of paramilitary tactics like high-handedness in dealing with the public exacerbates the tension between the police and the public. The use of the high-handedness should also be understood against the high crime levels, rampant strikes and the increased service delivery demonstrations. Mukadam, Herzenberg and Felton (2012:5) state that these demonstrations and protests are largely attributed to the state of paralysis and dysfunctional status of most municipalities in the country as alluded to by the then Minister of Cooperative Governance and Traditional Affairs, Mr Sicelo Shiceka. Shiceka confirmed that many of these protests have turned violent and there are indications that criminals are exploiting the situation. This has also been coupled by incidents of xenophobia where groups of foreigners have from time-to-time seek shelter at police stations (Burger, 2009).

It is significant to investigate the manner in which the police deal with public protests to determine whether there are obstacles that might make it difficult for them to handle such situations differently. The capability of the police to handle the protests as well as the violent nature of the South African protesters will be analysed.

1.4 RESEARCH QUESTION

Santiago (2009) states that a research question focuses the investigation on a research topic and guides the research project. It helps in the design of the study, data collection, data analysis, and the interpretation of results. It is important that the research question is clearly formulated before the research is undertaken.

In line with this understanding, the question that this research is designed to answer is: are public protests policed appropriately in the Free State? To unbundle this question, the researcher will investigate the use of force by the police in the policing of public protests to establish whether the police do comply with the principle of minimum force and the respect for human rights.

1.5 RESEARCH OBJECTIVES

Anon (2012a) states that the research objective is what needs to be achieved in a study. The objective is closely related to the research problem and can be broken down into specific

objectives which will help to answer the research question. It helps the researcher to focus on the study, avoid the collection of unnecessary data and to organise the study better.

The main objective of this research is to determine whether the force used by the police in the policing of public protests is commensurate or proportional with the amount of threat and resistance that they encounter for them to achieve their objective of restoring order.

The sub-objectives that will be used in order to assist this study to achieve its main objective are:

- to investigate whether the use of force during the service delivery protest is justified;
- to establish whether the police have proper training to deal with protests;
- to establish whether there are proper policy guidelines on how the police should deal with public protests; and
- to determine how the policing of protests is monitored by the police themselves.

1.6 SIGNIFICANCE OF THE STUDY

According to Kothari (2009: 05), progress is born out of the inquiry that basically emanates from the doubt about a certain phenomenon. The inquiry to ascertain this doubt bears the significance of the research because it essentially indicates the value that the study will have, thus providing justification on why such a study should be conducted.

This study could reveal the challenges of dealing with public protests and possible solutions that could help the police in managing these differently. The study could be a resource that could be useful to the public as well - by indicating how they can exercise their right to protest without behaving in a manner that attracts police attention which invariably curtails this right.

1.7 DEFINITION OF CONCEPTS

Protest: Protest is an organised public dissent or manifestation of that dissent (Hanks, 1986: 1229). It is normally a group phenomenon where people indicate their dissatisfaction about a certain aspect or aspects.

Violent protest: Violent protest is the protest where some participants engage in physical acts that either cause immediate physical harm to a person or are more likely to result in such harm (Jain, 2010:14).

Demonstration: A demonstration is the manifestation of grievance or support by the public that could be displayed in the form of rallies, protests, parades, and so forth. (Hanks, 1986: 412).

1.8 ORGANISATION OF THE DISSERTATION

The study is laid out as follows:

Chapter 2 to chapter 3: Literature review– **Chapter 2 deals** with the policing of public protests in other countries and **Chapter 3 deals** with the policing of service delivery protests in South Africa.

Chapter 4: Research design and methodology – Discusses the research design, the research methods, the sampling, the population, the data collection methods, as well as the data analysis. It concludes by addressing the ethical considerations of the study, as well as trustworthiness of the study.

Chapter 5: Research Findings – Presents, interprets, analyses and discusses the empirical and literature findings of the study.

Chapter 6: Recommendations and Conclusion - Is the last chapter of the study. It makes the recommendations based on the findings of the study. Included in this chapter is the conclusion that gives finality to the entire study.

1.9 CONCLUSION

South Africa is going through various challenges in the policing of public protests which are largely influenced in recent years by the failure of the municipalities to provide residents with the required services. This is different from the protests that were taking place during apartheid which were largely caused by racial discrimination and subjugation. Recent incidents of police brutality in dealing with public protests is contrary to how people thought it will be under democracy and invokes huge public outcry on how the police are seen to be dealing with these protests. The new democratic government took office in 1994 and people

were expecting a better form of policing but the policing styles during service delivery protests bears remnants of the apartheid past. The Constitution that is there to protect its people is now being infringed upon by the state itself especially when innocent persons are dying at the hands of their protectors.

There is a need to take a closer look at the styles that are being taught and implemented by the SAPS to manage these protests. We must determine whether some of these styles that the South African Police Service members are being trained in while incorporating various methods adopted from other countries, are really effective enough to yield the required results in terms of catering for imminent protests that South Africa may experience. There are a number of factors to consider because South Africa has its unique situation and its own challenges. The crux of this research is to establish whether Public Order Police members are being trained according to the prevailing situation in South Africa, with the ultimate aim of determining the gaps that might be existing.

CHAPTER 2: POLICING OF PUBLIC PROTESTS IN OTHER COUNTRIES

2.1 INTRODUCTION

This chapter focuses on the policing of crowds in other countries to determine how they are managed during marches and protests. Closer scrutiny of this aspect will be on the manner in which these situations are policed and the guidelines that the police have in doing this; various techniques that are used; the nature and the level of force used; the training that the police who do crowd management undergo; and the challenges that they face in fulfilling this role.

According to the Chief Inspector of Constabulary (2009:11), public protests are experienced all over the world on a daily basis. The police as the law enforcement agency has to strike a sensitive balance by allowing those who protest to be able to do so freely and without any harm, while on the other hand they have to ensure that the rights and freedom of the general public are not unnecessarily curtailed by such protests - as well as preventing the destruction and damage to property. Police agencies in democratic countries where protests and marches are allowed have to be very skilled in doing this and have to abide by clear given prescribed guidelines. Donnelly and Scott (2005: 07) reiterate this by referring to section 17(1) of the Scotland Act of 1967 which states that it is the duty of the police to maintain order, prevent the commission of offences, and to protect life and property.

2.2 THE NEED TO POLICE PROTESTS

The police are fundamentally responsible for the maintenance of law and order in society and they need to ensure that every crowd disturbance or protest is policed using principles that are grounded in ensuring the safety and security of the protesters and the general public. This is also done with the understanding that crowd disturbances or protests have the potential for violence. It is with this understanding that the police should approach crowd management situations with extreme care and sensitivity because the use of unnecessary stringent measures against protesters could be construed as denying them their right to protest. Managing crowds cannot be easy because it involves the management of the emotions that protesters display as well. Strickland and Taylor (2011:1), cite the Tottenham Riots that

began as a peaceful protest against the shooting by the police of a black male, Mark Duggan, but turned into a serious violent situation that needed the intervention of the army.

2.2.1 Notice to Hold Gatherings and Planning

Due to the profound implications and challenges of policing protests, King and Brearly (1996:01) state that planning should begin long before the actual protest. This includes strategic planning on crowd control, the responsibilities, training, organisation, operation procedures and rule of engagement. This is to ensure the safety and security of the general public, while on the other hand enabling those who protest to freely do so without being unnecessarily restrained.

As detected from Narr, Toliver, Murphy, Mcfarland and Ederheimer (2006:11), a formal meeting need to take place with the organisers before the actual protest, and it is during this meeting where possible protest groups will be identified. These identified groups eventually form part of the planning team as well as other stakeholders who could be identified during this process. This helps to ensure that the planning group is as all-encompassing as possible for it to be able to have as much facts as possible at hand about the impending protest. This form of intelligence helps the planning committee to identify the intention and the tactics of the protesters in order to adopt a more effective and efficient policing approach.

According to the Chief Inspector of Constabulary (2009:45), the Police, Public Order and Criminal Justice Act 2006 of Scotland require twenty eight days' notice to hold a public gathering or protest. This Act also gives the local authority the powers to prohibit or impose conditions. The local authority has to consider the following: public safety, public order, safety to property, disruption of the life of the community, the risks involved and whether previous protest orders have been breached.

In comparison, the Public Processions Act of 1998 of Northern Ireland established the Parades Commission which imposes conditions before granting permission to hold a gathering or protest. These include prohibiting a procession from entering a certain place whilst limiting the number of participants in a given place. Consideration is also given to the following: public disorder or damage to property which may result from the procession or protest meeting; the disruption to orderly life of the community which the procession or

protest may cause; the impact which the protest may have on relationships within the community; failure to comply with the code of conduct and the desirability of allowing a protest customarily held along a particular route to be held along that same route. It is therefore the responsibility of the police to enforce conditions made by the Parades Commission to ensure a peaceful protest (Chief Inspector of Constabulary, 2009:45).

The Scottish and Northern Irish models are similar to that of Spain in that people who want to hold a protest have to give prior notice to the local Authority. A meeting is then organised between local authority, the organiser and the police. They then delegate a police negotiator who will be on the ground on the day of the event, and the organisers are properly warned of action that will be taken should the violence erupt. What is important here is that on the day of the protest the police maintain constant communication with the organisers before, during and after the procession (Chief Inspector of Constabulary, 2009:47). In England and Wales the police act as the independent body that uses its discretion to uphold the law. It does not rely on an arbiter but takes full responsibility in facilitating the management of protests and gatherings (Chief Inspector of Constabulary, 2009:45).

The researcher is of the view that for the effective and efficient policing of the protests, countries should demand that the protesters submit well in advance the notice for such protest. The notice will enable the police to prepare well for the event and take care of any eventualities through contingency planning, assisted by the organisers and local authorities. Proper planning is essential to ensure that the police maintain public peace during such event while at the same time upholding the rights of citizens who are at times emotional about the disruptive nature of the protests when it affects their normal routine.

2.3 TRAINING FOR PUBLIC ORDER POLICING

Most police agencies around the world are trained in the baton and shield as well as vehicle and foot movements for the purpose of maintaining public order. Police should be specialists in this field as they undergo various training styles. A protest action can turn ugly if police lose focus and they take actions based on individual decisions. The reason for the police to lose focus and act in an uncoordinated manner could be a lack of training or not undergoing continuous refresher courses. Training in a coordinated manner helps the police to understand one another as well as the unit commander, during the execution of their tasks.

Narr et al (2006:23) state that when performing duties for mass demonstrations, it is of paramount importance that all agencies act in concert. This stresses the importance of pre-event training for all police agencies that will be involved in the policing of the protest on aspects such as squad formation, response techniques, mass movement exercises, protester extraction methods and other field exercises. The training should also include supervisory roles and responsibilities and these include taking control of the situation, evaluating and decision-making. Joint exercises with the other agencies are also important to familiarise everyone with the methods of approach during mass gatherings.

It is therefore the view of the researcher that as much as the police are trained, it would not help if there are no persons to give direction. Unlike most training exercises that police undergo, commanders are given separate training from their subordinates, whereas in public order training exercises the commander is given training with his/her members. The reason for this is that commanders in the execution of their duties need to give the proper command so that members act in concert, and in doing so display professionalism. Waddington (1991:325) states that the commanders undergo most of these courses in order to appreciate the tactics used by their members. This makes commanders to spend most of the time with their members because the training for crowd management duties needs a lot of time and practice. The trainees need to rehearse movements and techniques a number of times in order for them to be responsive and at the same time be professional. The following Free Trade Event and the Democratic Convention in America are good examples of early preparation for any eventualities.

According to Narr et al (2006:24), the training for the 2003 Free Trade Area of America took place a year in advance, where various plans were tested. Two weeks prior 167 representatives who were part of the event were brought in to perform table-top exercises in order to test their capability in addressing threat incidents. The rules of engagement and legal training were given to ensure everyone has a common understanding. Training included the following: discipline, group action, demonstrator tactics, protection of first amendment rights, rapid deployment, line formations, verbal and hand commands, squad movements, equipment familiarity, arrest technique and use of the baton.

The Boston Police Department had eighteen months to prepare for the Democratic National Convention. Based on the anticipated size of the event it was planned that six to eight public-order platoons comprising of 100-150 officers - who were also reinforced by the Massachusetts police - should be ready for this event. These teams were well-trained for this event. In the end the event went well without any disastrous effect (Narr et al., 2006:24).

One gets the sense that in most cases the training of the Public Order Policing is taken seriously as most countries have special training camps for this purpose. This is the training that normally takes place in special training camps where there are prototype models of streets and buildings. The environment of this nature simulates the realisation of real-life situations.

King and Brearley (1996:93) state that the training methods in different metropolitan regions in the United Kingdom vary. Most cities do run a number of training courses in Public Order Policing at their training units such as the one in Hounslow, London. The Kent County training ranges from the Silver and Bronze Commander's course and a public awareness course, to a police support unit commander's course and Public Order Training for junior officers.

Waddington (1991:323) describes the training camp layout in Hounslow which comprises of streets, buildings, shops, residential layouts and pedestrian-only passages, with an aim to present officers with various situations that they might encounter. During training exercises officers are exposed to similar conditions as they would encounter on the field when missiles and fire bombs are thrown at them. Wood is used instead of bricks in order to prevent injuries. Fire bombs are used but only under controlled conditions with the aim of achieving the training objective. This helps to perfect the shield tactics.

The researcher supports this type of training because it covers most of the real-life situations. The layout of the training ground and the debris normally thrown at the police is very similar to that of what is encountered on the ground. However, the layout of the streets will differ in some countries especially concerning those protests that take place in an open environment. No matter how intense and close to the reality the training could be, one should not underplay the unforeseen and emotionally-charged challenges that they will experience in real life.

Although one can argue that the British police are well trained to deal with public protests, they also face criticisms in the actual manner in which they deal with the protests as indicated by the Scarman Commission of Enquiry that is dealt with below.

The Scarman Inquiry that was appointed by the Home Secretary to investigate the serious disorder which occurred in Brixton (South-East London) between 10 and 12 April 1981, made the following recommendations to change the policing of protests (King & Brearly, 1996:54-57):

- Properly trained and well equipped officers must be available for rapid deployment. This could be achieved by ensuring that there is a large number of trained police officials;
- More effective protective equipment such as better helmets, fireproof clothing and lighter shields should be made available to police officers;
- The types of vehicle that the police use should have some form of protection from missiles; and
- There should be improved communication between officers and operational commanders, and the police tactics during public disorders should be reviewed.

There are three levels of training that the British police undergo as explained in Waddington (1991:323). The basic familiarisation, called shield training is initially given to recruits to familiarise them with the handling of the shield and this takes about two days. The Broadway serials are conducted for two days annually and emphasis is placed on basic long-shield tactics, but these officers are also given training on short-shield manoeuvres. The territorial short group officers undergo a more intense training. These officers train at least one day a month on how to respond to civil disorder and how to respond to complicated situations. The baton gunners are required to train at least four times a year. Their aim is to fire at their targets whilst avoiding shooting innocent persons. Videotapes of actual riots scattered with burning cars and debris are played on a large screen giving the effect of a real-life situation presently taking place. The officers are then given the opportunity to take cover at various points and fire at the screen (a kind of real-life simulation). The video is then stopped in order to assess the officers on their accuracy.

2.4 CROWD POLICING TACTICS

As indicated earlier the policing of protests are executed by police with specialised training due to the propensity of these protests to violence and loss of life. This emphasises the need for the police to continuously evaluate the effectiveness of the techniques that they are using. The researcher will now draw comparisons to the tactics used by different countries and how they have been implemented.

By utilising appropriate tactics the police can outwit the protesters and counteract any threats that they might encounter. The police can also use tactics in order to accomplish a desired objective, like pushback, dispersal and the execution of arrests. In 2009 a report by Her Majesty's Inspectorate of Constabulary (HMIC) gave comparisons of the different policing styles and tactics that are used in other countries (Chief Inspector of Constabulary, 2009: 42). The United States of America, Germany and Sweden use the coercive style whereas France and Spain do not. The United States of America, France, Canada and Sweden use negotiations whereas Germany and Spain do not. Notably, in most of these countries the "Ring of Steel" method which is a high wire fence that encircles the perimeter of the target which the police intend protecting is used.

All of these countries use no protest zones in order to control space by placing a barrier between protesters and the police. This give police the psychological advantage over the protesters although some may argue that this could create tensions. The above findings reveal that the police level of tolerance impact both on the police tactics and rights of individuals to protest. The majority of these countries use the style of strategic incapacitation, creating an obstacle to participation in demonstration. A comparative review shows that none of the above jurisdictions is fully resolving the challenges of the large-scale protests. The British model therefore stand out for its flexibility and accountability in policing protests (Chief Inspector of Constabulary, 2009: 42).

Chief Inspector of Constabulary (2009: 40) indicates the following tactics that are used in different countries:

Description of Tactic	Country in which used
Negotiated Management - cooperation and communication between police and protesters	USA, France, Canada & Sweden
Level of force determined by level of threat assessed	USA, Germany, Canada & Sweden
Ring of Steel Method - this is a high wire fence which encircles the perimeter of the target that the police intend protecting	USA, Germany, France, Spain, Canada & Sweden
No Protest zones - these areas are close to the protest site and are protected by the police as being off limits to protesters	USA, France, Germany, Spain, Canada, Sweden
Containment - this tactic is used to keep protesters in a confined area for long periods of time. The protesters are not permitted to leave this area or the numbers leaving are restricted	USA, France, Germany, Spain, Canada & Sweden
Pre-emptive arrest - ring leaders or other troublesome protesters are arrested at an early point to prevent their further participation in the protest	USA, Spain, Canada & Sweden
Dispersal - is a tactic designed to move protesters away from a certain area in order to break up the protest group	USA, France, Germany, Spain & Sweden
Border Control - is used to prevent individuals and groups from entering another country	USA, France, Germany, Spain, Canada & Sweden
Zero tolerance – this method is used where police respond to every minor incident	USA, France, Germany, Canada & Sweden

2.4.1 Communication

Communication is an important element used in modern day policing, when considering upholding the rights of citizens. With the latest technologies, police have the opportunity to make use of instant communication. At the same time police must also be wary that instant communication places the police under scrutiny. It is therefore recommended that the police use this form of communication properly to reach their target community so that the community understand the police better. The police communication with the crowd is vital in a sense that the police must inform the crowd about how they are going to facilitate the

legitimate aims, and how any illegitimate aims will impede the set objectives (Masterson, 2012:01).

According to Masterson (2012:2), police management in Vancouver recognised the success of the British “meet and greet” method when it came to the management of crowds. The trainers from Vancouver were sent to study the model which was subsequently implemented for the 2010 Winter Olympics. Instead of deploying the riot police in menacing gear, officers in standard police uniform engaged the crowds. They shook hands with the people and assured them of their safety. This creates a psychological bond and leads the crowd to believe that the police are on their side and therefore they cooperate with them.

The Madison Method is a method that protects the public’s right to free speech and assembly and ensures that these rights are not infringed during a protest. It has been evident from the Los Angeles Police Department’s (LAPD) approach during the Occupy Los Angeles gathering that the police response is gradual. The police officers’ objective is to facilitate a peaceful event after which the dispersal order is given and then arresting those refusing to comply. Officers are encouraged to use constructive engagement which is the soft approach as referred to by the British Law Enforcement Agency (Masterson 2012:3).

King and Brearley (1996: 92) are of the view that it is important for the local police commander to be hands-on concerning the activities of the community, who sometimes vent their anger and discontent through protest action. In so doing the local police commander ensures the safety of the protesters and the public. In order to avoid tensions and riots, there should be a joint police and community initiative to mediate (King & Brearley, 1996: 16).

Research found that the use of dialogue by the police in Sweden had remarkable success during public order policing. More countries are adopting this form of approach, which involves communication with the crowds at all times as constant communication yields better cooperation (Chief Inspector of Constabulary, 2009: 74).

Dialogue Police: According to Chief Inspector of Constabulary (2009:74), Sweden developed a new method of communication called “Dialogue Police” in 2001. This is the method that is responsible for communication link between the protesters and the police

commanders with the goal of facilitating protester's intentions, avoiding public disorder and confrontation. It is used before, during and after the event. This communication style emanated from the incident that took place in Gothenburg in June 2001, in which a crowd of 25 000 persons were part of a protest. During the violence 459 persons were arrested and 150 persons including 50 police officers were hospitalised. The report of the inquiry that was held subsequent to this protest emphasised the importance of dialogue, which ultimately became the national concept in the policing of protests.

Advantages of Dialogue Police: The core function of the dialogue police is to negotiate as this helps to facilitate the goals and objectives of both the police and the protesters. It involves mediation by avoiding stereotyping, by way of explaining the police point of view to the demonstrators and the demonstrators' view to the police. In this way it increases mutual understanding. The dialogue police also find a possible solution through initiation, in order to avoid or minimise the risk for conflicts and confrontations. Communication is enhanced by this way due to the exchange of information between commanders and demonstrators - like sensing the mood of the demonstrators and informing commanders accordingly (Chief Inspector of Constabulary, 2009:75). According to Menzies (2012:09), for the purposes of dialogue policing, individuals must possess good communication skills and be able to deal with individuals face-to-face in an open and honest manner but at the same time the member must have knowledge of Public Order Policing.

Phases of the Dialogue Police: According to Menzies (2012:09), Dialogue Police was built on a concept of dialogue, de-escalation and non-confrontation, which allowed for a more dynamic approach to crowd management that includes pre-event prevention and de-escalation of conflict. It is imperative that this form of communication be used from the very beginning until the end when information is received for an event or protest action. This enables the police to act on early warning signals and also look at any good practices and shortcomings after the event.

Menzies (2012:09) states that the dialogue police is mainly used in the following three circumstances: Pre-event dialogue - where police know what to expect and puts preventative measure in place. They allow the police to put restrictions on the event and facilitate legitimate objectives; during event dialogue - communication is enhanced between the police

and the protesting group. The dialogue police do not wear uniform but identifiable vests, and they are close to the protesters where they can sense the mood of the protesters and keep police informed. At the same time they can inform the protesters better of their possible actions; and after event dialogue - reviews the event between police and protesters. They can identify where the police have looked more provocative. This also allows officers to express the difficulties experienced.

According to Menzies (2012: 06), the Joint Committee on Human Rights published its report in 2009 expressing its views on the protest indicating factors that the police and protesters need to focus on improving dialogue. The fact that was emphasised in this report is that the police should aim for “no surprise policing”’, no surprise for the police, no surprise for the protesters, and no surprise for the protest targets. They should also review how they foster effective dialogue with protesters.

The researcher is of the view that for the police to command respect the public needs to be respected and this form of communication can go a long way in achieving this. When properly used, the dialogue police can avoid police and protester confrontations as it creates rapport between the police and the protesters. Disorder can be avoided through mediation and the police very easily win the trust of the protesters hence they will co-operate with the police. Although Dialogue Police does not necessarily prevent violence, it can certainly reduce it and have positive effects.

2.4.2 Role of the Media

According to Narr et al (2006:11), a media strategy also needs to be put in place where the public is kept informed about the intentions of the police so that the public can understand the reasons for the police actions. If the media as the major source of information to the public does not have the correct information, it could publish distorted information that could mislead the public. Leggett (2003:11) states that general surveys indicate that there is prejudice against the police which may be informed by media reports. The police therefore have to develop a better media strategy and be tactful when reporting incidents of protests and how they are dealing with them.

According to Narr et al (2006:64), it is very important for the police to have a media strategy where they keep the public informed. It will also be advisable that the police meet with the media prior to any event and have a press briefing. This will inform the public that the police are ready to police the event and assure the public's safety as this could also deter people with criminal intentions. The Boston Police Department initiated a media subcommittee for the 2004 Democratic National Convention a year in advance. This committee was spearheaded by the Boston police and the Secret Service and shared the information with the media and all stakeholders on this event. The Police Public Information Officer - who is the communication line between the police and media – was also used. This led to the communication of better information to the public on the current situation such as the place, date and time of the event; the possible routes to avoid; and the briefing about the police actions if the law is broken. This process eliminates media and public criticism.

Narr et al (2006:65) attribute the success of the Democratic National Convention to the extensive system that was in place to deal with this, such as the following: a Joint Information Centre that was situated inside the police headquarters which had fourteen representatives from various agencies who were deployed from 08:00 to midnight; and a large screen that was set up in the Joint Information Centre to monitor specific incidents like protests as it had cameras that were placed at strategic points. This enabled operational commanders to view live feeds of the Democratic National Convention from Massachusetts State Helicopters.

Narr et al (2006:67) states that the monitoring of a similar nature was also done during the Free Trade Area of America by the Miami Police Department that arranged with the US Coast Guard to be given access to a computer programme through which they posted news updates. This revealed the information about the protesters and their location. Due to the fact that the police could also face criticism after the event if people are not informed that the situation has now been dealt with and normality has returned to the area, it is important that the media is also used after the event as this restores calm to the public. This information facilitates normality; for example, the streets that were once inaccessible, are now open (Narr et al., 2006:68).

2.5 EQUIPMENT FOR POLICING PROTESTS

The use of the right type of equipment is essential in crowd management situations as riot control equipment has evolved over the years. Due to the police treatment of crowds and questions being raised from Human Rights groups, the police had to move away from using more brutal equipment (Kenny, Mcphail, Waddington, Heal, Ijames, Farrer, Taylor & Odenthal, 2001:32). More non-lethal equipment that resonates with minimal use of force should be used rather than lethal weapons that could result in serious injuries and deaths.

The type of the equipment used by the police tends to be similar worldwide and this could be attributed to the perceived effectiveness of the equipment and the fact that the type and nature of crowds also happen to be the same internationally. A study conducted by the Omega Foundation (2000:iv) found that at least 110 countries worldwide deploy riot control weapons such as chemical irritants, kinetic energy weapons, water cannons and electric shock devices.

The common equipment used by most countries as indicated in Waddington (1991:399) are armoured vehicles with reinforced glass protected by mesh wire which is suitable for most crowd management situations, especially with a volatile crowd and it can also be used for storing crowd management equipment which can be used when the need arises. Horses, due their strength, play a much greater role in the management of crowds as they can be used to charge forward with the aim of dispersing the crowd. Their height makes police officers to have a better view of the crowd. The use of reinforced helmet and shield with a visor protects the police officer when thrown at with missiles. According to Waddington (1991:157), the shields that are used protect from head to toe, does not give protection from the sides; hence the police need to move tactfully in order to protect members from being attacked by protesters from the sides.

The police should also be wary in the manner they approach a crowd management situation and the equipment that they use during demonstrations. It may seem at times that the police are going to war, due to the manner in which they are dressed and armed. Although the Robocop image serves as a deterrent and maintains public confidence in the ability of the police to deal with the situation, it can also have a negative effect when the media and public view it as the police who use heavy-handed tactics, more especially when it is a peaceful

demonstration. Thus in these situations the public will have a different perception of the police and would probably react more defensively (Narr et al., 2006:58).

Stun grenades are generally used in hostage situations, but several states including Poland and Russia use them to terrify protesters: this is a softening tactic used before the actual riot tactic (Omega Foundation, 2000: xxv). The researcher is of the view that although effective in a crowd management situation, stun grenades should be used with caution because the loud blast can cause temporary loss of hearing and it also disturbs fluid in the ear causing loss of balance exacerbated by temporarily disturbing one's vision. Therefore, the possibility of old persons or children being part of the protest should be taken into consideration.

King and Brearley (1996:94-96) also indicate that most countries prefer to use the long arm baton as compared to the short arm baton used by the police in the United States, arguing that the short arm baton is preferred more for personal protection. Firearms are generally not utilised in England and Wales, but only used in armed response vehicles in special circumstances. Gas and sprays are used to disperse crowds or ward off individuals, but this was found to be harmful to patients with asthma and those who are pregnant. Armadillo shields that are utilised have corrugated edges that can form a link with other shields so that they can be effectively used to push back crowds, whereas the round shields are used for arrest purposes. In addition to this, flame-resistant clothing and NATO-style helmets with visors and bullet resistant vests are also commonly used.

The police need to have constant training in the use of different equipment so that they can be able to use them effectively and efficiently when the need arises. The emphasis should always be the appropriateness of the instrument to counteract the prevailing situation grounded in the principle of minimum force. The misuse or excessive use of any equipment during the policing of protests could be interpreted as abuse of police powers.

As previously indicated that different countries use different tactics and equipment based on their prevailing situation, the assessment of the appropriateness of the tactics and equipment used is also based on the prevailing situation. That is why, for example, the media is now and again lambasting the highhandedness that the Israeli forces are seen to be using when dealing with the Palestinian protesters in the occupied West Bank. Michaeli (2013:05) states that

although the forces are guided by a gradual response to a situation, the misuse of weapons by the Israeli forces, in particular the use of rubber-coated metal bullets, result in the deaths of many protesters. The Israeli forces are expected to use different stages in their approach. The level 3 stage includes the use of batons, mounted police, then water cannons; and the level 4 stage involves the use of water cannons, tear gas, then stun grenades, then the firing of warning shots into the air, and as a last resort the firing of rubber-coated bullets are permitted.

According to Newham, Dissel and Lodge (2010:11), military style policing differs from the concept of democratic policing which is orientated towards upholding human rights. When comparing the types of equipment used by Britain and the USA, one notices a vast difference as compared to the ones used by Israeli forces more especially on the West Bank. One may also argue that the challenges faced by the Israelis are different from that of most developed countries.

Michaeli (2013:13- 49) indicates the types of heavy-handed weapons used by giving an example of the following: a venom system mounted on a jeep that has three 10 barrel groupings that fires aluminium canisters (salvos) within a radius of 100 metres which creates a thick cloud of smoke that is intended to disperse demonstrators; special extended tear-gas grenades that result in serious injuries to demonstrators due to its high velocity and weight, combined with the unlawful practice of firing directly at protesters. Live ammunition used in the West Bank is prohibited and only permitted to be used in the event of extreme danger. The Rugger Rifle that can fire two-two bullets is a sports rifle used by snipers and it can be very lethal when fired at the demonstrators. The skunk and water cannon is composed of water, yeast and sodium bicarbonate (baking soda) which exposes demonstrators to heavy odour and can cause pain, redness in the eye and skin irritation. The sponge rounds which were introduced after the banning of metal-coated rounds is highly accurate and can be fired directly at agitators within the crowd. The scream is a long range acoustic device which acts as a loudspeaker that can cause pain and discomfort to demonstrators with unprotected ears, which results in the demonstrators naturally moving away. The laser gun is like a handgun that fires two dart-shaped electrodes within a distance of eight metres and dislodges an electric pulse that can cause temporary paralysis and pain. According to Michaeli (2013), security forces who use these weapons unlawfully are backed by their senior officers, stating that this violation is often ignored by the local law enforcement authorities.

According to the Omega Foundation (2000: xi) the wedges, shields, batons, horses and riot weapons are used by the GrenzShutzGruppe in Germany, the Carabinieri in Italy, the Gendamerie in France, the special patrols and tactical groups in the UK and the FBI in USA. Their tactical training is a mirror image of their military counterparts. The Heckler and Koch riot gun was used by Northern Ireland. This weapon has front and rear sights for different ranges and its cause of injury when correctly used is debatable. The electric batons used in Tembisa, South Africa in 1996 for crowd control purposes led to sixteen railway passengers being crushed to death in ensuing panic. The use of these batons was thereafter banned. The Swedish authorities rejected the use of OC (pepper spray) because of its potential for causing eye damage. Evidence of human rights violation in the use of handheld electro-shock weapons was noted in countries like Austria, Bulgaria, China, Egypt, Russia, Greece, and South Africa, to name a few. Chinese police do not carry firearms, as gun-related crime is rare in China.

Boring (2014:60-75) further indicates that the police in Netherlands are equipped with truncheon, pepper spray, long electric baton, smoke and stun grenades. While New Zealand police are equipped with armoured vehicles, OC sprays, taser, batons, tear gas, stun grenades and sponge rounds. Russian police make use of rubber batons, teargas, paint dispenses, sound and light as a means of distraction, shot guns and water throwing cannons for the policing of crowds.

It is noted that in most countries the types of equipment like the shield baton and pepper spray are the familiar crowd management equipment. However, these countries may differ in the use of other types of weapons, like in China where no firearms are carried. There are differences - the use of electric shock weapons in some countries and the use of heavy-handed weapons like in Israel. The researcher is of the view that although these countries use these weapons in accordance with the threats that they may experience, these weapons should only be used when the real need arises. They should be used as per situational appropriateness and within the ambits of the law.

2.6 USE OF FORCE

The police are tasked with the maintenance of law and order in the country and to this end they are empowered to use force. The use of force during protests has been scrutinised by many sectors including the public, media and human rights groups and at times the politicians. Little attention is given to the fact that the police are placed in difficult circumstances more so during a volatile situation. This volatile situation gives the police little time to think and decide on the proportional force to be used. Some police officers are of the view that the manner in which the police deal with protests will always be questioned and criticised by people who do not understand the challenges and pressures that the police had to deal with in the policing of protests. The statement often expressed by police officials in this regard is, *“When we act we are criticised and when we don’t act we are still criticised.”*

To indicate the need to monitor the use of force, Thompson (2011:08) makes reference to the Rodney King incident indicating that there is lack of information on the use of force and that constant monitoring will determine why police use excessive force. The use of force by the police is one of the reasons that makes police actions to attract media attention and they get broadcasted all around the world - this is something that the police should be wary of. Police should also be careful of the fact that the crowd could provoke violence in order to attract media attention to their cause. Kenny et al (2001:23) are of the view that crowd situations are unpredictable and confrontations should be avoided, because it can cause crowd resistance. It is recommended that the law enforcement agencies should help crowds accomplish their goals within the law for the sake of avoiding confrontation.

According to the Chief Inspector of Constabulary (2009: 32), the police have the authority to use force under certain circumstances but the use of force must be in proportion to the prevailing threat. It has to be acknowledged that when police use excessive force it undermines the legitimacy of the police action and therefore reduces the public’s confidence in the police. This emphasises the need for the police to understand the use of force and what is expected of them during protests while taking into account the rights of the public and the protesters.

According to Strickland and Taylor (2011:04), the police may use such force as is reasonable under the circumstances in the prevention of crime, or in effecting arrest of offenders. In

support of the above the author also makes reference to Chapter 42 of the Human Rights Act of 1998 of the United Kingdom and the European Convention on Human Rights that are taken into consideration when determining the lawfulness of police action.

A profound implication in the use of force is exemplified by a classic example of crowd management that emanated out of the G20 Summit. Following the G20 Summit, the Independent Police Commission received 283 complaints, 136 being the alleged use of excessive force. One of the complainants, a 23 year old woman who attended the Climate Camp at Bishopsgate on April 2009 who was kicked and struck with shields and batons without warning suffered a miscarriage. Based on the findings of the investigation it was concluded that the metropolitan police should review their training and their policing styles (Chief Inspector of Constabulary, 2009: 110).

Menzies (2012:05) indicates that crowd behaviour at times tends to be influenced by the manner in which they are being policed because when police obstruct the crowd's right to protest the crowd can unite in a more aggressive way towards the police. This can in turn lead to the use of excessive force by the police. Proper training of the police that deals with crowd management will enable them to read the situation correctly and respond in a way that will not exacerbate the situation.

Police should also effect arrest with caution as mass arrest is also a form of excessive force that could be employed by the police and if not use cautiously it could expose the police to civil claims. A typical example being the mass arrest of people in Washington D.C and New York City in 2004 where innocent bystanders were rounded up by the police during their broad sweeps. Only a few of them were found guilty and prosecuted but those who were wrongfully arrested instituted claims against the police (Narr et al., 2006:55). Police in Estonia were not accused of excessive force when they fired rubber bullets and water cannons at hundreds of protesters in a mass rally in 2007 where three hundred people were arrested whilst ten people suffered minor injuries (Boring, 2014:37). The use of live ammunition is not allowed in most countries during the management of a protest action. This is a sign of excessive force and when used it is often criticised by human rights groups, the general public and the media. Live ammunition is mostly used in certain circumstances, like self-defence due to imminent danger.

According to Boring (2014:05) police are required to give a warning before using a firearm, except if there is no time and when giving such warning might result in serious or dangerous consequences. Most countries use force in proportion to the threat. In countries such as Brazil, France and Spain officers may use firearms in self-defence, or in the defence of others but in proportion to the threat, whilst Australia allows deadly force in this case. Strickland and Taylor (2011:06) state that the army used Attenuating Energy Projectiles in Northern Ireland in 2006 and this raised human rights concerns. It was recommended that these rounds can only be used in the case of protecting one's life when in danger.

According to Boring (2014:45), Greek police may use a firearm to instil fear amongst crowds by firing warning shots. The use of firearm is permitted when measures such as warnings, barriers, physical force, batons or permitted chemical weapons have been exhausted. The Greek police were accused of human rights violations after their action resulted in the shooting of a fifteen year old girl in the 2008 demonstrations. They were also accused of wearing their identification on the back of the helmet instead of the front which is expected by law.

In light of the above, King and Brearly (1996:29) stress that the police should refrain from taking a conditional attitude towards violence by threatening the crowd with weapons and force. Like in the case of Israel as expressed in Boring (2014:52), the firing of live ammunition into the air is prohibited unless authorised by the Inspector General who is in charge of the police.

Narr et al (2006:56) state that the Miami Police Department use the pepper ball round as a less lethal force against individuals disturbing the peace. The pepper ball is designed to strike the target and deliver an irritating blast of pepper spray which temporarily hampers the target's breathing and vision without causing long-term negative effects. In Boston it was reported that police fired a plastic, pepperspray-filled projectile that killed a young woman in 2005. This FN303 is a firing device that is designed in such a manner that it avoids causing bodily injury if used properly. This young woman was killed when she was unintentionally struck in the eye due to the negligence of the police. This emphasises the need for more police training in this regard.

Her Majesty Inspectorate of Constabulary (2011:117) made the following recommendations on the use of force: When carrying out their duties the police should have a nonviolent approach; force should only be used when necessary, that is after all other methods of maintaining law and order have failed; use of force should be minimal and appropriate; lethal force may be used when it's absolutely necessary to protect lives; operations should be planned and coordinated in a manner that the lethal force does not become an option; and lastly, individual members must be able to justify their action when using force.

It is the view of the researcher that although these countries are aware of the policies that are in place and the level of force that needs to be used, it may happen that in some cases the level of force is unavoidable. As much as critics have the time to digest and criticise the actions of the police, one can argue that when the police are placed under difficult circumstances they only have seconds to make a decision which they might later regret. The researcher would therefore suggest that in order to avoid a difficult situation resulting in the excessive use of force in crowd management, better planning, and better communication with role players - more importantly the convenor - as a form of progressive dialogue, is paramount.

2.7 AN OVERVIEW ON THE POLICING OF CROWDS IN VARIOUS COUNTRIES

Douglas (2004:31) highlights that most democratic countries are signatory to the International Convention on Civil and Political Rights that provides a degree of protection to demonstrators and protesters. Article 21 of the International Convention on Civil and Political Rights (United Nations, 1966:178) protects freedom of assembly, where no restrictions are placed on the exercise of these rights other than those imposed in conformity with the law, national security, public safety, and public order which should be taken into consideration. This is complemented by Article 19 (2) of the same Convention that protects freedom of expression which is only restricted by the respect for the rights and reputation of others.

Police agencies of different countries use different methods of dealing with protests or crowds. According to Masterson (2012:04), the Stockholm police in Sweden use high visibility and identifiable dialogue, while the Boise Police Department in the United States of America uses a fully equipped tactical approach with police deployed out of sight but close to

the demonstrations and only engage them when the need arises. This is based on their view that soft policing tactics are effective in the policing of crowds. Hamilton, Jarmin, and Bryan (2001:49) state that the introduction of the Public Processions Act of 1998 in Northern Ireland removed the power of the police to re-route or impose conditions on parades. But the police are still able to strike a balance between the public's rights to protests and the maintenance of social order.

Trait and Marks (2011:18) state that the Belgium style of policing crowds was introduced to South Africa in 1994. The Belgium style focuses more on management of crowds where minimal force is used and negotiations with conveners are embarked upon. More tolerance had to be demonstrated and the Shield and Tonfa (Baton) are the primary equipment for managing these crowds. Subsequently the French Model of Public Order Police was introduced to the South African Police Service in 2011 (Trait & Marks, 2011:19). The *Fédération Internationale de Football Association* (FIFA) World Cup could have been the main reason for the introduction of this style to the South African Police Service. This style involves closer contact between the police and the participants which makes the restraining of perpetrators within the crowd easier and effective. This style that involves confining the crowd in a certain direction and space was criticised by the communities in France because of the tendency for the Gendarmaries to resort to strong-arm tactics.

The researcher's contention about this style of policing is that it is more suitable to urban situations unlike in open areas where it becomes difficult to confine the crowd. The Marikana incident where the protesting workers were in an open field on the hill when thirty four of them were shot and killed serves as a typical example of strong-arm police tactics in South Africa.

There were jurisdictions in countries like Canada, Germany, Spain and the USA where the approach of strategic incapacitation was adopted by creating obstacles preventing persons from freely demonstrating. It was only more recently that a negotiated approach was taken. The British police are criticised for their robust tactics but at times have shown the negotiated approach during some of the events that they have policed. The in-depth discussion to unpack the policing of crowds in different countries will now be dealt with.

2.7.1 The Policing of Crowds in the United Kingdom

The Chief Inspector of Constabulary (2009:5) states that the British approach in dealing with public protests is that of having tolerance in order to win the confidence of the public by mediation. This model is attributed to Sir Robert Peel's assertion that the police should be approachable, impartial, and accountable. They deploy a number of police officers on the streets as a deterrent with the intention of using minimum force. This method is used to avoid the crowd dominating the police, which could lead to looting, arson and violent attacks. The shortcomings experienced by the British police when dealing with disorders during the Birmingham Riots included insufficient training and equipment. This insufficiency of Forces in England and Wales were exposed when it was found that they did not have water cannons; their vehicles were not fitted with reinforced glass, steel grills or run-flat tyres with which they could drive over sharp objects like glass (Her Majesty Inspectorate of Constabulary, 2011:5).

Gilbert and Jones (2011) cite Constable Chris who expressed his experience on the policing of the Birmingham Riots of 2011 as follows: *"It was chaos followed by the looters running and dispersing like rats. We were easily outnumbered. There was an air of unease after the mention of the shooting in the crowd."* This indicates the importance of the number of police officers that are deployed in crowd management.

Masterson (2012:03) mentions the two theories on crime reduction that emanated from a research conducted on hooliganism at British soccer games; namely - Elaborated Social Identity Model and Procedural Justice Theory. The Elaborated Social Identity Model (ESIM) refers to the escalation of crowd violence where people think that the police are treating them unfairly. The Procedural Justice Theory (PSJ) on the other hand, refers to where the crowd observe the law because they feel that the police are acting justly and legitimately. This indicates that when police officers act with legitimacy, disorders become less likely because people trust the officers and support the law enforcement.

The United Kingdom is comprised of England, Northern Ireland, Scotland and Wales and it introduced its first Public Order Police Act in 1936 when violent clashes took place between the fascist and the anti-fascist protesters. Although its history of riots dates back to 1208 when some events led to the use of force by the police which was often criticised thus

creating enormous challenges to the police. Some of the riots that the United Kingdom had to deal with recently included the Trafalgar Square- Poll Tax riots of March 1990, London riots on May Day 2000, and London, Birmingham, Nottingham, Liverpool, Bristol and West Midlands Riots of August 2011 (Chief Inspector of Constabulary, 2009: 27).

Strickland and Taylor (2011:8-9) state that the breach of peace – that is often referred to as Queen’s Peace – led to the arrest of the protesters as the police have powers to act when these offences are committed. Chapter 64 of the Public Order Act of 1986 and Chapter 38 Section 30 of the Anti-Social Behaviour Act of 2003 give the police powers to disperse groups or confine them to a designated area when they believe (on reasonable grounds) that members of the public are being intimidated, harassed, alarmed or distressed by such groups. The police are required to be circumspect in dealing with the protesters to ensure that they strike a balance between the rights of the protesters to protest on the one hand, and the right to public safety on the other hand. According to the Chief Inspector of Constabulary (2009: 29), they should do this by being approachable, impartial, accountable and adhering to the principle of the use of minimal force. Considerable discretion should be used to demonstrate impartiality and the upholding of the rule of law.

Tolerance of minor infringements during the policing of protests, at times leads to a better understanding between the police and protesters. In support of this sentiment, Almagor (2000:48), identified the following four factors: the conditions for tolerance must prevail in the interest of citizens to ensure that their basic human rights are upheld; when applying the law it must to be ensured that democracy and freedom are not threatened; the work of setting and policing the boundaries of the required tolerance must be allocated to bodies that are properly accountable for their decisions; and officials at courts should ensure that democracy prevails in their judgement which should also be subjected to review. This level of tolerance can be impeded when police feel that they would be protected if they abuse their powers.

Although public satisfaction with the police is at the heart of the British political agenda for policing as indicated in Bradford, Jonathan, and Elizabeth (2009:03), Britain does not allow a culture of lawlessness as deduced from the following words uttered by the then British Prime Minister - David Cameron - on 10 August 2011: *“This continued violence is simply not acceptable and it will be stopped. We will not put up with this in our country. We will not*

allow a culture of fear to exist on our streets. Let me be clear. At Cabinet Office Briefing Room A (COBRA) this morning we agreed that full contingency planning is going ahead. Whatever resources the police need, they will get it. Whatever tactics the police feel that they need to employ, they will have legal backing to do so. We will do whatever necessary to restore law and order on our streets. Police are authorised to use batons and water cannons that will be available in the next 24 hours” (Strickland & Taylor, 2011:3).

It is the researcher's view that these sentiments expressed by the Prime Minister will not help a volatile situation; one may argue that when the police feel that they are being protected by the powers that be, they would probably abuse their powers. The police should therefore be sensitised that these kinds of expressions should not hoodwink them from carrying out their duties properly and sticking to their training and guiding policies. The key approach here being the tolerance that the police should display to manifest the principle of Sir Robert Peel that whilst exercising the independent discretion and judgement, they should remain the servant of the people (Chief Inspector of Constabulary, 2009:11). This emphasises the importance of police tolerance during protests to ensure that they remain the servant of the people as they need the support and cooperation of the public for them to be effective and efficient in policing.

Chief Inspector of Constabulary (2009: 5-11) states that an independent body was tasked to inspect all aspects of policing across England and Wales in 2009 and to advise the police and make recommendations that could improve their performance. It reported that the policing of crowds have changed over years due to political, socio-economic and the public awareness and sensitivity on policing in the country. These warranted a change in police policies and the improvement of their training standards. The efficacy of this model was based on tolerance and trust which can be disregarded when the police are faced with a bigger event that has high levels of threat (Chief Inspector of Constabulary, 2009: 21). Moreover, people are becoming better aware of their rights and their freedom of expression and they want to put these rights to use hence the police had to review its policing of public protests in 2009, specifically due to the concerns raised regarding protests during the London G20 summit. The investigation on the policing of protests revealed a number of inconsistencies in the command structure, planning methods, preparedness, training and tactics as well as the uncertainty of the law and the use of force. The conclusion was that the introduction of more

legislation will not improve policing of public order because police officers understand the existing framework of public order powers and duties (Chief Inspector of Constabulary, 2009: 11).

This leads the researcher to believe that the policing of crowds needs to be handled by the police who specialise in this field. Their training should be done taking into consideration various situations such as the number of people protesting and the possible level of threats. This could make the police to be more knowledgeable of their policies and lead to the upholding of citizens' rights and safety during protests and crowd management.

2.7.1.1 British Police Tactics

As reflected on the training and deduced from the Scarman Inquiry - that was dealt with above - a conclusion can be drawn that the British police are well organised when they conduct their training exercise. What the researcher needs to investigate is whether these training methods are effective, and in order to determine this, the researcher needs to look closely at the tactics employed by the British police and the approach and challenges faced in real situations that they have encountered.

The operations Climate Action Drax, Kingsnorth Climate Camp and the Tamil Protest that took place between England and Wales showed the difference in the approach to public order policing and the use of public order legislation. There were also variations in operational command structure, planning methodologies training and tactics. In the Camp for Climate Action Drax, the Drax Power Station being the largest coal-burning power station in Europe, was targeted by protesters due to its production of carbon emissions. This took place between August-September 2006 where protesters displayed opposition to the production of high carbon emissions by the power station. In this protest thirty eight people were arrested by the police for a number of offences. The success in the policing of this protest was attributed to the engaging tactics of the police where they interacted with all concerned and kept the public informed of the developments. From the management of this protest the following were identified as measures that could enhance the effective and efficient policing of public protests (Chief Inspector of Constabulary, 2009:53): the need for the core objectives and a tactical plan in the policing of the public protests; a better command structure with clearly identified roles and responsibilities; more trained police officers who focus on operational

planning; and there should be a comprehensive operational plan that covers all aspects to ensure that police officers understand their roles and responsibilities.

The Kingsnorth Climate Camp protest that took place between July and August 2008 was about the construction of a coal power station. This operation involved 1 400 police officers from 26 police agencies and there were serious injuries reported. However, there were some complaints received from Local MPs that police had used heavy-handed tactics; they (police) seized 600 items from protesters and made 100 arrests. Although the police were effective in managing their resources, some shortfalls such as the proper risk assessment, a better search strategy, properly trained commanders, planning teams, proper operational briefing to understand law and police powers, were identified (Chief Inspector of Constabulary, 2009: 54).

In the Tamil protest that took place in Parliament Square in London between April and June 2009, a hundred thousand (100 000) protesters began gathering in the streets around the palace of Westminster on 6 April 2009. The policing of this posed a major challenge for the police due to the number of protesters which also involved a sit-in. The protesters also used women and children as a buffer preventing police from forcefully moving them. During the early hours of the morning when crowd numbers were reduced, police were able to push back protesters towards Bridge Street where protesters remained for seventy three days. The protest ended with no major incident. It was noted from this event that a significant amount of time was spent on negotiations by the police. The police also deployed Tamil police officers and Reassurance Units to engage and communicate directly with the protesters. Police were also concerned about inaccurate media reports, such as - the police are going to disperse the crowds. But police had counteracted this negative reporting by using blue tooth messages to reassure the protesters that this was not the case and that their rights were protected. Police had the marine unit on standby due to the threat that protesters were going to jump into the Thames River. Contingencies were also put in place due to the possibility of hunger strikes (Chief Inspector of Constabulary, 2009: 56).

It is evident that pre-planning for the event is paramount because it allows for the proper analysis and preparation for any eventual threat. Some degree of success in the policing of the above mentioned protests indicates how the approach adopted by the police, and public

cooperation in such an event can make a difference. In the Drax Kingsnorth climate protests for example, the number of police used yielded success to a certain extent. In cases where police are more visible in their numbers there are fewer incidents, whereas in the third world countries where there are challenges in the number of police officials employed, there are huge challenges. Due to their poor economy it would be difficult to employ a large force to police their protests. Baker (2006:26) cites Sierra Leone that has 7 000 police officials to police a population of over five million citizens.

Indiscretion on the part of the police has at times been blamed for the violence and loss of life during protests. For example, King and Brearly (1996:40) cite a Poll Tax demonstration in Trafalgar Square where the police charged the protesters with horses, although protesters were barricaded and had nowhere to go. This resulted in a chaotic situation where protesters ended up throwing missiles at the police and stoned the South Africa House and almost set it alight. The outcome of this event led to the reassessment of Command Band Training.

It can be seen from the above that although the British Police are professional, they at times also have to contend with the general challenges that compound the policing of protests. As much as Chief Inspector of Constabulary concluded that the British style of police stands out as being the more flexible and approachable one, it can be argued that in all service delivery protests no matter how prepared the police might be for any event as indicated earlier, there will always be unforeseen challenges. More so because crowds tend to be emotional and the police have to ensure that they do not enflame these emotions.

The tactic of Classic Crowd Psychology as indicated in Chief Inspector of Constabulary (2009: 85) is used by Public Order Policing in England and Wales. The basis of this approach is to decontextualize crowd behaviour as it is based on the understanding that crowds are irrational, dangerous and open to easy exploitation by agitators. This can neutralise the crowd behaviour when it is discovered that a certain type of crowd can be easily influenced by agitators and become more unpredictable and violent. Indiscriminate action by the police can unite the crowd and make it to team up against any police action.

However, according to Stott (2009:06) this Classic Theory is outdated and is now replaced by the leading model of crowd psychology known as Elaborated Social Identity Model of crowd

behaviour (ESIM). This determines human social behaviour of the police and demonstrators and can determine who and what can become influential in the crowd and what interventions can be used to prevent unruly crowd behaviour and to support police action. The researcher believes that this model enhances the cooperation between the police and the crowd thus facilitating the policing of a peaceful protest.

Waddington (1991:163) states that taking control of the area by the police before the crowd arrives enables them to make certain decisions such as demarcating control of participants and enabling the non-participants to move freely. The protesting crowd will always want a vantage point during the protest and they will also attempt to occupy certain places which will make it difficult for the police to remove them, like getting inside demarcated premises.

King and Brearly (1996:37) state that the Snooker Ball Wedge method is modified to the Trudge & Wedge or linking of arms to form various kinds of cordons. This method involves a number of officers shoving themselves right up to the crowd in order to contain them or form human wedges in order to break up the crowd. The danger of this model is that it could cause injuries to police officers and the protesters during this process of trying to break up the crowd.

The British police are also using the trudging and wedging method which is the concerted side-stepping of a police cordon that allows for the gradual pushback of a crowd, whilst the wedge is a chevron formation that is used to split the crowd in halves. When shield cordons are used the officers do not form a complete line, but they are formed in sections leaving gaps in between. The advantage of this is that the crowd will be undecided when throwing of missiles as compared to the full line formation (Waddington, 1991:313)

The push-and-shove method as described in King and Brearly (1996:72-73) is a technique involving the linking of arms coupled with the use of heavy vehicles, but this also requires a number of police officials to execute it. This tactic could also result in serious injuries to the police and protesters due to its close contact nature. While the cordon – where the police cordon off the scene with tape or interlocking metal barriers - as indicated in Waddington (1991:313) is used when disorder escalates. It has to be noted that the police standing in a line without contact with protesters as well as police vehicles parked in a line formation can also

be a form of a cordon. This can be used on either side of the crowd with gaps to allow for people to pass through or it can be used to form a complete barrier. The Loose Cordon involves a line of police officers standing next to each other leaving spaces in between where police officers hold the belt of each other standing in front and keeping one arm free (King & Brearly, 1996:73).

Waddington (1991:164) indicates that armoured vehicles also serve various purposes such as to disperse the crowd, and protecting police officers when the crowd is throwing stones and missiles. They are also used to carry equipment that will be utilised for crowd management purposes and most of them are equipped with a loud public address system which can be used to communicate with the crowds. They are also used to secure the arrested persons and protect injured officers. The author is also of the view that although the dispersal of the crowd would assist the police in getting access to the perpetrators, the better strategy is to encourage the crowd to stick together in order to limit the crowd collecting debris and missiles that they can throw at the police.

Waddington (1991:161) describes the arrest tactics used by the British police which involve a small squad of officers known as the “snatch squad” that moves through the police cordon and isolates their subjects. They then bring their subjects (the protesters) behind the police line and half of the “snatch squad” protects the arresting officers with the use of small shields. Waddington further asserts that the style of strategic incapacitation is also a tactic used by the British police. It involves the use of a projectile which inflicts injury, although not lethal.

From the various tactics used by the British police one can conclude that they undergo advanced training and they are in most cases prepared for threats that are experienced during protests. Having indicated that most countries adopt this similar tactic but only under a different name, the researcher would look at the tactics used by the American police during the policing of protests.

2.7.2 Public Order Policing in the United States of America

Like the British, the police in the USA had a long history of managing mass demonstrations, and they have been put to the test on a number of occasions. According to Narr, Toliver,

Murphy, Mcfarland and Ederheimer (2006:4), during the 1999 Seattle World Trade Organisation, protesters went on a rampage destroying property and inciting violence against the police. The police were criticised for the management of this situation where they fired pepper spray, tear gas canisters, stun grenades and rubber bullets to disperse crowds and arrested 500 protesters. Following these major incidents that hit the country, USA had to rethink its strategy when managing protests, major events and mass demonstrations. This led to discussions at the International Forum in San Diego in 2004.

The following key issues regarding the policing of mass demonstrations were identified at this forum (Narr et al., 2006:4): mass demonstrations cannot be handled by a single agency, therefore cooperation and communication from all departments are important; critical issues must be discussed prior to an event and worst case scenarios must be part of the plan; it was further emphasised that a balance must be struck between a person's rights during police interventions when protecting public safety and property, and that officers' safety needs to be taken into account, and the proper policies need to be put in place to guide officers on the degree of force to be used when responding to potential threats; the wearing of special equipment such as body armour and special weapons needs to be considered in some incidents, taking into account the negative impact they might have when appearing before the crowd; the importance of the proper use of intelligence and the media; and the need to educate the public on police professionalism and response. It was stated that all these should be taken into account during planning.

When comparing the policing in the United Kingdom and that of United States of America two aspects stands out namely, that of training and planning which is of importance. The emphasis being not to approach volatile situations with untrained officers and poor planning. It has to be taken into account that the majority of the service delivery protests policing are viewed over the media. It is therefore important that the police display professionalism and fine skills during the policing of protests and it has to be reiterated that spontaneous protests pose a peculiar challenge as they do not allow the police to plan for such events well in advance.

2.7.2.1 American police tactics

The police in the United States have a long history of handling mass demonstrations. The 1999 World Trade Organisation protests in Seattle was a defining moment in policing of mass demonstrations in the United States of America (Narr et al., 2006:01). As stated above, one of the tactics that the police in the USA use is setting up physical barriers during major events. This is where barriers in the form of an interlocking fence is erected which can assist in the control of crowds more effectively. The police can use this to keep a certain number of participants in a certain area or channel participants in a certain direction. The use of physical barriers is very effective when the police are operating with limited manpower (Narr et al., 2006:56).

Physical barriers have proved to be effective in mass events in Savannah, Boston, and New York. The Miami Police Department erected the fixed barrier a day before the Free Trade Area of America Conference, which could only be accessed by individuals having proper credentials. This fence was interlocked and designed so that protesters cannot dismantle it easily. This was a very effective feature in maintaining the crowd, which was strengthened by the police adopting a mobile field concept which provided a rapid response to crowd control and civil disturbance in urban areas. This encouraged team movement rather than individual action and actions that are under the direct supervision of the field force commander. The field force approach can be used to restore order, move crowds, rescue victims and isolate problem areas. The mobile field force has been successfully adopted worldwide (Narr et al., 2006:25).

The most practical tactics used in USA that are similar to that of the British police are indicated in Narr et al (2006:54) and this includes columns, skirmish lines, wedges, half step movements and controlled rushes. They are effective in urban situations allowing the police to split the crowd into smaller groups. This makes the policing of the crowd manageable. The officers on the ground during these formations are given protection by other officers who are placed at a vantage point to observe any blindsided attack. These police officers who are giving protection are placed at rooftops and in helicopters.

The USA police are also noted for their use of specialised units. These specialised units undergo intense training for them to understand their tactic and also to look professional

(Narr et al., 2006:45). Specialised units tend to be very effective because they practise their tactics more often than units that are multi-tasked. By multi-tasking police do not concentrate or spend time mastering tactics.

Specialised units as indicated by Narr et al (2006:46) are part of the crowd policing units in USA and are used in deployments during protests and mass demonstrations such as the following: the bicycle units were used by the Miami Police Department to help escort major parades and rallies - this improved rapid response and impedes less on traffic, and is also non-threatening to protesters; The Seattle Police Department used the Chemical Agent Response Team when chemical irritants are needed to disperse crowds; the mounted teams were used by the Boston and Miami Police Departments as they establish high visibility - this is a good tactic of policing crowds because crowds normally were quick to move when horses that were deployed directed them to a certain area; the Violence Abatement Team was mainly used in Seattle and they are comprised of thirty strong personnel, dressed in both uniform and plain clothes and are used to observe criminal misconducts and arrests of the perpetrators; the Cut Team is used in instances where protesters intended to disrupt traffic or create a diversion where by the protesters link themselves together by placing their hands into hollow piping - This requires the cutting of the pipe in order to separate the protesters; the Special Weapons and Tactics (SWAT) team is a team of experts with specialised training - they are deployed during mass demonstrations and events and respond to any critical event, and are deployed at key points. During the Seattle WTO Conference the SWAT team's role was for the management of demonstrations and being on standby for the response in the event of the use of weapons of mass demonstration.

From the above it can be concluded that the British and the USA police apply tactics that are best suited for the prevailing threats. The British police pay more attention in overcoming situations, like splitting of crowds, pushing back and dispersing it; whilst the USA police used more of a preventative action, like their bicycles units and mounted police teams. One may ask the question then, as to why South Africa has employed the tactics from Belgium and France although South Africa faces its unique challenges? This is a crucial part of this research that the researcher will investigate and analyse.

2.8 CONCLUSION

We can therefore agree that public protests affect most countries daily. Most democratic countries are faced with a challenge of maintaining public order whilst at the same time upholding the rights of their citizens as democratic countries are signatory to the International Covenant on Civil and Political Rights. It is however noted that most democratic countries face a number of challenges due to them being placed under situations that are unexpected. As much as some countries are noted for the heavy-handed tactics, other countries are noted for their good practices.

The researcher has noted that the high level of tolerance by the British police proved successful. This was noted in the Tamil protests where the protesters remained on the Bridge for seventy three days. The Parades Commission used by Northern Ireland has the opportunity to do an assessment of the threats and impose conditions. In this way the police are more aware of the given situation and can prepare in advance.

The Dialogue Police system utilised in Sweden proves to be a very interesting factor in this research. This helps in facilitating the goals and objectives of the police and the protesters. The dialogue policing approach keeps the police well informed giving notice in advance on the possible intentions of the crowd. Crowd Psychology and Dialogue Police can work hand-in-hand in order to promote better policing of crowds.

The researcher has noted that the USA makes use of their specialised units, which are well trained and given specific roles and they can therefore be called in to execute a specific task. It may happen that the police who are trained in public order policing and due to their skills will be called to execute dangerous tasks like arresting and escorting of dangerous criminals. It is therefore the view of the researcher that having specialised units is important because the normal police personnel are not disturbed in the execution of their day-to-day duties.

The mobile field concept which entails rapid response and team movement was successful in Miami and this concept is adopted worldwide. Washington DC prefers the non-arrest method in crowd control and any use of force is communicated to the Joint Operations Command Centre where the information is documented and reviewed. The use of physical barriers

restricting the crowd to a certain area proved very effective when managing crowds, especially when police are understaffed.

The American police also see the media as an important role player and therefore use them effectively. The information about possible protests is therefore communicated in advance so that the public is made aware of the date, time and place. A public information officer is used as a communication line between the police and the media. The effective use of the media eliminates undue criticism and it is very important that the police use it to their utmost because it is very influential and can easily sway public opinion.

The researcher further concludes that it would be difficult for police to uphold the law if they don't know how it should be applied. Training and workshops are therefore critical for them to execute their duties effectively and efficiently. Thus the heavy-handed tactics used by the Israeli forces can be eliminated with proper intelligence gathering and planning so that they can be more proactive in their approach.

The use of force during protests should not lead to death or injuries of persons. The use of force must be in proportion to the threat. The British police also had their shortcomings when it comes to the use of force, like in the G20 Summit where complaints were received about the use of excessive force against difficult protesters and this was declared as unjustified. One of the visible best practice strategy is the "meet and greet" strategy where officers in standard police uniform shake hands with the crowds assuring them that they were on their side therefore winning their cooperation.

CHAPTER 3: THE POLICING OF PROTESTS IN SOUTH AFRICA FROM 1910 TO TODAY

3.1 INTRODUCTION

This chapter will focus on the policing of protests in South Africa since 1910 until today. The study will examine the types of protests that the police encountered/encounter and how they are policed, the different policing tactics used, the training undergone by police officers, and the specialised units involved. The researcher will also investigate whether the police were/are effective and efficient when managing these protests and the reaction received from the public. The media has criticised the Public Order Police for their approach when carrying out their duties and this unit has made news headlines more for the wrong reasons. In the final part of this chapter the researcher will discuss the Public Order Police in more detail together with all the changes that have taken place within this unit and the number of protests that they face annually.

3.2 THE POLICING OF PROTESTS FROM 1910 TO 1960

South Africa is situated in the southern part of the African continent and shares boundaries with Swaziland, Mozambique, Namibia, Botswana, Lesotho and Zimbabwe. South Africans in general have witnessed a number of changes with regard to the protests and the policing thereof, evolving from colonial to apartheid eras up to the current democratic policing. These changes were indeed expected, but one begs the question whether the policing of protests has improved or has gotten worse. In order to establish this, the researcher will investigate the history of policing in South Africa in an attempt to understand the fundamental role of the police when managing protest actions since 1910.

Protests in the early 1990s painted a picture of violence by the majority against the unfair system of the government that deprived the people of basic services (Managa, 2012:2). It also painted a picture that these protesters were violent in nature and the police had little option but to retaliate with excessive force. As much as any form of violence is not justified, the researcher is of the view that what should be taken into account is what leads to such violence and whether the protesters had any other option instead of responding with violence.

Although there are many challenges in the policing of protests, South Africa is not unique to this. Mathew, Heyman and Mathew (1993:24) identify countries such as Israel and Northern Ireland as having the same challenges. They indicate that there is selective law enforcement in favour of the dominant group (who are a minority with more power and influence) and that the police penetrate into everyday life of subordinate groups (who are disadvantaged, powerless and given little or no respect) thus criminalising their ordinary practices. The disadvantaged groups therefore saw the police as the oppressors whilst the dominant group saw the police as its own.

From the period 1910 to 1960 many protests were rooted in the opposition of the laws of the then government while others were emanating from labour disputes. The majority of South Africans set out to challenge white supremacy and embarked on a campaign of mass civil disobedience. Many protests during this time reflect the dark days of the South African history of discrimination and exploitation against the majority of the population who were faced with police brutality when they were opposing unjust laws that were encroaching on their basic human rights. Some of the examples of the protests are the following:

- Charlotte Maxeke - a science graduate - led a successful campaign against the carrying of Identity Documents by African women in the Free State in 1913 (Davenport & Saunders, 2000: 275).
- The African National Congress and the South African Indian Congress launched a defiance campaign against unjust laws that got people from all race groups involved in 1952 (Karis & Gerhart, 2013:229).

Although protests need not necessarily be of a violent nature, the police should at all times be prepared to respond appropriately to any eventuality. The Passive Resistance Movement that was led by Mahatma Gandhi is an example of peaceful protesting; even though 2000 people were arrested after they crossed the Transvaal border in breach of law relating to the entry of Indians into the Transvaal. The manner in which this protest was carried out impressed General Smuts who later decided to negotiate with Gandhi and subsequent protests were called off (Dippenaar, 1998:19).

This begs the question once again, as to why protesters today do not follow the principles of Gandhi by demonstrating peacefully. It may happen that protesters act violently due to frustration as their non-violent actions are not taken seriously or they are provoked to act violently. Jain (2010: 09) defines violent protests as situations where protesters engage in physical acts of violent behaviour. This is commonly characterised by attacking innocent persons, police, foreigners, government officials, the burning of buildings, looting of shops, blockading of roads and the burning of tyres.

3.2.1 Types of Protests

There is a need to identify the protests that are inherently violent and protests whose violence is precipitated by aggressive police response. An analysis of the following protests could give an indication on the cause of violent protests:

The mine-workers' strike of Witwatersrand - Dippenaar (1998:17) mentions the 1913 mine-workers strike in the Witwatersrand where miners refused to obey the police instruction to disperse and charged the mounted police with stones, bottles and firearms. This protest spread all over Johannesburg involving the burning of buildings. These battles continued on the streets for another 48 hours until General Botha and Smuts, acting on behalf of the government, conceded to the strikers' demand after negotiations. At the end of this protest twenty two people were killed; eighty eight admitted to hospitals with gunshot wounds; and numerous policemen were either killed or seriously injured.

Port Elizabeth strike – Mr Masabalala who was the leader of the striking workers was arrested during the wage strike in Port Elizabeth in October 1920. About 2 000 black and coloured protesters gathered around the Central Police Station demanding the release of its leader, charging the building and hurling axes and other objects. Although no command was given to shoot, the police opened fire killing twenty five people and wounding sixty six. Colonel Truter defended the police action stating that they were defending themselves against the immediate danger (Dippenaar, 1998:47).

Springs miners' strike - According to Dippenaar (1998:196) 5 000 of the 61 000 Springs' mine-workers who went on strike on 11 August 1946 marched to Johannesburg on 14 August 1946. They were armed with dangerous weapons and refused the instruction from the police

that they should return to their compound. The police who were only armed with batons were obliged to use force injuring fifty three of them in the process. On the very same day another 5 000 miners from Simmer and Jack Mines in Germiston also marched to Johannesburg. They were dispersed by the police who were armed with batons even though the miners were armed with dangerous weapons. After the Communist Party declared a general strike the government was concerned about this situation and decided to arm the police with firearms. Numerous clashes that took place during this period led to the death of six miners and 600 were injured.

Sharpeville massacre – According to Martin (2007:07) the Pan Africanist Congress (PAC) organised a protest march to Sharpeville Police Station against the carrying of the pass documents on 21 March 1960. About 400 heavily armed policemen were deployed outside the police station to protect the police station that was already protected by a wire barrier and to deal with the protests. When chaos erupted, 4 000 live ammunition rounds were fired killing and injuring dozens of protesters. Poor intelligence led the police to believe that they (the police) were going to be attacked and this coupled with the lack of proper command by the police officers resulted in sustained firing and high casualties. It was later discovered that the police also used soft-nosed bullets called “dumdums” which were already banned in 1899 due to the horrific exit wounds that they cause.

Karis and Gerhart (2013:139) state that there were about ten thousand protesters who were armed with sticks and outnumbered the deployed police officers. Some witnesses who testified stated that there was a hostile and volatile mood. After this sustained firing, sixty nine people died and 186 were wounded. As compared to those dealt with above, this indicates that some peaceful protests were met with police brutality.

The Revolt in Pondoland - In November 1960 after the eruption of violence against the application of Bantu Authority System by Chief Botha Sigcau, the government declared a state of emergency in Pondoland in Transkei. Violent protests that was generally against the Bantu Authority System, compulsory stock culling, soil rehabilitation, Bantu education, tax increases and other government policies that was coordinated by rebel Pondo tribesmen called *Intaba* (mountain) continued unabated. In June 1960 the police launched an attack on a large public meeting that was taking place in Ngquza Hill in Lusikisiki District. They

dropped tear gas canisters from the helicopter and fired into the throng killing eleven people and wounding many others. The findings of the subsequent commission of inquiry that was appointed by the government to investigate this incident was rejected by the Pondo leaders (Karis & Gerhart, 2013: 160).

These incidents indicate that there have always been some casualties in the policing of public protests and there is an underlying threat to suggest that the use of force by the police was normally protected by the authorities. This poses questions that this study will later attempt to address such as: were the police concerned about the loss of lives due to their actions during these incidents; were they properly trained to deal with protests; was intelligence used to inform the police about these protests and what they could possibly expect?

3.2.2 The Policing of Protests

According to Steinburg (2005:01), the commandos had been in existence in South Africa since 1715 and they were used by the Dutch East India Company (DEIC) to protect white farmers and their property. They had the power to shoot, take prisoners and act as they saw fit whilst protecting such property. Seegers (1996:23) states that the DEIC later established a police force that initially consisted of former soldiers, later joined by civilians and was mainly functional in rural areas.

The policing of Cape Town was entrusted to the Cape Constabulary that was introduced in 1835 inspired by the London Metropolitan Police. Other towns were policed by various police forces such as borough police, local board police force, magisterial native police, messengers and convict guards and water police. Zululand was policed by the Reserve Territory Carbineers and the Orange Free State was policed by the border police. These police forces consisted of volunteers and never attained professional footing leading to the then government recommending the formation of the national police modelled on the Transvaal Police (Seegers, 1996:23).

Mathew, Heyman and Mathew (1993:24) state that until the late twenties, the South African Police was perceived as an instrument of the British control that was repressing the Afrikaner rebellion. The rise of Afrikaner domination on the white political scene was accompanied by “Afrikanerism” of the South African Police in the late twenties. Most white policemen were

subsequently drawn from the rural Afrikaners and this led to resentment by the white English-speaking South Africans. Under the British rule, the Royal Irish Constabulary in Natal and the Cape had the primary role of policing the territory and suppressing resistance to colonial rule since the 19th century. In 1910 the police force in South Africa consisted of the mounted regiments, special force for key infrastructure, railway police, private police for the mines, native administration police and town police.

After the unification of South Africa in 1910, there was a need to merge the then provincial, municipal and rural police forces into a National Police Force. The South African Police then came into being on 1st April 1913 based on the Police Act that was promulgated in 1912 (Dippenaar, 1998:6). Colonel T. G. Truter who was appointed the Commissioner of Police centralised the police command to Pretoria and by 1913 the South African Police absorbed the internal security tasks which included the quelling of protests (Hornberger, 2014:19).

The newly established South African Police had its first test of dealing with protests on 27th May 1913 when 19 000 miners in Witwatersrand went on strike. The government wanted to avoid violence and Colonel Truter who realised that the then deployed 993 police officers were not enough to deal with this, especially if it spreads to other mines as well; thus he ordered another 981 police officers that included Rifleman and Imperial forces that were used during the Boer War to supplement the current staff in Johannesburg. These withdrawals of personnel from Cape Province, Orange Free State and Transvaal left only few police officers responsible for policing in these areas (Dippenaar, (1998:16).

Seegers (1996:36) states that the ranks of the South African Police were filled by the army who when called for duties, left half of the country unpoliced. It is under this condition that the police would rely on special constables and police reservists. The police were not properly trained to deal with protests by then and they used to resort to ultimate force that cost lives when placed in precarious situations. The effective and efficient policing of protests does not only depend on the training and skills of the officers who are deployed in such situations, but also on the support that they get from the secondary units.

Dippenaar (1998:96-101) elaborates on some of the supporting units that were within the South African Police during this period. Mobile units that were based in Pietermaritzburg in

Natal were used in black townships during raids and unrest-related incidents. On 1 April 1929 the Veterinary Division that was mainly concerned with the caring for police animals and shoeing of police horses was established at the training depot. It also gave training to new recruits to induct them into the veterinary section. The inspectorate division that served as the eyes and ears of the commissioner for conducting inspections of buildings, livestock, transport, equipment, supplies, official registers, books and documents, was also established at the police head office. As the horses and mules belonging to the police were gradually decreasing, there was a high investment on mechanical transport to ensure that the police were effective in their work. In early 1931, they had 106 cars, 29 Lorries, 280 motor cycles, and some side cars.

In 1947 the government felt that there were internal threats by communists and therefore saw the need to establish a Special Branch that could carry out secret missions (Dippenaar, 1998:211). Major du Plooy was then tasked by Major-General Palmer to establish this Special Branch that consisted of detectives and uniform members, and it was called the Security Branch. This branch was seen as the third leg of the police, with its members who were trained overseas under the pretext of investigating policing methods but they returned with firm ideas on how the Security Branch should operate (Dippenaar, 1998:211).

Nancy and William (2011:84) state that Government increased police powers throughout the 1960s due to the resistance and unrest within the country but it became evident in the 1970s that neither the implementation of apartheid nor police intimidation was successful in halting continued resistance. The government then established the Bureau for State Security to support the Security Branch with military intelligence. This Bureau for State Security reported directly to the Prime Minister and their activities were kept secret. With well-known infiltrations of political and civil movement by these agencies, one wonders whether there was an improvement of how protests were policed or the acquired intelligence was solely used to identify and eliminate those who were seen to be causing such unrests

3.2.3 Training and Tactics

The police were dealing with riots and protests based on the Riotous Assemblies Act 27 of 1914. There is a need to investigate whether the Riotous Assemblies Act 27 of 1914 gave the police excessive powers in order to protect the government or whether this Act enhanced the

policing of protests. Seegers (1996:27) states that the Riotous Assemblies Act of 1914 provided severe sanctions for those found guilty of public violence as it was accepted by parliament that it was not concerned about native uprising but about a third Boer War.

The commission of inquiry that was set after the killing of twenty five protesters in Port Elizabeth in 1920 revealed that the police shot at the crowd without the order to shoot being given. This made the police management to realise the need for military discipline in crowd management and led to the establishment of a training depot in 1928 (Seegers, 1996:46). Dippenaar (1998:91) states that Colonel De Villiers who was commander of police training introduced a policy that made the police to be given a militaristic training and discipline. Police were then trained to be better in drill, marksmanship and horsemanship while little attention was given to training in law due to the belief that these other competencies were essential in producing a good policeman and thus the knowledge of law was considered to be of secondary importance. Lt.Colonel T.J. Byrne who was the new commanding officer at the Pretoria West training centre where police training was being conducted, subsequently introduced strict discipline and physical exercises. This transformed the training centre into a semi-military camp that emphasised physical training, which included training police in gymnastics to improve their agility.

This military style of training was exposed by the press in 1930 when a number of ex-police officers mentioned the iron-fisted approach in the training centre. There were also allegations that senior police officers were also not treated with respect as they were often belittled in the presence of recruits. The standardised training that did not take into account the age of some police officers led older police officers to feel that they were not respected because they were expected to perform the same physical training as the young recruits. Commissioned officers were no longer treated like gentlemen as was previously the case but they were addressed in abusive language that was used when addressing the recruits as well. Bringing up police officers who were trained in military style fashion was later seen as highhanded; similar to the manner in which they were dealing with protests and strikes such as the Rebellion World War 1 and Bulhoek protest that was mentioned above (Dippenaar, 1998:94).

Prior to the amalgamation of the different forces to form the South African Police force, there were four police training institutions in Pretoria West, Pietermaritzburg, Kroonstad and

Maitland in Cape Town. The Cape Town institution had no training facilities and recruits were given on-the-job training at the stations where they were deployed. After amalgamation the Pretoria West training centre was used as the central training centre and Colonel Truter prioritised the training of white constables who were tested after three months (Dippenaar, 1998:14).

Due to the then racial policies that assumed that blacks were inferior to whites, blacks were trained separately and given inferior training as compared to that which was given to whites. This included crowd management training (Dippenaar, 1998:200). As apartheid intensified and the initial Umtata training centre that was training black police officers was becoming small, blacks were again categorised into three racial groups and trained in different training centres in 1952. Coloureds were trained in Woltemade; Indians at Wentworth in Durban; and blacks in New Modderfontein (Dippenaar, 1998:248).

To equip the police to deal with protests and crowds effectively there was more and more a need to deal with protests based on the prevailing political situation in the country. Dippenaar (1998:288) states that there was a reorganisation of the training of the police in 1960, especially in the method of anti-riot drill. A total of eighty two police officers were trained in anti-riot drill and 16 police officers were trained in the usage of the Browning machine gun. The railway police who were responsible for policing in railways precincts also had their twenty five police officers trained in anti-riot drill.

In 1959 the police purchased forty seven Saracen armoured vehicles that they used for riot situations. These vehicles were effective as they provided safety to the police because they were able to operate from inside the vehicle without physically leaving the safety of the vehicle. These menacing vehicles displayed the military nature of the police which seemed very threatening to the public (Dippenaar, 1998:243).

The facts above indicate that the police were trained in anti-riot drills using heavy calibre weapons with no emphasis on tolerance, negotiations and gradual response to the threat. It depicted the police as the enemy of the people whom they were expected to serve. This was exacerbated by the protesters who perceived the police as an obstacle in the removal of the apartheid laws.

3.2.4 Reaction from Civil Society

The Landsdown Commission of Inquiry of 1929 that investigated relations between the police and the public indicates, among others, that although the police were expected to be helpful, polite and tactful, they tend to be violent when they are faced with volatile situations. It further found that there was a good relationship between the police and the Indian and Coloured communities but largely because these communities were not discriminated to the extent as the black community; hence their clash with police was minimal. They were more likely acting passively unlike the blacks who suffered extreme discrimination and as a result they tend to be more violent in their opposition to unjust laws. It concluded by emphasising that strict military discipline was one of the main reasons for dissatisfaction in the manner in which the police were dealing with protests; thus the Commission concluded that the spirit of militarism enforced by the top structure of the police was not compatible with the spirit of policing in the world at large (Dippenaar, 1998:127).

Dippenaar (1998:273) cites the Cato Manor protests of 1960 where residents who were opposed to forced removals had an altercation with the police that led to a major riot that culminated in the death of nine other police officials. Of the thirty one rioters who were arrested for these riots ten of them received the death sentence. The white community in general reacted by venting their anger against the black community. They armed themselves by buying firearms and seeking official protection from the government, while farmers took the law into their own hands by acting as if they were empowered to use force.

Although the police are tasked with the maintenance of law and order, it can be seen during this period that there were a number of incidents in which they had struggled to contain violence thus failing to maintain law and order. There were also those incidents where they managed to quell the violence but this was done using excessive force which resulted in many deaths and injuries; and in almost all cases their actions were justified by authorities.

3.3 POLICING OF PROTESTS FROM 1961 TO 1993

The National Party came into power in 1948 and instituted the apartheid system that led to the discrimination of people of colour. Any protests or resistance by those who opposed apartheid were quelled by brutal force from the security forces (Le Roux, 1998:237). The

analysis of policing during this period indicates the types of protests that took place and how the protests were dealt with. It indicates whether the police were acting within the precepts of the law, whether the tactics that they were employing due to their training that they were receiving was legal, and the public's reaction to all this.

The 1976 Soweto Uprisings and the 1985 State of Emergency indicate how the police had to deal with public protests; largely executed by using batons, guns, and shooting from armoured vehicles. Dippenaar (1998:500) states that the police were fully aware of the threat against the security of the country and to be ready for this, they reorganised the riot section in February 1976. This led to the presentation of riot and crowd control courses in Maleoskop outside Grobblersdal. The security branch was well aware of the brewing dissatisfaction concerning the introduction of Afrikaans as the medium of instruction in non-Afrikaans speaking community schools which ultimately led to the 1976 riots. When this started the initial attempts were made by the police to disperse the crowd, but without any success and thus the police were forced to use their firearms as they felt their lives were in imminent danger.

Vigilante groups that were supported by the police due to their counter attacks on anti-apartheid groups became prevalent in the 1980s. The police used them to their own advantage as they saw them as counter revolutionary measures. These vigilante groups mushroomed throughout the country and they were as follows: the Phakati operated in Thabong in the Orange Free State; the Amabutho were in Umlazi in Natal; the Mbokotha in KwaNdebele; Ama-Africa operated in Uitenhage in the Eastern Cape and their targets were the African National Congress (ANC) and the United Democratic Front (UDF) supporters. The Witdoeke (white headbands) were the most notorious vigilante group for the torching of the settlements at Crossroads outside Cape Town in 1986 when residents defied state attempts to remove them. This resulted in the deaths of fifty three persons and 70 000 being homeless (Cawthra, 1998:9-12).

In the late 1984 and early 1985 government offices and beer halls in the townships were burned during protest actions against rent hikes, inferior schools and harsh treatment of shack dwellers. The Vaal Uprising of 1984 due to the new tricameral parliament affected Sebokeng, Sharpeville, Boipatong, Bophelong and Zamdela townships. During this uprising transport

was disrupted and protesters set up barricades to prevent police from entering the townships. Most shops and homes belonging to councillors were burnt. The police responded by using tear gas, rubber bullets, and live ammunition to disperse crowds (Gerhart & Glaser, 2013: 58).

During the worst political violence that engulfed the country in 1986, sixteen people died while a number of people were injured: the police shot two people in George, one at Lawaakamp near Oudtshoorn and one at Tinus near Fort Beaufort not far from Port Elizabeth. In addition, Soweto people who were thought to be working with the police were burnt to death by putting a tyre around their necks in what was commonly called “necklacing”; in Mbekweni outside Paarl a woman was injured when a bus was petrol-bombed. In the Northern Free State fifty four people were arrested for protesting - thirty of these were under the age of eighteen. In Alexandra troops carrying semi-automatic rifles lined the outskirts of the township and three youths were shot dead by the police; and ten people also died in the violence that erupted after the funeral of the members of the Azanian People’s Organisation- AZAPO (SAPA, 1986:02).

The labour unions also contributed to the violent protests as on 10th August 1989, 500 members of Congress of South African Trade Unions (Cosatu) protested against the arrest of 27 of its members for singing freedom songs. Police used batons and sjamboks in dispersing the crowds and in this process eighteen people were injured. Cosatu and the National Council of Trade Unions (Nactu) protested from 5 to 6 September, in favour of the newly enacted Labour Relations Act to cover all workers. This was the biggest stay-away in the history of South Africa that consisted of 2.5 to 3 million participants. The police arrested thirty seven protesters who participated in this protest (Jarvis, 1990:27). The South African Health Workers Committee held a protest against racist hospital tariffs on 18 September 1989 in Soweto and 5 000 union members were dispersed by the police with teargas. On 29 November 1989 the Labour Federation held a protest in Johannesburg to show solidarity with SA Health Workers protesting against racist hospital tariffs, and about 2 000 marchers were dispersed by police using dogs and teargas (Jarvis, 1990:82).

According to Cawthra (1998:15) some of the major challenge that the police had to deal with just before the dawn of democracy was the “civil war” in Kwa-Zulu Natal between the

African National Congress (ANC) and the Inkahta Freedom Party (IFP) supporters which began in 1987. This left thousands of people dead and the South African Police and the Zulu Police were accused of siding with Inkatha. There were allegations that complaints by the ANC were not taken seriously and for every one Inkatha supporter detained there was fifty ANC supporters detained. The report on the violence that engulfed South Africa during this period revealed that of the 3 699 people who were killed in South Africa in 1990 nearly half of them was killed in Kwa-Zulu Natal.

3.3.1 Police Dealing with Protests

As it can be seen from the above, prior to 1960 the police did not have a clear strategy of dealing with protests because they operated on an *ad hoc* basis by deploying station officers thus sometimes leaving police stations unattended. There might have been a perception that managing protests does not require any specialised skills and therefore the police utilised ordinary police officers to do this. In an attempt to address this, Dippenaar (1998:305) states that in 1962 Mr John Vorster (then Justice Minister) established mobile units that were deployed to unrest areas. These units consisted of thirty two motor vehicles, a mobile workshop, mobile radio station, water carts and trailers, and ten additional trailers to carry supplies; these units were located in Witwatersrand, Northern Transvaal, Western Cape and Port Natal. This arose as a result of an increase in political violence in the 1970s and by 1980 South Africa had a fully-fledged riot squad capable of controlling and dispersing crowds (Dawson, 2008:105).

According to Cawthra (1998: 18), the Division Visible Policing of the South African Police controlled the two auxiliary forces formed in 1986, that is, the special constables and the municipal police. The Municipal Police were under the direct control and employment of the Black Local Authorities and they were mostly blacks with little education, who were poorly trained. They were used to guard installations and were the first line of defence during protests - as long as they could hold a shotgun and they could contain resistance in many areas. The *kitskonstabels* (“instant constables”) were directly recruited by the South African Police during the 1980s to deal with rampant riots particularly in black townships. These *kitskonstabels* were given six weeks of training and although they were granted full police powers, they were not granted full police membership such as medical allowances and other employment benefits. At the end of their training they were armed with a shotgun, baton,

whip and handcuffs; and they were later merged into the South African Police Service (William & Pruitt, 2010:117).

Cawthra (1998: 15-20) also mentions the Bantustans Police which were four forces attached to the TBVC states that included Transkei, Bophuthatswana, Venda and Ciskei. Other police officers were from the self-governing territories which were Lebowa, Qwaqwa, KwaNdebele, Kangwane, Gazankulu and KwaZulu. They were the clones of the SAPS in terms of their structures and comprised of 10 000 police officials. The KwaZulu police was very powerful with 4 500 members under the control of Chief Mangosuto Buthelezi, and commanded by a second white SAPS officer, Major General Jacques Buchner, a veteran of the security branch. Although the ZP, as the KwaZulu Police were commonly known, had their own training institutions, they replicated that of the SAP in many ways.

President F.W. De Klerk's administration realised the need for efficiency in the unit that contained unrest situations, and thus introduced dialogue with the protesters. Although this was the case it had to be evident from the police side that the police were still in authority. This led to the growth of the members of the riot units from 2 000 to 5 000 and later reaching the full strength of 17 000 members with their own uniform and menacing gear tasked to concentrate on political conflicts and demonstrations. According to Lieutenant-General Johan Swart, who was the commander of this division, the riot unit was to adopt a more conciliatory role where they will help in negotiations in order to end conflict. But the unit was still to maintain a paramilitary style using teargas, birdshots and sharp ammunition while the armoured caspirs were replaced with a Nyalas which looked less menacing (Cawthra, 1998: 18).

According to Cawthra (1998: 17), the Visible Policing Division was set up in 1991 and it consisted of Uniform and Operational branches. The uniform branch was responsible for day-to-day police activities whilst the operational branch was a semi-military branch that was responsible for riot policing and countering insurgence. The operational branch had an explicit political function and had specially trained and ordinary policeman who served on the border, and also quelled riots, uprisings and strike activities. The specialised Internal Stability Units (ISU) which used heavy-handed tactics, was deployed all over the country and was supported by a rapid response team known as Unit 19 as well as the Task force which

was based in Pretoria. The police then were not armed with crowd management equipment like shields, batons, water cannons and rubber rounds; however, they took to the streets in their camouflage uniforms and used automatic rifles even on school children who protested against the inferior “bantu education system”.

The question still remains as to whether the police could have used any other method other than lethal force in the situation that they were faced with. The researcher is of the view that it would be difficult to use shields and tonfas in riot situations when faced with live ammunition from the protesters. With this in mind there is a need to analyse the training methods employed by the police during this period.

3.3.2 Training and Tactics

Police are trained in accordance with the current threats that they are faced with. The analysis of the types of protests that took place during this period reveals that the government had a serious concern about the intention of the opposition political forces to overthrow it (the government). The police underwent riot-control training, refresher courses on riot-control and counter insurgency tactics at the Maleoskop Police Training Base (Dippenaar 1998:557). Riot units were criticised for their actions which were often brutal, but they had the support from some law-abiding community and political leaders stating that the police were there to serve. Police were also sent abroad to keep abreast with the latest training and techniques, getting to know the aerosol cans and sneeze machines used to deal with rioters. They also used cameras, tape-recording and video equipment to record riot situations to refute unwarranted criticism at a later stage. Further, the riot training courses at Maleoskop were becoming more popular amongst young trainees (Dippenaar, 1998:612).

Cawthra (1998:10) states that although the police were trained and equipped with anti-riot weapons such as shields and tonfas in the 1980s, they were reluctant to use them as they argued that such armaments were only effective in urban settings. This made them to continue to use heavy-handed armaments such as teargas and other heavy weapons that were used in the 1976 uprisings. This indicates that the police were given Carte Blanche as they were mostly exonerated from any prosecution as long as they acted in good faith and pleased their masters. This can be seen from the 1 000 deaths as a result of police actions that were reported between September 1984 to the end of 1988. As discussed above, due to the then

apartheid system the South African Police had separate training colleges for different race groups, but they started to integrate them from 1992 (Cawthra, 1998: 15).

3.3.3 Reaction from Civil Society

The type of reaction from civil society and how they felt about the police was no different from those discussed in the previous section. The community continued to perceive the police as the agent of the state who were obstacles against the realisation of their freedom. Gerhart and Glaser (2013:80) state that there was a popular anger over rent, poor education, and lack of housing in the mid-1985 that led to protests, rioting and the destruction of property. These were in turn met by police brutality and detentions that reached boiling point which ultimately culminated into the declaration of a State of Emergency in July 1985. This gave the security forces unrestrained powers to arrest, interrogate, prevent gatherings, declare curfews and restrict access to certain areas. It is during this period where 10 000 people were detained without being charged.

The report on the damage to property during this period indicates that 3 254 police vehicles were damaged from September 1984 to July 1986; 937 homes of the members of the South African Police were either damaged or destroyed; 8 773 delivery vehicles were damaged; there was also damage to 6 850 buses, 1 272 schools, 985 business premises, and 3 920 private homes. There were also 2 500 attacks on security forces from January to May 1986 but after the declaration of the State of Emergency these figures declined drastically (SAPA, 1986:09).

According to Dippenaar (1998:512), although the police were dealing with the protests and riots brutally, they had challenges of their own as they were working under heavy stress. Some riot unit members were working for more than eighteen hours a day and at times did not have time to take off their uniforms, before being called for duty once more. They were constantly faced by rebellious youth and disobedient adults who will not obey their commands and this was compounded by general provocation by different communities. They had to constantly deal with agitators, inciters and stone-throwers who were determined to overthrow the apartheid system.

3.3.4 The Effectiveness and the Efficiency of Policing

As indicated above, the effectiveness and efficiency of the police were perceived differently by different communities. The white community saw the police as their protectors and as being effective and efficient as they protected the apartheid government that had their interest at heart. But the majority of disadvantaged black communities saw them as brutal and protecting the interests of the apartheid government.

Cawthra (1998:31) states that as time progressed there was pressure on the police to change their anti-democratic behaviour to a more democratic form of policing. This campaign intensified when Lieutenant Gregory Rockman broke ranks with the police culture and publicly accused the riot police of acting like 'wild dogs', due to the manner in which they treated black policemen and the non-white community. He was dismissed from the police and he formed the Police and Prisons Civil Rights Organization (POPCRU) which drew support amongst black prison warders and black police officers.

The question on whether the police were efficient and effective was answered during the Goldstone Commission of Inquiry that was established in October 1991 to investigate and expose the background and reasons for violence and intimidation in South Africa. The Commission found that violence and police brutality were rife during marches and demonstrations in the early 1990s (Omar, 2007a:07). It revealed that demonstrations and protests will become more political until blacks have been politically empowered. It was also found that the police had a callous attitude when giving evidence on how live ammunitions were used at the expense of human life and that a new level of tolerance is needed not only from white policemen but from all racial groups.

It was asserted that local authority, the police, the magistrate, and relevant government agencies should play a role in the planning and management of mass demonstrations. This was based on the discovery that mass demonstrations are sometimes used for criminal activities or tends to be infiltrated by people with criminal intentions thus contributing to the violent nature of the protests. The Commission also highlighted questions such as whether police should keep a low profile instead of showing force during the protests; the appropriateness of the equipment used by the police; precautions that the police should take; and so forth (Mathew et al., 1993:131). Omar (2007a:07) asserts that as a result of the

Goldstone Commission, policing of crowds is now done in terms of the Regulation of the Gatherings Act No 205 of 1993.

One can therefore accept that the police operated in almost the same manner in dealing with crowds and protests from 1960 to the early 1990s, hence the establishment of the Goldstone Commission of Inquiry which indicated challenges and made suggestions on how the government should manage these incidents. It has to be noted that the government was also under pressure locally and internationally in the early 1990s to change the manner in which they conduct their daily activities regarding policing. According to William and Pruitt (2010:116), the dawn of democracy in South Africa led to various policy changes such as Batho Pele Principles and Community Policing to transform the police in terms of their duties and responsibilities in the new democratic South Africa. The sections below will determine whether policing tactics from 1994 to today are really living up to the expectation of democratic policing.

3.4 THE POLICING OF PROTESTS FROM 1994 TO 2015

In 1994 South Africa transitioned to become a democratic state that changed the nature of policing and dealing with public protests. Cawthra (1992:18) states that under the previous administration of President F.W. de Klerk, the riot units were boosted to a full strength division and had a capacity of 17 000 men and women with their own distinctive uniform and equipment. This unit that deals with protests in South Africa went through various changes from the riot unit to the Public Order Police. According to Omar (2007b:14), a number of structural changes took place in the Public Order Policing in 2001 when it changed to the Area Crime Combating Units. This had a major effect on the members with regard to the selection process and criteria, because they were trained and experienced members who were of the view that they are now not made to practise in their field of expertise. This restructuring resulted in the loss of the public policing expertise as fifty percent (50%) of the personnel were deployed to stations and other units (Newman, Dissel & Lodge, 2010). This affected the Area Crime Combating Units negatively as many experienced members resigned because they were frustrated with the process.

Realising that they have lost the expertise of dealing with the protests and demonstrations that were increasing as a result of people's dissatisfaction with the quality of service delivery by

the municipalities or lack of such deliveries thereof, the South African Police Service regrouped again. According to data gathered by the Municipal IQ, an independent local government monitoring agency, there was a 289% increase in the number of violent public protests against municipalities, from 27 protests in 2008, to 105 in 2009. This had decreased slightly in 2011, but increased in 2012 to 113 incidents. Figures show that there were more protests against local government during this period than in any other year since 2004 (Jain, 2010:5).

Newman et al (2010:18) maintain that the police have a pivotal role in maintaining public order by having a rapid response capability to intervene in dangerous situations. However, Tamukamoyo (2012), argues that the Marikana incident could have been handled differently; and he questions the effectiveness of South Africa's domestic intelligence service in gathering credible information on the events leading to this tragedy. He adds that police were concerned that there was a possibility of violence and this led them to deploy their elite units, the Special Task Force and the National Intervention Unit. This indicates that there was leadership and coordination of the different roles that were played by various units that were tasked with this protest.

According to Davids (2012), the year 2012 can go down in history as the time when service delivery protests exploded in South Africa because it was during this period that the figures doubled as compared to the number of such protests of the previous years. With a shortage of manpower the POP had their work cut out. When protest action in the country doubles, one needs to ask whether there are any backup plans that are in place by the SAPS, because they cannot recruit and train members overnight. Police responding to protests will in most cases respond with excessive force and in some cases use brutal tactics because of the shortage of reinforcements. This can also place the police in precarious situations like in the report of Tromp (2010:06), where the police narrowly escaped death in Siyathemba in Mpumalanga during a protest. In this case a handful of policemen were left at this hotspot when they were attacked by a mob who was throwing rocks at them. These officers had to retreat fearing for their lives when they were almost overpowered by the crowd.

According to Regulation of the Gatherings Act 205 of 1993, the convenor of the march or gathering must give notice in writing of any intended gathering. This is done in order for the

role players to properly prepare themselves for such a gathering because most unplanned protests lead to confrontation between the protesters and the police. The giving of prior notice also provides the police with the opportunity to meet and agree on certain operational aspects with the organisers.

The need for dialogue is expressed by the National Police spokesperson - Superintendent Sebola – who mentioned the frustration of the police who were dealing with protesters who were pelting them with stones in Mpumalanga and there was no visible leadership in that march that the police could talk to. He further states that in cases like this the Public Order Policing tends to stamp its authority in order to restore order (Sebola, 2010:18).

It becomes even more difficult to deal with service delivery protests when protesters use children to promote violence and at times use them as human shields. Cahill (2009:05) states that in Reivilo in the North West the residents were using children as shields in the standoff with police and this resulted in the police randomly opening fire, hitting women and children with rubber bullets.

According to Burger and Omar (2009:09) South Africa experienced a wave of strikes and protests at the beginning of 2009. Most of the protests were in the Gauteng, Northwest, Mpumalanga and Western Cape. They mostly related to service delivery and they had to be addressed quickly as the police had to be occupied with the hosting of the Soccer World Cup. The Public Order Policing entity was the key role player for the Soccer World Cup and needed time to train and prepare to be ready for this major event.

3.4.1 Types of Protests

Post 1994, the protests did not stop but the reason for the protests changed from politics to lack of service delivery. According to Alexander (2010:25), the poor people protested against poor service delivery from most municipalities since 2004. These protests were mostly fuelled by uncaring and corrupt leaders within the municipalities. Such protests were mostly organised by unemployed youth and students and they were characterised by *toyi-toying* (dancing and singing freedom songs), stayaways, election boycotts, blockading of roads, constructing of barricades, burning of tyres, looting, and destruction of buildings. Therefore,

the violent nature of the current protests is not different from those that were experienced during the apartheid years.

The protesting community in Knysna was demanding proper electricity services; they burnt tyres and pelted the passing motor cars with stones from the overhead N2 Bridge. During this unrest five police vehicles were damaged and the police responded with stun grenades and rubber bullets to disperse the crowds (Bramford, 2009:01). On 05 September 2011, about 1 500 protesters who were complaining about service delivery in Thembelihle blockaded roads, threw stones at motorists and damaged property. The situation turned worse with the arrival of the Public Order Police who fired rubber bullets and tear gas at protesters and arrested a number of them. It was further reported that police entered houses and physically and verbally abused residents and fired rubber bullets indiscriminately (Clark 2014:04).

The response by police is further noted in the violent protest at Palm Ridge on the East Rand that led to the arrest of fifty one people and injuring sixteen. Residents from this undeveloped area gathered protesting at the lack of electricity and against corrupt leaders within the municipality who had allocated the Reconstruction and Development Programme (RDP) homes to people who did not qualify (Ndlovu, 2009:6).

The researcher is of the view that it is not the intention of the community to fight the police, they merely vent their frustration whilst fighting for their basic human rights like in the protest in Mpumalanga where residents went on protest and demanded better sanitation, electricity and housing in their impoverished areas. They resorted to violence by burning tyres, littering the streets and overturning cars whilst marching to the municipal office. A community member stated that the mayor failed to deal with their problems; instead he disconnected their electricity and water supply (Raymond, 2009:04). The Zion Park community protested against the lack of services on the municipal land that they had invaded. Community leaders said that they felt angry and that their voices were not heard. The protest resorted to violence where the community clashed with police, burning tyres and littering streets with stones on the N1. Police responded with rubber bullets, tear gas and water cannons (John & Kruger, 2012:4).

There have been stern warnings against violent protests by the President in October 2009 when he was addressing over 280 high-level municipal officials. The President stated that the government will not tolerate the destruction of property, the violence and the intimidation that often accompanies protests (Clark, 2014:51).

The above situation indicates the frustrations that some communities have, mostly as a result of the following: lack of provision of services by the municipalities coupled with lack of response to the people's plight; the empty promises made by the government; the self-enrichment of corrupt leaders more especially within local municipalities. It is evident from the previous sections that previously the police had to deal with protesting people because of the opposition to apartheid laws and currently they are still dealing with protesting people who are being disadvantaged by the government in terms of providing the required resources and services. The police have been accused of highhandedness that most people equate to what the police used to do during the apartheid years when managing protests, alleging that the police are now using their old tactics. This is amply shown by what started as a labour dispute turned violent when the police massacred mineworkers at Marikana.

3.4.2 The Marikana Massacre

The Marikana wildcat strike for a pay rise in Rustenburg caught the eyes of the world when the police massacred thirty four mine workers and injuring a number of them. This was the most lethal force used in post-apartheid South Africa and images of this massacre reminded most people of the 1976 shootings as well as the Sharpeville massacre of 1960. Wehmhoerner (2012:02) states that a strike was brewing for some time as workers denounced the leadership of the National Union of Mineworkers of South Africa (NUMSA) and joined the Association of Mineworkers and Construction Union (AMCU). After the autopsy report of the thirty four miners who were killed on 16 August 2012, it emerged that most victims had been shot in the back and many were shot far from police lines. This made some people suspicious and to believe that the police were avenging the death of two policemen who were hacked to death by the miners before the 16th of August 2012.

According to Ncube, and Lukhele (2014:73), in the Farlam Commission that was appointed to inquire into the shootings, evidence was heard of extreme violence from all sides. There were also the allegations that the police planted weapons at the scene of the shooting (Kadali,

2013:12). The police were generally seen as not having used a strategic plan that could have minimised the loss of life. This was borne out by the following statement from a journalist who had just returned from Afghanistan who referred to the Marikana massacre as an Infantry Assault by stating that the number of people who were shot in a few minutes were equal to the number of people who were killed over a 12 weeks period in Afghanistan (Wende, 2012:34).

According to the Farlam Commission of Inquiry (2012:195), the police's initial plan to contain the situation was to encircle the strikers with barbed wire, but this provoked an aggressive response from strikers. The rationale in the use of the barbed wire was to channel strikers in the direction of Nkaneng Township and to serve as a protection for the SAPS members. This was to enable the crowds to be broken up into small groups that could be encircled and disarmed. From the intended plan above it could be seen that the SAPS are trained in various crowd management techniques

3.4.3 The Public Order Police

The key responsibility of the Public Order Policing (POP) is to maintain law and order by policing public protests and this unit had various name changes such as Riot Unit, Internal Stability Unit, Public Order Police, Area Crime Combating Unit until it finally reverted to the name Public Order Police again (Omar, 2007b:1). It manages a number of service delivery protests in the country on a daily basis and as indicated above, it is often criticised by the public and the media by the manner in which it deals with protests. The restructuring that took place during these periods saw them reduced in numbers drastically. Prior to restructuring, the POP consisted of 7 227 members reporting to 43 units, but this was reduced to 2 595 members who were reporting to 23 units. Later, the xenophobic attacks prompted the SAPS to increase its capacity to 3 306 and by the end of 2009 there were 5 661 members reporting to 29 units (Burger & Omar, 2009:10).

In 2002 the Public Order Policing unit was expected to play a reaction force role to serious and violent crimes such as bank robberies but in 2007 about two-thirds of the POP unit were transferred to the stations. This left the remainder of the POP understaffed and affected their continuous training (Hornberger, 2014:181). The unit played a major role during the FIFA World Cup as the government was concerned with the management of large crowds, strikes

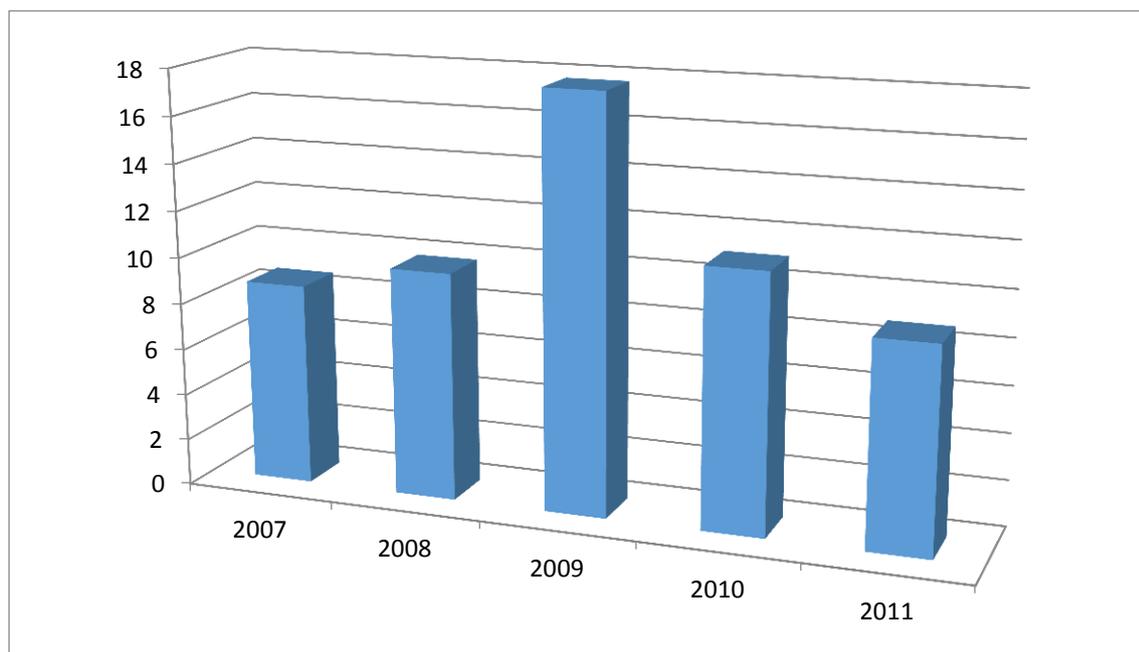
and protest action leading to this occasion to assure the world of a peaceful World Cup event in South Africa. A study that was conducted in Gauteng to establish whether the POP will be able to manage the World Cup in 2010 by Omar (2007b:7), revealed the following: that the 2006 restructuring led to members of Public Order Policing being decentralised to stations and the rest of the members were redeployed to the remaining three Crime Combating Units; consequently, there was a decrease in personnel in this unit.

Based on some of the findings, Omar (2007a:10) recommended the following: the updating of the Regulation of the Gatherings Act 205 of 1993 that was found to be too old; the need to have clearly defined roles for marchers, organisers and marshals; the need for the new working document for the POP as Standing Order 262 was outdated; the need to reassess the accountability of the POP and make them to be accountable to the Provincial office where they could be dispatched to the stations for assistance as and when the need arises; and the need for a refresher course for POP members at least once every three years.

3.4.4 Statistics on Protests

According to Saba and Van de Merwe (2013:10) more than 3 000 protests took place in the past four years indicating that there is a service delivery protest in South Africa once every two days. The Municipal Intelligence Quotient recorded 410 major service delivery protests from 2009 to 2012 that were against municipalities alone, excluding the protests that were against other institutions. But police records showed that there were 3 258 service delivery protests between January 2009 and November 2012. Jain (2010:05) indicates the increase in service delivery protests per month from 2007 to 2011 as reflected in Figure 1 below:

Figure 1: Protests per month from 2007 to 2011



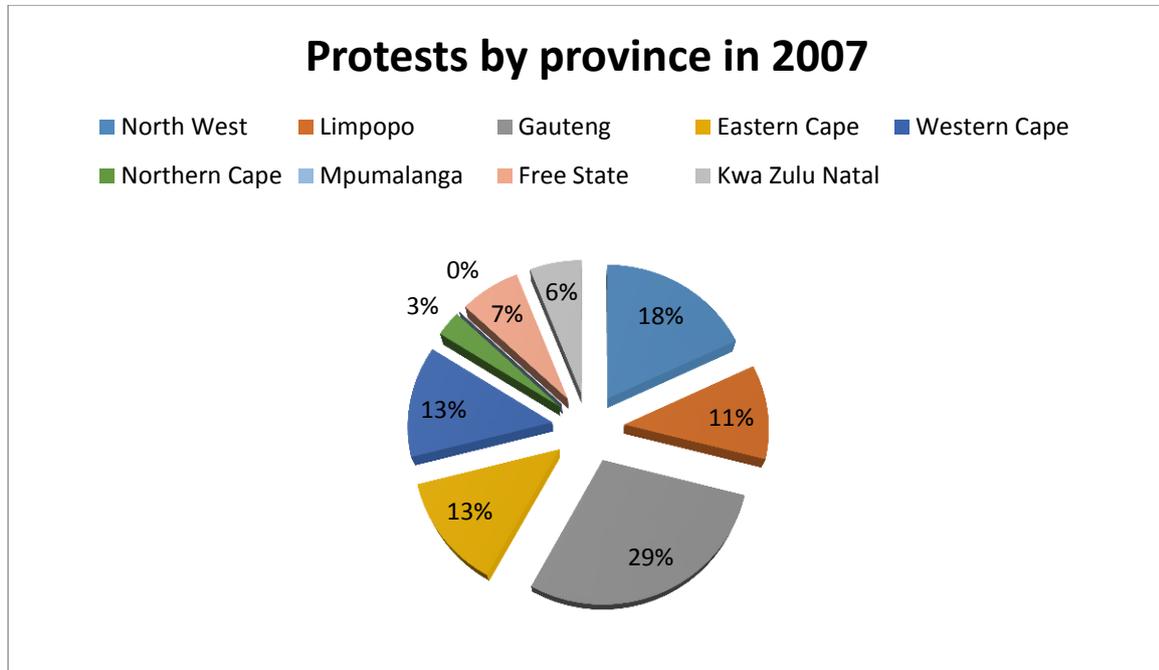
Source: (Jain, 2010:5)

As indicated previously, the Municipal IQ data indicated that there was a 289% increase in the number of violent public protests against municipalities from 27 protests in 2008 to 105 in 2009. Although there had been a slight drop in 2011 this had increased slightly in 2012 to 113 incidents. The police data are more detailed than that of the municipality because while the municipality relies more on media reports, the police rely more on actual incidents. The police did report that they had attended 1 214 incidents of public violence with a 25% increase compared to the previous year with the average of three incidents of violence per day across the country. An increase in public violence was recorded in seven of the nine provinces with a substantial increase in North West (76%), Eastern Cape (60%), Gauteng (38%) and Western Cape (31%). As a result, the Police Minister mentioned that police have diverted their attention in fighting crime to managing protests (Jain, 2010:5).

Although protest actions take place daily in South Africa, the provincial statistics differ from province to province. There might be various factors that might contribute to this. Some provinces might have good governance in local government whilst others may not. The possibility of manipulating statistics cannot be ruled out. There might also be political

influence with certain motives where the community might engage in disruption of services. See Figure 2 to figure 8 on the indents of protests per province in different years.

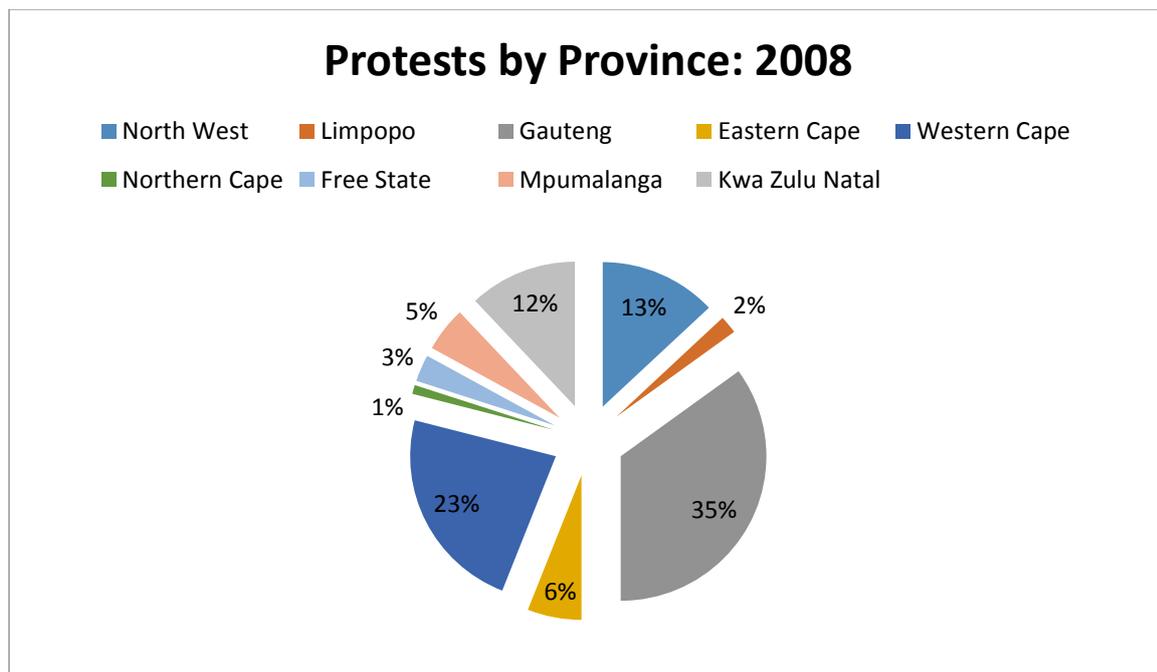
Figure 2: Protests per Province in 2007



Source: (Jain, 2010:19)

Figure 2 shows that in 2007 Gauteng Province accounted for most of the service delivery protests as compared to other provinces (Jain, 2010:19).

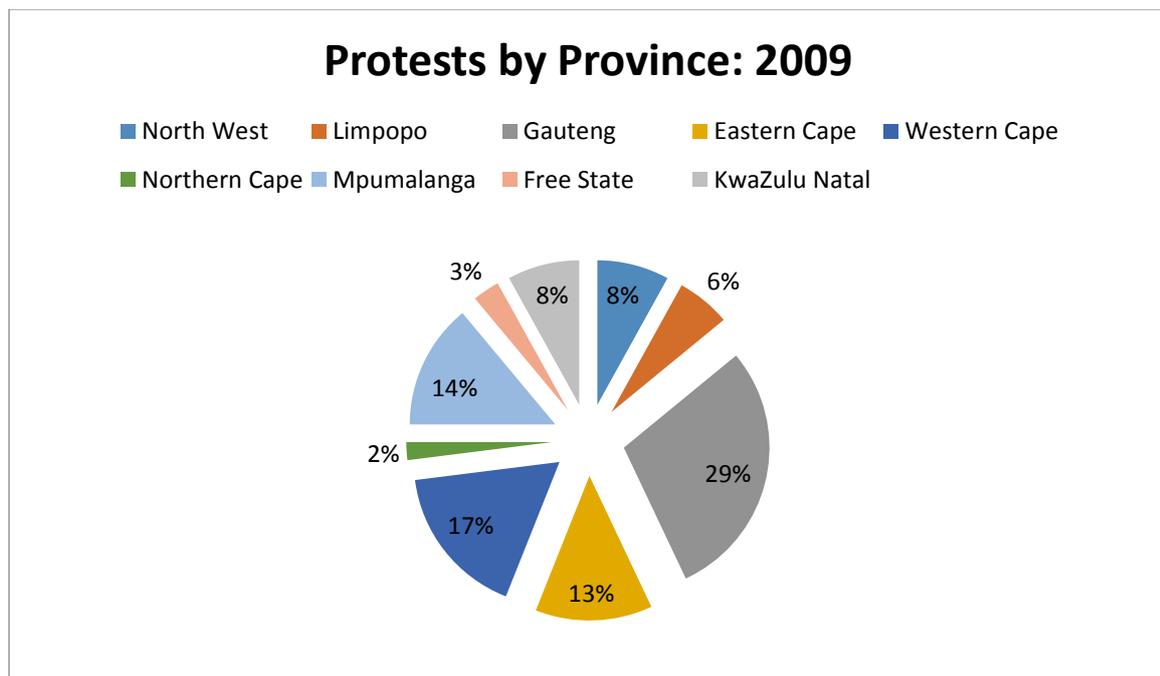
Figure 3: Protests per Province in 2008



Source: (Jain, 2010:20)

Figure 3 shows that service delivery protests in Gauteng and Western Cape had a slight increase as compared to the previous year while Free State, Limpopo and the Northern Cape experienced relatively low protests (Jain, 2010:20).

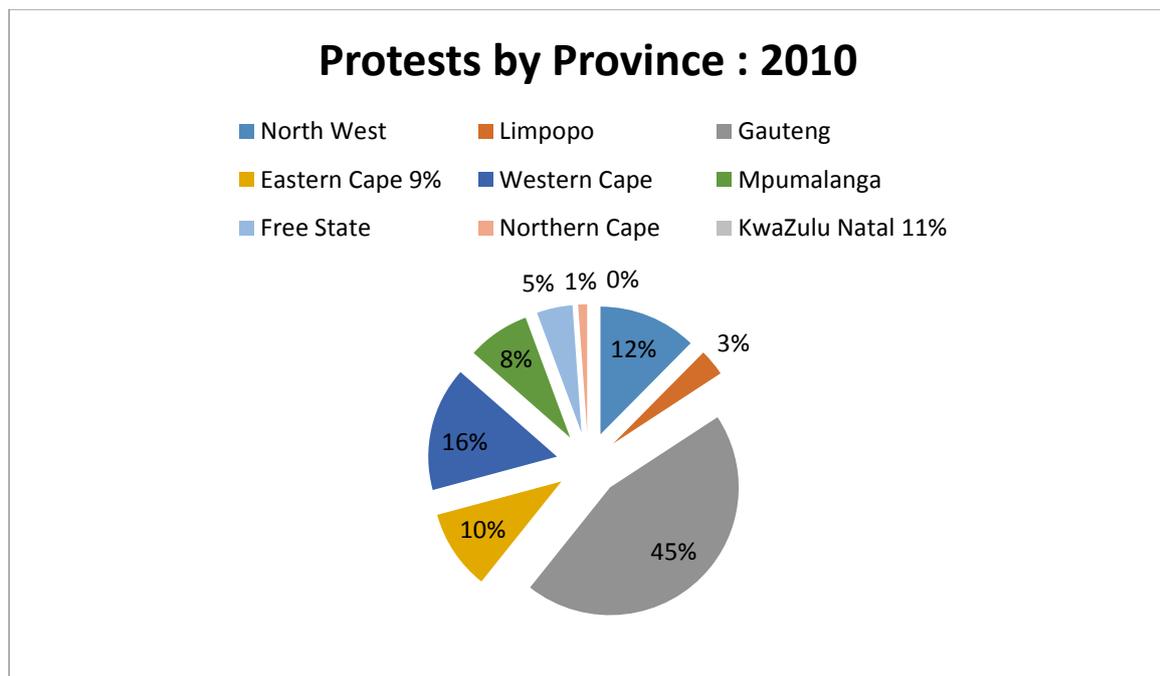
Figure 4: Protests per Province in 2009



Source: (Jain, 2010:21)

Figure 4 shows that in 2009 Gauteng continued to lead the pack with the highest number of service delivery protests followed by the Western Cape, Free State, Limpopo and the Northern Cape where protesting was still relatively low (Jain, 2010:21)

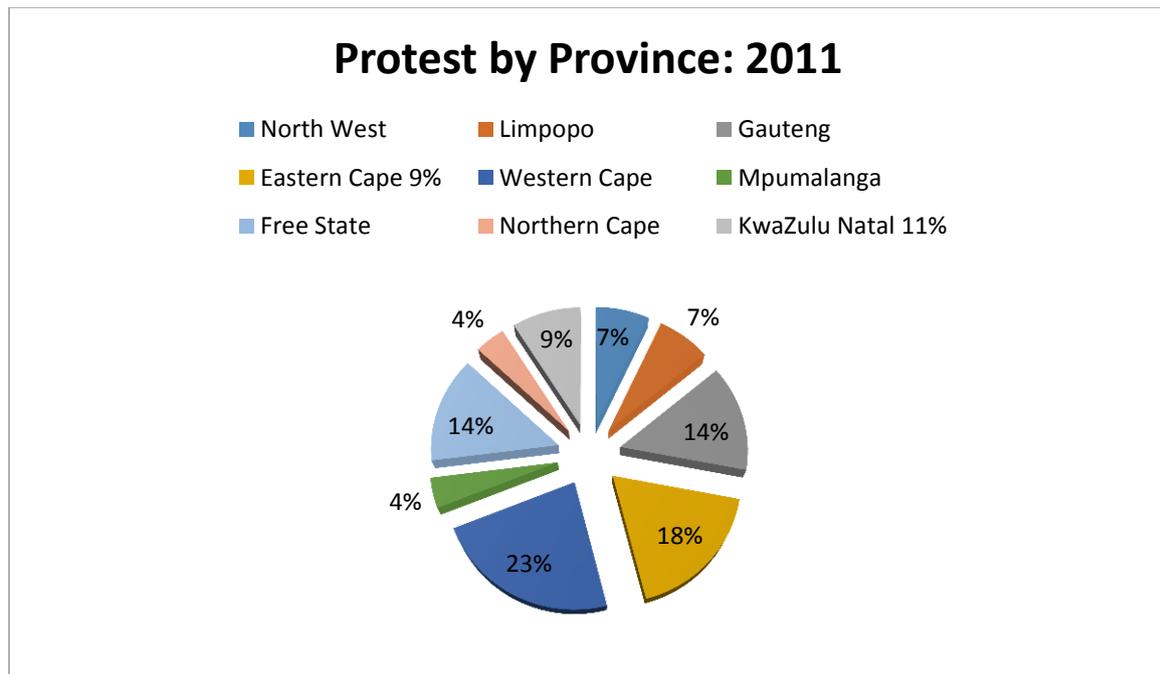
Figure 5: Protests per Province in 2010



Source: (Jain, 2010:22)

Figure 5 shows that the Gauteng Province continued its dominance in 2010 followed by the Western Cape whilst Free State, Limpopo and the Northern Cape were still the province with the lowest number of protests (Jain, 2010:22).

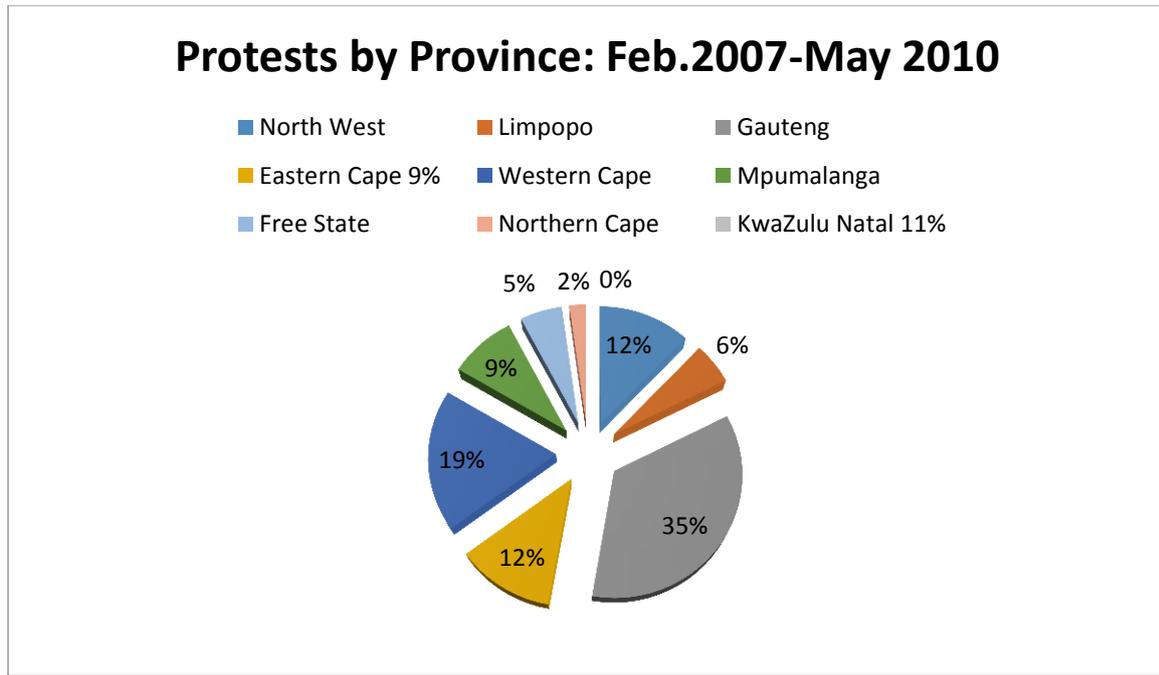
Figure 6: Protests per Province in 2011



Source: (Jain, 2010:23)

Figure 6 shows that for the first time the Western Cape featured as having the most community protests, accounting for 22.73% in the whole of South Africa. This could also be due to the decrease of protests in Gauteng. What can be noted here is the rise in the number of protests in Free State as well (Jain, 2010:23).

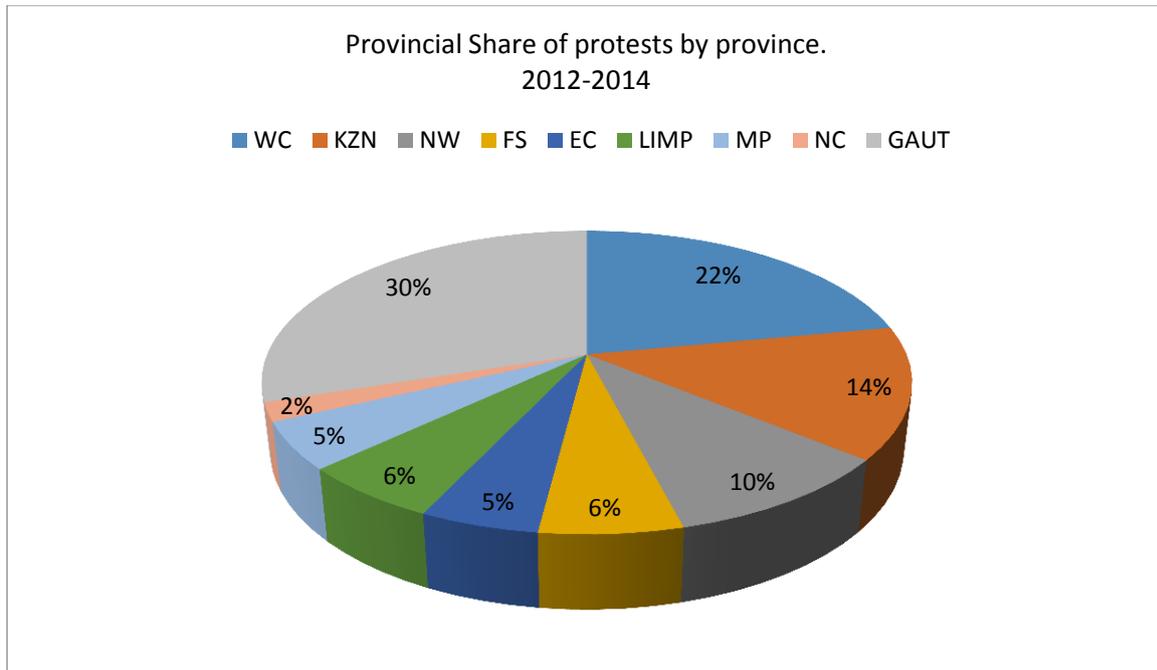
Figure 7: Protests per Province from February 2007 to May 2010



Source: (Jain, 2010:24)

Figure 7 compares the overall number of protests in provinces over a four-year period and this reveals that Gauteng accounts for most service delivery protests followed by the Western Cape. Free State, Limpopo and the Northern Cape were the minor contributors. The Municipal IQ found that most service delivery protests take place in the winter months. There are various reasons for this, but one of the main reasons contributing to this is that winter months are cold and the demand for electricity is high (Jain 2010:24).

Figure 8: Provincial Share of Protests from 2012 to 2014



Source: (Jain, 2010:25)

According to Powell and Visser (2015:04) between 2012 and 2014 Gauteng experienced more service delivery protests than any other province and had an increase from 20% in 2012 to 36% in 2014; this was followed by Western Cape. The Northern Cape had the fewest service delivery protests and this could be attributed to the small population in this province. South Africa is faced with a huge number of protests with little police manpower in place to adequately manage the pressure put on police during protests.

3.5 CONCLUSION

Despite various changes that took place in policing and the policing of protests in the country from the apartheid period to the current democratic state, there still remains a challenge in the policing of the public protests. It has been noted that in the early 1900s policing in South Africa was under British control and the police service only became centralised in 1913. However, the police still lacked a specialised unit to deal with protest actions that confronted the country. The notorious Special Branch unit was established in 1947 and they were mandated to carrying out secret operations to counteract any opposition to the then government.

The focus of this Special Branch was, among others, the monitoring of protest actions and gathering any intelligence in this regard. Although there were a number of strikes during this time there were also protest actions where people were fighting for their basic human rights. The incidents mentioned in this chapter identified the lack of proper training for the police to deal with protests as in most cases protests were quelled using military force. The Riotous Assemblies Act implemented then, was repressive as it imposed severe sentences on the protesters.

The De Klerk's administration saw the need to have more stability and established a unit to manage unrest situations. This unit had a full strength of 17 000 men and women and their uniform and vehicles were unique and menacing. This most certainly sent the wrong signal to the people who felt that the police were militant. Training was restructured and anti-riot drill was implemented in 1960 but the military training still took precedence. The violence regarding protest action continued and mostly took place in Soweto and Sharpeville.

From 1994 onwards there was a change in government and with this came the expectation for better services, better policing and the upholding of people's human rights. This was expected because they were the very same people who were previously protesting, who were now in government. This certainly hasn't changed the violent nature of protests concerning service delivery and empty promises that were made by the ruling political party; this was coupled with self-enrichment and corrupt leaders who exacerbated the situation.

CHAPTER 4: RESEARCH METHODOLOGY

4.1 INTRODUCTION

The purpose of this study was to establish whether the service delivery protests are effectively and efficiently policed in Free State, particularly based on the constant allegations of the unwarranted use of force by the police. Interviews were conducted with selected police respondents to get the first-hand information on how they manage the service delivery protests and the challenges that they are encountering. This study is solely based on qualitative research and covers the entire Free State that has three regions. The methodology used and the justification for adopting this methodology and the categories of people who were selected for the interviews are dealt with below.

4.2. RESEARCH METHODOLOGY

According to Rajasekar, Philominathan and Chinnathambi (2006:02), a research methodology is a systematic way of how the research is carried out to solve a problem. It essentially entails the procedures that the researcher follows to describe, explain and predict phenomena. The basic difference between the research design and the research methodology is that the research design is the framework for generating evidence that is required to answer the research question (Bryman, 2016:39). In other words, the research methodology is used within the broader parameters of a research design in order to achieve what the researcher set out to achieve.

There are basically two research approaches that can be used within the research design in conducting research: namely – qualitative and/or quantitative approach. Qualitative research deals with qualitative phenomena. It is non-numerical, descriptive, applies reasoning and uses words. Its main aim is to get the meaning, feeling and describe the situation (Rajasekar, Philominathan & Chinnathambi, 2006:04), while quantitative research deals mostly with numerical data. In short, quantitative research generally focuses on measuring social reality. Sukamolson (2016: 04) states that quantitative research searches for quantities in the research problem and regards it as a reality that can be objectively determined thus stressing rigid guidelines in data collection and analysis.

In this study, qualitative research was used as it is the most plausible approach to answer the research question and achieve the stated research objectives. Its probability is largely based on its ability to enable participants who have first-hand experience on the policing of public protests to narrate their experiences.

4.3 RESEARCH DEMARCATION

Goddard and Melville (2004:14) state demarcation as a process of setting boundaries on the scope of the research that is conducted. The study was conducted in South Africa as reflected by annexure “A” in the Free State Province as reflected by annexure “B” which consist of three regions, namely – Northern Free State, Eastern Free State, and Southern Free State. As indicated above there are Public Order Police units that are based in all these three regions to service the communities although they can also be deployed outside their regions to increase the manpower based on the nature of the unrest situation.

The primary police units that deal with protests are station members, because they are the first to get to know and encounter the protests, largely the sporadic protests. To get to know the experiences of these members in the policing of public protests some cluster police stations were also included in this study. This ensured that the researcher was able to form a comprehensive understanding on the policing of protests by the police stations up to the stage where such policing is handed to the Public Order Policing units that specialises in such method of policing.

4.4 RESEARCH SAMPLE

Trochim (2006) states that sampling is a process of selecting units of study such as people and organisations, which comes from a population that is being studied. The rigour in the sampling process ensures that the studied sample reflects the characteristics of the population that is being studied. Purposeful sampling was used to select the category of the people who were interviewed to get first-hand information that contribute in understanding how protests are policed in Free State as well as the challenges that are encountered which precipitate the use of excessive force. According to Suri (2011:66), purposeful sampling requires accessing key respondents in the field who help in identifying and providing information-rich cases and experiences.

The following persons were interviewed:

- The Provincial Head of the Public Order Policing in Free State: The Provincial Head is in charge of the Public Order Policing units in the province. All information regarding service delivery protests in the Free State are communicated to this office and he is accountable for the policing of such protests in the province. Being responsible for all three Public Order Policing units in the entire Free State, he was in a position to provide valuable information on the nature of the policing in the province including its challenges.
- The Public Order Police Unit Commanders: They are responsible for the utilisation and deployment of Public Order Policing in their respective areas. They are usually on the ground with their members and make operational decisions as per situational appropriateness. They were in a position to explain the operational policing formations that they are using during the policing of public protests and the challenges that they face.
- Public Order Policing members: Fifteen operational Public Order Police members were chosen as respondents. Five members were interviewed in each region and they provided useful operational and protest dynamic information that affect the developed policing strategy. The implication of having to change the devised plan to counteract the evolving protest dynamics and how this affects the use of force was acknowledged. To ensure that every member of the unit had an equal opportunity to participate in the study, members were allocated numerical numbers that were mixed in a bowl and five were randomly picked for the interview. This process was done in all three regions of the province to select the Public Order Policing members for the interview.
- Commanders of the Accounting Police Stations: One commander of the accounting station in each region was interviewed. Commanders of the accounting police stations are responsible for the initial policing of public protests in their respective police stations while waiting for the arrival of the Public Order Police members who take over from the police station members. They were able to give insightful account on

how they police the protests before the arrival of the Public Order Policing members and the challenges that they encounter particularly with the time taken by the Public Order Policing members due to the long distance they have to drive to get to areas where protests are taking place. To ensure that every accounting police station had an equal opportunity to participate in the study, accounting police stations were allocated numerical numbers that were mixed in a bowl and three were randomly picked for the interview. This process was done in all three regions of the province to select the commanders of the accounting police stations for the interview.

4.5 DATA COLLECTION

Data collection is the strategy of obtaining and analysing information (Hagan, 2006: 110). In this research the researcher used semi-structured questions to collect empirical data through interviews with the selected sample. As indicated above, they were the Provincial Head of Public Order Policing in Bloemfontein, the unit commanders and members of the three Public Order Policing units, and the commanders of the accounting police station in the three main areas in the Free State, namely - Bloemfontein, Welkom and Bethlehem.

The interviews were conducted from the period 01 March 2016 to 08 March 2016. On 01 March 2016 interviews were conducted in the Welkom region with the cluster commander, unit commander and members of Public Order Policing unit. On 02 March 2016 interviews were conducted in Bethlehem with the cluster commander, the unit commander of Bethlehem Public Order Police unit and members of the Public Order Policing in Bethlehem. On 06 March 2016 the interview was conducted with the Provincial Head of the Public Order Police in Bloemfontein. On 07 March 2016 the unit commander and members of the Public Order Policing unit in Bloemfontein were interviewed and on 08 March 2016 the cluster commander of Bloemfontein was interviewed.

In every interview session the purpose of the interview was explained to the interviewees before the start of the interview. There was a clear explanation given on the voluntariness of the interview and the fact that they are allowed to decide not to continue with the interview or stop it at any point when they feel uncomfortable. It was only after the detail explanation of this and assurance from the interviewees that they understand what is explained from them that they were given the consent forms to sign. The confidentiality principle was also

explained whereby each respondent would remain anonymous, that is, names would not be divulged.

An audio recorder was used to record all the interviews and a notepad was used by the interviewer to transcribe important information that needed further probing in order to investigate further. This was to ensure that the interviewer did not interrupt the interviewees while talking but was able to note and follow up and probe further after they have answered a specific question. The questions that were asked are reflected as annexure “C”.

4.6 DATA ANALYSIS

The researcher transcribed data from the recordings and categorised it into important and manageable themes. The main themes that were probed further were the shortage of manpower and the use of force. Categorisation assisted the researcher in answering the research question and ensuring that the researcher objectives are achieved. The analysis assisted the researcher to interpret and unearth the critical aspects of this research topic.

The researcher did not only transcribe what was said on the tape, but also took notes of the interviewees’ body language and emotions when answering questions. The researcher viewed supporting documents that were referred to during the interview before arriving at a conclusion. He also summarised all the interviews and this assisted in the identification of trends and correlations of the obtained information.

4.7 TRUSTWORTHINESS OF THE STUDY

LaBanca (2010) states that trustworthiness in a qualitative study can be increased by maintaining high credibility and objectivity, which could be achieved by ensuring the validity in the interpretation of data by emphasising truth value, applicability, consistency, and neutrality. In this study the researcher followed proper procedures in the selection of the sample by ensuring that participants have a clear knowledge of the topic being investigated. Relevant questions were posed and the researcher cleared up any misunderstanding or ambiguous response. The answers provided were written in the context of the question being asked to minimise misinterpretation.

4.8 ETHICAL CONSIDERATIONS

The researcher ensured that informed consent that is attached as annexure “D” was obtained and the participants knew the nature and purpose of the study, what was expected and whether there are any risks involved as per the content of this annexure. According to Singleton and Straits (1999:517), subjects should not be coerced into participating in social research, and not only must they understand that their participation is voluntary, they must also be given enough information about the research to make an informed decision about whether to participate or not. An approval was obtained as per annexure “E” from the South African Police Service for empirical research and all the instructions and procedures were cleared regarding the field work prior to execution in order to ensure high ethical standards. To ensure that the entire study complies with set norms, the required ethical standards as well as the ethical clearance was also obtained from the University of South Africa as per annexure “F”.

4.9 CONCLUSION

The purpose of this research was to determine whether the protests are effectively and efficiently policed in the Free State. Qualitative research was used and the identified police officers were interviewed to get their experiences when policing protests and what predisposes them to use what is regarded as excessive force. The research was conducted in all three areas that constitute the Free State province; namely, Bloemfontein, Welkom and Bethlehem.

CHAPTER 5: RESEARCH FINDINGS

5.1 INTRODUCTION

This chapter presents the findings of the study based on the data collected through literature research and interviews. The purpose of this study was to establish how service delivery protests are policed in the Free State. Due to the centralised nature of policing in South Africa, the study investigated the history of the policing of the protests by the police in South Africa. This focused on the policing of protests during different periods juxtaposing it with the evolution that took place in policing itself.

The results of this study are categorised into specific and general findings. Specific findings relate to the findings on the Research Question and Research Objectives of the study. The general research findings on the other hand relate to the findings on the general theme of the study. These findings are based on both the literature and empirical discoveries.

5.2 SPECIFIC FINDINGS

The findings on the main research question on whether the public protests are appropriately policed in Free State are explained hereunder:

Policing of Unplanned Protests: When police are not prepared for eventualities, it could erupt in violence and serious disruption to daily activities and malicious damage to property. The Free State is no different from the rest of the country. In order to counteract this, police need to put contingency measures in place.

In order to address this situation the Unit Commanders of Public Order Policing revealed that they have a reserve section that works on a twenty four hour standby basis and respond to any eventualities in respect of public violence. Care is also taken when placing members on different shifts where members living close to one another work on a particular shift which makes deployment more manageable because they can respond to protests that occur closer to them. The advantage of this is that it is cost effective and helps in achieving a quick response time. Members responding to protests locally take an average of twenty minutes to arrive at the scene. Protests that take place faraway from where the POP units are stationed pose a

challenge because it might take the POP members about two hours to arrive at that place and one respondent stressed this by stating that by then *“the damage is already done.”*

According to Section 20 (1) of the National Instruction 4 of 2014 (South African Police Service, 2014) station commanders must acquaint themselves with the policing of public protests as first responders in any public unrest situation and POP commanders must ensure that first responders at station level are given the necessary training. Public Order Policing members are of the view that station members as the first respondents of the public protest complaints are not able to be mobilised effectively as they work shifts; they lack proper training in this regard; and there is a shortage of manpower in most stations. They further stated that police stations do not have public order policing vehicles such as the Nyalas and proper crowd management equipment. They concluded by stating that care should be taken not to confuse the mandate that police stations have when this is implemented because the mandate of the police stations is different from that of the Public Order Policing as their core business is to attend to complaints and prevent crime.

Role of Crime Intelligence: Crime intelligence can play an important role in protest action by identifying perpetrators and analysing crime threats. Section 5 (1) of the National Instruction 4 of 2014 (South African Police Service, 2014) provides for the crime intelligence to assist in the gathering of the information, negotiating with role players, and implementing problem-solving initiatives in the policing of protests. The view of the members of the Public Order Policing in Welkom is that if Crime Intelligence is deployed on the ground they can be of assistance but this is not the case in most instances. The Commander of POP in Bloemfontein supports the above sentiment by stating that early warning signals are important in order to avoid violence escalating, but they receive information when the situation is already unfolding and this poses challenges as *“prevention is better than cure”*.

Role of Tactical Response Team: The Unit Commanders of the Public Order Policing and members of Public Order Policing are of the view that the Tactical Response Team (TRT) that is used for crowd management in the Free State is trained for high-risk situations which has nothing to do with crowd management. They were, however, divided on whether the TRT should be used in crowd management. Some respondents are of the view that the TRT can be used for arrest when firearms are involved and gave the example of the Marikana unrest

where protesters were armed and TRT took over the control of the situation. These respondents are supported by the Provincial Head of the Public Order Policing who is of the view that TRT should not be used as a frontline unit in crowd management but rather for arrest if that need arises because they are trained differently. He also raised the concern about the command structure of the TRT where a sergeant or a constable who has little or no crowd management experience makes important decisions on how the protests should be policed. Opposing this, other respondents are of the view that members of POP are also trained in arrest tactics and there is no need therefore to deploy TRT.

Communication: In support of Crime Intelligence the information manager plays a key role in the policing of protests. Section 4 (1) of the National Instruction 4 of 2014 (South African Police Service, 2014) provides for the tasking of information managers to gather information to assist in the proper policing of protests. According to the Unit Commander of the Public Order Policing in Welkom region the duties of the information manager is to collect information and plan for an event and therefore communicate constantly with the organisers.

During an unplanned protest the information manager is dispatched by the unit commander. According to one of the members of the Public Order Policing Unit who is often used as the information manager in Welkom, he gives a situation report to the unit commander who confirms whether there is a need for more reinforcements – this happens immediately when he arrives on the scene. As the information manager, he plays the role of a negotiator during protest actions. He opens a line of communication with the leaders of the protest and informs them of the procedures that need to be followed in terms of the Regulation of Gatherings Act 205 of 1993. This might be similar to the Dialogue Police (that was dealt with previously) but the only difference is that the Dialogue Police in Sweden works as a group but in the Free State there is one or two members deployed as information manager(s). This respondent also indicated that to be an information manager can be a challenge because they were not sent on any formal courses and there are no formal courses in this regard. The only training is the hostage negotiators' course which only addresses hostage situations. He did indicate, however, that there is a new course which is at its advance stage where the warrant officer and above will be trained in conflict management.

The Public Order Policing members expressed general operational challenges such as the long distance that they have to travel when protests erupt far from where they are stationed making them to take longer to get to the affected area thus in the meantime police station members have to deal with the protests. This leads to a situation where police station members who are not trained on this type of situation, consequently do not understand the policies on public violence so their actions might aggravate the situation prior to the arrival of the Public Order Policing members. According to Section 14 (1) of the National Instruction 4 of 2014 (South Africa, 2014) members at police station level are expected to monitor and contain the situation until the arrival of POP.

The objective of determining whether the police have proper skills to deal with protests is indicated in the findings below.

Training: It emerged from the Provincial Head of the Public Order Policing that the Public Order Police members need specialised skills in dealing with crowds and there is a need for specialised training. It was expressed that there should be recruitment criteria for members involved in Public Order Policing. The 2008 intake of constables led to them policing crowds without the proper training. It was also established that there is no criteria at this stage and members are transferred directly from the Police College or police station level. According to the Provincial Head they are working on recruitment criteria and it will be soon implemented.

The Provincial Head of the Public Order Policing reiterated that the South African Police Service employ crowd management training strategies of overseas countries like French and Belgium. The Belgium techniques were introduced in 1996-1997 and before 2010 the French techniques were implemented. After Marikana all members of Public Order Policing were called for refresher training using French techniques. The Unit Commanders and members of the Public Order Policing are of the view that French techniques are good if applied properly, and stated that the challenge of these techniques is that they need more manpower. The other challenge that they indicated relates to the settings in which protests are taking place and the threats that they posed in South Africa as compared to the overseas countries. For example, the Free State protests take place in the rural areas which is more open but the French style techniques apply more for combatting threats in urban areas. These techniques do not prepare police officers to disarm protesters who threaten to use their firearms although armed protesters are a common challenge that is experienced in the Free State and South Africa in

general. This warrants that the Public Order Policing members should adopt a more flexible operational approach and deal with the dictates of the situation at hand. It is also the view of the Public Order Policing members that commanders need to be trained properly otherwise it would be a challenge to give the appropriate commands.

The National office of the South African Police Service is responsible for the training of the Public Order Policing officials. The courses that they are trained in include Operational Commanders Training (OCT); Platoon Commanders Course; Section Leaders' Course; and Platoon Members' Course. Although the training is sufficient, unit commanders and members of POP are of the view that there should be more refresher courses in this regard.

Refresher Training: According to Section 20 (1) of the National Instruction 4 of 2014 (South African Police Service, 2014), commanders must ensure that members undergo regular maintenance training in order for them to be operational ready. It emerged from the unit commanders of Public Order Policing that in order for the members to keep up with their acquired skills derived from training, they need to do refresher training but this is not the case due to the demands placed on Public Order Policing. Refresher training can be conducted when there are no protests taking place, but during this time POP members are also expected to do crime prevention. The demand from National Office that POP members be utilised anywhere is also limiting measures in this regard.

The Provincial Head of the Public Order Policing and Unit Commanders of Public Order Policing also raised a concern about the fitness of old Public Order Policing members. The average age of POP members is forty seven years and this pose a training challenge because the training of the Public Order Policing members involved a lot of physical and mental strength, thus making some members of the POP to be reluctant to attend refresher courses. It becomes difficult for some of these members to cope with operational demands of the protests that are more violent. This puts pressure on the younger Public Order Policing members as they have to do more in the fight between them and the protesters. The Provincial Head of the Public Order Policing also concurs with this and cited a study that was conducted by the Operational Response Service (ORS) head office which indicates that there is a lack of police members between the age group of twenty four and thirty five. In line with the study, they need to recruit this age group from station level. He further indicated that the

old members are not easy to transfer because their experience is needed in order to guide the younger members on the one hand, but on the other hand the older members are not ready to leave the unit where they spent their entire career so it is not easy to transfer them to other sections of the police force.

According to the members of Public Order Policing, members of police stations are not trained in crowd management, but this was defended by the Provincial Head who confirmed that 700 members from police stations are trained by Public Order Policing trainers as they are the first responders to incidents of public protests in their respective police station areas.

The finding on the justifiability of the use of force during the service delivery protests is as follows.

Use of force: The police have been criticised on a regular basis as seen in the media for their strong arm tactics. It is possible that the public do not understand the situation that the police find themselves in and can therefore not relate the police fears. According to the Public Order Policing members, the violence of the crowds demand that the police use force to counteract them. They mentioned that the type of force to be used is dictated by the behaviour of the crowds. The minimum force used is verbal warnings, followed by push back techniques, water cannon and thereafter rubber bullets. Rubber bullets are used as a last resort, and then encircle techniques if possible in order to arrest. It was indicated that the stun grenade is not harmful but pregnant women and children need to be taken into consideration. The respondents also highlighted that there is only one water cannon for the entire province which is stationed in Bloemfontein and this takes about two to three hours to reach its destination; the challenge being that by not having the water cannon available the police might have to escalate the level of force. They indicated that there is no individual action from the police side unless their lives are in imminent danger, and they emphasised that in crowd management they work as a team.

Questions arose on how the police could get the media more involved in protest situations. The suggestion was made to have them at section 4 meetings almost similar to what happened in Boston where the police shared information with the media during the 2004 Boston Convention thus keeping the public more informed (Narr et al., 2006:64). The Unit Commanders and members of Public Order Policing were of the view that as much as the

media will be effective in informing the protesters better, it (media) might not change its view or attitude in sensationalising matters as they would want to sell their stories. They emphasised that the media thrives on sensation and that is why it expresses a lot of emotions by showing the police as being brutal through selective footage but when the police are killed the reporting is not the same.

Unit Commanders indicated that the instruction to disperse the crowd is issued by operational commanders who set up the Venue Operational Centre (VOC) and all decisions and commands come from this VOC. They first start with negotiations and if the crowd is not violent they embark on monitoring. If there are any threats of violence, they warn protesters and give them a limited time to disperse. They give them a warning to disperse in the languages that the protesters understand. They then employ crowd management techniques like pushback methods and water cannons when the situation does not change. If the situation cannot be contained then they employ pyrotechnics like throwing stun grenades. There are factors that are taken into account when stun grenades are used such as being mindful of women and children and nearby hospitals. What this basically means is that the force used will proportionally be increased to overcome the prevailing situation.

The researcher presented the example of the British police that monitored the Tamil protest in London which went on for over 73 days and no incidents took place due to the police tolerance and negotiations (Chief Inspector of Constabulary, 2009: 56). Responding to this the Public Order Policing members of Bloemfontein felt that they can only tolerate communication for about five hours while the Public Order Policing members of Bethlehem mentioned that as much as they would like to be tolerant there is also interference from persons in authority. Politicians having an agenda and senior police officials' interference place police officers in a difficult situation where they are forced to use unwarranted force.

Responding on how to curb the use of excessive force in the policing of protests the Provincial Head, Unit Commanders and members of Public Order Policing were unanimous in stating that the shortage of manpower is a critical matter that has to be addressed because it forces police to use excessive force when they are overpowered by the protesters. They are of the view that the techniques that they are trained in should be effective but they tend to be ineffective during protests due to the shortage of manpower. They also feel that better

intelligence and pre-planning will assist, as one respondent put it that “*people do not get up early in the morning and decide they are going to protest hence with better information one can be more prepared and even avoid this protests through early negotiations and involving departments for example the municipalities.*” Some of them felt that the manifest display of force such as the type of uniform and equipment that portray them like soldiers should serve as deterrent to potential law breakers.

The Provincial Head of Order Policing mentioned that they are currently testing the *Elrat* (screamer) that emits irritating sounds for implementation in future. This system is similar to the scream used by Israeli police which is a long range acoustic device which acts as a loudspeaker that can cause pain and discomfort to demonstrators with unprotected ears, which results in the demonstrators naturally moving away.

On the establishment of the availability of proper guidelines on how the police should deal with public protests, the findings are as follows.

Cooperation in planning the policing of the protests: Unlike in the past where the community saw the police as their enemy and were reluctant to assist them, the expectation nowadays is that the community including people who will plan the marches will cooperate with the police. This could promote a better understanding between police and the organisers of the marches. According to the Public Order Policing members and the Commanders of Accounting Stations there are consultations with the community during protests where the protesters are given an opportunity to air their grievances. In some instances the police do manage to get the support and cooperation of the affected community through continuous dialogue and this addresses the potential violence that might erupt. Some respondents indicated that the success of this strategy is at times negatively affected by the source of these concerns such as counsellors and other government officials who sometimes refuse to address or receive memoranda from protesters.

Public Order Policing members from Bethlehem and Bloemfontein are of the view that the attitude of the conveners of the marches also contributes to the negative reaction of the community. The conveners representing the protesters at section 4 meetings do not stick to the agreements reached or at times mislead the protesters. In some instances the protesters are not properly briefed and the conveners deny having knowledge of certain things or reaching

agreements with the police on certain aspects. They are at times overwhelmed by the masses and disappear leaving the police in a difficult position where they do not have people to talk to. The respondents are of the view that to obviate this challenge Section 4 meetings should be video-recorded and there should be an opportunity for the police and the march conveners to jointly address the protesters before the actual march itself; and to explain what could and could not be done during the march.

Members of Welkom mentioned the tendency of some communities using children as human shields during violent protests. This put a huge challenge on the police on how to effectively police the march in terms of using the minimum force required without harming children.

Policies: Unit Commanders of Public Order Policing mentioned that some municipal officials believe that the public needs permission to hold a march whereas they only need to be given notice to march; meaning that these municipal officials do not fully understand the provisions of the Regulation of Gatherings Act 205 of 1993; however, the Unit Commander of the Public Order Policing in Bloemfontein indicated that this problem is not that serious in his area because the municipal officers responsible for this function always calls and seek advice.

The Unit Commander of the Public Order Policing in Welkom mentioned that there are sometimes external interferences from cluster commanders who give instruction to police officials to arrest. This is contrary to the need to maintain tolerance and ensure that the police can effectively and efficiently police the marches without using any force but still be able to arrest the law breakers at a later stage.

Some of the Unit Commanders of Public Order Policing are of the view that the current Regulation of Gatherings Act 205 of 1993 and the National Instruction 4 of 2014 are sufficient to deal with public protests if the provisions of the Act are adhered to and the National Instruction executed properly. Some of the Unit Commanders and Public Order Policing members mentioned that some police stations are not complying with the National Instruction and this poses a challenge to the members of the Public Order Policing as they take over the policing of the public protests from the station members.

5.3 GENERAL FINDINGS

Effectiveness and efficiency: The Unit Commander of Public Order Policing and some Public Order Policing members from Bloemfontein stated that there is also the tendency of persons outside the police to dictate how the protests should be policed. They supported their sentiment by citing the request from the Rector of the University of Free State during the “Fees Must Fall” protest that the situation should be handled by the campus security rather than the Public Order Policing members. This was despite the court interdict that was awarded to the university to prevent the protest.

Public Order Policing members from Welkom and Bethlehem are of the view that the Public Order Policing lost experienced members during the 2008 restructuring and these members were now reluctant to return when they were needed because they were demoralised as they felt that they were not treated fairly. This led to the recruitment and utilisation of members who lack the necessary experience and pose a challenge in the effective and efficient policing of the service delivery protests.

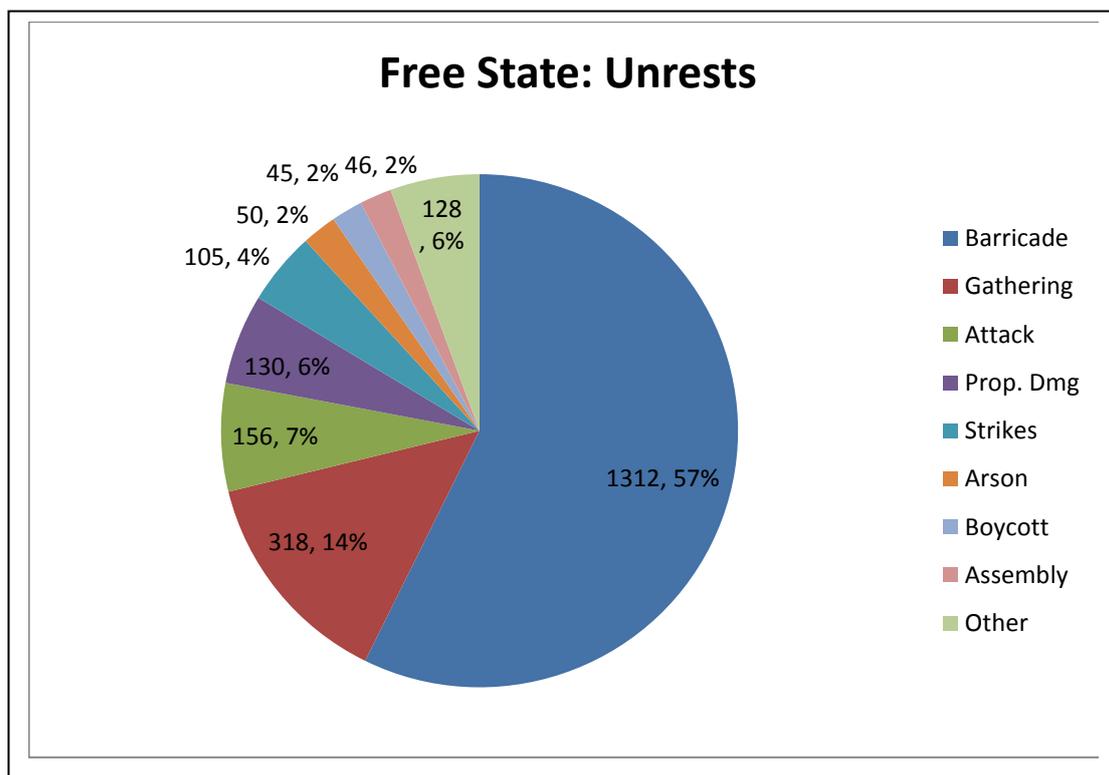
Shortage of manpower: The Provincial Head, Unit Commanders and members of Public Order Policing indicated the shortage of manpower as their critical challenge. The units do not have enough manpower to cope with the demand of protest action. Some Public Order Policing members also raised a concern that they work long hours and when it is time to rest they are tasked to do crime prevention. Their view is that in order to keep them motivated they should only work on intelligence-driven crime-prevention operations so that they could have time to do refresher training when there are no crowd management duties. Effectively this will give them time to attend refresher courses and have time to take leave or rest days when they are not policing protests.

These sentiments were also echoed by the Unit Commander of Public Order Policing in Welkom who stated that at times protests erupt when members are off duty and they don't have enough members to mobilise so they are forced to recall the same members who have just started their rest days. He further stated that they end up getting fewer members to manage big crowds and this does not enable them to use the techniques that they have been trained in but are forced to escalate the level of force like going for rubber bullets instead of specific tactical moves. One Public Order Policing member from Bethlehem mentioned an

incident where only six of them had to manage a large protest and she felt that their lives were in danger. These are classic situations where the police tend to use excessive force.

A further challenge of using members who are on rest days has been raised by Public Order Policing members from Bethlehem. This was also alluded to by the Provincial Head of the Public Order Policing who indicated the lack of funds to pay these members for their overtime duties. He (Provincial Head of the Public Order Policing) further stated that the shortage of manpower mostly affects Northern and Eastern Free State and reinforcements are deployed from Bloemfontein which has a bigger manpower. Figure 9 below indicates the incidence of unrests in various parts of the province from 2014-04-01 to 2015-03-31.

Figure 9: Unrest related Protests in the Free State.



Source: (South African Police Service, Iris 2015)

According to Capazario (2016:6), the South African Police Service management has admitted that they do not have enough Public Order Policing personnel to deal with escalating violence in protest marches. The police did indicate that 600 members of Public Order Police units have been deployed in hotspot areas in the country but added that there are not enough

members to cater for additional challenges. In 2014, the South African Police Service requested an additional R3,3 billion to beef up the numbers of the Public Order Policing members but the request was denied by Treasury. An allocation of nearly R600 million was granted this year (2016) which will be spent for this purpose. This indicates that the management of the South African Police Service is aware of the difficulties that are encountered by the Public Order Policing.

5.4 CONCLUSION

The researcher can deduce that the policing in the Free State underwent many changes since the 1800s. In comparison, the one that stands out is the dominant white policemen whose mandate then was to protect the government and its controversial laws and policies, and today the police are dominated by African personnel who are mandated by the government to serve its people in the democratic South Africa.

Although there was change in the personnel but the findings reveal that actions of the police have not really changed towards the public which could be attributed to the nature and number of incidents of violence in South Africa. Service delivery is largely caused by the failure of the government at different levels to address challenges highlighted by the community or to deliver services to the community. The researcher found that the very government the police today answers to are themselves failing to deliver basic services to its people. The poor service delivery is due to poor management from within local government who are expected to improve the lives of citizens by providing better services. Failure by the local government has led to widespread protest actions which in most instances turns violent.

Although the police are answerable to the government, it is the view of the researcher that failure on the part of government is one of the contributing factors, more especially local government. Local government in failing to coordinate Section 4 meetings and failure to address protesters or having political agendas make it difficult for the police in policing violent crowds. The protesters therefore see the police as an obstacle and vent their anger on the police who are forced to act in order to quell the violence.

Police blame the demand placed on them for the number of service delivery incidents that takes place in the province compared to the lack of manpower; this also does not allow them

to have tolerance as expected from them. The lack of manpower does not allow police to use correct techniques that they were trained in and therefore the situation dictates that they escalate the level of force. They are of the view that training employed from international countries is appropriate, but should be flexible according to the threats that South Africa is faced with. The POP also complains about the resources or lack thereof, for example going into a volatile situation with soft top vehicles cause police to use excessive force in order to protect themselves.

CHAPTER 6: RECOMMENDATIONS AND CONCLUSION

6.1 INTRODUCTION

This chapter focuses on the recommendations and conclusions based on the research findings, taking into account the summary of all chapters. The recommendations are based on the research question and objectives. The research question focuses on whether service delivery protests are policed appropriately in the Free State Province. Linked to this, are the objectives that are designed to determine whether the police are using the appropriate level of force when managing service delivery protests. The researcher has concluded that this is not the case in both instances. Research conducted in the form of interviews informs us that the police face a number of challenges that prevents them from managing protests effectively and this leads them to use force that is not commensurate with the amount of threat and resistance that they encounter for them to achieve their objective of restoring order. Based on the research findings and the challenges encountered, the researcher formulated recommendations discussed hereunder.

6.2 SPECIFIC RECOMMENDATIONS

In order for the Public Order Policing to conduct its duties as expected it will need a concerted effort from all sectors. The government needs to prioritise this by investing more resources in the Public Order Policing sector to ensure that they have sufficient manpower and logistical resources. This also applies to the training that the police should get as better trained police officers who are continually engaged in regular refresher training courses will manage protests better. To link the recommendations directly to the findings of the study in order to indicate how the recommendations could address the shortcomings that are identified by the study, the next section categorises the recommendations according to the topics that are used in the findings.

Policing of unplanned protests: It is now a common understanding that the police will have to deal with unplanned protests from time-to-time as a result of the sporadic occurrence of these protests. It is therefore recommended that the Public Order Policing should develop contingency measures of dealing with these regular occurrences.

Section 14 (1) of the National Instruction 4 of 2014 (South Africa, 2014) is clear that police station members should monitor and contain the protest situation until the arrival of the Public Order Policing members. Based on the reality that some of the areas where protests erupt are geographically far from the areas where Public Order Policing are situated; meaning that the police station members will spend longer time dealing with protests before the arrival of the Public Order Policing members. Taking into account that it could take just a few minutes for a peaceful protest to erupt into a violent protest, there is a need for the station members be properly trained in public order policing (just like the members of the Public Order Policing) and have regular refresher courses for them to be more effective as first-time responders.

For this to be possible, cluster stations should have a permanent stand-by group working on one shift so that they can respond as a collective during sporadic protests in their area. This is the group that could be utilised for crime prevention activities when there are no protests in their area and this could minimise the current situation where the already overworked Public Order Policing members are being time and again called for crime prevention duties.

It is also noted that station commanders are not fully aware of the responsibility of the police station members in the policing of public protests in terms of the National instructions 4 of 2014 that has been dealt with above. There is therefore a need for the National and Provincial offices to embark on information/awareness sessions to make the station commanders and cluster commanders aware of this.

Role of Crime Intelligence: The saying goes “prevention is better than cure”. It is therefore recommended that Crime Intelligence be part of section 4 meetings so that they analyse threats and keep the operational commanders informed on a regular basis including before, during and after the event. Crime Intelligence should also be instrumental in early warning signals by placing the relevant informers on the ground to monitor possible unplanned protests; in this way Public Order Policing units could be better prepared for any eventualities. It is also recommended that Crime Intelligence facilitate meetings when information is received in order to negotiate with the conveners with the intention of avoiding violent protest action.

The Role of the Tactical Response Team: By requesting the Tactical Response Team to respond to a crowd management situation, it creates the impression that all avenues have been exhausted and this creates the space or reason for the excessive use of force. It is therefore recommended that the Tactical Response Team should not be used in any crowd management activities because they were trained to deal with high risk situations and as they do not have the tolerance level that is required in crowd management.

Communication: Information managers as the support role of Crime Intelligence play a crucial role in Public Order Policing. It is evident from the interviews that information managers are not empowered by way of formal training which is crucial. It is therefore recommended that the head office training division research the relevant training needs in order to empower the information managers. The idea of using the information managers like the Dialogue Police in Sweden as discussed earlier in the literature study should be considered as this enhances communication and cooperation with the protesters. The other advantage of this type of policing strategy is the civilian dress code of the Dialogue Police which avoids the military presence style which can be provocative, and thus the protesters could perceive the information managers as their friends and this could enhance cooperation.

Training: It is recommended that the current training of the Public Order Policing be revisited. The training employed from overseas countries should be remodelled to suit the threats faced in South Africa. A planning committee is therefore recommended to help facilitate the remodelling of training. Members and trainers who normally work on ground level should therefore be part of a planning committee because they have first-hand knowledge on the threats and challenges in dealing with public protests. This planning committee should consider establishing a training camp designed according to the South African terrain where violent protests are prevalent. Earlier literature gives the example of the Hounslow Training Camp layout in London which is designed for the threats using real-life situations experienced by the police there. In doing so, better tactical methods designed for threats faced in South Africa should be employed on how to deal with protests so that minimum force is used.

To ensure the effectiveness and efficiency of the Public Order Policing units, the criteria to recruit members to this unit should include age, fitness and psychometric evaluations. There

is a need to recruit members between the ages of 24 to 35. There should also be an exit strategy for older members because they will not be able to cope with the training and demands of the Public Order Policing work at ground level as they grow old.

It is expected that the police should maintain a high level of tolerance and spend time on negotiations with various role players. It is therefore recommended that members undergo psychometric evaluations and training in negotiating skills in order to develop levels of tolerance. This will enable them to be good negotiators as this is the skill that they need when dealing with the conveners of protesters. This is important taking into consideration the findings in this study. Training members in negotiation skills encourages dialogue which could encourage a high level of tolerance.

Shortage of Manpower and the Use of Force: Although levels of police brutality are reduced as compared to before, the SAPS still seem to carry the legacy of apartheid where excessive force is a norm (Zondi, 2014:578). The findings have indicated that this is still the case facing policing in South Africa. One of the major factors contributing to this is the shortage of manpower. It is therefore recommended that adequate manpower that is capable of policing crowds should be addressed as a matter of urgency as members cannot use the appropriate techniques with minimum manpower because these techniques require a specific number of members in order to be executed successfully.

The shortage of manpower leaves the police with limited options and it therefore forces them to resort to the escalated level of force. It also raises a concern with regard to the number of members versus the number of protesters which leaves members in a situation where they need to protect their lives therefore resorting to escalated levels of force. As indicated in one of the interviews by members of Bethlehem Public Order Police that they were only six in number approaching a volatile crowd and due to the fact that they were outnumbered they had felt that their lives were in imminent danger.

The advantage of having sufficient manpower will also enable members to be patient as they will only concentrate on fewer protests and they will have adequate rest period between protests. According to Cruywagen (2016:04), it was announced by the Divisional Commissioner of training in the South African Police Service that there will be a radical

change in the training of 5 019 new recruits such that the training programme is cut down to eight months compared to the previous twenty four months. This is evident of the fact that the South African Police Service management is aware of this crisis from a manpower point of view.

Cooperation in planning the policing of protests: Strong ties with communities will increase acceptance and respect for the police. This in turn can minimise violence against police and increase morale (William & Pruitt, 2010:138). It is therefore recommended that the police find a way to get the community to play a positive role to enhance better policing. In order to get the community to play a positive role during protests it is recommended that station commissioners provide a platform where the community can be heard and also be informed. The South African Police Service currently has a mechanism in place called the Community Police forums (CPF) where concerns can be voiced. There could be a separate agenda at the CPF where the local municipality can address service delivery issues and keep the community informed because this has an impact when it comes to the policing of protests. The police can also use this forum to address the community at large and also the role players in order for them to understand the policies of protests and demonstrations and be guided accordingly so that all parties can have a common understanding.

It is noted that the cooperation from local municipality is also lacking. It is therefore recommended that the Provincial Commissioner of the South African Police Service engages with the municipal managers to address these issues, failing which the Provincial Commissioner should prioritise the matter and request the intervention from the national Cooperate Governance and Traditional Affairs (COGTA) Department that oversees the activities of the municipalities.

Policies: According to Bruce (2005:158) South Africa is supposed to uphold the South African Constitution and this means protecting human life, including the life of police. The SAPS should therefore revisit its policies and improve systems to control the use of force. As indicated in 2007 by Omar (2007: X) that the Regulation of Gatherings Act 205 of 1993 is a 14 year old policy, and that although this policy is a useful piece of legislation, there are gaps in identifying the clear roles and responsibilities of different role players.

Although the National Instruction 4 of 2014 has addressed some of these gaps, section 14 (5) of the National Instruction 4 of 2014 (South Africa, 2014) also indicates that the use of sharp ammunition is prohibited but the police still sees the need to carry live ammunition for their protection, due to the threats they tend to be faced with during the protests. This therefore does not avoid the use of lethal force in crowd management situations which is becoming a common problem in South Africa. These policies therefore need to be reviewed to accommodate these threats and at the same time avoid the use of lethal force in crowd management situations. The policies should be clear and understood by all role players.

It is also recommended that Cluster Commanders and station commissioners attend courses in crowd-management in order for them to understand the policies and the role of the Public Order Policing. There should also be workshops conducted by the police training division in order for the municipal officials and the public to understand crowd management policies. Printed booklets can also be distributed to the public so that they are being educated in this regard. The police can also use the local print and electronic media to communicate what is expected from the community as to what the policies dictate.

Effectiveness and efficiency: There are various other factors that should be considered that are affecting members from being efficient and effective on the ground. This includes members being old, inexperienced commanders appointed, members not well rested and interferences from outside personnel. It is therefore recommended that there be an entry and exit strategy which was mentioned earlier. This will ensure that members are fit and that old members are placed elsewhere.

Members should be well rested when there is no service delivery protests and they should not be used for crime prevention unless in the case of intelligence-driven operations. Public Order Policing responsibilities should largely be dealt with by the Public Order Policing commanders. It is recommended that the Divisional Commissioner responsible for the Public Order Policing unit and the Provincial Commanders sensitise senior officers in this regard to avoid interfering with the duties of the Public Order Policing members.

Lack of Resources: The Public Order Policing needs more bullet-resistant vehicles, and water cannons in each unit as this will minimise the use of force. Each vehicle should be

equipped with a screamer “Erat” as mentioned by the Provincial Head of Public Order Policing during the interview because this has proven to be effective in Israel.

Considering the fact that the Public Order Policing units have a serious challenge due to the shortages of specialised vehicles such as the Nyalas, water cannons, crowd management equipment and protective gear, it is recommended that the Provincial Office prioritise this matter and bring this to the immediate attention of the National Office requesting a bigger budget to ensure the availability of the required vehicles and equipment.

6.3 GENERAL RECOMMENDATIONS

Police officials have a number of concerns especially on the workload issue compounded by the fact that they have to deal with the lack of resources that are needed to be effective and efficient in the policing of public protests. It is therefore recommended that the members be given a platform in order that they address these issues. Understandably, the members would address these concerns with their immediate commanders who are also well aware of these concerns, but it is the view of the researcher that these issues should be heard by the National Office. It is the function of National Office to give instructions which are filtered through to members on the ground and it would be fair to say that these members be given that opportunity of being heard by the National Office. In this way National Office can get positive inputs from members on the ground, who are dealing with matters on the first-hand basis.

The other recommendation is that the Public Order Policing unit should have its own garages for the specialised vehicles with mechanics that specialise in the maintenance of these vehicles. This will ensure better maintenance of these vehicles leading to cost-effectiveness and time-saving rather than the current situation where these vehicles spend a long time in private garages being fixed and maintained at a high cost.

6.4 CONCLUSION

The study gives a background on how protests were policed during the apartheid era compared to the policing of protests in a democratic country. South Africa has come a long way in respect of protests and their policing thereof. The failure of delivery of services due to

discrimination and subjugation led to violent protests which were policed by the apartheid police who demonstrated their brutal approach. The majority of South Africans would expect that the situation would change in a democratic South Africa, but the lack of service delivery coupled with corruption had fuelled this issue and the communities still vent their anger by engaging in protest actions. The Public Order Policing is tasked to monitor protests and is still being criticised for their policing tactics comparing this to the apartheid style of policing.

The democratic government saw the need to change the approach of the policing of protests and they therefore sought best practices from international countries. Although various techniques were employed from international countries to help with the better policing of protests, the police are still being criticised for their militant approach. The study also revealed that some of the techniques employed do not suit the South African situation due to the fact that protests are often in non-urban areas, whereas these techniques are largely for urban combat.

Research conducted in the Free State indicates that most international techniques employed can be useful but police officers have identified various challenges that prevent them from dealing with protest action appropriately. The main challenge indicated was the lack of manpower as compared to the demands placed on members of the Public Order Policing. The fact that members were continuously called to perform crime prevention duties during non-protests periods compounds this challenge.

It is the view of the researcher that literature has identified some good practices from international countries that can be adopted. What has stood out in the study is the tolerance level of the police which was demonstrated in the Tamil protest that took place in London. The Sweden Dialogue Policing can also be regarded as a good practice. It is the view of the researcher that South Africa needs to adapt and adopt these two good practices.

Most democratic countries are faced with the challenge of managing protest actions and they need to find a clearly defined way to deal with such demonstrations without compromising the rights of citizens. According to du Plessis and Louw (2005:442), coordination between departments is something governments across the world strive for. With this in mind the researcher is of the view that until all sectors play their part, South Africa will have these

challenges which will not be overcome anytime soon. What has come out abundantly clear, is that the lack of essential resources aids the propensity to make the police to use excessive force.

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ANNEXURES:

Annexure A: Map of South Africa



Source http://www.nationsonline.org/oneworld/map/za_provinces_map2.htm

Annexure B: Map of the Free State Province



Source: <http://www.roomsforafrica.com/dest/south-africa/free-state.jsp>

Annexure C: Interview Questionnaire

QUESTIONS TO THE PROVINCIAL HEAD OF PUBLIC ORDER POLICING AND PUBLIC ORDER POLICING COMMANDERS:

1. How many POP members do you manage and where are these units situated?

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2. Which areas in the Free State are protests prevalent?

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3. Mention common types of protests in Free State?

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4. Mention the challenges that you are encountering in the policing of public protests.

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5. How do you deal with spontaneous and unplanned protests?

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6. What community support/assistance do you get when dealing with protests?

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7. Outline the training that POP members receive in crowd control?

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i. How often do they go on refresher courses?

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ii. What is the criteria used in recruiting the POP members?

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iii. What types of vehicles do you utilise to manage crowds and do you think they are appropriate?

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iv. What is your view on the current crowd management techniques used?

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v. What types of equipment and protective gear do members use and do you think that they are appropriate?

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vi. During protest action, what line of communication is there between commanders that will assist in decision-making?

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vii. When there are challenges in a certain area and members cannot manage, what type of extra support do you provide?

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viii. What is your view on the current crowd management policies?

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ix. How are you informed on the type of force to be used?

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x. As seen by the media, POP members are being criticised for using excessive force. In your view what might be the factors that contribute to this?

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xi. What do you do to curb factors that you indicated above?

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xii. How will criminally charging members who are found to have used excessive force affect members who are involved in the policing of protests?

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xiii. What is the role of Crime Intelligence in the policing of public protests?

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xiv. What cooperation and support do you get from the local municipality officials who are responsible to facilitate section 4 meetings?

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xv. What could be done to avoid the unnecessary use of force?

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xvi. What is the rationale for using TRT (Tactical Response Teams) in crowd- management situations because they are trained on a different level and their level of tolerance might be limited?

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xvii. In your view what do you think you could change during crowd- management activities, in respect of policies, equipment, training, and so forth?

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QUESTIONS TO STATION COMMANDERS

1. How do you normally get to know about public protests in your area?

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2. How responsive is POP in the policing of protests in your area?

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3. How is the station policing of public protests done?

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4. Are members at the station trained in crowd control?

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5. If members are trained, are they properly equipped to deal with crowd management?

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6. Station members might be the first on the scene during spontaneous protests and most of the time they carry live ammunition for normal duties. What is being done to ensure that they use the correct level of force?

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7. Do station members understand the policies and procedures in crowd management?

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8. What can be done to ensure that station members play a more effective role in managing crowds?

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9. How do you engage the public on public protests?

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10. What support/cooperation do you receive from community leaders and local councillors?

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11. What influence do political parties have on service delivery protests?

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12. Is there any other information that you want to add in the policing of public protests? If so, please give details.

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Annexure D: Informed consent letter

Informed Consent letter

Topic: “An analysis of the policing of service delivery protests in the Free State”.

Dear Respondent.

You have been invited to participate in a research study. The research involves the Policing of Service delivery protests in the Free State. I am interested in hearing about your experiences in the policing of protests.

The research will require about 30 to 60 minutes of your time, during which you will be asked questions regarding your experience on Policing of Protests in The Free State,

By participating in the research you will assist in identifying key aspects regarding challenges, policies, and techniques used including your approach during the policing of protests.

The interview is tape-recorded - and recordings will be destroyed once information is transcribed. All information given during the interview is strictly confidential.

Your participation is voluntary and you may withdraw from the interview at any stage if you feel uncomfortable.

Please feel free to ask the researcher anything you do not understand before signing this document. A copy of this document will be given to you with the researcher’s contact details.

I have read all the above information in this research study regarding the policing of service delivery protests and consent to participate in this study.

_____ (Print Name)

_____ (Designation)

_____ (Contact Details)

_____ (Signature)

_____ (Date).

D. Pillay (Unisa Student) Cell: 0824160313 Office: 051 4117055
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Annexure E: Letter from Provincial Commissioner Granting permission to do research

South African Police Service  Suid-Afrikaanse Polisie diens
Tshebeletso' Sepolesa Afrika Borwa

Private Bag
Privaatsak X20501

My reference 3/34/2
My verwysing
Tshupo ya ka

THE PROVINCIAL COMMISSIONER
DIE PROVINSIALE KOMMISSARIS

Enquiries Colonel Scharneck
Navrae Lt-Colonel Jegels
Batlisa ho

FREE STATE PROVINCE
PROVINSIE VRYSTAAT

Tel [051] 507 6568
Fax / Faks [051] 507 6466

BLOEMFONTEIN
9300

2014-01-30

Lt Col D Pillay
PO Box 12125
Brandhof
9324

**REQUEST FOR PERMISSION TO CONDUCT RESEARCH IN THE SOUTH
AFRICAN POLICE SERVICE: D PILLAY**

Your letter dated 24 January 2014 refers.

1. In terms of National Instruction 1 of 2006 you are hereby granted permission to proceed with your research on *"The analysis of service delivery protests in the Free State"*.
2. It is requested that you complete the attached Undertaking and submit it to the Provincial Commissioner's Office, marked for the attention of Lt Col AG Jegels via e-mail at FS:Strategic Management Planning & Facilitation (jegelsa@saps.gov.za) or fax at 051-5076466.
3. For any further enquiries, please feel free to consult Lt-Col AG Jegels at 051-5076568.
4. Your cooperation in this regard is appreciated.
5. Kind regards.


MAJOR GENERAL
DEPUTY PROVINCIAL COMMISSIONER
OPERATIONS OFFICER: FREE STATE
BB MOTSWENYANE

/agj
d:\mydocs\provcomposi.odf\sm\research\d pillay

Annexure F: Ethical clearance from Unisa



Ref: CLAW2014/ST24
Applicant: D Pillay

COLLEGE OF LAW RESEARCH ETHICS REVIEW COMMITTEE

2014/05/16

Dear Lt/ Col D Pillay

ETHICAL CLEARANCE DECISION: THE ANALYSIS OF SERVICE DELIVERY PROTESTS IN THE FREE STATE

Thank you for the application for research ethics clearance by the College of Law Research Ethics Review Committee for the above mentioned research project. The ethical clearance application for the above mentioned research project has been approved.

The proposed research may now commence with the proviso that:

- 1) The researcher/s will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics, which can be found at the following website: http://www.unisa.ac.za/cmsys/staff/contents/departments/res_policies/docs/Policy_Research%20Ethics_rev%20app%20Council_22.06.2012.pdf
- 2) Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the Chair of the College of Law's Research Ethics Review Committee. An amended application could be requested if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants.
- 3) The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.

Yours Faithfully,


Prof Marelize Schoeman
Chairperson Research Ethics Review Committee
College of Law


Prof S Songca
Executive Dean
College of Law



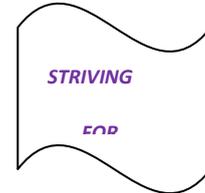
Open Rubric

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Annexure G: Editing Certificate

2 DAVALLIA COMPLEX
72A PRESIDENT REITZ AV
WESTDENE
BLOEMFON

**PROFESSIONAL
LANGUAGE
EDITING SERVICES**



Brian Naidoo (BA Hons English; BA Hons TESOL; BEd;
BA- English major; Univ. Dip. In Ed.- English special; UCT Cert.in
Legal and Business Writing; UCT Cert. in Copy Editing)

**SPECIALISING IN THE LANGUAGE EDITING OF THESES, DISSERTATIONS,
JOURNAL ARTICLES, PROPOSALS, POLICIES AND PUBLICATIONS.**

----- **TO WHOM IT MAY CONCERN** -----

**This certificate serves to confirm that DANIEL PILLAY'S dissertation
on policing was language edited by me, and to the best of my knowledge
all errors in language have been corrected.**

Yours in education

B.Naidoo

B.Naidoo 2016/08/25

