

Division Human Resources
Development



Crowd Management

Learning Programme for P/members

Module 2

Public Violence



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SA Police Service Head Office

Training Division

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PRETORIA

0001

Title Page

LEARNING PROGRAMME	Crowd Management for Platoon Members (CMPM)
MODULE NO	2
MODULE TITLE	CROWD MANAGEMENT STATEMENT TAKING
SAQA UNIT STANDARD TITLES, NUMBERS AND NQF LEVELS	
ORGANISATIONAL STANDARD TITLES AND NUMBERS	
TARGET GROUP	LINE FUNCTION MEMBERS
ISSUE DATE	
REVIEW DATE	

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Icon Page



This icon alerts you to a **definition** that is important for you to analyse, comprehend and commit to memory.



This icon alerts you to a **practical example** that will assist you in understanding and or comprehending a particular concept, model, or specific learning material.



This icon alerts you to an **activity** that you must perform in the workbook in order to master the material.



This icon alerts you to a **tip** that will assist you in master the material.



This icon alerts you to a **particular source** that must be used in addition to the Learner's Guide at a particular point during learning.



This icon alerts you to the **list of sources** used to compile the module or chapter.

How to use this module

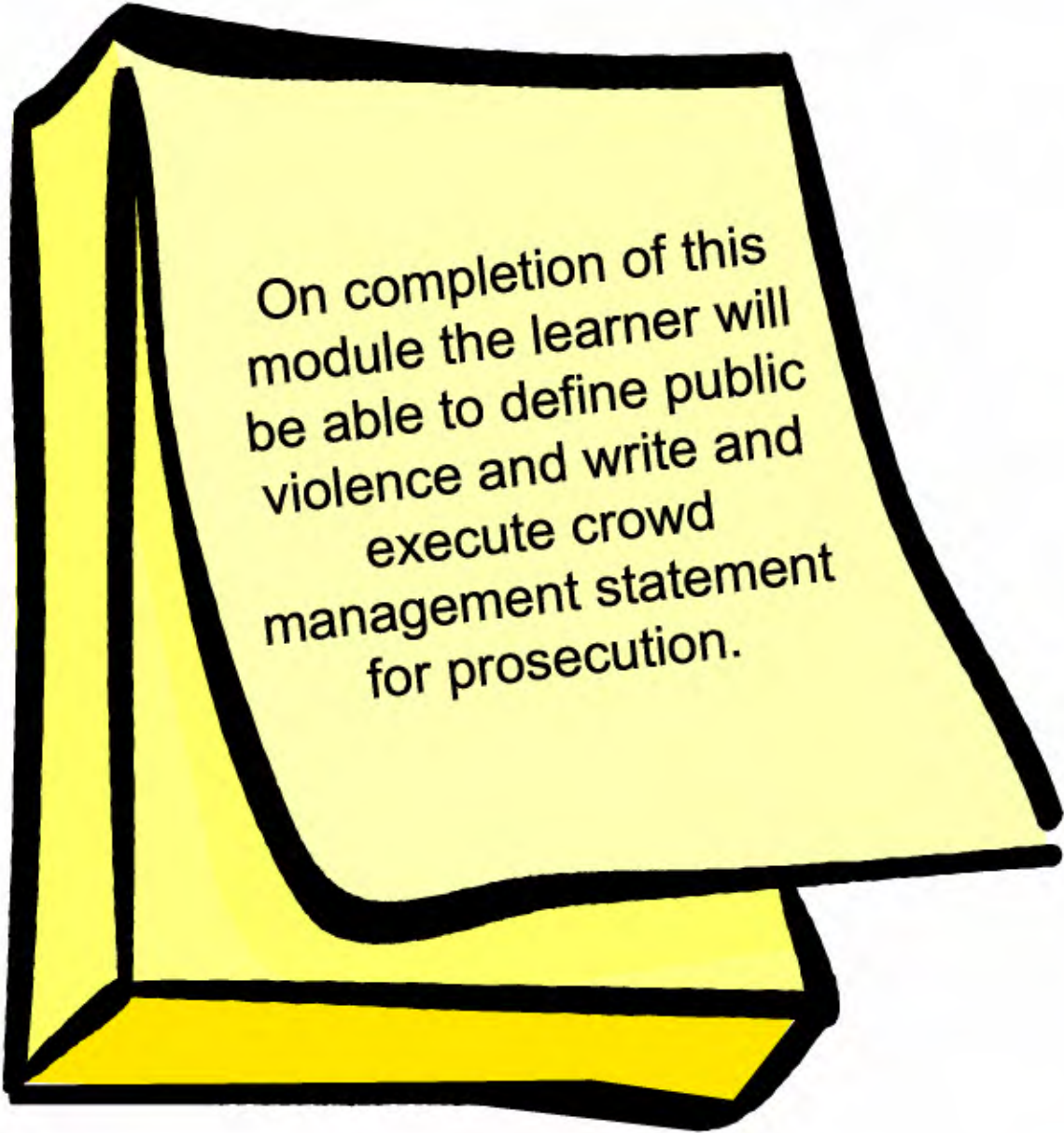
This module should be used in conjunction with all the chapters contained in the learning material for all modules. The contents of the statement will contain most of the topics reflected based on crowd management incidents on public violence and Gatherings Act (Act 205 of 1993).

Information that are not contained in the learning material shall be outsourced from other sources: for example, Common law and statutory law crimes etc.

Legal advisors should be invited ad an ad-hoc basis as guest speakers to co- facilitate with trainers in identifying elements of crime for statement taking when deemed necessary.

A step by step guideline check list will assist leaners to master the taking of statement.

Module Outcome



On completion of this module the learner will be able to define public violence and write and execute crowd management statement for prosecution.

Public Violence

Chapter

1

Chapter Outcome

On completion of this chapter you will be able to demonstrate the understanding of public violence for crowd management operations

Learning Outcomes

At the end of this chapter, the learner should be able to:

1. Define Public Violence
2. Describe POP actions taken during crowd management operation
3. List different type of crime against the state
4. Discuss the elements of crime
5. Explain the extent of public peace during crowd management operation
6. List the example of conduct that constitute public violence
7. Discuss serious dimensions of public violence

1. BACKGROUND

The Advent of democracy in South Africa is characterised by act of violence, intimidation, arson, damaging of properties by protesters, or demonstrators who loot shops barricades roads preventing road user from accessing the road freely thus by infringing the rights of other road users.

The challenges the country faces is the unrest , peaceful procession turning into casualties.

The Constitution of RSA provides that everyone “has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions”. However, if the demonstration does not take place peacefully the participants in the demonstration may render themselves guilty of public violence .

2 DEFINITION

Public violence consists in the unlawful and intentional commission, together with a number of people, of an act or acts which assume serious dimensions and which are intended forcibly to disturb public peace and tranquillity or to invade the rights of others

Provide description of and reasons for police action – Standing Order (General) 262 on Crowd Management during Gatherings and Demonstrations.

- 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, injuries to people and loss of life;

3. EXAMPLES OF CRIMES AGAINST THE STATE

- Treason (Common Law)
- Sedition (Common Law)
- Public Violence (Common Law)
- Riotous behaviour (statutory)

3.1 Elements of the crime:

- (a) an act;
- (b) by a number of people;
- (c) which assumes serious proportions;
- (d) which is unlawful and
- (e) Intentional, including more specifically an intention (e(i)) to disturb the public peace and order by violent means, or (e(ii)) to infringe the rights of others.

Interests protected: public peace and tranquillity or, “public peace and security”

May sometimes overlap with the interests involved in other crimes against the state e.g. the acts are accompanied by hostile intent - high treason;
if impairs or challenges the authority of the state - sedition

The Constitution of RSA provides that everyone “has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions”. However, if the demonstration does not take place peacefully the participants in the demonstration may render themselves guilty of public violence.

Overlaps with a number of other crimes

Such as assault, malicious injury to property, arson, robbery, murder and intimidation.

At least one of these crimes is usually committed in the course of the commission of public violence, yet because of the dangerous dimensions of the conduct a person is charged with public violence and not with one of these

It is not possible to specify the minimum number of people required - depended upon the circumstances of each case.

Having regard to the character and dimensions of the disturbance of the peace - some cases three to five persons have been held to be sufficient to commit the crime, whilst in other cases where, the quarrel was of a restricted nature and duration and the disturbance of the peace did not take on serious dimensions, six, eight and even ten people have been considered insufficient.

Acting in concert : The participants in disturbing the peace must act with a common purpose.

Once it is established that a person knowingly took part in a disturbance with its aim to endangering the public peace or security it is unnecessary to prove specifically what particular act of violence each of the individual participants committed.

No premeditation or preconceived plan is required. The common purpose may involve spontaneously or tacitly.

3. EXAMPLES OF CONDUCT CONSTITUTING PUBLIC IOLENCE:

- Faction fighting
- Violent resistance to the police by a mob (provided the police are acting lawfully)
- Rioting
- Forcible coercion by strikers of other workers
- Breaking up and taking over of a meeting
- Either public or private property.
- Not necessary that the participants be armed.
- There must be violence or threats of violence.
- Tactual disturbance of public peace or security, or invasion of the rights of others. It is sufficient if the conduct is intended to disturb the peace or invade rights.

4. SERIOUS DIMENSIONS

The mere disturbance of the peace, or a threatened or intended disturbance of the peace even by a number of people, is not sufficient to constitute the crime.

The violence or intended violence by the group must further assume serious or dangerous dimensions.

Though vague, this criterion is necessary to prevent abuse of the crime. It may be abused by using it as a convenient way of bringing quarrelsome people to justice, when several of them were involved and identification was difficult.

The safety of persons other than the participants, their safety will be threatened only if the disturbance of the peace is of a serious nature.

Various factors may cause the conduct to assume serious dimensions

-most importantly the number of people involved
(not conclusive).

-other factors include the time, locality and duration of the fight, the cause of the quarrel, the status of the persons engaged in it, the way in which it ended, whether the participants were armed or not, and whether there were actual assaults on people or damage to property committed.

5. UNLAWFULNESS

Both the acts of the group and the individual participating in the group must be unlawful.

The individual's participation may, for example, not be unlawful if he/she was coerced into joining the group and the group's conduct may be justified e.g. private defence.

6. INTENTION

The individual participant must be aware of what the group is doing or aiming to do, and it must be intentional.

There must also be a common purpose amongst the members of the group to forcibly disturb public peace and tranquillity.

R v Cele 1958

On a charge of public violence a magistrate's court had found

(1)that the accused, a body of delivery boys at a dairy, whose claim for higher wages had been refused, had armed themselves with sticks and driven away other employees, i.e. workers at the factory of the dairy, who were lawfully engaged in the performance of their duties;

(2)(2) that, shortly afterwards, when the police had been called to restore peace and order, the same body of natives, armed with sticks and other weapons, had advanced in a hostile body on the police singing war cries and throwing stones and other missiles at the police.

-He had accordingly convicted them all of public violence in respect of both phases and sentenced them.

-In an appeal, the Court found that the evidence was not sufficient to establish the second phase , that the conduct of the accused set out in the first phase constituted public violence and that in the circumstances the sentence should not be disturbed.

Statement Taking

Chapter 2

Chapter Outcome

On completion of this chapter you will be able to write and execute statement for prosecution

Learning Outcomes

At the end of this chapter, the learner should be able to:

1. Identify elements of crime .
2. Explain the date and time of incident during crowd management operations
3. Identify the name of affiliation or participants
4. Determine the number of participants during crowd management operations
5. Distinguish between different type of procession or
For example, picket, strike, march etc
6. Demonstrate the understanding of different type of crimes committed by participants during public violence
7. Described the nature of duties performed during crowd management operations
8. Explain the nature of demands made by participants
9. Identify leaders of affiliate or participants operations

Chapter Outcome

On completion of this chapter you will be able to execute tactical options

Learning Outcomes con't

10. Describe crowd management equipment used during Operations
11. List and describe suspects arrested for public violence
12. Identify Public order Police members deployed-(sections platoon) etc
13. Identify number of people injured and damages incurred during crowd management operations
14. Explain the behavior of the group that disturbed public peace and Tranquility
15. Mention method of intervention used by POP members to overcome resistance or to calm the situation

1. INTRODUCTION

The successful prosecution of public violence criminal cases depends on the quality, completeness, relevance and accuracy of statement taken by Public Order Police members, for example, it should have correct preamble and contain all elements of crime.

The statement will enable the investigating officer to conduct a full investigation, and the public prosecutor to have all facts, at his/her disposal to successfully prosecute an offender/s

2. OPERATIONAL ACTIONS AND EVIDENCE FOR SUCCESSFUL PROSECUTION OF PUBLIC VIOLENCE CASES BY POP IN TERMS OF GATHERINGS ACT.

2.1 STATEMENTS

The compiling of statement for crowd management incidents by POP members must contain all the elements of crime. Even the elements of the second charge if any.

2.1.1 Member In charge of the operation (Commander)

- The members should focus his/her statement on elements by the actions of the group [the act; number of people; serious proportions; unlawfulness and intention, including more specifically an intention (e(i)) to disturb the public peace and order by violent means, or (e(ii)) to infringe the rights of others]
- common purpose
- Faction fighting Violent resistance to the police by a mob (provided the police are acting lawfully)
Rioting.
- The following questions should be used to obtain all relevant information on the incident being reported.

- What happened?
- When did the incident happen?
- Who was involved?
- Where did the incident happen?
- Why were there?
- How did the incident happen?

2.1.2 Identity of members under command

- uniform/civil, firearms and ammunition, vehicles
- Provide proper record – mention in statement log sheets, shooting incident reports, video, photo's,
- Command and Control
- Other forces – ID, actions etc.

2.1.3 Provide description of and reasons for police action –

Standing Order (General) 262 on Crowd Management during Gatherings and Demonstrations

- 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, injuries 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.

- Reasons why lesser measures not used – water cannon etc.
- Warnings given
-

2.1.4 Factors to consider when an act of public violence is committed

- Once it is established that a person knowingly took part in a disturbance with its aim to endangering the public peace or security it is unnecessary to prove specifically what particular act of violence each of the individual participants committed.
- This is what your statement must prove when arresting persons for Public Violence.
- Confusion between members and Prosecutor
- Problem later at court: Prosecutor must prove group to Public Violence and link suspect to group. Member must link suspect to group.

How?

-...a person knowingly took part in a disturbance with its aim to endangering the public peace or security knowingly took part in a disturbance with its aim to endangering the public peace or security

-R v Cele 1958 Judge Milne

4.1.5 Identifying suspects

How ? Clothing, appearance, features etc.

Why did you arrest the suspect?

What did the suspect do?

-To prove that they are part of the group and is taking part in the activities of the group.

The suspect must have done something to make himself part of the group and the actions the group are taking.

Prove that he was the suspect: describe clothing actions etc.

Where there is only one statement for the actions of all the suspects arrested - the one statement must indicate the same information as would have been were there several arresting statements.

There must be an indication who arrested who and why. ones that participated in the Public Violence. In absence of supporting evidence such member will struggle

Proper record kept can be used e.g. log sheets

This must be supported by other measures photo's etc

Problems are created where the member who supplied the statement testifies, he must be able to identify the suspects in court as the ones that participated in the Public Violence. In absence of supporting evidence such member will struggle in court.

5. Operational actions and evidence for successful prosecution of cases related to public violence and regulation of gatherings act	
1. Guidelines for compiling of statements for public violence	1.1. section 12(1)(a) – regulation of gatherings act, act 205 of 1993
<p>2. Example of offence: Any person who convenes a gathering in respect of which no notice or no adequate notice was given in accordance with the provisions of section 3 shall be guilty of an offence.</p>	
<p>3. What to proof in court</p>	<p>3.1 What does "convenes" mean. According to the dictionary, it means "call together". How can this be done? By means of addressing the public and the group, by means of issuing pamphlets, etc.</p> <p>What is gathering? Definition and explanation Any assembly concurs of procession of more than 15 people in or any public road as defined in the Road Traffic Act or any other public place or premises wholly or partly open to the air: at which the principles, policy, actions or failure to act of any government, political party or political organisation, whether or not that party or organisation is registered in terms of any applicable law are discussed, attacked, criticized, promoted or propagated or held to form pressure groups to hand over petition to any person, or to mobilise 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 government institution.</p> <ul style="list-style-type: none"> • Proof that organizer convened a gathering. (to call together, the way in which it was done) • Proof that gathering took place (that people assemble, form a concourse or procession, that they consist of more than 15 people, that it was done in a public road, that it was done in a public place and that public place was open or partially open to the air) • Proof the aim of the convener (to discuss, attack, criticize, promote or propagate to form pressure groups, to hand over petition, to mobilize, to demonstrate support....) • Proof that no notice was received by the responsible officer. • Proof that it is a requirement by law that notice must be given
<p>4. How it is proofed in court</p>	<p>4.1 Statement of the operational commander/commander on the scene</p> <ul style="list-style-type: none"> • Position in SAPS • Date time and place of the gathering. • How many people gathered (more than 15?) • Clothing, placards, signing, slogans (to proof common purpose). • Mood of the crowd. • Information that was received pertaining to the planned actions. • Any prior negotiations that took place. • An overview of the possible reasons and history relating to this incident. • Any prior negotiations that took place. • An overview of the possible reasons and history relating to this incident. • How did you identify the convenor, what did he physically do. • Who is the convenor? • What was the reaction of the gathering when the convenor addressed them? • Words uttered by the convenor to bystanders or the gathering. • Response from the bystanders or the gathering. • Time you informed him/her time to disperse. • Did you give him/her time to disperse? • What was his/her reaction thereafter? • Did you liaise with the responsible officer about any notice that was given? • Reason for arrest (did not adhere to your instruction to disperse). • To who did you gave instruction to arrest. • The reaction of the participants.

<p>5.Statement of the member who affect the arrest</p>	<p>5.1 Arrests by a member</p> <ul style="list-style-type: none"> ● Date, time and place of the incident ● What did you observe arriving at the scene (stones, fires, looting or peaceful singing and dancing?) ● Where were you posted and what and what was your job to do ● Time when important actions occurred and what exactly took place at that time. ● From whom did you receive the instruction to affect the arrest? ● Who did you arrest (clothing name, prominent speaker, person with the megaphone etc). ● How did you arrest him/her, by taking him by his arm? ● Did you inform him/her of the reason for the arrest and what was the reason (what did he contravened?). ● What was his / her reaction? Co-operate, resist, screaming ● What were the actions of the bystanders?
<p>6. Public Violence</p>	<p>6.1 Public violence is the unlawful and intentional commission, together with a number of people, of an act or acts which assume serious dimension and which are intended forcibly to disturb public peace and tranquillity or to invade rights of others.</p>
	<p>6.2 The elements of the crime</p> <ul style="list-style-type: none"> ● An act or number of acts ● Committed by a number of people This assumes serious proportions ● Which is unlawful, with the intention to disturb the public peace and order by violent means or to infringe on the rights of others.
<p>7. What must be proved in court?(elements)</p>	<p>7.1 An act or a number of acts</p> <ul style="list-style-type: none"> ● That crimes or conduct took place: i.e. faction fighting, violent resistance to the police by a mob, forcible coercion by strikers of other workers, breaking up and taking over a meeting, assault, malicious damage to property, arson, robbery, barricading of roads, setting tyres alight in a street to prevent pedestrian or vehicular movement, etc.

<p>8. How it is proofed in court</p>	<p>8.1 Statement of the operational commander</p> <ul style="list-style-type: none"> • Position in SAPS • Duties and responsibilities during the day • Information received prior to the arrest • Actions taken prior to the arrest • Any negotiations or attempts to diffuse the situation • Period of violence experienced in the particular area • What instruction given to SAPS members • Summary of incidents that took place • How large was the groups and what were there tactics • Was there an immediate danger to the ordinary public • Was there an immediate danger to property of the public • Summary of property damaged, persons killed by the group or people injured by the group. • Did people act individually from a group or did the whole group participate in their actions. • Did they were the same T-shirt, did they sing, shoaling slogans etc. to proof common purpose. • Did they protest peaceful or were their action of a violent nature. • Was their actions creating disorder (what was the situation in ton before these actions) • To what extent was the services disrupted • Were roads barricaded • Could public move freely • Could people go to work, was lexis operating and busses transporting workers. • Could ambulances and fire engines move freely • Were people attacked, shops looted. • An overview of the possible reasons and history relating to this incidents • Were warnings issued to the groups and what was their reaction?
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	<p>8.2 Statement of the member who affects the arrest</p> <ul style="list-style-type: none">• Date, time and place of the incidents• What did you observe arriving at the scene (stones, fires, looting or peaceful singing and dancing?)• Where were you posted and what was your job to do• Time when important actions occurred and what exactly took place at that time.• From whom did you receive the instruction to affect the arrest or did you act on your own discretion• Who did you arrest: clothing name, prominent speaker, person with the megaphone etc.• What did this person physically do (did you see him/her throwing stones, setting a light, etc. Remember the word to “damage” must not be used. The exact actions must be mentioned in your statement)• How did you arrest him/her , by taking him by his arm• Did you inform him/her of the reason for the arrest and what was the reason (what did he contravened?)• What was his/her reaction? Co-operate, resist, screaming• What were the actions of the bystanders?
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5.1 An illustration of the statements for gatherings act and public violence by commander/s and member/s

- Read the scenario below carefully and write an A1 statement and an arrest statement on the scenario.

'You are the **platoon commander** on the scene, it is important that all the elements of the different crimes per crime are reflected in your statement. Your statement need to identify and prove the elements of the crime'

- ◇ When writing the arrest statement the following must be included:
 - ◇ Date, time and place of the incident
 - ◇ What did you observe when arriving on the scene
 - ◇ Where were you posted and what was your job to do
 - ◇ Time when important actions occurred and what exactly took place
 - ◇ From whom did you receive the instruction to affect the arrest or did you act on own discretion
 - ◇ Who did you arrest, clothing name, description of clothing the person wore
 - ◇ What did this person physically do, explain the actions of the perpetrator
 - ◇ How did you arrest him, using force or taking him by his arm etc.
 - ◇ Did you inform him of the reason for the arrest
 - ◇ What was the reaction of the crowd when the person was arrested.

SCENARIO 1

On 2013-12-03 at approximately 04:10, members of the community of Crouseville blockaded the R12 Provincial road at the crossing of Crouseville and Mapeng. The route is very busy in terms of vehicular traffic.

The first members on the scene found 4 burning tyres on the road with no protestors present. The members extinguished the burning tyres and cleared the road, and after monitoring, withdrew from the scene.

At 05:20 on the same day information was received that the same road has been obstructed with trees, burning tyres and stones. When the members arrived on the scene they found a crowd of approximately 260 people toy-toying on the road. The protestors were burning tyres on the road and stopping vehicles.

When the platoon commander engaged into negotiations with the group, two people namely Koos Saunders and Michael Ramane identified themselves as the leaders of the group. They demanded that the Premier must come and address them regarding the lack of houses and sanitation and on the issue of unemployment. They have on numerous occasions addressed the matters with the Mayor and Municipal representatives, with no actions taken on the matters. The Premier was not available to address the protestors.

At 10:12 the group decided to march to the Mayor's office to raise their concerns. On arrival at the municipality they resorted to violent protest, overturning dustbins and barricading the doors to the Municipal buildings. The POP Commander issued a warning to the crowd to disperse with no response from the crowd.

At 11:00, after the crowd failed to disperse, the members did a pushback and used stun grenades to disperse the crowd. The crowd started stoning the police and set fire to tyres in front of the building. Part of the building was also set alight. On arrival of the fire brigade in response of the fires, people within the crowd assaulted the firemen whilst they were trying to extinguish the fires. Police used tear gas and rubber rounds to disperse the crowd and 14 people were arrested.

After the arrests, the situation normalised and POP maintained a monitoring capacity to prevent further violent protest.

within the crowd assaulted the firemen whilst they were trying to extinguish the fires. Police used tear gas and rubber rounds to disperse the crowd and 14 people were arrested. After the arrests, the situation normalised and POP maintained a monitoring capacity to prevent further violent protest.

Video footage was taken of the whole incident.

Charges for Scenario 1

- ◇ Public Violence
- ◇ Road Traffic Act – Placing of obstacles on the road.
- ◇ Malicious damage to Property
- ◇ Arson
- ◇ Assault GBH
- ◇ Section 3 Regulation of gatherings Act

STATEMENT BY A COMMANDER

Hendrick Matjila declares under oath in English:

1.

I am an adult male, 46 Years of age, ID nr. 670820 5118 08 5, Residing at House 2045, Ext. 4, Crouseville, Cell Phone nr. 084 2222 111, working as a Captain in the South African Police Service, Public Order Police Crouseville. Tel. nr. 015 575 8629. Persal Nr. 04137884

2.

I am a Platoon Commander for Public Order Police, Crouseville. On Tuesday 2013-12-03 I was on duty. I was informed by the Public Order Police operational room about the blockading of the R12 Provincial road at the crossing of Crouseville and Mapeng.

3.

On arrival at the scene at approximately 04:10 I found four (4) tyres that were burning on the tarmac of the road, but with no people at the scene. We extinguished the fires and removed the tyres from the road in order for the traffic to return to normal. We departed from the scene and continued with our normal duties. At about 05:20 I was again contacted via radio and informed that the same road was blocked again. I went to the scene and found the road obstructed with trees, burning tyres and large stones, which prevent vehicular traffic from passing. There was also a crowd of approximately 260 people on the scene. They were toy-toying on the road, burning tyres and stopping traffic on the road. The behaviour of the group disturbed the public peace and tranquillity in serious dimensions they also invaded the rights of other road users and passers by. Pedestrians and vehicles could not freely move in the area due to the aggressive conduct of the protestors.

4.

I went to the group to establish negotiations and to see whether I could identify the leaders of the group. When I requested who the leaders were Koos Saunders and Michael Ramane identified themselves as leaders and started to negotiate with me on behalf of the group. Koos Saunders was dressed in blue denim pants and a red golf shirt with no logos on the shirt. Michael Ramane was dressed in black trousers and a plain grey shirt.

He also had a blue “Billabong” golf cap on. They demanded from me that the Premier should come and speak to them about service delivery issues. They were unhappy about the lack of housing, sanitation and the high unemployment rate in the area. They mentioned that they spoke to the Mayor several times, but that nothing came from their discussions. I tried to get hold of the Premier via her office, but she was not available to address the protestors.

5.

At 10:12 the group was still gathered and blocking the road. The group then started marching to the Mayor’s office. They were peaceful along the route and we managed the crowd and traffic along the route with no further incidents. I informed Koos Saunders and Michael Ramane that I would be opening a case docket against them if they march as they did not give notice in terms of the Regulation of Gatherings Act, 205/1993. When they reached the office of the Mayor, the crowd suddenly turned violent. They barricaded the entrance doors of the municipality with wooden benches that they pulled out of the ground. By blocking the entrance to the municipal building they took away the rights of the general public to use the building. They also overturned dustbins in front of the municipal buildings and dumped its contents on the roads.

6.

As the violence erupted, I could clearly see how Koos Saunders and Michael Ramane were instigating the crowd to more violence. I also gave my video operator an order to capture everything on video and to focus in the process on Koos Saunders and Michael Ramane. They were clearly distinguishable in the crowd. At 13:00 the violence escalated to such a level that I had no other option but to do a pushback on the crowd. I warned them in two official languages, English and Zulu, and requested them to stop their violent behaviour immediately. When it did not stop, I ordered three of my sections, Section 1, 2 and 3 to do a pushback with their tonfas and shields. When the crowd however started stoning the SAPS members and the police vehicles, I ordered my Reserve Section, Section 4, to disperse the crowd with stun grenades.

They also refused to listen to my warnings and continued with their collective violent behaviour even after instructed to stop and disperse.

10.

Two police vehicles were damaged in the protest. The first vehicle is a Mercedes Vito with SAP nr BPN262B which was damaged when protesters stoned the vehicle, breaking the windscreen and causing numerous dents on the front of the vehicle. The other vehicle was a Nissan Hardbody, of which all four tyres were slashed by participants in the crowd. The amount of the damage caused to the vehicles and the municipal property is unknown at this stage. At this stage it is unknown if any of the protesters were injured, three fire fighters were treated for open wounds due to the assault on them by the protesters.

11.

I know and understand the contents of this declaration.
I have no objection in taking the prescribed oath.
I regard the prescribed oath as binding to my conscience.

Crouseville

17:15

2013-12-03



H Matjila

7.

The crowd continued their violent protest and started burning tyres in front of the building. They continued stoning the SAPS members and also set a part of the municipal building alight. We managed however to keep them at bay until the Fire Department arrived to extinguish the fires before it leads to further damage and possible loss of life. The crowd started to assault some of the firemen who came to extinguish the fire. At that stage it became evident that the violent attack by the crowd would not stop. At that stage Koos Saunders and Michael Ramane also refused to negotiate with me any longer.

8.

In order to curb any further public violence, I had no other choice but to disperse the crowd. I re-organized my platoon and gave the violent crowd a second warning to disperse in English and in Zulu. I made another warning to innocent bystanders that there would be SAPS action and that tear smoke and rubber bullets would be used. I did this to allow any innocent bystanders in the vicinity to depart from the scene. As the violence further escalated, I gave a final warning to the crowd to disperse as the escalation was threatening to cause more damage and increased threat to life and property. The crowd did not respond and I then ordered my sections to use one tear smoke grenade each and I also ordered my reserve section, Section 4 to disperse the crowd with rubber bullets. I then instructed sections 1,2 and 3 to arrest protestors involved in the public violence. Fourteen (14) suspects were arrested that were part of the violent crowd.

9.

During the whole scenario, the whole group moved together, they were also accompanied by us and no people joined the group along the route or while they were at the municipal building. They acted as a group with a common purpose and all of them partook in the violence that erupted. The whole situation from start to end, with all the negotiations were captured on video by my video member on the platoon. The crowd was focussed on violent behaviour at the municipal building and they were clearly instigated by Koos Saunders and Michael Ramane.

6. INSTRUCTIONS TO THE LEARNER

Read the scenario below carefully and write an A1 statement and an arrest statement on the scenario.

‘You are the platoon commander on the scene, it is important that all the elements of the different crimes per crime are reflected in your statement.’

‘Your statement need to identify and prove the elements of the crime’

- When writing the arrest statement the following must be included:
 - ◇ Date, time and place of the incident
 - ◇ What did you observe when arriving on the scene
 - ◇ Where were you posted and what was your job to do
 - ◇ Time when important actions occurred and what exactly took place
 - ◇ From whom did you receive the instruction to affect the arrest or did you act on own discretion
 - ◇ Who did you arrest, clothing name, description of clothing the person wore
 - ◇ What did this person physically do, explain the actions of the perpetrator
 - ◇ How did you arrest him, using force or taking him by his arm etc.
 - ◇ Did you inform him of the reason for the arrest
 - ◇ What was the reaction of the crowd when the person was arrested?

SCENARIO 2:

Members of the organisation Women Against Crime gave notice to have a march on 2013-06-15 with the aim of handing over a memorandum of demands to the station commander. At the section 4 meeting the following information were confirmed.

Participants - 200

Assembling time - 07:00

Initial point – open space at Justine Street

March will commence - 08:00

Dispersal time - 13:00

Marshalls - 20 that will be clearly identifiable with red arm bands

Convener: Patricia Pitso

Deputy Convener: Mali Lennert

The route: From Justine Street, into May Street, into van Gog Street, left into Boulder Street toward the Swartkop police station.

Restrictions:

Whole of section 8

Only far left lane to be used

No sitting in intersections

Not allowed to march within 100 m of a court building

No deviation from the set route.

On the day of the march the convener and deputy convener was not present and only three marshals were identified.

The marshals were not briefed on the restrictions and prohibitions as agreed on at the section 4 meeting.

The march started at the agreed upon time of 08:00. The participants however failed to restrict the march to the far left lane as per restrictions, and used the full width of the road. Participants carried placards with vulgar and racist remarks.

The marchers also deviated from the route and picketed outside the High court building.

Video footage was taken of the whole situation.

Charges: Scenario 2

Charge 1: Contravention of the Regulation of gatherings act, sections 8(1), section 12(b), section 8(3), section 7(1) (a), read with Section 12(a),section 8(5), section 12 (b),section 12(c) and section 12(f) of act 205 of 1993.

Charge 2:Regulation 319(1) of the National Road Traffic Act 93 of 1996

I Japie Lourens declares under oath in English.

1.

I am an adult male 30 years of age with ID: 000000 0000 000. Residing at 10 Langboom str, Swartkop, 8301. Contact number: 082 234 5893. I am a Warrant Officer employed by the South African Police Service and stationed at Swartkop Public Order Police. I am a platoon commander at the Unit. Contact number: 031- 838 1234.

2.

On Wednesday 2013-06-15 and between the hours of 06:00 and 18:00 I was officially on duty and monitoring a march in Swartkop. The Women Against Crime movement was set to start with a march to the Swartkop Police Station to hand over a memorandum of demands to the Station Commander.

3.

At 07:00 approximately 200 participants gathered for the march on an open area next to Justine Street. On my arrival I could only identify three marshals. I met with the marshals who identified themselves as Lydia Louw, Sue Howard and Penny Small. I enquired about the whereabouts of the convenors of the march and the marshalls informed me that the organisers had to go to Johannesburg for an urgent meeting. I also asked them where the rest of the marshals were and was informed that only three marshals could be secured for the march. The agreed upon number of marshals as per the section 4 meeting was set at 20 Marshalls and the conditions of the march has thus not been met. This is a contravention of Sec 8(1) of the regulation of Gatherings act. The convenor, Patricia Pitso and the deputy convenor, Mali Lennert were found absent from the march which is a direct violation of section 12(b) of Act 205 of 1993.

4.

The Marshalls did not know which route was approved for the march and they indicated that no feedback was given to them by the convenor and deputy convenor. I provided the marshals with a copy of the notice as well as the restrictions and prohibitions set out therein. The convenors failed in their responsibility to take reasonable steps to ensure that all marshals and participants at the march are informed properly of the conditions of the march.

5.

The marshals further informed me that they were promised by the convenor that they could go to the court building to picket. I informed the three marshals that they are not allowed to deviate from the route or to go to the court building.

6.

The march started at 08:10. During the march the participants decided to deviate from the agreed route and went to the court house. This is in direct violation of section 8(3) of the act. On arrival at the court they participants picketed outside the court building. No permission was given for the picketing at the court house and the actions were thus in direct contravention of section 7(1)(a), read with Section 12 (a) of the regulation of Gatherings act.

7.

Some of the participants carried placards containing racial and vulgar slogans. Video footage was taken of the placards. Display of placards of such nature is in direct contravention of section 8(5) of Act 205 of 1993.

8.

On completion of the march a case was opened against the convenor and deputy convenor for contravention of sections 12(b), 12(c) and 12(f) of the Gatherings Act 205 of 1993. Alternatively the convener can also stand accused of Reg 319(1) of the National Road Traffic Act 93 of 1996, for the blocking or hindering of normal traffic flow. Swartkop CAS 234/06/2013 refers.

Video footage were taken and filed under video ref.33/06/2013.

9.

I know and understand the contents of this statement.
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding to my conscience.

PLACE: _____

Signature of deponent

Time : ____: ____

Date : _____

SUMMARY :

By means of information submitted, the court should, without difficulty have a clear picture of the incident or occurrence. It relies solely on the quality of the information on statements to reach a logical conclusion. Poorly obtained statements do not only damage the image of the service, but impair the smooth running of the administration of justice.

It is therefore, important that every member of the service realises the importance of taking good statements.



BIBLIOGRAPHY

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2010:Cape Town

Further applicable Reference for assistance

-SO(G) [Par 1-2] 301[par1.1] 321[par 4 &9]322,327,341
[par 10]

-Head Office circular 31/11/1: 25/9/1 dated 2005-5-20

-Section 13(8) of the South African Police Service Act
1995 (Act 68 of 1996).

-Justice of the Peace and Commissioner of oaths
Act,1963(Act 16 of 1963)



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LT Colonel PD Maluleke	Provincial POP Mpumalanga
LT Colonel AG Bosch	Provincial ORS Northern Cape
LT Colonel S Moodley	POP KZN Marian hill
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W/O	GJ Pitso	POP Gauteng
W/O	P Ramapa	POP Gauteng
W/O	RL Madavha	POP Limpopo
W/O	PS Maluleke	POP North west
W/O	BJ Masanabo	POP Mpumalanga
W/O	HJ Lourens	POP Upington
W/O	KL Shabalala	POP KZN
W/O	TE Rantso	POP Welkom

STATEMENT TAKING : ADVISOR

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	Specialised Skills Development