



PSiRA
Private Security Industry Regulatory Authority



BARRIERS FOR CONTROL

THE PRIVATE SECURITY INDUSTRY AND STUDENT
PROTESTS IN SOUTH AFRICA 2019

Compiled by the Private Security Industry Regulatory Authority (PSiRA)

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Acknowledgements

This report has been developed for the purpose of understanding the role of the private security industry in protest action. I wish to thank all those who participated in this study. Special thanks go to Mr Kobe the security manager at the University of the Witwatersrand and Mr Phillip Mmushi, the security manager at the University of Pretoria. I also thank the representatives of the Public Order Policing Unit, who provided insight into this complicated field of study. It is safe to say that the Private Security Industry Regulatory Authority (PSiRA) is now in a better position to address the issues that were identified in this study, improve regulations, and increase the professionalism as it relates to this aspect of the South African private security industry.

I wish to also pass my sincere gratitude to colleagues within the PSiRA Research and Development Unit for their indispensable support. I wish to single out my colleague, Ms Nthabiseng Phaka, for facilitating the logistics that made the field work possible.

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Executive Summary

The Fees Must Fall protests, where university students protested for free higher education, occurred between 2015 and 2016 and were characterised by violence. The University students clashed with police and private security providers. The #FeesMustFall movement exposed the fragile nexus between the higher education environment, South Africa's socio-economic cleavages and students' demands for free higher education. These tensions were unambiguous when seen through the lens of private property interests with regard to the privatisation of security.

The State, as represented by the South African Police Service (SAPS), has a monopoly on the means of violence. As opposed to the private security operatives, the police are legally authorised to exercise the use of force. The private security industry occupies a 'parallel domain', and its role in the provision of security is dictated by the client, underpinned by a contract, motivated by profit, but subject to the law. This report assesses the implications that this may have on the private security industry. Legally, the private security industry has no prerogative to carry out security functions typically understood as having a 'crowd control' nature. This is strictly a function for the SAPS. In fact, the private security industry is neither competent nor equipped to undertake the function of crowd control.

The onus is on the State to redress inequality within society and ensure broader access to quality higher education. The socio-economic demands by university students were aggravated by the nexus of the commercialisation of security and the reliance of private security providers in protecting private property. Arguably, the private security industry contributes to safety and security, which is in and of itself a public good. This should, however, not be interpreted to mean that private security is a replacement of the State law enforcement apparatus. This report sheds some light on the role that private security must play in student protest environments and emphasises that 'crowd control' is beyond the scope of providing a security service within the South African context. The law on private security supersedes the contractual provisions for private security.

The involvement of private security in 'crowd control' requires an urgent intervention from PSiRA, which is responsible for regulating private security. The report recommends that the Authority must consider prescribing special qualifications for private security officers operating in student protest environments. It must be clear that crowd control is beyond the scope of rendering a private security service. Guidelines must also spell out what action the industry should take when confronted by student protests. This will ensure that the industry complies with the law at all times.



Abbreviations

CAMPROSA	:	Campus Protection Society of Southern Africa
CPUT	:	Cape Peninsula University of Technology
EFF	:	Economic Freedom Fighters
ESIM	:	Elaborated Social Identity Model of Crowd Control
FIFA	:	Fédération Internationale de Football Association
ISU	:	Internal Stability Unit
JOC	:	Joint Operations Centre
NCACC	:	National Conventional Arms Control Committee
NDP	:	National Development Plan
NSFAS	:	National Student Financial Aid Scheme
POPs	:	Public Order Police Units
PPE	:	Personal Protective Equipment
PSiRA	:	Private Security Industry Regulatory Authority
SANDF	:	South African National Defence Force
SAPS	:	South African Police Service
SASSETA	:	Safety and Security Sector Education and Training Authority
SIDE	:	Social Identity Model of Deindividuation Effects
TUT	:	Tshwane University of Technology
TVET	:	Technical and Vocational Education and Training
UCT	:	University of Cape Town
UWC	:	University of the Western Cape
VOC	:	Venue Operations Centre

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1. Introduction

The role the private security industry during the '#FeesMustFall' student protests brought key concerns within the private security debate. #FeesMustFall was the name given to the protests by university students who were campaigning to change their status quo and have fee-free higher education in the country. In general, it could be argued that a key driver for the students' involvement in protests was the prevailing economic inequality in the country. Higher education fees became exorbitantly high and this affected a significant majority of students in South Africa's institutions of higher learning.

The student protests became a national challenge, particularly when it became clear that the students were determined to force Government to accede to their demand for free education. Violent protests erupted at the University of the Witwatersrand in September 2016, and then rippled throughout campuses across South Africa. Students adopted various techniques, including marching, burning tyres, using petrol bombs, setting buildings alight, vandalising property, and intimidating authorities. This was in response to the infamous announcement of an 8% fee increase by the Minister of Higher Education and Training.

Although the mandate of crowd control falls squarely on the shoulders of the South African Police Service (SAPS), there were elements of crowd control that private security providers inadvertently provided during the protests. South Africa's

democratic dispensation was borne out of protests for freedom and respect for human rights. Needless to say, the right to protest in South Africa is a Constitutional right, and every person has a right to express their views in public and enjoy the protection of the State while doing so.

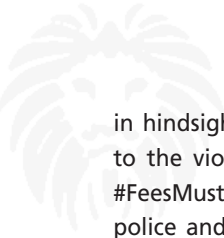
In the context of the student protests, security was breached on multiple fronts by multiple actors. This begged the question: “When the demands of the client beckon, whose security comes first in student protest environments?” ‘Security’ is a generic term, which generally suggests the ‘protection from harm’ while emphasising the liberal concerns regarding the protection of citizens and their private property.¹ It is noticeable that the dynamics embedded in contemporary South Africa’s protests represent a distinct shift from a political struggle to an economic one.

It has been argued that in the contemporary context, it is nearly impossible to ‘identify any function or responsibility of the public police that is not, somewhere and under some circumstances, assumed and performed by private police in democratic societies.’² The student protests, however, proved to be a herculean task for the private security industry, who had an overwhelming representation, providing security on private property in South African society. The country boasts of one of the biggest private security industries in the world. In terms of its size, the industry outnumbers the police and the military combined, by three to one.

The private security industry provides safety and security to affluent South Africans. Private clients invest money into a spectrum of private security services including but not limited to, the protection of their person or property. Private security companies (PSCs) are also contracted to provide security services during special events such as sports matches and concerts. Only in this context, can it be argued, that they may encounter incidents that require strategic management of crowds. This role is nonetheless incomparable with the protest scenarios.

In the context of institutions of higher learning, a university’s internal security is critical for a variety of functions, such as providing security for sporting events and general safety and security on its campus. The PSCs typically provide services such as perimeter control, extra manpower, and access and egress control similar to that found in the numerous gated communities in South Africa. When considered

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- 1 Muthien, B. & Taylor, I., ‘The Return of the Dogs of War? The Privatization of Security in Africa,’ in *The Emergence of Private Security in Global Governance*. Edited by Hall, R.B. & Biersteker, T.J., Cambridge University Press (2002), p 186.
 - 2 Stenning, P., (2009). *Governance and Accountability in a Plural Policing Environment – the Story so Far*, Oxford University Press, p 25.



in hindsight, the role of private security calls for further scrutiny, owing primarily to the violence meted out in retaliation to students' violent protest action. The #FeesMustFall movement was characterised by scenes of students clashing with police and private security providers (insourced and outsourced). This highlighted the tense nexus between competing private property interests and the often blurred roles of the private security industry.

This report explores the implications that student protests in institutions of higher learning may have on the private security industry. Legally, the private security industry has no prerogative to carry out security functions typically understood as having a 'crowd control' nature. This mandate is exclusively reserved for the SAPS, and specifically the Public Order Policing Units (POPs), who are specialists in crowd control. An understanding of how this impacts the private security industry in relation to the clients' interests on private property becomes useful in as far as the debate on the development of regulations is concerned.

Firstly, in broad terms, this report provides an overview of the current status quo in relation to the provision of free higher education. The ensuing protests informed a consequent decision that actually caused the 'fees to fall'. Secondly, it presents research findings that in essence uncover the experiences and sentiments of the relevant actors from the private security industry, university security management as well as representatives from the POPs. This part also looks at the legal framework that informs the function of the POPs in the student protest environments. It also probes the question of why private security actors reacted the way they did, and what role, if any, they should play in future student protests. Finally, recommendations are made and conclusions drawn.

2. Research methodology

This study used a qualitative research method and comprised both desktop and field research. The study is a culmination of research undertaken between October 2016 and September 2018. The random nature of the protests and lack of a homogenous structure/organisation made it difficult to measure the consistency and scope of the student protests. This lack of structure/organisation was poignantly highlighted as a key weakness of the #FeesMustFall student protest movement, in as much as it 'allowed detractors to use potentially peripheral views that may have discredited the movement.'³ This was, for instance, in reference to protesters who looted shops and

3 Mnyanda, S., 'Better Organisation would Make Fees Must Fall more Successful,' *Mail & Guardian*. Available at: <http://thoughtleader.co.za/siyamnyanda/2016/10/30/better-organisation-would-make-fees-must-fall-more-successful/> (accessed 2 November 2016).

burnt buses in Braamfontein, Johannesburg, which arguably brought the entire call for free higher education into disrepute.

A literature review was conducted to collate information on the trends and characteristics of the student protest movement and the crowd management environment. This component was largely desktop. Field research was carried out and entailed face-to-face engagements to solicit the opinions and perceptions of relevant actors from the SAPS, Private Security Industry Regulatory Authority (PSiRA) and private security. One-on-one interviews were conducted with relevant actors, which included campus security managers as well as some of the representatives of PSCs that provided crowd control training. These PSCs were contracted to provide this function at universities.

Due to the nature of the protests and the extraordinary approach that was used by private security companies during the protests, in some quarters, there was a general reluctance to cooperate in granting interviews. This was a further limitation to the data collection effort. Where interviews were granted, some respondents were also unwilling to give consent for their names to be included in this report.

Representatives of PSCs interviewed were deployed at the following institutions: Cape Peninsula Institute of Technology, the University of the Western Cape, University of Cape Town, the University of Pretoria, the University of Limpopo, University of Stellenbosch, University of the Witwatersrand and the Tshwane University of Technology. These representatives were unwilling to give consent for their names to be included in this report. While representatives from POPs willingly participated in the study, they nevertheless declined to have their names referenced in this Report. In addition to the interviews, an observation was made at the University of Pretoria's Venue Operations Centre (VOC) on the 18 October 2016.

Among other things, questions probed what instructions were given to private security providers deployed, what measures were instrumental in effectively ending the protests, and how protests in South Africa were effectively contained. Understanding this dynamic also called for an interrogation of whether private security providers were possible sources of further insecurity in this context, given that their actions were driven by profit. Whether peripheral training should be provided to other SAPS units and the private security industry on basic crowd control techniques, was also a subject of enquiry.

3. Literature review

For purposes of this study, the literature reviewed focused on the subject of crowd control; this was used as a measure of the contentious issue regarding private security in student protest environments. In 2008, the Civil Contingencies Secretariat (United Kingdom Cabinet Office) commissioned Leeds University to produce an instructive report on 'Understanding Crowd Behaviours'.⁴ Among other things, the report collated and summarised various literature related to crowd behaviour and crowd control. The document makes reference to the work of Conradt and Roper on group decision-making in animals.⁵ It states that human crowds must repeatedly make important consensus decisions concerning their activities, timing and direction of movement.⁶ Often, the information needed for these important decisions is available only to few members of the group, which results from their spatial positioning within the group or differences in group members' learning and experience.⁷

It is important to note that there is a distinction between crowd management and crowd control. Berlonghi argues that "crowd management includes all measures taken in the normal process of facilitating the movement and enjoyment of people... while crowd control includes all measures taken once crowds are beginning to or have got out of control."⁸ This distinction is important, particularly in the determination of the role of private security in protest environments. In this case, the question is whether private security officers should confine themselves to either crowd management or crowd control, or to both.

The literature on crowd behaviours shows that Le Bon's 1908 Group Mind Theory was the earliest and most influential theory of crowd behaviours that posited the loss of a sense of self and responsibility for individuals when part of a crowd.⁹ This theory has been criticised for failing to account for the social context of crowd action, rendering individuals mindless, meaningless and unable to express their grievances. Counter arguments claim that the theory has a penchant to legitimise repression

4 Emergency Planning College of the Cabinet Office (2009). *Understanding Crowd Behaviours: Supporting Evidence*. This report is available at <https://www.gov.uk/government/publications/understanding-crowd-behaviours-documents> (accessed 6 November 2018).

5 Conradt, L. and Roper, T.J. (2003). Group Decision-making in Animals. *Nature*, Vol. 421, pp. 155-158.

6 Emergency Planning College of the Cabinet Office, p 75.

7 Ibid.

8 Berlonghi, A.E. (1995). Understanding and Planning for Different Spectator Crowds, *Safety Science*, Vol. 18, pp. 240-241.

9 LeBon, G. (1908). *The Crowd: A Study of the Popular Mind*. London: Unwin (original work published 1896).

since it gives the impression that crowds cannot be reasoned with.¹⁰ For this reason, the ideas proposed by Le Bon and deindividuation theory (being a concept in social psychology that is generally thought of as the loss of self-awareness in groups), are now overlooked in favour of modern-day thinking about how crowd behaviours have evolved from the classic models.¹¹

Similar criticisms related to the lack of contextual framing when analysing crowd behaviour are linked to the Social Facilitation Theory's focus on how an individual's performance is affected by the mere presence of others.¹² The Game theory was used by Berk in 1972 and 1974 to hypothesise that crowds behave in a particular way due to a perceived pay-off of that action. This theory assumed crowd's behaviour to be rational and based on a set of probabilities.¹³ The main criticism of this theory is that it is almost impossible to determine perceived pay-offs in advance.¹⁴ De-individuation theory describes how individuals lose their sense of socialised individual identity and become more prone to external cues, motives and emotions.¹⁵ The Social Identity Model of Deindividuation Effects (SIDE) revises the idea of deindividuation and asserts that an individual's identity is not lost in the typically uncoordinated action of a crowd but rather that the social or group stereotype is heightened.¹⁶

Other relevant and more contemporary theories frame crowd behaviour in relation to the distinction between individual and social identity, such as the Social Identity Theory.¹⁷ Each theory draws on divergent processes of how identity is formed or emerges due to being part of a crowd. Self-categorisation Theory highlights the notion of how and when an individual categorises him or herself as part of a group, which in turn affects the groups behaviour .¹⁸ The Social Identity Model of Crowd

10 Emergency Planning College of the Cabinet Office, p 82.

11 Emergency Planning College of the Cabinet Office, p 80.

12 Cottrell, N.B. (1972). Social facilitation. In McClintock, C. (Ed.), *Experimental Social Psychology* (pp.185-236). New York: Holt, Rinehart and Winston. See also: Zajonc, R.B. (1965). Social Facilitation. *Science*, Vol. 149, pp. 269-274.

13 Berk, R. (1974a). A Gaming Approach to Crowd Behaviour. *American Sociological Review*, Vol. 39, pp. 355-373. See also: Berk, R. (1974b). *Collective Behaviour*. Dubuque, IA: Brown.

14 McPhail, C. (1991). *The Myth of the Madding Crowd*. New York: Aldine De Gruyter.

15 Diener, E., Lusk, R., DeFour, D. and Flax, R. (1980). Deindividuation: Effects of Group Size, Density, Number of Observers, and Group Member Similarity on Self-consciousness and Disinhibited Behaviour, *Journal of Personality and Social Psychology*, Vol. 39, pp. 449-459.

16 Reicher, S.D. (1984a). Social Influence in the Crowd – Attitudinal and Behavioural Effects of De-individuation in Conditions of High and Low Group Salience. *British Journal of Social Psychology*, Vol. 23, pp. 341-350.

17 Emergency Planning College of the Cabinet Office, pp. 100-101.

18 Turner, J.C., Hogg, M.A., Oakes, P.J., Reicher, S.D. and Wetherell, M.S. (1987). *Rediscovering the Social Group: A Self-Categorization Theory*. Oxford: Blackwell.



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Behaviour suggests that crowd behaviour reproduces social meaning and also gives birth to a new social meaning.¹⁹ This theory, however, has been criticised for not considering the impact that the police have in redefining intergroup dynamics.²⁰

Veenstra and Haslam discuss the Elaborated Social Identity Model of Crowd Behaviour (ESIM), which views crowd behaviour as being underpinned by a shared social identity.²¹ The ESIM emphasises that crowds never gather in isolation, but always have to interact with other actors, most commonly the police.²² As will be revealed in this study, this has a distinct dynamic when considered in the context

19 Drury, J. and Reicher, S. (2000). Collective Action and Psychological Change: The Emergence of New Social Identities. *British Journal of Social Psychology*, Vol. 39, pp. 579-604.

20 Reicher, S.D. (1996a). The Battle of Westminster: Developing the Social Identity Model of Crowd Behaviour in Order to Explain the Initiation and Development of Collective Conflict. *European Journal of Social Psychology*, Vol. 26, pp. 115-134.

21 Veenstra, K. and Haslam, S.A. (2000). Willingness to Participate in Industrial Protest: Exploring Social Identification in Context. *British Journal of Social Psychology*, Vol. 39, pp.153-172.

22 Drury, J. and Reicher, S. (2005). Explaining Enduring Empowerment: A comparative Study of Collective Action and Psychological Outcomes. *European Journal of Social Psychology*, Vol. 35, 35-58.

of private security protecting private property in South Africa, being institutions of higher learning. Taking the debate further, Drury and Reicher argue that the ESIM maintains that a crowd's behaviour changes when two conditions are present, namely the crowd perceives themselves differently from how the police perceive them, and an uneven power balance between the crowd and the police exists.²³

The point of departure for this study is the parallel interface between the crowd and the police, as well as the private security providers. Both the police and the private security providers are defined by ESIM as an 'out-group', and it is argued that the out-group has the power to inform the context within which crowd behaviour may change.²⁴ An equal and opposite effect may emerge when seeking to counter disorder. This is due to the fact that relationships between identities matter.²⁵ Unless the crowd believes in violence as an effective means of attaining their objectives, the chances of violence occurring are low.²⁶ The ESIM has been criticised for being focused on crowds' interaction with the police and not probing interactions with other actors²⁷ such as private security providers, which is the focus of this study.

4. Background

4.1 #FeesMustFall protests and the private security industry

There is no authoritative directive for the private security industry regarding its role in protest environments. Arguably, this is because in the country's recent past, where few to no protests requiring the involvement of armed private security providers occurred on private property. Public service delivery protests, which have become anonymous with a national revolt and are typically attended to by POPs, are held in public spaces.

The #FeesMustFall protests represented a rare picture in the higher education landscape where protests took place in close proximity to private security providers. These contemporary student protests provoked a plethora of reactions from

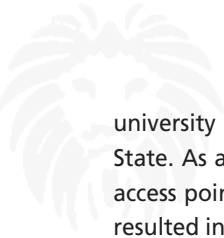
23 Drury, J. and Reicher, S. (1999). The Intergroup Dynamics of Collective Empowerment: Substantiating the Social Identity Model of Crowd Behavior. *Group Processes & Intergroup Relations*, Vol. 2, pp. 381-402.

24 Ibid.

25 Stott, C., Adang, O., Livingstone, A. and Schreiber, M. (2007). Variability in the Collective Behaviour of England Fans at Euro2004: 'Hooliganism', Public Order Policing and Social Change. *European Journal of Social Psychology*, Vol. 37, pp. 75-100.

26 Reicher, S.D. (1996a). The Battle of Westminster: Developing the Social Identity Model of Crowd Behaviour in Order to Explain the Initiation and Development of Collective Conflict. *European Journal of Social Psychology*, Vol. 26, pp. 115-134.

27 Emergency Planning College of the Cabinet Office, p 116.



university administration, management, private security actors, politicians, and the State. As a security mainstay on campuses, private security actors were visible at all access points. They also prevented protesters from accessing campus buildings. This resulted in student protesters directing their anger at armed private security officers.

The State, as represented by the SAPS, has the monopoly on the means of violence, and is legally authorised to use force. More importantly, in the context of public order policing, the law states that only trained members of the POPs can engage in crowd control. The private security industry, as will be demonstrated in this study, should occupy a complementary role to the State's core function, despite the fact that its engagement is governed by a contract and motivated by profit. Sometimes the contract provides for a scope that goes beyond the meaning of providing a security service, which renders the action of the private security unlawful.

On 29 August 2014, SAPS management briefed the Portfolio Committee on Police on ways to enhance the "state of Public Order Policing... in order to mitigate the current and future situation in respect of crowd management and violent protest actions in the Republic".²⁸ This was to be done through a R3,3 billion budget proposal submitted to the Committee.²⁹ The additional funding was intended for crowd management in general, over and above the additional capacity to do crowd control during violent protests.³⁰ This was informed by an inevitable need for evolution in crowd management techniques based on a reading of South Africans' proclivity to protests. This further indicates the urgency with which directives from SAPS and PSiRA are needed on this issue for the private security industry. More often than not, private security officers are the first on the scene in student protests and the need for crowd management and control becomes inevitable.

Section 1 of the Private Security Industry Regulatory Act No. 56 of 2001 (PSiR Act) defines a security services to mean, among others, 'protecting or safeguarding a person or property in any manner; giving advice on the protection or safeguarding of a person or property... or on the use of security equipment and providing a reactive or response service in connection with the safeguarding of a person or property in any manner.' In the face of student protests, private security personnel are caught in between the violent student protesters and their instructions to protect university property. Sometimes, this necessitates the use of crowd management and control

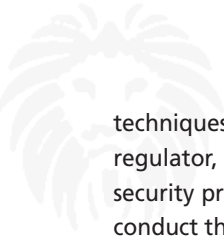
28 Media Statement from National Media Centre, Corporate Communication, SAPS, 2015/05/28. Available at: <https://www.saps.gov.za/newsroom/msspeechdetail.php?nid=4889> (accessed 26 February 2018).

29 Ibid.

30 Ibid.



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techniques. Needless to say, PSiRA plays (and should play) a prominent part, as the regulator, in steering a regulatory regime that outlines a clear path for private security providers. This includes the question of how private security officers should conduct themselves in protest environments.

While the announcement by former President Jacob Zuma on 16 December 2017 that the government would fund free higher education led to a collapse of the #FeesMustFall student protests, R11.3 billion has been allocated to university subsidies following the response to the commission of inquiry into higher education and training.³¹ The funding is expected to cover the annual tuition fee increases. Allocations to the National Student Financial Aid Scheme (NSFAS) are set to increase. Fully subsidised higher education and training will be extended to all current and future undergraduate university students from poor and working class families, with a combined annual income of R350 000. Students will have their full cost of study (tuition fees, prescribed study material, meals, accommodation and/or transport) fully subsidised by Government.³²

While the #FeesMustFall protests may be a thing of the past, student protests in institutions of higher learning will continue. Most recently, a spate of student protests took place at Wits where students went on a hunger strike to protest the lack of student accommodation,³³ while campuses at UKZN and the Durban University of Technology (DUT) were shut down due to separate incidents. At UKZN, two vehicles were burnt, a guardhouse set alight and municipal bins dragged onto streets in protest about NSFAS payments and slow registrations.³⁴ More concerning was the death of a student at DUT, who was allegedly shot by a security officer during protests on that campus.³⁵ PSiRA's law enforcement officers are investigating the shooting.

31 2018 Budget Estimates of National Expenditure, Vote 15 Higher Education and Training, National Treasury, Republic of South Africa, p 3. Available at: <http://www.treasury.gov.za/documents/national%20budget/2018/enebooklets/Vote%2015%20Higher%20Education%20and%20Training.pdf> (accessed 30 December 2018).

32 Ibid.

33 Jordaan, N, (7 February 2019). Classes Resume at Wits University following Hunger Strike, *Times Live* Website. Available at: <https://www.timeslive.co.za/news/south-africa/2019-02-07-classes-resume-at-wits-university-following-hunger-strike/> (accessed 7 February 2019).

34 IOL News, (4 February 2019). *No Arrests after Violent Protests on UKZN Campuses*. Available at: <https://www.iol.co.za/news/south-africa/kwazulu-natal/no-arrests-after-violent-protests-on-ukzn-campuses-19125379> (accessed 7 February 2019).

35 News24 Website, (7 February 2019). *Security Authority to Investigate Guard following DUT Student Shooting Death*. Available at: <https://www.news24.com/SouthAfrica/News/security-authority-to-investigate-guard-following-dut-student-shooting-death-20190207> (accessed 7 February 2019).

4.2 Private clients' interests vs prevailing legal framework

According to the Regulation of Gatherings Act No. 205 of 1993, all assemblies, gatherings, meetings and demonstrations are classified as 'crowd management incidents', and require the deployment of officers from the POPs.³⁶ The POPs is a specialist police's specialist crowd management unit. The unit's existence demonstrates the state-centric notion of maintaining the State's monopoly on the legitimate means of violence in line with Weber's notion of the modern nation state.³⁷

The Regulations of Gatherings Act refers only to a police officer appointed in terms of the SAPS Act. Only a warrant officer or higher rank can give a warning to disperse a crowd.³⁸ SAPS National Instruction 4 of 2014 on Public Order Police: Crowd Management during Public Gatherings and Demonstrations, prohibits other SAPS members who do not fall under POPs from engaging in crowd control measures.

In South Africa, by and large, property owners cede the protection of their property to private security providers. This demonstrates the required delicate considerations in addressing student protests on private campuses. Legally, the private security industry has no prerogative to carry out security functions typically understood as having a 'crowd control nature'. This is strictly a function for SAPS. The reliance on State apparatus for the provision of security presents many challenges. In the first instance, SAPS are not involved in securing university campuses. In the second instance, where there are security threats, the private security officers are quick to act (as first responders) because they have a permanent presence on campuses.

PSiRA plays a central role in defining and promoting high standards for the training of security service providers in terms of section 3 (f) of the PSiR Act.³⁹ The scope and nature of training for the private security industry is of fundamental importance. Training regulations, namely the Training of Security Officers Regulations, 1992 were promulgated in terms of the repealed Security Officers' Act, 1987. Within PSiRA, there is a keen awareness of the need to reform training standards and align these with the best interests for the industry. This is intended to be in line with the rapidly

36 See Media Statement from National Media Centre, Corporate Communication (28 May 2015). SAPS Website. Available at: <http://www.saps.gov.za/newsroom/msspeechdetail.php?nid=4889> (accessed 29 November 2016).

37 Weber, M., Ed Parsons, T. (1964). *The Theory of Social and Economic Organization*, Free Press: New York, p 154. See also Clarno, A. & Murray, M. (2013). Policing in Johannesburg after apartheid, *Social Dynamics: A Journal of African Studies*, Vol. 39, p 2.

38 Anonymous respondents, 11 September 2018.

39 In terms of section 3 (f) of the PSiR Act.



changing dynamics that the private security industry operates in, and the need to usher training into the modern era. This process endeavours to instill higher and more specialised standards of training for members of the private security industry.

4.3 Theoretical vs Practical Training on Crowd Control

In 1994, the directive of transforming the Internal Stability Unit (ISU), which was regarded as the enforcer of apartheid rule, was issued; the aim was to convert ISU to what is now known as POPs. While the Government of Belgium provided funding for the transformation, it did not necessarily have the best public order policing tactics. It was stated that the Belgian method was adopted simply because the Belgians funded by them.⁴⁰

In 2009, SAPS shifted to French techniques in preparation for the 2010 FIFA World Cup; the French were considered leaders in this as they had already hosted a successful World Cup in 1998. As part of intergovernmental cooperation, South Africa was compelled to give assurances to FIFA that crowd control skills would match those of the French, and that hooliganism during the World Cup would be avoided. This influenced FIFA, who was keen to ensure that the French model was applied in SAPS

⁴⁰ Anonymous respondents, 11 September 2018.

crowd control techniques.⁴¹ In addition to this, there is continuous research for other crowd control techniques for future implementation in South Africa, such as those used in Russia and China.⁴²

Views from private security providers held that while the Belgian technique was used before, it was, however, too resource intensive in terms of manpower and vehicles, and limited because the push-back was only allowed to go in one direction.⁴³ The French technique is multi-directional and centralised. It was also stated that old SAPS training models were adopted to the security perspective. This made it easy for the private security officers to be on the same page when SAPS gave them instructions. By the private security providers' own admission, this would not work if private security officers acted like "cowboys with paintball guns."⁴⁴

4.4 SAPS: Public Order Policing Units (POPs)

There are approximately 41 POPs nationwide, excluding reserves. There is a process to be followed before POPs are activated and their role is not a decision taken to police on campus. The premise here is that POPs are not the first responders as they have no capability to support frontline policing.⁴⁵ Local police usually make a request for assistance and this is followed by the deployment of a specialised capacity and capability to supplement the policing that is already taking place.⁴⁶ It was determined that the time it takes to prepare POPs for deployment is a minimum of 24 hours, if the protests take place a significant distance away from the deployment centres.⁴⁷ There are two types of protests. First, there are those that are known about in advance and planned for. In this case, there is good intelligence and early warning around them. The deployment is not based on the time, but rather on what the protest requires. For such protests, the police meet with the conveners before the protest.⁴⁸ Second, there are protests that require the POPs to respond or react spontaneously. These are the so-called unplanned protests. For example, at a university, there is no convener. The units' response time is based on where the incident is happening. In Gauteng, there are four units based in Johannesburg, Springs and Vereeniging with one reserve in Pretoria.⁴⁹

41 Anonymous respondents, 11 September 2018.

42 Ibid.

43 Anonymous respondent, 5 June 2018.

44 Anonymous respondent, 6 June 2018.


45 Anonymous respondent, 11 September 2018.

46 Ibid.

47 Ibid.

48 Ibid.

49 Ibid.



The first responder usually is the local police, who determine if the situation cannot be handled by them and, if not, they contact POPs. While there is no delay in the Gauteng province, the opposite is true with far-flung places like the Northern Cape. In this case, the deployment of units is always delayed. Where the POPs cannot get to a destination on time, alternative response mechanisms are employed. These include equipping the local police with that ability until the POPs arrive. Full training is provided to the local police to fill the gap, if necessary.⁵⁰

During protest actions, there is a need for a court interdict to be granted against the protesters. The reason interdicts are necessary for police to act on campus is the difference between public space and private property where there is a clear distinction in approach.⁵¹ Private space means one has limited access, and people can only gain access if they have an explicit reason to be there.⁵²

A court interdict allows the management of an institution to waive the standard control they have over property. Based on this, intervention is then allowed and this permits the police and specifically the POPs to operate inside. When there is an issue of criminality taking place on the private property, for example if the property is being damaged and people are being assaulted or intimidated, there is no need for a court order.⁵³

An interdict should ideally contain defined guidelines from management outlining what needs to be protected, such as infrastructure and authorised personnel. In this case, it was students, staff and property. The interdict can be issued while still allowing protests to continue because it is a democratic right to protest. The aim is to ensure that day-to-day operations are not compromised.

Although there are no guarantees in relation to protests, which are by their very nature disruptive, this disruption must be peaceful and unarmed.⁵⁴ Interdicts are not time-bound and only expire when the protest expires and should be specific to what is happening on each campus. Interdicts stay valid until the situation normalises.⁵⁵

50 Ibid.

51 Ibid.

52 Ibid.

53 Ibid.

54 Ibid.

55 Ibid.

5. Research findings

What follows below are the main research findings that are of critical importance in addressing the challenges associated with the involvement of private security officers in crowd control.

5.1 The violent nature of protests

The research found that nationally, most university campuses, including TVET colleges, were affected by student protests. The protests were characterised by acts of violence such as marching, throwing stones, blocking roads, setting buildings alight, burning tyres, vandalising property and intimidation. The extent of damages caused by the #FeesMustFall student protests over a period of three years totalled R800 million, which is the equivalent of an annual state subsidy provided to a small university.⁵⁶

In South Africa, the essence of protests is primarily the same. Whether the protest is by students or workers, there is a clear observable pattern.⁵⁷ While in the case of Europe, they may have protests characterised by passive resistance, in South Africa the opposite is true. It is possible to determine the *modus operandi* of protestors in South Africa. In fact, this may be evolving and perhaps regressing to what was evident in the early 1980s and 1990s;⁵⁸ South African protestors arguably believe they must be violent to get the attention of relevant actors.

A distinction between genuine protesters and those who are instigating violence (and committing crime) is important. Part of the POPs' training curriculum uses theories of Le Bon's regression. This theory of crowd dynamics speaks about regression, and that no matter who an individual is, when in a crowd, will lose their identity and do things they feel they could get away with, thus getting lost in a group.⁵⁹ Le Bon's 'loss of identity' for people in a crowd is seen, for example, at a soccer or rugby game where a doctor or priest in the audience will form part of the frenzy or mass hysteria.⁶⁰

In the context of #FeesMustFall, individuals would not normally burn a library, but they took would take part in the protest because they would have arguably lost their identity.⁶¹ During the infamous incident at Wits, where stones were thrown

56 Daniel L., Counting the Costs of Fees Must Fall Protests: Damages Totalling R800 million, *The South African Website*. Available at: <https://www.thesouthafrican.com/fees-must-fall-protests-damages-r800-million/> (accessed 31st January 2019).

57 Anonymous respondents, 11 September 2018.

58 Ibid.

59 Ibid.

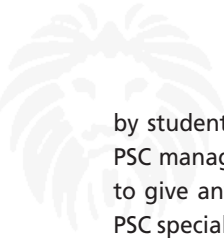
60 Ibid.

61 Ibid.





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by students and in retaliation, private security officers threw the stones back, the PSC manager withdrew from his supervisory role out of fear, and was not available to give any direction.⁶² There were no police around at that particular time.⁶³ The PSC specialised in events management and had no distinct training to provide crowd control.⁶⁴ Security officers at the University of Pretoria were needed to protect premises, otherwise there were concerns that the whole university would shut down.⁶⁵ The violence had escalated to the point where there were petrol bombs being thrown at buildings on campus.⁶⁶

The history of protests in South Africa indicate that violence is 'key to achieving your cause', otherwise no one will respond to protest demands, rightly or wrongly. This points to the fact that protestors just want to be heard. Arguably "if you don't burn a building, nobody cares."⁶⁷ If the process could be changed and the respective person concerned would address protestors, the level of violence would automatically decrease.⁶⁸

5.2 SAPS delayed response in protest action

Institutions who were part of the study employed legal processes that were contradictory to what SAPS required. For example, when it came to threats to malicious damage to property, the first thing that SAPS required was the court interdict. According to the private security officers interviewed, in some cases, the court interdict may not have been sufficient for the police to act.⁶⁹ Accordingly, it was alleged by the private security officers that SAPS were cautious not to act beyond their scope. This led to delays in the initial stages of SAPS' engagement. An example was made of a building damaged by protesters and there was no representative from the institution to lay formal charges.⁷⁰

Each institution's representatives were required to approach the court with a supporting affidavit citing possible respondents. The interdict would be granted by a magistrate. In some cases, protesters would torch a building and although the

62 Mr Kobe, University of the Witwatersrand, Head of Campus Security, 13 October 2016.

63 Ibid.

64 Ibid.

65 Mr Mmushi and anonymous respondent, 25 October 2016.

66 Ibid.

67 Anonymous respondents, 11 September 2018.

68 Ibid.

69 Anonymous respondent, 5 June 2018.

70 Ibid.

police were on site, it was alleged that they could not act because they were not in possession of the interdict.⁷¹ This allegation contradicts the statements made by the POPs' representatives who confirmed that criminality on campuses resulted in the POPs reacting, regardless of whether an interdict was present or not.

Another allegation made by private security representatives was that in their experience, the interdict would need to be revised and was time bound.⁷² This differs from the recorded statements by the POPs that claimed that interdicts are not time bound and only expired once the protests on campus ended. The SAPS approach was one of tolerance, provided that no lives were in danger, which, according to a private security representative, "basically meant the client was paying the PSC to protect their property."⁷³

It was noted that everyone had the right to protest as a way of affirming their constitutional rights. According to a private security officer, the general approach of SAPS highlighted that at the time, they believed that engaging the crowd would make the protesters more violent.⁷⁴ This contradicts the strategic approach advanced by SAPS.

It was found that student formations had legal representatives who were reputable legal counsel, and this provided more reason for the institutions to seek guidance from other institutions. For example, the Cape Peninsula University of Technology's (CPUT) interdicts were watertight, and the contents thereof were shared with other institutions. The interdicts addressed issues of human rights, the right to protest and the right to continue with studies.⁷⁵

None of the #FeesMustFall student protests were authorised according to the Regulation of Gatherings Act, except the march to the Union buildings, which ended the protests. The Gatherings Act automatically applied because the march was in a public space. If the protest took place in private space, then the Act would not apply.⁷⁶

71 Ibid.

72 Ibid.

73 Anonymous respondent, 6 June 2018.

74 Ibid.

75 Anonymous respondent, 5 June 2018.

76 Anonymous respondents, 11 September 2018.

5.3 Police gap, client's demands and public order policing

It was found that in light of the student protests, coupled with the SAPS inability to meet and attend to the demands of private clients, the private security industry always exploits the opportunity that exists. In terms of the South African Constitution, the mandate to maintain public order is purely a SAPS' role, and SAPS is the only law enforcement body mandated to deal with protests.⁷⁷ The nature of the #FeesMustFall protests allowed private security to fill that gap.⁷⁸

The #FeesMustFall student protests were characterised by rapid mobilisation. It was alleged that when so requested, SAPS would argue that the university was private property, and suggested that the institution's management had to use their own security.⁷⁹ This was the view of a PSC deployed to prevent over 1 000 students from burning libraries, and this was seen as protecting students and staff, and not necessarily crowd control.⁸⁰

It was critical to have a three-tiered approach that included the universities' management, private security and SAPS.⁸¹ It was stated that university management engaged the private security officers to do what the police were supposed to do.⁸² For that reason, it was important for the private security company to decide if the instructions given were reasonable and lawful.⁸³ Sometimes, it was necessary for the company to disagree with the client and ultimately ignore their orders to execute certain instructions.⁸⁴

It was found that private security officers were deployed in static positions, and this meant that their safety was compromised because they became the first targets for students. This meant that more security officers were needed at access points. It was determined that the best approach was to lock the gate. Unfortunately, this had a negative impact, and led to impractical decisions that required checks for access authorisations.⁸⁵

77 Ibid.

78 Ibid.

79 Anonymous respondent, 6 June 2018.

80 Ibid.

81 Anonymous respondent, 5 June 2018.

82 Ibid.

83 Ibid.

84 Ibid.

85 Ibid.



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Management requested private security officers to close the university gates, a decision that was considered by students to be unreasonable and unjustifiable.⁸⁶ Students were also politically profiled. For example, those students who wore red shirts were linked to the Economic Freedom Fighters (EFF), and their access was denied. Trust deteriorated between the students and the private security officers because the latter were seen to be vindictive due to the inconsistent demands from management.⁸⁷ It was recalled that security officers were reminded that the protests would not last forever, and that their approach to addressing the protests should be justifiable and not vindictive.⁸⁸ They were informed that the protesters were not their enemies.⁸⁹

A typical scenario of the #FeesMustFall protests was that the day would start off as normal, and then a group would gather, sing and move towards the academic area.⁹⁰

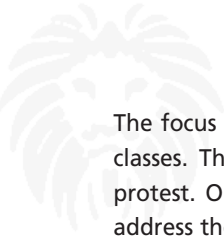
86 Ibid.

87 Ibid.

88 Ibid.

89 Ibid.

90 Ibid.



The focus of the private security guards was to prevent protesters from disrupting classes. The protesters would force students in lecture halls to join them in the protest. On one of the university campuses, protesters were given 10 minutes to address the students in lecture halls, requesting that those students wishing to join them in the protest, do so.⁹¹

In some instances, the senior management of the institution would give the private security company instructions to deploy security officers on campus, which was sometimes not always informed by a true reflection of what was happening.⁹² Internal security would move to the scene to verify if there was indeed an imminent or actual risk. More often than not, there was no risk at all. Sometimes, false information would be disseminated by the protesters that a building was burning. This would no doubt cause unnecessary panic.⁹³

It was also found that, if available, the POPs were well equipped to respond to the student protests. POPs have what is termed a 'gradual response' approach. This applies in ideal situations such as peaceful protests. However, in the context of the student protests, this changed as students stormed the academic buildings. In response, the POPs would react appropriately and such response would be proportional to the threat. In the event that protesters threw petrol bombs, the POPs' response would be proportional to that specific action. The POPs would make use of teargas, water cannons, etc., depending on the threat level.⁹⁴

During the protest action, a message was sent out by the then acting National Police Commissioner, General Phahlane, who promoted the principle of 'maximum restraint.' POPs members would negotiate with students, who initially refused to be in the same room as the police. The students eventually calmed down and cooperated with the POPs.⁹⁵ When addressing protests, it was stated that the first action called for negotiation, and thereafter a determination would be made if maximum restraint was necessary. The principle of maximum restraint is based on negotiating the management of public space.⁹⁶

It was also determined that the new police nyalas would have cameras mounted on them and student protestors needed to know that their actions would be recorded,

91 Ibid.

92 Ibid.

93 Ibid.

94 Anonymous respondents, 11 September 2018.

95 Ibid.

96 Ibid.

and that there would be consequences. It was reported that there was criminality during the #FeesMustFall protests perpetrated by non-students who exploited the protests.⁹⁷ The police nyalas that were used during the #FeesMustFall protests did not have cameras and video footage was sourced from the CCTV cameras from the different institutions. It was also stated that members of the POPs unit used handheld cameras during the protests and would in future use body cameras.⁹⁸

Another initiative used for addressing the #FeesMustFall protests was to deploy liaison officers to the universities in order to understand the source of the conflict. POPs members are trained to apply minimum force, depending on the circumstances of each case.⁹⁹ The #FeesMustFall student protests presented challenges in the sense that students were not willing to end the protests until their demands were addressed. This was also made worse by the absence of designated leaders in the protest action. Students were not willing to negotiate. It was reported that the Nelson Mandela Foundation facilitated an engagement between some students and police leadership that yielded positive results. In other instances, it was difficult for the police to negotiate with the students, especially during the protest action. This was exacerbated by the fact that there were competing groups among students who had no single structure. For the police, it was essential that the rule of law applies. On the negotiation side, a lot of external actors became involved such as members from the alumni, including Advocate Dali Mpofu, an EFF Secretary-General, who facilitated the negotiations.¹⁰⁰

5.4 Private security training on crowd control

It was alleged that the training provided to the private security companies involved in the #FeesMustFall protest was most likely provided by a former member of SAPS. This was because only SAPS members had the ability, knowledge and skills to train on crowd control.¹⁰¹ Two PSCs in the Western Cape had been accredited by SASSETA to do crowd control training. The companies' *modus operandi* was a single line push back formation.¹⁰² This was a cause for concern, especially on the part of SAPS, as these companies had no authority to perform crowd control.

97 Ibid.

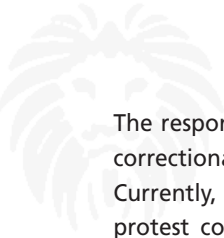
98 Ibid.

99 Ibid.

100 Ibid.

101 Ibid.

102 Anonymous respondent, 6 June 2018.



The responsibility for training for the entire security cluster, including the military, correctional services, the police and the private security industry, lies with SASSETA. Currently, no official training exists on how private security should operate in the protest context. This gives the impression that no one is regulating the role of private security officers in the context of protests. This is an environment in which private security officers may in future be called upon to act. Police endorsement and even vetting of training for private security is necessary. However, the key actor here is PSiRA, that must effectively regulate this new dynamic within the industry, particularly where training is concerned.

In a tongue-in-cheek remark, POPs representatives noted that if an individual goes for firearm training as a private person and attains the qualifications, it doesn't make them a police officer.¹⁰³ As noted earlier, the Regulations of Gatherings Act refers only to a police officer appointed in terms of the Act. Only a warrant officer or higher ranked officer can give a warning to disperse a crowd. Although a private security officer may possess this skill, he or she is not legally mandated to execute such a directive.¹⁰⁴ It was also noted that the operational plan and terminology used by one company was the same as SAPS. This was informed by the SASSETA training and the argument was made that such training needed to be formalised.

At UKZN, private security officers dispersed students and took over policing functions, which caused a myriad of problems.¹⁰⁵ Even a regular police officers cannot handle protest action, and if they attempt to do so, they run the risk of escalating the violence because they do not understand crowd dynamics. The main concern for SAPS is to ensure that crowd control is done within the bounds of the law by POPs as opposed to private security officers, whose companies are in the main defined by profit.¹⁰⁶ It must be noted that student protests are not a full-time occurrence on campuses, and, therefore, private security personnel must be provided with the knowledge of how to respond within the bounds of the law. In the absence of such knowledge, violent protests on university campuses will persist.

103 Anonymous respondents, 11 September 2018.

104 Ibid.

105 Ibid.

106 Ibid.

5.5 Engaging all stakeholders

The study found that university management would at times create challenges by not honouring appointments, leaving private security officers to control an ensuing riot.¹⁰⁷ The university councils would also make promises to students through the Student Representative Councils without informing the PSC, or SAPS of the changing dynamics.¹⁰⁸ In this case, the lack of effective channels of communication clearly prolonged the student protests, and worked to the detriment of the institutions, private security officers and the police.

The lack of stakeholder engagement from different institutions was a critical factor in the inability to foster any systematic approach from the perspective of the universities. Only at the latter phase of the student protests did SAPS and the Department of Higher Education and Training get involved, and became committed to supporting the efforts to end the protests. After this engagement, the student protests were easier to handle.¹⁰⁹

In 2016, a multi-stakeholder conference was convened by the police in Midrand, where all university managers engaged with the police, and other stakeholders to standardise their efforts in addressing protests. This fostered a joint approach as opposed to a one-sided approach to the #FeesMustFall protests.¹¹⁰ From the police's perspective, this engagement was to ensure safety for all. The aim of the conference was to come up with a directive that would be applied by all institutions going forward. SAPS collaborated with the Nelson Mandela Foundation and drafted a document with the input of all participating stakeholders.¹¹¹

SAPS provided clear instructions and activated a command centre where all incidents linked to the student protests were to be reported.¹¹² A positive relationship was engendered as trust was strengthened between the stakeholders and the police who never compromised on their role.¹¹³ The police and the private security officers would have suffered negative publicity if they had failed to intervene and their joint support was of paramount importance.¹¹⁴ Liaison officers, the Nelson Mandela

107 Anonymous respondent, 6 June 2018.

108 Ibid.

109 Anonymous respondent, 5 June 2018.

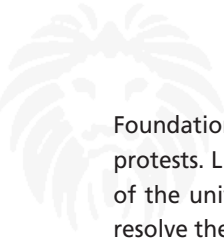
110 Ibid.

111 Anonymous respondents, 11 September 2018.

112 Anonymous respondent, 5 June 2018.

113 Ibid.

114 Ibid.



Foundation and religious groups were among the key stakeholders during the protests. Liaison officers were appointed police officers who were deployed to each of the universities (on a full-time basis) to provide early warning that would help resolve the protests in a proactive manner.¹¹⁵

5.6 Collaboration between SAPS and the private security industry

The private security industry's role should be aimed at 'protecting the line' in a defensive manner, and should not go into an offensive mode. If private security officers undertake crowd management as opposed to protecting property, this poses a serious challenge as they lack the appropriate capacity to do so.¹¹⁶ It is no secret that some PSCs have crowd control equipment such as riot control equipment, nyalas, water cannons and paintball guns, which implies an offensive stance. This is not in terms of the law, and their actions contradict their role as private security providers. It was noted that the private security industry should only 'fill the gap' within the law as opposed to replacing SAPS, notwithstanding the latter's absence and the clients' demands.¹¹⁷

It was found that in some instances, the #FeesMustFall student protests took place in areas where there were no CCTV cameras. For this reason, security officers were equipped with body cameras. This was very critical for evidential purposes in the event that allegations of harassment surfaced after their intervention. The evidence collected, however, showed that during the protests the private security actors went far beyond their traditional provision of security.¹¹⁸

It must be noted, however, that each university campus was different. For example, UCT did not allow private security personnel to visibly display their firearms, unless a building was burning.¹¹⁹ At CPU, the private security personnel were expected to have visible firearms that served as deterrents. It was also determined that SAPS required updated interdicts that expired while the court cases were in progress.¹²⁰ The University of Stellenbosch experienced a unique type of challenge because it has an 'open campus.'¹²¹ There are no fences around the campus and this was speculated

115 Anonymous respondents, 11 September 2018.

116 Ibid.

117 Ibid.

118 Anonymous respondent, 5 June 2018.

119 Ibid.

120 Anonymous respondent, 6 June 2018.

121 Anonymous respondent, 22 November 2016.



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to be the reason why the police delayed responding.¹²² It was alleged that the SAPS claimed that because the campus was a private property, private security officers should be the first responders, buttressing the point that police would arguably not be providing security on campus.¹²³ An allegation was made that the police argued for only responding to the protest in the event that private security officers failed to maintain order.¹²⁴ Private security was crucial for the protection of property, which included 100 academic buildings.¹²⁵ Private security had no authority on the street, which meant that the police were always engaged.¹²⁶

The POPs' representatives asserted that they were confident that private security personnel were capable of carrying out any delegated peripheral functions. They stated that the POPs and the private security industry had a very good working relationship. Most importantly, in giving instructions to the private security officers,

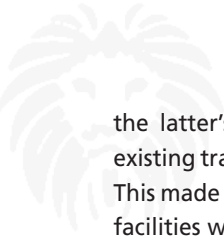
122 Ibid.

123 Ibid.

124 Ibid.

125 Ibid.

126 Ibid.



the latter's capacity was considered.¹²⁷ The POPs also highlighted that there are existing transitional command structures between police and private security officers. This made the working relationship viable. For example, at the University of Pretoria, facilities were handed over to the police, who assumed overall command, including commanding the deployed private security personnel.¹²⁸ The POPs were able to integrate the policing mandate with that of the private security industry. Without the private security industry, the police would have been overstretched, and would not have been effective in controlling the student protests. In the protest environment, command and control would best be executed with the police providing guidance and giving instructions to the private security officers.¹²⁹ Indeed, the findings point to the fact that an understanding on how to use private security officers as an asset during protests may deliver a better service.

5.7 Leeway for protesting students

During the student protests, all frustration and aggression was directed to the POPs¹³⁰ and the private security officers (when present). The police's reaction to protestors must be proportional to their conduct. This means that the police's use of force must be at the minimum and sufficiently required to neutralise the posed threat. This may include arrests, which count as minimum force, if such a force is intended to overcome the resistance or threat.¹³¹

It could be argued that due consideration of the students' future was taken into account by the security officers. The intention was not to subject students to criminal processes, which could result in criminal convictions and taint the students' future careers. As a result, there seems to have been leeway in the overall interaction between police members and student protesters.¹³² The POPs' representatives were not divorced from the community. As members of communities, they also had relatives who were university students, and were aware that the students' cause was a noble one. Despite this, when in uniform, the police have legal responsibilities and obligations to ensure full compliance with the law when facing student protests.¹³³

127 Anonymous respondents, 11 September 2018.

128 Ibid.

129 Ibid.

130 Ibid.

131 Ibid.

132 Ibid.

133 Ibid.

5.8 Defensive tactics and PPE

The study found that it costs a PSC approximately R20 000 to purchase a full set of riot gear for a security officer. During the protests, the private security personnel were in full riot gear to ensure their protection.¹³⁴ The gear included a shield and an armadillo – the suits were not designed to be comfortable, but rather to protect the individual. The use of Personnel Protective Equipment (PPE) arguably led to fewer confrontations.¹³⁵ Protective equipment for private security also served to enhance their defensive role.

It was reported that one PSC applied to the National Conventional Arms Control Committee (NCACC) for an approval to use a nyala during the protests. It must be noted that this type of vehicle is only reserved for SAPS. The nyala is an armoured personnel carrier (APC), which from an arrest perspective is deemed convenient, because if a student is arrested and put into a nyala and the door is closed, he or she is safe.¹³⁶

The private security company deployed at the CPUT Belville campus found 1 000+ protesters walking towards the library. These student protestors could only be stopped by a physical barrier or a line-up. Cameras were mounted on the nyalas to help collect footage of the protests. The camera, in some cases, acted as a deterrent when students saw that they were being filmed. This was necessary in the case of the CPUT Mowbray campus, where protesters burnt down the in-house security control room and destroyed the security cameras.¹³⁷

5.9 The types of uniforms worn by private security officers

The study found that a challenge exists with the colour of uniform used by some private security companies as they confuse the general public. The colour blue, for instance, is associated with the police. More often than not, private security officers wearing a blue uniform give a false impression that they are police officials. In some cases, uniforms similar to that of the military was used and this was not only deceiving to the general public and the protestors, but was in violation of the law. In some instances, the private security officers had red badges, which could only be used by the POPs. This created a false impression that the private security personnel were part of the POPs.

134 Anonymous respondent, 6 June 2018.

135 Ibid.

136 Ibid.

137 Ibid.



The impression created by the private security industry was that there was no difference between them and the police. This essentially compromised the credibility of the police in addressing the student protests. It was argued that there was no need for the private security officers to wear camouflage in order to carry out an effective security task.¹³⁸ In other instances, armed private security officers wore camouflage uniforms, which gave an impression that they were soldiers. This, no doubt, had an impact on how protesters reacted to the security officers. A private security officer carrying a firearm automatically made protesters concerned and caused them to anticipate some kind of trouble. It was argued that private security officers could still be effective without looking like they were part of the state security forces.¹³⁹

It was argued that private security officers are able to determine their role in protest environments as well as the required training, equipment or uniform.¹⁴⁰ As to whether this was something the private security officers deployed for protests at universities were able to do, was, however, questionable.¹⁴¹ This was due to the fact that some

138 Anonymous respondent, 5 June 2018.

139 Ibid.

140 Anonymous respondent, 7 November 2016.

141 Ibid.

PSCs were reluctant to display their company logo, or ensure their employees were in distinguishable uniforms.¹⁴² Uniforms that give the impression that 'State law enforcers' were in charge was a key indicator that some private security officers were aware that it was a major transgression of the PSIRA's Code of Conduct.¹⁴³

5.10 Private security: Asset or adversary?

It was argued that anyone who fails to assist the police violates the law, provided he or she is competent and trained.¹⁴⁴ It was found that during the #FeesMustFall protests, the private security personnel would show the police their court order and inform them of what resources they had. The only time the security officers would react to the protestors was to protect themselves or others. The situation was usually fluid and there was nothing provided to assist private security officers to understand how best to manage the huge crowds, while not adopting an offensive posture.¹⁴⁵

During #FeesMustFall protests, additional private security personnel were deployed to manage the protests. It was also not uncommon to see bouncers being deployed to deal with student protestors.¹⁴⁶ Some PSCs even used paintball guns. These guns shoot gas and do not require a license. Other PSCs preferred using shotguns with rubber bullets.¹⁴⁷

In the context of the #FeesMustFall protests, the use of maximum force or maximum restraint emerged as a key issue. This begged the question of under which circumstances private security officers were allowed to use force to defend themselves. There is a minimum threshold that governs this for the members of SAPS, which is found in section 49 of the Criminal Procedure Act No 51 of 1977. This determines, and arguably even justifies, the use of force when arrests are effected. Unfortunately, no such legally binding boundary exists for private security actors.

During the observations made at the University of Pretoria Venue Operations Centre (VOC), it was revealed that the outsourcing of security personnel proved to be a bigger challenge for the campus. The VOC was established by the police in conjunction with the Department of Home Affairs and PSiRA. The purpose of the VOC was to facilitate the arrest 37 security officers that were in possession of fraudulent PSiRA

142 Ibid.


143 Ibid.

144 Anonymous respondent, 6 June 2018.

145 Ibid.

146 Anonymous respondents, 11 September 2018.

147 Anonymous respondent, 6 June 2018.



certificates. This demonstrated the need to enhance PSIRA's investigation efforts. The use of fraudulent certificates compromises the integrity of the private security industry as a whole.

It was also found that there was a breakdown of trust between the security personnel on campus who sided with protesters and the university management. This led to the university management no longer wanting the private security officers back on campus. On some campuses, it was alleged that PSCs were being paid to perpetuate the protests, or paid protesters to continue in order to prolong their security contracts. It was alleged that this was the case in CPUT where two outsourced PSCs were part of a drive to keep the protests going.¹⁴⁸

6. Analysis

From the research findings, it is clear that the Authority must consider setting the standard for private security actors operating on campuses as a matter of urgency. While SASSETA might offer a qualification, it was argued that its training offers no operational authority.¹⁴⁹ The South Africa political dispensation was arguably founded through political protests, and if private security were allowed to handle protests, this could be exploited by private interests. Such a potential risk cannot be justified in the case of protests in institutions of higher learning. It would, therefore, pose a danger to allow private security officers to operate in these spaces without being under the control of SAPS.¹⁵⁰

Best practices on crowd management by private security operatives may be learned from other countries. Considering that private security is pervasive globally, it would be useful to gain an understanding on how they are used in protest environments, particularly in support of the police. This would also shed light on the evolving approaches to crowd management in general. The use of technology, which is a key driver to private security capabilities, may bolster their support role. In essence, control room and CCTV operators must be able to effectively use remote security technology as part of gathering evidence.

It must be noted that SAPS do not control the SETA, despite the fact that the former works with unit standards training. Crowd control, as a skill, becomes useless if a security training provider has been accredited to conduct its training or a private security officer received such training. It makes more sense for the SETA to customise

148 Ibid.

149 Anonymous respondents, 11 September 2018.

150 Ibid.

the training on offer to be applicable for private security needs,¹⁵¹ and in accordance with the law. It is a fact that SASSETA has commercialised training on crowd control for the private security industry, while this can only be legally provided by the police.¹⁵²

The need for PSiRA to give direction on the role of private security officers in addressing student protests cannot be overemphasised. For instance, in the case of UCT, if the need arose and a non-violent volatile scenario erupted on campus, private security encircled the group with a security officer deployed at the back and at the front of the crowd to get them to march in one direction.¹⁵³ Whether such action bordered on crowd control or not, remains a moot question. The point is that private security is by law prohibited to control crowds. The incompetence of the private security officers was also displayed in these protests. It was argued that where a protest took place in a lecture hall, a security officer with 'Grade B' training was incompetent to handle it.¹⁵⁴ This was, unfortunately, the reality during the #FeesMustFall protests.

The aim of isolating and conceptualising a 'transition phase' from private security 'control' to 'police' management under the auspices of the POPs is another issue that requires urgent attention. Put differently, the question of whether the buck stops with private security officers must be addressed. This is to enable pragmatism to prevail, and allow private security officers to be effective in the moments before the POPs arrive and take over the management of the protest. This principle may be inculcated in the standard operating procedures (SOPs) for universities to encourage preparedness, all while negating the militarisation of campuses. This suggests being able to work together effectively for all intents and purposes, and being able to allow the actors to 'pass the baton' in an organised manner. This obviously depends on the development of a measurable objective for the private security industry in protest environments.

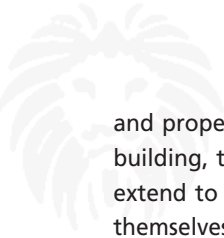
POPs have developed a joint document with PSiRA that gives a clear indication that the private security industry has no mandate to conduct any crowd control functions. While this document is not legally binding, it must, nevertheless, be enforced by the development of officially sanctioned SOPs. Where the private security has a role to play, it must only confine itself to protecting the interests of the client, being persons

151 Ibid.

152 Numerous efforts to contact the representative at the SASSETA responsible for this function went unanswered.

153 Anonymous respondent, 3 November 2016.

154 Ibid.



and property. In the case of student protests, where students plan on occupying a building, the private security actors could block the entrance; their role would not extend to dispersing the crowds. They could also keep a blocking line and protect themselves with the use of protective gear, such as wearing helmets and using shields.¹⁵⁵ Command and control must be immediately handed over to SAPS, who would then give instructions to private security actors.

Emphasis must be made that in student protests, techniques used by private security officers should only be defensive in nature and that no aggressive or overt action may be used.¹⁵⁶ The private security industry must develop its own techniques and tactics and not try to imitate the police's approach. An example was made of defensive barriers that could be erected by private security officers, which would prevent them from being at risk. Alternative defensive equipment could also be utilised, such as differing designs of access control features and PPE.¹⁵⁷ PSiRA must also ensure that the private security officers are not in competition with the POPs but act only as an asset. Private security defensive strategies would have to be approved by the SAPS to complement the latter's mandate.¹⁵⁸

7. Recommendations and conclusion

This report has presented a picture of the #FeesMustFall student protest movement whose decentralised and excessively violent character signalled a change in the structures that govern security on university campuses. This has demonstrated the lack of pressing directives for the private security industry to enable them to operate effectively and in support of an SAPS mandate on a number of recommendations that were made.

As the regulating body, PSiRA should consider prescribing qualifications that are applicable to student protest environments. Linked to this, it will be important for the Authority to give guidance on the SOPs to be employed in this environment. The law does not recognise crowd control training offered by SASSETA, nor does having a qualification give the recipient any legitimacy or authorisation to control any crowd. Training for private security officers may be aided by joint training scenarios similar to the working procedures already in place with the Metropolitan Police. PSiRA should consider taking the lead on how the private security industry should

155 Anonymous respondents, 11 September 2018.

156 Ibid.

157 Ibid.

158 Ibid.

be involved in this regard. This would ensure that the private security officers not in competition with POPs but rather play a complementary role.

It is important for private security officers deployed at university campuses to have a minimum standard of training. Such a minimum standard must consider the challenges of student protest environments. The private security industry has to develop its own techniques and tactics and not try to imitate the police's approach. Stricter penalties must be imposed to those private security providers who create the impression that they are the police, including the use of uniforms that are similar to that of the police.

The student protests that took place in South Africa for a significant period in 2015 and 2016, characterised as #FeesMustFall, had a markedly socio-economic trait. The protests were characterised by scenes of violent clashes between students who wanted free higher education. This presented many questions on the role played by the private security industry. The student protests introduced the debate of whether crowd control was only the ambit of the police or if private security could fill that gap in the event of police delay in responding to such cases. The questions related to the role of the police in private property, and the extent of privatisation of security and its role in student protests will remain, as student protests are still a usual occurrence in institutions of higher learning.



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