



**OPERATIONAL RESPONSE SERVICES
PUBLIC ORDER POLICE**

Title: First Responders at Station level in terms of protest actions, attacks on foreign nationals, land invasions and evictions		No: POP 07/2016
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Draft Standard Operating Procedure: First Responders at Station level in terms of protest actions, attacks on foreign nationals, land invasions and evictions

1. **Purpose:**
To provide an effective operational guideline to local police station members in their role as first responders, in order to effectively deal and manage incidences of protest action, attacks on foreign nationals, of land invasions and evictions.

2. **Scope:**
This SOP will serve as an operational guideline to all SAPS local police station members to enable them to effectively deal and manage incidences of protest action, attacks on foreign nationals, of land invasions and evictions.

This guideline will also provide operational guidance to other role players in support of POP, such as Metropolitan Police, Tactical Response Teams (TRT), and National Intervention Unit (NIU) who all have a role and vested interest in incidents of this nature if on scene or in reserve.

3. **Responsibility:**
This SOP applies to all SAPS members at local police station level. It is not required that these members have any formal crowd management training but should have at least some knowledge and experience of crowd management, as well as an understanding of the contents of this SOP.

level and Metro Police deployed for such purposes must have been trained in crowd management and be operational. In this regard only members trained in crowd management should be called up and deployed in an operation.

4.6.11 Common law principles of private defence are not affected by this Instruction.

4.6.12 Containing the operational area is essential to prevent violence spreading, innocent persons becoming victims of violence or outside elements joining the violent protest. Roadblocks and check points manned by members from Visible Policing at station level and the Metro Police may be used to contain the area.

4.7 Normalization of the area after force was used

4.7.1 After the outbreak of any kind of violence or where members of the Service have been compelled to use force, it is of vital importance that the area should be restored and normalized as soon as possible.

4.7.2 In order to achieve this, the member in command at the scene must;

- (a) involve all relevant role players from all other departments or institutions to maintain public order (for example: ward councillors and other community and church leaders may address the people and urge them to remain calm). Roads need to be cleared and all signs of violence should be cleared by the responsible departments as soon as possible (subject to the investigation of the crime scene, if applicable). These clean-up operations are not the responsibility of the Service;
- (b) ensure that POP remains in the area to conduct saturation patrols and contain the situation by means of vehicle check points and roadblocks. Any form of violence or group forming must immediately be handled by POP in accordance with the prescripts. It is of vital importance that no violence should be tolerated and that perpetrators should be dealt with in terms of the law;
- (c) after peace has been restored to the area, POP should hand over the area to the local station members in order to do further patrols of the area. This should be done because the local police are part of the immediate community and they should start to restore the police community relationships in that area, establish peace support to ensure peace building. POP should however remain in reserve nearby in order to handle any eventuality should violence flair up again.
- (d) after it has become clear that the area has normalized, POP should hand over the area to the local police in order for them to continue with the normal day to day policing. At this stage POP may withdraw.
- (e) in worst case scenarios where normal day to day policing cannot continue in an area due to violence in that area, the normal day to day policing which is the responsibility of the local police station, may, depending on the seriousness of the situation, become the responsibility of POP upon the decision by the relevant provincial commissioner. This should continue until the situation is normalized as determined by the relevant provincial commissioner.
- (f) in all cases of violence, ensure that only members with the right equipment and training should manage the situation. The use of armoured vehicles is of utmost importance in order to handle these kinds of situations and for the safety of the members. It is the

responsibility of the Division: ORS to maintain an armoured fleet. It is however the responsibility of each POP unit commander to see to the maintenance of the fleet under his or her control and each provincial commissioner must ensure that sufficient funds are allocated on an annual basis for the licensing and maintenance of the armoured fleet under his or her command.

4.8 Attacks on foreign nationals

4.8.1 The rights of all foreign nationals with or without residence permits are protected by the Constitution, and the police have a responsibility and obligation to uphold and protect such rights.

4.8.2 Particularly, the right not to be dealt with in an inhumane or degrading manner, and to protect them from physical harm.

4.8.3 All SAPS members and POP in particular, must be aware of this and not disregard mentioned obligation when dealing with such individuals.

4.8.4 The following Standing Orders may provide some guidance to police members, as first responders, if or when dealing with an undocumented foreign national, who may have been attacked.

SO (General) 341: Arrest and treatment of an arrested person until such a person is handed over to the Community Service Centre.

SO (General) 361: Handling of persons in custody of the Service from their arrival at the police station.

SO (General) 362: Custody Register (SAPS 14).

(a) The Immigration Act, 2002 (Act No. 13 of 2002) places obligations on members of the Service when dealing with undocumented persons (illegal foreign nationals or illegal foreigner meaning a foreigner who is in the Republic in contravention of this Act);

(b) A member who performs his or her duties in terms of the Immigration Act, must;

(i) follow an approach which is conducive to conciliation and problem solving,

(ii) avoid a confrontational approach, and

(iii) take action without delay.

(c) Detention of undocumented persons, Section 34(1) of the Act provides as follows:

“Without the need for a warrant, an Immigration Officer may arrest an illegal foreigner or cause him or her to be arrested, and shall, irrespective of whether such foreigner is arrested, deport him or her or cause him or her to be deported and may, pending his or her deportation, detain him or her or cause him or her to be detained in a manner and at a place determined by the Director-General, provided that the foreigner concerned;

(i) shall be notified in writing of the decision to deport him or her and of his or her right to appeal such decision in terms of this Act;

(ii) may at any time request any officer attending to him or her that his or her detention for the purpose of deportation be confirmed by warrant of a Court, which, if not issued within 48 hours of

- such request, shall cause the immediate release of such foreigner;
- (iii) shall be informed upon arrest or immediately thereafter of the rights set out in the preceding two paragraphs, when possible, practicable and available in a language that he or she understands;
 - (iv) may not be held in detention for longer than 30 calendar days without a warrant of a Court which on good and reasonable grounds may extend such detention for an adequate period not exceeding 90 calendar days; and
 - (v) shall be held in detention in compliance with minimum prescribed standards protecting his or her dignity and relevant human rights.”
- (d) **Arrest of an undocumented person**
The principles as set out in Standing Order (General) 341 must be applied when arresting an undocumented person. The Department of Home Affairs is responsible to repatriate or deport an undocumented person, a member of the Service may not on own accord perform such repatriation or deportation.
- (e) **Further relevant information**
- (i) **An Asylum Seeker**
He or she is a person who has fled his or her country of origin and is seeking recognition and protection as a refugee in the Republic of South Africa, and whose application is still under consideration. In case of a negative decision on his application, he has to leave the country voluntarily or will be deported.
 - (ii) **A Refugee**
He or she is a person who has been granted asylum status and protection in terms of the section 24 of Refugee Act No 130 of 1998. Under the 1951 United Nations Convention, a refugee can be a “convention refugee” who has left his home country and has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or a membership in a particular social group. Under the same convention, a refugee can also be a person “in need of protection” whose removal to his home country would subject him personally to a danger of torture or to a risk to his life or a risk of cruel and unusual treatment or punishment.

4.9 Land invasions and evictions

- 4.9.1 Police members must be able to distinguish between “squatting” and unlawful access to property. There is apparently much uncertainty among land owners regarding the difference between trespassing or occupation and what the correct action would be in respect of trespassing and unlawful occupation. Trespassing means to gain access/entry to someone’s property without his/her consent. Trespassing is regulated by the Trespassing Act no 6 of 1939 which prohibits access to land without permission from the lawful owner or occupier, and constitutes a criminal offence. This implies that the police could be called to remove such a person.

Unlawful occupation takes place when there is a measure of permanency and where a person has already erected a structure with the intention of living on the land. When this happens, the person is not merely a trespasser but an unlawful occupier, as contemplated in the Prevention of Illegal Eviction and the Unlawful Occupation of Land of 1998. The implication of this is that such a person may only be evicted in terms of a court order. Eviction other than in terms of a court order constitutes a criminal offence for which the owner could face a prison sentence if convicted. It is therefore extremely important to call the police as soon as possible before the trespasser can erect a structure or establish any permanency.

4.9.2 Prevention of Illegal Eviction and Unlawful Occupation of Land Act

This Act (Act No. 19 of 1998) or PIE came into effect on 5 June 1998 and repealed the Prevention of Illegal Squatting Act in its entirety. Squatting is therefore no longer a criminal offence. Land owners will in future no longer be able to make use of common law remedies, such as spoliation orders, to remove squatters from their land. Squatters (i.e. unlawful occupiers) may now only be removed by means of a court order issued in terms of this act.

(a) Where is the Act applicable?

This Act is applicable to all land, rural as well as urban, private land as well as state land.

(b) Who is protected by the Act?

The Act protects the so-called unlawful occupiers, namely persons who occupy land without the permission of the owners or person in charge of the land. If these persons do in fact have permission to live there, the situation is regulated by the Extension of Security of Tenure Act.

(c) What kind of protection do unlawful occupiers enjoy?

The Act stipulates that unlawful occupiers may only be evicted in terms of the provisions of this legislation. Eviction in a manner other than in terms of a court order issued in terms of this Act constitutes a criminal offence and the owner or person who is guilty thereof could be fined and/or face imprisonment.

4.9.3 This Act for the first time criminalises un-procedural evictions. The procedure set out for eviction differs according to the length of occupation. Where this has exceeded 6 months, it must be considered whether alternative land “can reasonably be made available by a municipality or other organ of the state or another land owner”. Where the land has been occupied for less than 6 months, an eviction order may only be granted “after considering all the relevant circumstances”. In both cases, “the rights and needs of the elderly, children, disabled persons and households headed by women” must be considered.

4.9.4 It is necessary to distinguish between the following;

- (a) A legal occupier which is a “person who lives on the land with the land owner’s permission”,
- (b) A labour tenant which is a “a person who lives on the farm and has a right to use the owner’s farm (or other land belonging to the owner) and who, in exchange, works for the owner (just as the person’s parents and grandparents had done),
- (c) An unlawful occupier which is a “ is someone who lives on the land without the explicit or implicit permission of the land owner.” and

- (d) A trespasser “is someone who gains entry to the property without the owner’s permission”.

4.9.5 Procedures

In most circumstances a police officer will be requested to deal with the “problem” of an occupier when a land owner lodges a complaint with the Community Service Centre of the local SAPS station in the area. The police officer who deals with the complaint must determine whether the relevant occupier falls within one of the above categories. He must recommend that the complainant consult an attorney to activate the eviction process in terms of the relevant legislation. Evictions that are not executed in accordance with the relevant legislation are not legal and constitute a contravention of the law.

(a) Eviction of labour tenants

Labour tenants may only be evicted in terms of an order of the Land Claims Court (section 5 of the Labour Tenants Act). Such an order is obtained by the owner by way of a court application.

(b) Eviction of legal occupiers

Eviction of lawful occupiers can take place in terms of an eviction order issued by a magistrate, land or High court.

An eviction in terms of the PIE legislation can take place in three phases:

The owner terminates the right of occupation in terms of section 8;

The owner secures a court order if the occupier fails to vacate the land within the set period of time;

The eviction order is executed.

Where an occupier has lived on the land since 4 February 1997 and had done nothing wrong in terms of the PIE legislation (malicious damage to property, intimidation, etc.), the owner must prove that suitable accommodation is available..

(c) Eviction of unlawful occupiers

Unlawful occupiers can only be evicted if an eviction order is issued by the Magistrate’s Court or High Court. The owner may apply to the court for an eviction order. It would constitute a criminal offence to receive or negotiate any payment, directly or indirectly for arranging for or organising or allowing a person to occupy land without the permission of the owner or the person in charge of the land.

(d) Trespassers must be arrested and appear in court as soon as possible.

The owner or person in charge of the property must lodge a formal complaint at his/her nearest police station. Then it is clear that the suspect(s) had been living for some time on the property, the owner must advise that the occupier would be evicted by way of a court order.

The owner or person in charge of the property must sign an affidavit stating the following as a minimum:

The competence of the complainant (e.g. the owner, lawful occupier or person in charge);

That the suspect(s) had gained access to the land (or the building);

That the owner, lawful occupier or person in charge had not granted permission;

That the suspect had no lawful cause to be on the property (e.g. where the suspect leased the land from the complainant or is a bona fide visitor of the lawful occupier).

(e) Land Invasions

When the police are informed of a large-scale land invasion, it is important that action be taken as soon as possible. Land invasions are usually accompanied by violent occupation of land.

What the owner can do?

The owner could obtain an urgent eviction order in terms of PIE.

What SAPS can do?

SAPS must investigate to ascertain whether any of the following offences had been committed:

Common law offences: Assault, murder, arson, malicious damage to property or any attempt to commit these offences;

Trespassing – Section 1(1) of the Trespass Act, 1959;

Public violence: Section 17 of the Riotous Assemblies Act, Act No. 17 of 1956;

Intimidation in terms of section 1 of the Intimidation Act, Act No. 72 of 1982;

Payment for orchestrating unlawful occupation – Section 3 (1) of the Prevention of Illegal Eviction and Unlawful occupation of Land, 1998 (Act No. 19 of 1998);

Conspiracy to commit any of the above-mentioned offences – Section 18 (2)(A) of the Riotous Assemblies Act, Act No, 17 of 1956.

In all cases where land invasions are policed, a detailed record must be kept for evidence purposes.

- 4.9.6 The role of the station member as first responder is relevant to land invasions and evictions, similarly the same guidelines, will also apply. In both instances as an order of the court is issued (an eviction order), to be carried out by the Sheriff of the court. The Sheriff and the security personnel will physically carry out the eviction, with local police and/or POP providing protection and crowd management. The local station commander must be notified, and must arrange protection for the Sheriff carrying out the order and assistance by POP if required.
- 4.9.7 Due to the congregation of crowds at such incidents, POP is on a regular basis, requested to assist the local Sheriff in serving an eviction notice, and to deal with crowds when an eviction notice is served for the occupants to be evicted.
- 4.9.8 SAPS has an obligation to safeguard the Sheriff in terms of Standing Order (General) 74, and to conduct effective planning in this regard.
- 4.9.9 The following guidelines are relevant in terms of land invasions and evictions;
- (a) The relevant station commander must be notified and made aware of the land invasion or eviction, and must provide suitable protection to safeguard the Sheriff,
 - (b) POP must never become physically involved with an eviction but assist in providing protection, attending to criminal complaints and managing the crowd, and

- (c) In the case of an eviction, should the house be after the eviction be reoccupied, POP members should not be utilized to evict the occupants unless directed to do so by a court order.

4.10 General Information

4.10.1 Reporting and record keeping

- (a) Members from the first responder on who are involved in the operation must keep the JOC up to date on actions and developments during the operation.
- (b) The Overall Commander must ensure that a detailed record is kept of all activities at all the different levels 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.
- (c) 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 of the Service, with an additional copy at the POP information component.
- (d) The representatives of all main role-players must be present at the JOC for the duration of the event.
- (e) All incidents of crowd management or restoration of public order operations must be reported to the local POP unit for registration on the IRIS, irrespective of the threat level or whether POP was involved or not.
- (f) Video footage recorded as well at the water cannon Digital Video Recorder (DVR) must be handed in and preserved according to the relevant prescripts in dealing with video evidence. Such video footage must be made available to the Division: ORS on request for evaluation and training purposes.
- (g) If force had been used to disperse crowds or offences had been committed, relevant case dockets must be opened.
- (h) In cases where force had been used to disperse crowds, the Independent Police Investigative Directorate must be notified.
- (i) Every effort must be made to support Metro police in order to ensure that all incidents dealt with by Metro police are registered on IRIS at the local POP in which the incident occurred.

4.10.2 Debriefing

- (a) The Overall Commander must ensure that a debriefing takes place after each event or gathering, that all role players attend and that record is kept thereof. The Overall Commander must allow Employee Health and Wellness to render the relevant support services to members once the operational debriefing has been completed. Even the first responder may have valuable information to share from arriving on scene.

- (b) 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.
- (c) A thorough evaluation must be conducted and, if possible, video footage must be shown.
- (d) All best practices, as well as shortcomings, must be recorded as part of a learning process to enhance best practices and address or prevent recurrences of identified mistakes.
- (e) Trainers and instructors must attend the debriefings, to review actions taken by members, and to address improper conduct by means of in-service training in crowd management techniques.
- (f) The Overall Commander must ensure that all appropriate assistance is provided to the Independent Police Investigative Directorate during an investigation which resulted from policing actions during an event or gathering.

5. Review and revision of SOP:

The SOP will be revised annually, or in the case of any new operational developments or cooperation agreements warranting such a review or should the need arise for any other reason.

6. Punitive actions:

As prescribed under Chapter 4, sections 11 and 12 of the Regulation of Gatherings Act 1993, (Act No. 205 of 1993).

Common law in terms of public violence, malicious damage to property, and other related crime.

As prescribed under related legislation concerning foreign nationals, land invasions and evictions.

7. Definitions and acronyms:

7.1 Definitions

7.1.1 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 Services Act, 1995 (Act no. 68 of 1995) by the relevant municipal council.

7.1.2 Crowd management means the policing of assemblies, demonstrations and all gatherings, as defined in the Act, whether recreational, peaceful, or of an unrest nature;

7.1.3 First responder means the first official who responds to and arrives at the scene of a spontaneous gathering (such an official may be from a POP unit, Visible Policing, the Metro Police or other law-enforcement agency)

7.1.4 Operational commander means an operational officer or member who is responsible for the operational execution and coordination of an operation;

7.1.5 Public Order Police unit means a specialized national competency for day to day operations, trained to manage and control crowds and restores public order within a specific provincial area; and

7.1.6 Standard operating procedure means the establishment procedure to be followed in carrying out a given operation or in a given situation.

7.2 Acronyms

7.2.1 EMS: Emergency Medical Service

7.2.2 JOC: Joint Operations Centre

7.2.3 LRAD: Long Range Acoustic Device

7.2.4 NIU: National Intervention Unit

7.2.5 OCT: Operational Commander Training

7.2.6 ORS: Operational Response Service

7.2.7 POP: Public Order Police

7.2.8 SAPS: South African Police Service

7.2.9 SOP: Standard Operating Procedure

7.2.10 TRT: Tactical Response Team

8. Attachments:

National Instruction 4 of 2014: Management of gatherings and demonstrations

National Instruction 5 of 2014: Reporting the detention, death or complaint of a foreign national

Basic Police Development Learning Programme: First Responder to Crowd Gatherings

Letter: SAPS Assistance to Sheriff in order to execute evictions 26/45/2 (2/2001) dated 2003-07-08.

To all other SAPS members this SOP serves only as a source of information on the effective management of such mentioned incidences and situations, by police station members as first responders.

4. Procedure:

The training and equipment of identified police officials to support POP whether as first responders or operational members, needs to be aligned with the training and equipment standards within SAPS and more specifically POP, to ensure all round success.

4.1 Role of first responder to unplanned events

The first responder at the scene may be in all likelihood either be a member from the local SAPS, or even Metro Police and must first seek to preserve the peace and protect the community.

4.1.1 Step 1

- (a) First responder must set up temporary JOC and obtain relevant tactical information
- (b) Identify leader
- (c) Obtain full information from leader/representative
- (d) Determine reason for action
- (e) Enquire whether notice was submitted or not.
(unplanned/spontaneous)

4.1.2 Step 2

- (a) Contact local responsible officer and enquire about notice
- (b) Contact authorized member and request to come to scene
- (c) Notify relevant Station Commander, Executive Head and local POP unit commander.

4.1.3 Step 3

- (a) Contact POP and provide following essential elements of information:
 - (i) Exact place of gathering
 - (ii) Estimated number of participants
 - (iii) Composition of crowd (sex and age)
 - (iv) Visible dangerous weapons
 - (v) Mood of crowd
 - (vi) Information about the leader
 - (vii) Reason for action
 - (viii) Request back up by trained crowd management members.

4.1.4 Step 4

- (a) Set a standard of tolerance and be aware of own body language
- (b) Do not make any promises
- (c) Attempt to introduce an atmosphere conducive to negotiation by implementing the 5 C stairs and move down not up.

4.1.5 Step 5

- (a) Bring the provisions in section 3.2 of the Regulation of Gatherings Act 1996 (Act No. 205 of 1996) to the attention of the convener/leader.
- (b) Facilitate primary negotiations until the scene is handed over to trained personnel.

- (c) After handing over the scene to trained personnel the first responder must not withdraw until given permission to do so by the operational commander.
 - (d) Continuous record keeping must be conducted throughout (includes written records, video, still photographs, voice recordings or statements) and must consist of;
 - (i) time of arrival at the scene or venue;
 - (ii) exact location (address) of the gathering;
 - (iii) number of participants involved in the gathering;
 - (iv) the behaviour of the participants and their actions;
 - (v) whether any firearms or weapons are observed;
 - (vi) particulars and descriptions of the leaders of the gathering;
 - (vii) descriptions of demonstrators breaking the law so that arrests can be made at a later stage if necessary;
 - (viii) all steps and actions taken by first responder;
 - (ix) development of the situation;
 - (x) time at which the scene was handed over and to whom; and
 - (xi) take photographs or video material of demonstrators breaking the law, if possible.
 - (e) if a national road is being blocked, the road needs to be cleared first before negotiations may start. Where other roads are blocked, actions are dependent on the discretion of the operational Commander.
- 4.1.6 Every SAPS station commander must also ensure that visible policing members at his or her station undergo crowd management training and that a list is kept in the Community Service Centre of members trained in crowd management. Station commanders must designate detectives to assist the Community Service Centre with statement taking during a crowd management incident.
- 4.2 After notification or information received
- 4.2.1 After notification or information has been received by POP or the Metropolitan Police Executive Head of a crowd management situation, the information must be conveyed to the Provincial Head: ORS to enable him or her to determine the threat level involved, (together with Crime Intelligence and other relevant role players (such as the local authority)).
- 4.2.2 The relevant authorized member and responsible officer will fulfil their roles and functions as prescribed in the National Instruction 4 of 2014, and the National Municipal Policing Standard.
- 4.2.3 The assessment of the threat level must be based on available operational information (taking into account the level of the risk, discussions and arrangements with the convenor, history of peaceful or violent protests by the parties involved, past experience with the parties, suitability, vicinity or venue in terms of alleviating or aggravating risk, etc). The Provincial Head: ORS must as soon as practically possible inform the relevant authorized member, POP unit commander, station commander, provincial commissioner and the Section Head: POP Operations (at the Division: ORS) regarding his or her assessment of the threat level involved in a gathering or demonstration.
- 4.2.4 The threat must be categorised as follows;
- (a) Level One: (A peaceful gathering and less significant sport,

entertainment or social event which can be policed by members of Visible Policing at station level or the Metro Police (trained in basic Crowd Management skills) where there is no threat or need for the use of force is envisaged. The POP unit must be on standby: Provided that the POP unit may take over control of the management of the crowd, if the commander of the POP unit deems it necessary.) Members doing crowd management must form part of a unified command structure and must work in sections, platoons or companies. All members trained in basic crowd management (even Metro police officers) must be in possession of the necessary crowd management equipment.

- (b) Level Two: (Unconfirmed information regarding a possibility of a threat against lives and property) Members of Visible Policing at station level and the Metro police service, that are trained in basic crowd management skills, must be the primary role-players, with the relevant POP unit in reserve at the scene. Members doing crowd management must form part of a unified command structure and must work in sections, platoons or companies. All members trained in basic crowd management (even Metro police officials) must be in possession of the necessary crowd management equipment.
- (c) Level Three: Confirmed information regarding a likely threat to lives and property. The POP unit must take operational command. (Visible Policing at station level and the Metro Police service may be utilised to assist in policing the event).

4.2.5 If a crowd management or public order situation escalates to the extent that Public violence erupts and the necessity to restore public order is required, POP must take full operational command to stabilize the situation.

4.3 Pre planning of operations

4.3.1 The Overall Commander is designated by the relevant Provincial or Divisional Commissioner and is responsible for well-planned and co-ordinated actions for the duration of an operation.

4.3.2 All operational plans must be implemented according to OCT planning directives.

4.3.3 The Overall Commander of the operation must;

- (a) activate or implement an effective information gathering system for the operation to pro-actively gather up to the minute, relevant and accurate information, by enlisting the assistance of members of Visible Policing at station level, Crime Intelligence, local authorities, Metro police officials, discussions with the public or the use of the information network of the POP Unit;
- (b) collect information regarding:
 - (i) the actual route the participants plan to follow (the information on the planned route is normally obtained at a meeting held in terms of section 4 of the Act);
 - (ii) the likelihood of an outbreak of violence;
 - (iii) whether the participants are aggravated;
 - (iv) whether any firearms (or dangerous weapons or objects) are or will be present;

- (v) the intention of the participants;
 - (vi) the actual number of participants that will take part; and
 - (vii) any other information which is of importance for the operation;
- (c) make a thorough assessment on the available means, the mission, the threat as well as the surrounding circumstances. This will enable the Overall Commander to have a broad overview of what is expected and how he or she can achieve the objective;
 - (d) arrange a security meeting with all the relevant role players needed to conduct the operation (for example; private security, the supervisor of the Marshals, Traffic Police, Emergency Medical Services (EMS), Disaster Management as well as other relevant police units);
 - (e) develop a comprehensive written operational plan;
 - (f) submit the developed operational plan to the Head: National POP (or the functionary designated by him or her), the Provincial Commissioner and cluster commander;
 - (g) submit the written plan to the relevant role players and units as well as the Station Commander (in whose policing area the event will take place). A copy of all crowd related event plans must be submitted to the relevant POP unit for registration on the IRIS system and to the relevant Executive Head of Metro Police (if applicable) for information purposes;
 - (h) activate a JOC and designate a JOC commander, operational commander, intelligence commander and a support commander, taking into account the circumstances and the results of the threat assessment in the event of a level 2 threat. In the event of a level 3 threat, the relevant POP unit operational commander must be designated in consultation with the relevant POP unit Commander and Provincial Head: ORS;
 - (i) ensure an information network to supply up to the minute information of a tactical nature to the JOC (use this information to effectively apply the available resources or means. In all instances where the POP unit is actively involved in any operation (such as level 3) they must approach their information managers to gather information before, during and after the operation);
 - (j) brief all the commanders and relevant command structures of the different Units or Departments;
 - (k) ensure that a situation report is given to the POP operational room at the POP unit for the completion of an IRIS; and
 - (l) ensure that a copy of the de-briefing report is submitted to the relevant POP unit for filing.

4.3.4 All information gathered before, during and after an operation must be reported to the Overall Commander so that he or she is continuously aware of the actions of the participants. (The members must report all information to their officer in charge at the scene who must report it to the JOC Commander. POP information members must always be deployed with their operational members and tasked to gather specific information relating to possible

threats). This information must be reported either telephonically or by radio (using the designated channel) to the Operational Commander, who will in turn inform the JOC Commander. The JOC Commander must keep the Overall Commander informed of the actions of participants.

4.4 Briefing of members

4.4.1 All role players involved must attend the briefing and be properly briefed before they are deployed to perform crowd management or restoration of public order duties. The Overall Commander must ensure that Employee Health and Wellness is informed of the event or gathering.

4.4.2 The Overall Commander or a designated officer must

- (a) personally brief all members and other role players 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;
- (c) instruct all commanders or section leaders to furnish detailed written plans on their specific tasks,
- (d) ensure that trained video camera operators are designated to record video material of the duties performed; and
- (e) ensure that members trained in first aid (medical ordinances) are also tasked should the need arise.

4.4.3 During the briefing, the tasks of all role players involved in the operation must be defined in detail by the operational commander. The command structure as set out in the operational plan must be clearly explained. The communication channel must also be communicated to all members before the operation.

4.4.4 A name list (SAPS 15) is to be compiled of all members present (as well as the equipment and firearms and ammunition at their disposal) when a briefing is given. Section leaders 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. A briefing certificate must be completed by each member, stating that he or she understands what is expected of him or her. Section leaders and commanders must then brief their members following the same procedure. This will ensure that everyone involved is properly briefed.

4.4.5 The Operational Commander must ensure that POP, Visible Policing and Metro members are inspected in order to ensure that their name badges are clearly visible and that every member has at least;

- (a) body armour (bullet resistant vest also with leg, chest and arm protection) and helmet (with gas mask and filter);
- (b) a shield;
- (c) a tonfa;
- (d) pepper spray;
- (e) handcuffs (and cable ties);
- (f) CS teargas grenades (to designated members);
- (g) stun grenades;

- (h) a shotgun with approved rounds (to designated members);
 - (i) 40 mm Launcher with identified rounds (to designated members); and
 - (j) 9 mm sidearm (official issue) firearm and rounds of ammunition.
- 4.4.6 The Operational Commander must ensure that record is kept of each member's equipment, firearms and ammunition and that it is available once the inspection is finalized.
- 4.4.7 It is essential that prior to combined operations Metro police, Visible Policing and SAPS (POP) members must have trained and conducted scenario exercises or operations together. This is to ensure that the command and control structures function effectively, operational equipment is standardized and cooperation requirements between the different role players are aligned.

4.5 Conducting peaceful operations

4.5.1 The Overall Commander must designate a member, trained in POP operational tactics and techniques, as Operational Commander. The commander must at least have the rank of Warrant Officer or a higher rank in order to meet the criteria set out in section 9 of the Act.

4.5.2 An operation;

- (a) must be conducted in accordance with the operational plan;
- (b) must preferably be conducted with a reserve (a reserve may be a section, platoon, company or even a group, depending on the size of the operation). (A reserve will provide the Operational Commander with options. The sections of the reserve will be utilised as part of the defensive measures, although they must have the capability to carry out offensive actions);
- (c) the members taking part in the operation must be organised in sections, platoons, companies or groups. (A member must remain in his or her position, as instructed by the Operational Commander, and may not change, leave or abandon this position unless instructed to do so by the Operational Commander);
- (d) the Operational Commander remains in command of the operation and takes all tactical and operational decisions. (the operational commander must be well experienced in the handling of stressful situations);
- (e) a senior POP member must be designated to take operational command of POP members. (All other members of all agencies or disciplines supporting POP in a crowd management operation resort under the authority of the Operational Commander); and
- (f) a member of any other agency, discipline, unit or station may not be permitted to perform duties in the same section, platoon, company, or group with POP members (unless the specific agency, discipline, unit or station has trained together with the POP unit and is able to function together with them as a cohesive unit.) (POP units have specialized training and should operate independently from all other members, unless the specific agency, discipline, unit or station has trained together with the POP unit and is able to function together with them as a cohesive unit. This will ensure the safety of the POP members as

well as the safety of other members at the scene. This is particularly important in cases of medium and high risk operations.)

- 4.5.3 The Operational Commander must seek to build trust with the crowd and its representatives. This can be achieved by adhering to undertakings given. The use of force must be avoided at all costs 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 police officers and conveners or other leadership elements to resolve issues before they evolve or escalate.

4.6 Conducting restoration operations

- 4.6.1 The use of force and dispersal of crowds must only be conducted by those members of POP trained in crowd management and equipped with the relevant crowd management equipment. The situation must be contained by members of Visible Policing at station level and Metro Police until POP members can take over the situation. If it is not possible to contain the situation or wait for POP to arrive, only members of Visible Policing at station level and Metro Police members trained in crowd management with the relevant equipment, may use the necessary force. No member of the Service or Metro Police in civilian clothing (for example detectives, members of crime intelligence etc.) may become involved in any crowd management or restorative operation. During all crowd management and restorative operations, members must be dressed in field dress or the prescribed coveralls in order to display uniformity and professionalism.
- 4.6.2 If negotiations fail and life (and property) is in danger, members must;
- (a) put defensive measures in place as a priority and contact the JOC immediately;
 - (b) warn participants according to section 9 of the Act in at least two official languages and if possible also in the language that is most commonly spoken in that area. The warning must be audible and must include the action that will be taken against them, and is applicable should defensive measures fail. The warning should, if the circumstances permit, include an explanation of the steps that are going to be taken to disperse the crowd and should give the participants enough time to disperse peacefully, yet the time should not be so long that it gives the participants the impression that the Service is not serious. In cases of violence immediate action may be required.
 - (c) 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;
 - (d) give a second warning in at least two official languages and if possible also in the language that is most commonly spoken in that area before the commencement of the offensive measures, giving innocent bystanders the opportunity to leave the area. The warning should give the participants and innocent bystanders enough time to leave the area, yet the time should not be so long that it gives the participants the impression that the Service is not serious. In cases where violence has already started the time frame should be shortened immediately; and

- (e) the Operational Commander must plan all offensive actions well and execute them under strict command after approval by the Overall Commander.
- 4.6.3 If the use of force is unavoidable,
- (a) the purpose of offensive actions must be 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 loss of life, injuries to people, damage to property and cost;
 - (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 immediately once the objective has been achieved;
 - (f) if the participants are going to be dispersed, make sure that they have enough escape routes in order to try and avoid serious injuries or possible deaths as a result of a stampede;
 - (g) If dispersion is unavoidable, an attempt must be made to disperse the participants in the direction of a positive attraction point (an area where participants would most likely be willing to move to); and
 - (h) always implement gradual police response.
- 4.6.4 Force may only be applied in a coordinated manner and on command. No individual action will be permitted except in instances of private defence.
- 4.6.5 The use of the following are prohibited or restricted during crowd management operations:
- (a) Pepper spray (or capsicum) is prohibited, unless the relevant commander has issued a specific instruction to do so (pepper spray may not be used in confined spaces or a stadium where it could lead to a stampede);
 - (b) firearms and sharp ammunition including, birdshot (fine lead pellets) and buckshot (small lead pellets) are prohibited; and
 - (c) teargas (CS) may be used only by POP members on command of the operational commander in situations that allow for its use, but never in stadia or confined spaces that could lead to a stampede.
 - (d) any non-standard or approved firearm, ammunition or pyrotechnic means is prohibited.
- 4.6.6 Approved rubber rounds may only be used as offensive measures to disperse a crowd in extreme circumstances, if less forceful methods have proven ineffective.
- 4.6.7 Approved 40 mm rounds may only be used on command.
- 4.6.8 All other measures (such as water cannons, Long Range Acoustic Devices (LRAD), even crowd management trained equestrian units, etc) may only be utilized upon the command of the Operational Commander.
- 4.6.9 Force may only be used upon the command of the Operational Commander, except if the member acts in private defence.
- 4.6.10 Members involved in the operation must form part of a unified command structure resorting under the JOC. Only persons referred to in the operational plan may take part in the operation. All members of Visible Policing at station