

NATIONAL MUNICIPAL POLICING STANDARD FOR CROWD MANAGEMENT DURING GATHERINGS AND DEMONSTRATIONS

1. Background

- (1) The Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), shifted the focus away from obtaining permission to hold a gathering, to giving notice of an intended gathering. The said Act prescribes the procedures that must be followed when the Constitutional rights to protest, petition and freedom of speech are exercised.
- (2) The purpose of this National Standard is to regulate crowd management by members of municipal police services during gatherings and demonstrations in accordance with the democratic principles of the Constitution and acceptable international standards.

2. Definitions

In this National Standard, unless the content otherwise indicates, —

- (a) “*authorized member*” means a member of the Service designated in terms of section 2(2)(a) of the Act, to help with the arrangements relating to a gathering or demonstration;
- (b) “*convener*” means any person who, of his or her own accord, convenes a gathering and, in relation to any organization or branch of any organization, any person appointed by such organization or branch as contemplated in section 2(1) of the Act;
- (c) “*crowd management*” means the policing of assemblies, demonstrations and all gatherings, as defined in the Act, whether recreational, peaceful or of whatever nature;
- (d) “*CJOC*” means the commander of the joint operational centre that is designated by the National Commissioner, a Divisional or Provincial Commissioner to take command of the JOC;
- (e) “*defensive measures*” refer to pro-active tactical measures such as static barriers which are used to protect and safeguard people or property, by cordoning off, blocking, isolating, patrolling, escorting and channelling people;
- (f) “*demonstration*” means any demonstration by one or more persons, but not more than 15 persons, for or against any person, cause, action or failure to take action;

- (g) “*executive head*” means the executive head of a municipal police service (Chief of Municipal Police) appointed in terms of section 64C of the South African Police Service Act, 1995 (Act No. 68 of 1995) by the relevant municipal council;
- (h) “*gathering*” means any assembly, concourse or procession of more than 15 persons in or on any “public road” as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996), or any other public place or premises wholly or partly in open air —
- (aa) at which the principles, policy, actions or failure to act of any government, political party or political organization, whether or not that party or organization is registered in terms of any applicable law, are discussed, attacked, criticized, promoted or propagated; or
- (bb) held to form pressure groups, to hand over petitions to any person, or to mobilize or demonstrate support for or opposition to the views, principles, policy, actions or omissions of any person or body of persons or institution, including any government, administration or governmental institution;
- (i) “*information manager*” means the member designated to take responsibility for the collection and supply of all pro-active information of all crowd management events to the operational commander to ensure that all crowd management events are policed professionally. The information manager also liaises with all information based role-players and is never involved in covert or undercover information gathering;
- (j) “*JOC*” means the joint operational centre that is activated at the scene of an incident or event;
- (k) “*JOCCOM*” means the Joint Operational Coordinating Committee that is an integrated operational body involving the Service as well as external role-players such as the SANDF, Municipal Police Services, etc. The consultation process regarding the threat assessment is carried out by the *JOCCOM*, and involves all information role-players. The threat determination, mandate and tasking for the event will come from this meeting. The *JOCCOM* meets weekly and only deals with planned activities, such as an expected march. Furthermore the *JOCCOM* will activate the *JOC*, appoint the Operational Commander and identify all the required role-players involved.
- (l) “*member*” means a *member* of a municipal police service;
- (m) “*operational commander*” means an operational officer who is responsible for the operational coordination of an operation;

- (n) “*Provincial Commissioner*” means the Provincial Commissioner of the Service or his or her delegate;
- (o) “*Public Order Policing Unit*” means a unit which has been established by the Provincial Commissioner to maintain public order which is the managing and policing of events and incidents of public collective action and behaviour. This includes managing pre-planned and spontaneous assemblies, gatherings and demonstrations whether of a peaceful or unrest nature;
- (p) “*responsible officer*” means a person defined in section 1 of the Act as a “responsible officer”, appointed by a local authority as a suitable person, including a deputy to such person, to perform the functions, exercise the powers and discharge the duties of a responsible officer in terms of *the Act*: Provided that, if a local authority has not made such an appointment, the Municipal Manager (City Manager) of the local authority or, in his or her absence, his or her immediate junior, is deemed to be the responsible officer;
- (q) “*the Service*” means the South African Police Service;
- (r) “*the Act*” means the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993); and
- (s) “*VISPOL*” means Visible Policing: South African Police Service.

3. Pro-active conflict resolution

- (1) If information concerning potential violent disorder is brought to the attention of the *Executive Head*, such information must be reported to the relevant *Public Order Policing Unit* and the *Provincial Commissioner* to initiate a facilitation process to peacefully resolve the factors that underlie the potential disorder.
- (2) *Executive Heads* must support the commitment to the partnership with the community by —
 - (a) building positive and constructive relationships with event organizers, community leaders and non-governmental organizations; and
 - (b) exploring the potential for establishing formal liaison panels, to prevent and defuse community disorder in conjunction with institutions such as local authorities, civic associations, community policing forums and non-governmental organizations.

4. Designation and responsibilities of responsible officers

- (1) The local authority may designate a *member* as the *responsible officer* and submit, in writing, the name and contact details of the *responsible officer* to the provincial commissioner as well as to all station commissioners within the area of jurisdiction of the municipal police service.
- (2) The *responsible officer* must —
 - (a) maintain a good relationship with the *authorised member of the Service*;
 - (b) receive written notice of an intended *gathering* in accordance with the provisions of *the Act*;
 - (c) receive and report information regarding an intended gathering to the *authorised member*;
 - (d) take such steps as he or she may deem necessary, including obtaining assistance from *the Service* to establish the identity of the *convener* of the intended *gathering*, and requesting the convener to comply with the provisions of *the Act*;
 - (e) consult with the *authorized member* regarding the necessity for negotiations on any aspect of the conduct of, or any condition with regard to, the *gathering*; and
 - (f) if, after the consultations referred to in subparagraph (e) above, he or she is of the opinion that negotiations are —
 - (i) not necessary and that the gathering may take place, notify the *convener* and the *authorized member* in writing accordingly; or
 - (ii) necessary —
 - (aa) set up a meeting between himself or herself, the *convener*, the *authorized member*, any other *responsible officers* concerned, if any, and representatives of such other public bodies or other persons, as are, in the opinion of such *responsible officer*, necessary to discuss the contents — of the notice, amendments or additions thereto and the conditions, if any, to be imposed in respect of the holding of the gathering so as to meet the objects of *the Act*;
 - (bb) act as chairperson of the meeting and ensure that discussions take place in good faith;
 - (cc) impose conditions, if any, with regard to the holding of the gathering as envisaged in section 4(4)(b) of the Act and give written reasons therefor; and
 - (dd) ensure that written minutes are kept of the meeting and that the approval, conditions or refusal are communicated, in writing, to the applicant;
 - (g) ensure that a written copy of the notice, including any amendment thereof and any condition imposed and reasons therefor, is handed to the convener, the authorized member and

- every party who attended the meeting referred to in subparagraph (f) above;
- (h) prohibit the intended gathering subject to the conditions referred to in section 5 of the Act and notify the convener, authorized member and every other person with whom he has met or consulted and provide reasons therefor; and
 - (i) receive notification from the convener regarding any postponement, delay, cancellation or call-off of an intended gathering and notify the authorized member accordingly.
- (3) If a local authority designated a person who is not a *member* to perform the functions, exercise the powers and discharge the duties of a *responsible officer* in terms of *the Act*, the *executive head* must ensure that the necessary support is provided to such person to enable him or her to comply with his or her responsibilities in terms of the Act and to ensure the maintenance of good relationship and proper communication channels with all the relevant role players, including the municipal police service, the *authorised member of the Service* and other relevant members of *the Service*.

5. Designation of authorized members

- (1) Once the Provincial Commissioner has designated *authorized members*, the Provincial Commissioner will ensure that the particulars of the *authorized members* are submitted, in writing, to every municipality and executive head, if any, within the province.
- (2) An *executive head* must ensure that a notice containing the name and contact particulars of the designated *authorized member(s)* for his or her area of jurisdiction is displayed in all offices of the municipal police service to which members of the public have access.

6. Duties and responsibilities of an authorized member

The duties and responsibilities of an *authorized member* are to—

- (a) represent the Service and liaise with the *responsible officer* and *conveners* concerning all negotiations and consultations as prescribed by *the Act*;
- (b) maintain a good relationship with the *responsible officer* and *conveners*;
- (c) arrange and negotiate the extent of security forces to be deployed for an operation;
- (d) inform the *responsible officer* of any unforeseen (spontaneous) *gathering*;

- (e) keep all records of operational plans and reports on the execution of operations and debriefing reports, for three years;
- (f) take part in the overall debriefing of events by attending the debriefing;
- (g) in writing, request the responsible officer to impose conditions or prohibitions, if any; and
- (h) brief all members performing duties at a *gathering* or *demonstration* regarding the content of a notice, conditions and amendments thereto, issued in accordance with *the Act*.

7. Receiving notice or information of a gathering

- (1) When an *authorized member* receives a notice or information regarding a *gathering*, the following action must be taken:

If ...	then ...
the <i>authorized member</i> received a notice from a <i>convener</i> of a gathering,	he or she will inform the <i>convener</i> that such notice is to be handed to the <i>responsible officer</i> and indicate how the <i>convener</i> is to contact the <i>responsible officer</i> . The <i>authorized member</i> will consult with the <i>responsible officer</i> and ensure that such notice has been received.
the <i>authorized member</i> received information from other internal police sources that a <i>gathering</i> is to take place,	he or she will consult with the <i>responsible officer</i> and enquire whether notice has been given to him or her. If notice has not been given to the <i>responsible officer</i> , the <i>authorized member</i> will contact the <i>convener</i> and inform him or her that notice is to be given and inform them of the provisions of <i>the Act</i> . The <i>authorized member</i> will consult with the <i>responsible officer</i> in this regard.
the <i>authorized member</i> is contacted by the <i>responsible officer</i> to inform him or her that a <i>gathering</i> is to take place,	the <i>authorized member</i> will make an attempt to gather further information pertaining to the intended <i>gathering</i> by using the relevant <i>Public Order Policing Unit</i> information network and requesting a meeting in terms of section 4 of <i>the Act</i> .

- (2) During consultations referred to in subparagraph (1) —

- (a) all the arrangements for the proposed event must be finalized; and
 - (b) the necessity for negotiations with the *convener* concerning any aspect of, or any condition about the intended *gathering*, must be decided.
- (3) The *authorized member* will inform the Provincial Commissioner of the arrangements made in accordance with subparagraph (2).

8. Threat assessment after information has been received

- (1) Immediately after notification or information has been received by the Provincial Commissioner or member designated by him or her of an intended gathering, he or she will, in consultation with the Provincial Head: Operational Response Services or relevant *Public Order Policing Unit* commander, determine at the *JOCCOM* the threat level involved, in order to identify the most suitable component to manage the proposed event.
- (2) The assessment of the threat level will be based on available tactical information in terms of level of risk, discussions and arrangements with the convenor, history of peaceful or violent protests by the parties involved, past experiences with the party, suitability of vicinity or venue in terms of alleviating or aggravating risk, etc.
- (3) The threat assessment must classify the threat posed by the *gathering* as being at one of the following levels:
 - (a) **Level One:** A peaceful gathering or a less significant sport or entertainment event that can be policed by the municipal police service or *VISPOL* with the relevant *Public Order Policing Unit* on standby: Provided that the *Public Order Policing Unit* may take over control of the management of the crowd, if the commander of the *Public Order Policing Unit* deems it necessary;
 - (b) **Level Two:** Unconfirmed information regarding a possibility of a threat against lives and property - *VISPOL* and the *municipal police service* are the primary role-players, with the relevant *Public Order Policing Unit* in reserve at the scene; and
 - (c) **Level Three:** Confirmed information regarding a likely threat against lives and property - the relevant *Public Order Policing Unit* takes operational command and *VISPOL* and the *municipal police service* assist in the policing of the event.

9. Appointment of the CJOC

- (1) The Divisional or Provincial Commissioner will ensure that the *CJOC* is designated, and that he or she is conversant with Standing Order (G) 262, this National Standard and relevant legislation and is well trained to take responsibility for the operation.

- (2) The *CJOC* is in overall command of the specific operation for which he or she is designated and is responsible for all actions taken.

10. Pre-planning of operations

- (1) The appointed *CJOC* is responsible for well-planned and co-ordinated actions for the duration of an operation.
- (2) For purposes of pre-planning, the *CJOC* must follow the following procedure:

Step	Action
1	Develop a comprehensive written plan for the crowd management operation (see the guidelines contained in Module 2 of the Operational Commanders Training for SAPS Management).
2	Submit the written plan for approval to the Provincial Commissioner or, if applicable, to the <i>executive head</i> .
3	Submit the written plan to the relevant station commissioners and to the <i>executive head</i> for information purposes.
4	Activate a <i>JOC</i> and appoint an <i>operations officer</i> , taking into account the circumstances and the results of the threat assessment. In the event of a level 2 threat, a <i>Public Order Policing Unit operational commander</i> must be appointed after consultation with the municipal police service. In the event of a level 3 threat, a relevant <i>Public Order Policing Unit operational commander</i> must be appointed in consultation with the relevant <i>Public Order Policing Unit</i> commander.
5	Implement an effective information <i>gathering</i> system for the operation to pro-actively gather up-to-the-minute, relevant and accurate information, enlisting the assistance of <i>VISPOL</i> members, having discussions with the public or the use of the information network of the relevant <i>Public Order Policing Unit</i> .
6	Collect the following information: <ul style="list-style-type: none"> (a) the actual route the participants plan to follow; (b) the likelihood of an outbreak of violence; (c) whether the participants are aggravated; (d) whether any firearms are or will be present; (e) the intention of the participants; (f) the actual number of participants that will take part; and

	(g) any other information which is of importance for the operation (see the Procedural Manual on <i>Crowd Management</i> for SAPS Management).
7	Use this information to apply the available resources or means effectively. In all instances where the relevant <i>Public Order Policing Unit</i> is actively involved in any operation (level 3) they must continually approach their information managers to gather information before and during an operation.

- (3) All information that is gathered prior and during an operation must continually be reported to the *CJOC* so that he or she is always aware of the actions of the participants. The *members* must report all information to their commanders who must then report it to the *CJOC*. This information must be reported either telephonically or by radio using the designated channel for upward reporting to the *CJOC*.

11. Briefing of members

- (1) *Members* must be properly briefed before they are deployed to perform *crowd management* duties.
- (2) The *operational commander* must —
- (a) personally brief all *members* in the command structure;
 - (b) ensure that all members in the command structure communicate the objectives of the operation clearly to all members deployed for the event; and
 - (c) instruct all commanders or section leaders to furnish detailed written plans on their specific tasks prior to the start of the operation.
- (3) During the briefing, the tasks of all role players involved in the operation must be defined in detail. The communication channel (chain of command) must also be thoroughly explained to all members prior to the operation.
- (4) A name list is to be compiled of all *members* present when a briefing is given. Commanders must be identified and briefed in accordance with the operational plan on what is to be done. *Members* must be questioned to ensure that they understand what is expected of them.

12. Execution

- (1) The use of force must be avoided as far as reasonably possible and *members* deployed for the operation must display the highest degree

of tolerance. The use of force and dispersal of crowds must comply with the requirements of section 9(1) and (2) of *the Act*. During any operation, ongoing negotiations must take place between officers and *conveners* or other leadership elements.

- (2) If negotiations fail and life or property is in danger, the following procedure must be followed:

Step	Action
1	Put defensive measures in place as a priority.
2	Warn participants according to <i>the Act</i> , of the action that will be taken against them, should defensive measures fail.
3	Bring forward the reserve or reaction section or platoon, that will be responsible for offensive measures, as a deterrent to further violence, should the above-mentioned measures not achieve the desired result.
4	Give a second warning before the commencement of the offensive measures, giving innocent bystanders the opportunity to leave the area.
5	Plan all offensive actions well and execute them under strict command after approval by the <i>CJOC</i> .

- (3) If the use of force is unavoidable, it must meet the following requirements:
- (a) the purpose of offensive actions are to de-escalate conflict with the minimum force to accomplish the goal and therefore the success of the actions will be measured by the results of the operation in terms of cost, damage to property, injury to people and loss of life;
 - (b) the degree of force must be proportional to the seriousness of the situation and the threat posed in terms of situational appropriateness;
 - (c) it must be reasonable in the circumstances;
 - (d) the minimum force must be used to accomplish the goal; and
 - (e) the use of force must be discontinued once the objective has been achieved.
- (4) The use of the following are prohibited or restricted during *crowd management* operations:
- (a) 37 mm stoppers (prohibited);

- (b) pepper spray are prohibited, unless the relevant commander has issued a specific instruction to do so; and
 - (c) firearms and sharp ammunition, including birdshot and buckshot are prohibited, unless the relevant commander has issued a specific instruction to do so.
- (5) Rubber bullets (shotgun rubber balls) may only be used as offensive measures to disperse a crowd in extreme circumstances, if less forceful methods have proved to be ineffective.
- (6) Force may only be used on the command or instruction of the *CJOC* or *operational commander* (if appointed). *Members* may never act individually without receiving a command from their commander.
- (7) All *members* involved in the operation must form part of a unified command structure, consisting of sections, platoons or companies. *Members* not working in sections may not be deployed. All visible policing members deployed for such purposes must be trained in the management of crowds.
- (8) Common law principles of self defence or private defence are not affected by this National Standard.

13. Reporting and record keeping

- (1) *Members* involved in an operation must keep the *JOC* up to date on actions and developments during the operation.
- (2) The *CJOC* must ensure that a detailed record is kept of all activities during the operation. All vehicles must have an operational diary which is completed by a member on that specific vehicle. The operational diary must contain all postings and instructions issued and all activities of participants during the event. An Occurrence Book entry must be made of the action taken and measures instituted by all functional role players involved in the operation.
- (3) Records of operational plans, all reports on the execution of operations, and debriefing reports must be filed together and kept according to the Record Classification System applicable to the said municipal police service. In the case of an operation dealt with as posing a Level 3 threat, the *CJOC* must ensure that copies of the operational diaries and the attendance list of all members who were deployed during such operations, are submitted to the *authorized member* and to the relevant *Public Order Policing Unit*.
- (4) The representatives of all main role-players must be present at the *JOC* for the duration of the event.

14. Debriefing

- (1) The *CJOC* must ensure that debriefing takes place after each event or *gathering* and that record is kept thereof.
- (2) Every level of command must debrief the levels below it individually, followed by an in-depth debriefing by the commanders of the operation. Afterwards a debriefing must be held with all role-players to determine whether the operation was effective and whether communication with the role-players was adequate.
- (3) A thorough evaluation must be conducted and, if possible, video coverage must be shown.
- (4) All good practices, as well as shortcomings, must be recorded as part of a learning process to enhance good practices and address or prevent recurrences of identified mistakes.
- (5) Trainers and instructors must attend the debriefings, to review actions taken by members, and to rectify improper conduct by means of in-service training in *crowd management* techniques.

15. First member(s) at the scene of an unforeseen (spontaneous) gathering

- (1) The first *member* who arrives at the scene or venue of an unforeseen (spontaneous) *gathering* must seek to preserve the peace and to protect and help the community.
- (2) The first *member* who arrives at the scene or venue must follow the following procedure:

Step	Action
1	Contact the operational centre of the municipal police service concerned and request back-up by personnel trained in <i>crowd management</i> .
2	Set up a mobile <i>JOC</i> and notify the relevant <i>Public Order Policing Unit</i> . The <i>Public Order Policing Unit</i> will assess the situation and will take operational command of the policing of the <i>gathering</i> with the assistance of <i>VISPOL</i> and <i>members</i> available to render such assistance if it is of the opinion that this will be appropriate or else will inform the most senior <i>member</i> of the municipal police service at the scene to continue to exercise operational command over the policing of the <i>gathering</i> .
3	Attempt to create an atmosphere which is conducive to

	negotiations by refraining from the display of aggression, such as for instance, the brandishing of firearms and special equipment.
4	Identify the leadership element in order to establish communication and to start negotiations.
5	Set the highest standards of tolerance and, do not use any firearms against the demonstrators except in the case of private defence should lives be in serious danger.
6	Consult with the local authorities and <i>authorized member</i> concerning the <i>gathering</i> and the purpose of the <i>gathering</i> .
7	Bring the contents of section 9(1)(c) of <i>the Act</i> to the attention of the leadership element.