PS**i**RA
Private Security Industry Regulatory Authority

LEAVING NO STONE UNTURNED:
The Regulation of South African Private
Security in Crowd Management

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About the Report

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Abbreviations and acronyms

CCTV	Close Circuit Television
POP	Public Order Policing
PSIR Act	Private Security Industry Regulation Act 56 of 2001
PSiRA	Private Security Industry Regulation Authority
RGA	Regulation of Gatherings Act 205 of 1993
SADC	Southern African Development Community
SAPS	South African Police Service
SAPS Act	South Africa Police Service Act 58 of 1995
SASREA	Safety at Sports and Recreational Events Act 2 of 2010
SASSETA	Safety and Security Sector Education and Training Authority

Executive Summary

A crowd, according to researchers, is any large group of people gathered in one location and sharing a common interest. A crowd can be divided into three types: peaceful, violent, and situational. When people are gathered, they must be managed to avoid unforeseen incidents that may result in the loss of life or property damage. It was noticed that security service providers provide security services in crowded areas, and some people pointed out that the private security industry is not mandated to do crowd control. This includes our research titled barriers for control. The Authority had to consider conducting this qualitative research to examine the role of the private security industry in crowd management, and to ensure that security service providers' conduct is in line with the PSIR Act and other applicable laws.

This study makes an interesting point about how the private security industry has long been involved in crowd management. The examples given were on the management of large gatherings during the lockdown period, where security officers were assigned by their clients to count the number of people entering the shop to ensure compliance with lockdown regulations. This was crowd control and/or crowd management, but in a different context. Another example is a shootout at a shopping mall, where security officers are supposed to direct the crowd [customers] to emergency exits. The research posed the question, "Does this mean that the private security industry should wait for the police to control the crowd at the shop entrances because the industry is arguably not supposed to do crowd management or crowd control?" In summary, crowd management can mean different things to different people or industries. This is primarily due to the fact that a crowd, and its management, differ. Safety officers are empowered by their legislation to manage crowds in their line of duty. Police officers also manage crowds as a policing function.

Section 1 of the PSIR Act empowers security service providers rendering security services at entertainment events (sporting, recreational, entertainment, or similar purpose) to ensure *order and safety*. "A security service means providing a service aimed at *ensuring order and safety* on the premises used for sporting, recreational, entertainment or similar purpose". If a security service provider should *ensure order and safety* in a crowded environment while providing security services, it means the industry is indeed involved in crowd management. The study also revealed that crowd management is a service that is commonly offered by the guarding sector. Hence the Authority has to develop a mandatory crowd management training to all security guards operating in crowded spaces within or outside South African borders. The study also suggests that PSiRA should take legal action against all security service providers who offer crowd management as a service despite not being registered to do so.

1. Introduction

People gather for different reasons. When a large number of people are gathered in an (un)organised way, we commonly refer to them as a *crowd*. In an academic discourse, crowd is defined in many ways thus Kamarudin, Abd Aziz and Ramely (2022) argue that there is no single or detailed definition of what the term *crowd* means as it depends on the context in which the term is used. It is, therefore, important to bring the context of the term *crowd* in this study before understanding 'crowd management' and other dynamics involved. Singh and Daniel (2021, p. 172) define crowd as a group organized or different people in a group and is inspired by a common goal.

Kamarudin *et al* (2022, p. 396) were of the view that if one wants to clearly understand or comprehend the meaning of the term *crowd*, there are four criterions to follow; One, is the size that represents a sizeable gathering of people; Two, is the density which refers to individuals coming together in a specific venue with a particular purpose, and they should be co-located in a specific region with a proper density distribution; Three, is the collectivity which remarks that the crowd members should share a common social identity, interest, and goal and act coherently; Four, is the novelty that exhibits despite coming together in unusual and ambiguous situations, individuals should work in a socially coherent manner.

A crowd, according to Kamarudin *et al* (2022, p. 396), refers to the large assembly of people in an inadequate space that produces a sense of mass where they casually gathered without organised discipline or order. According to the National Instruction of 2014 (2014, p. 2) by the South African Police Service (SAPS), crowd is defined as a number of 15 or more persons gathered together or an audience consisting of 15 persons or more at a sporting event, or a group of people with a common interest. In the absence of the proper legal definition of what a crowd is, it was therefore critical to provide a clear definition of what a crowd means in this instance.

There are three key factors that should be looked at when one defines a crowd: Firstly - the number of people gathered. Secondly, the interest shared by the gathered people. The interest may vary from one gathering to another. For example: shopping malls, religious gatherings, product promotions, train stations, cinemas, hotels, universities, political rallies, and other places attract a huge crowd for different reasons. Which means a crowd found at a particular place may not be the same as that found in another place, but the common interest will always exist. Thirdly, the setting – the location where the people are gathered - is critical in the context of the private security industry since it determines the area of responsibility. Therefore, a crowd can be defined as any large group of people gathered in one location and sharing a common interest. There are three forms of crowds: peaceful (protests, marches, entertainment events, sporting, and recreational events, etc.), violent (protests), and situational (emergency).

There are different stakeholders who play different roles in crowd management and the private security industry is mentioned in the literature as one of the critical stakeholders in that field within private and some public properties (Ntshangase, 2018). Sarre and Prenzler (2011, p. 8) pointed out that accommodation providers (such as hotels), cafes and restaurants usually appoint crowd management security personnel to assist with crowd management at their places.

The panel of experts on policing and crowd management, which was established by the minister of police after the Marikana protest, raised a question around the role of private security industry in crowd management (Ntshangase, 2018, p. 309). It was therefore important to unpack the term crowd management and the role of the industry in that field since most people argue that security service providers are not supposed to do crowd management in general and crowd control in particular. This triggers a regulatory debate because crowd differs. We see security service providers rendering security services in crowded environments. Does it mean that they are violating the law? If so, why do law enforcement agencies and the regulator allow them to continue rendering security services in crowded spaces since they are not allowed to do crowd management? These are the kinds of questions that this research paper sought to answer.

Singh and Daniel (2021, p. 172) defined crowd management as a collected and proven plan and a direction towards the gradual progress of the event where a lot of people are gathered. Whereas Kingshott (2014) described crowd management as the systematic planning and proactive implementation of spatial organisation of large gatherings of people based on continual monitoring and analysis of human movement and group dynamics with the objective of security, protection, and the preservation of wellbeing of all those present and participating. The National Instruction of 2014 (2022, p. 2) defines crowd management as the policing of assemblies, demonstrations, and all gatherings, whether recreational, peaceful, or of an unrest nature. Concisely, crowd management means to manage people or a crowd using various strategies to ensure that there is no likelihood of harmful incidents. Singh and Daniel (2021, p. 172) argued that crowd management is not only limited to special events, demonstrations, or protests, but it also includes shopping malls, plazas, airports etc. From a scholarly viewpoint, this means a definition provided by the SAPS in their National Instruction of 2014 on crowd management is narrow and leaves a huge gap in crowd management.

The literature presented that crowd management involves a lot of interesting components for example crowd monitoring, crowd control, and crowd detection (Singh & Daniel, 2021). In most instances the technology, that is used at shopping malls, train stations, universities, mines, and airports where a crowd is found, is commonly not operated or monitored by the police, but by the private security industry – which is arguably not allowed to do crowd management and/or control.

Recommendation 62 (ii) of the panel of experts on policing and crowd management categorically states that there is a need for research to be conducted to establish the role of the private security industry in crowd management (Ntshangase, 2018, p. 433). Hence, the Authority conducted the study of this nature to establish the role of the private security industry in crowd management and how it can be regulated. This study did not consider special events security nor the role of security service providers during protests because there are studies that have been conducted and published which addressed the regulatory concerns found in these two fields.

2. Research Aim, Hypothesis, Objectives, and Questions

The aim of this study was to examine the role of the private security industry in crowd management and to ensure that their conduct aligns with the Private Security Industry Regulation Act 56 of 2001 (PSIR Act) and other applicable laws.

The objectives of this study are to:

- Discover the legislation(s) governing crowd management.
- Establish training mechanisms provided to security officers offering crowd management.
- Establish different stakeholders in crowd management.
- Discover security measures (equipment) used in the management of crowds.
- Uncover the conduct of security service providers who render crowd management.

The research hypothesis of this study is as follows:

Crowd management services are rendered mostly by people who are not aware that crowd management is a security service.

The primary research question is:

What is the role of private security in crowd management and how can it be regulated?

The secondary research questions are as follow:

- Crowd management is governed by which legislation?
- What training mechanisms are provided to security officers who offer crowd management?
- Who are different stakeholders in crowd management?
- What security measures are used in the management of crowd? And, who assesses the effectiveness of those security measures?
- How is the conduct of security service providers who render crowd management?

3. Research Methodology

This section provides procedures and techniques used to undestand crowd management and the involvement of the private security industry. The researcher held a view that access to the reality of crowd management can be gained through social construction. Thus, this research took an interpretivists' approach. Interpretivism research paradigm allows a person who conducts research to view the world through the perceptions and lived experiences of the participants (Alharahshes & Pius, 2020). Furthermore, it is highlighted that when seeking answers for the study, interpretivists use those experiences to construct and interpret their understanding from the collected data (Alharahshes & Pius 2020). Hence, interpretivists argue that reality is socially constructed.

It is commonly known that interpretivists predominantly use qualitative research method because it provides rich reports that are deemed necessary for interpretivists to fully understand contexts. Thus, this study adopted a qualitative research approach to explore, examine, and understand the regulation of crowd management in South Africa. Qualitative research uses different instruments to collect data such as interviews, observation, and others. This research used interviews with semi-structured questions as data collection instruments. The type of interviews that were employed are face-to-face and virtual interviews.

In terms of sampling and population, the study used purposive sampling. Guarte and Barrios (2006) define purposive sampling as the selection of participants based on the characteristics they possess. Therefore, this study selected each participant based on their characteristics which were in line with the objectives of the study. The population consisted of institutions of higher learning, in-house security employers, in-house and contracted security service providers, training providers, South African Police Service, and others. The sample was selected from the aforementioned population.

In addressing ethical issues such as anonymity and confidentiality, the researcher developed a consent form which outlined to the participants how their information and identity were protected. This was shared with all interviewees before the interview session commenced. Member checking was used to confirm validity and reliability of the research findings. This method helped to confirm the credibility of the findings, by checking whether the findings truly reflect the views, feelings, and experiences of the selected participants.

4. LITERATURE REVIEW

This section of the study looks at the existing literature on crowd control and management.

4.1   Background of crowd management in security

The term *security* is closely associated with the term *safety*. The similarities between the two concepts are that both refer to the protection of people and/or properties against any danger, risk, or damage. Safety and security are fundamental concepts that are frequently used in crowd management. Thus, Trivedi and Khan, (2019) points out that crowd activities require proper facilitation to ensure safety and security of the people and/or properties. Once a crowd's behaviour becomes undesirable or unruly, actions are taken to control the behaviour.

This introduces one of the concepts that form part of crowd management namely, crowd control (Mutabako, 2022, p. 210). Crowd control cannot be separated from crowd management because the main intention of managing a crowd, is to prevent unforeseen circumstances that may lead to the loss of life or damage to property (Crociani, Lammel & Vizzari, 2016; Matubako, 2022, p. 210). Trivedi and Khan (2019) maintain that precaution is always better than cure hence, it is vital for safety officers, security service providers, event organisers and other stakeholders, who are involved in crowd management, to set up procedures to manage the crowd before undesirable incidents occur (Trivedi & Khan, 2019).

Hoglund (2013) argued that there are two questions which are normally asked by those responsible for crowd management or control: Firstly, crowd management specialists generally ask, "how can we make this crowd want to go where we want it to go (where it is safe)? This is usually done through setting up of effective procedures (planning, detection, monitoring, and reaction

[if there is any incident that requires reaction]) to manage the crowd. Secondly, those who do crowd control normally ask, "how can we move (by force) this crowd to where we want it?". Briefly, crowd management is the overall approach used to manage crowds, whereas crowd control is the physical reaction to an uncontrolled crowd. Crowd control can be included in the planning stage which means people who are responsible for crowd management ensure that there are proper mechanisms in place should the crowd behave in an undesirable way. The stakeholder that is responsible for maintaining public order will then be called upon to restore peace.

In South Africa, according to Gichanga (2019, p. 4) crowd control is squarely the mandate of the South African Police Service (SAPS). The private security industry has no mandate to conduct any crowd control functions (Gichanga, 2019, p. 37). Therefore, the use of force during mass gatherings is only permissible to the SAPS. This is not the case with other first world countries where security officers are involved in crowd control, and have powers to disperse crowds (Al-Kodmany, 2013). The view of the researcher is that crowd management is significantly broader than crowd control. Hence, the need to study the role of security service providers in crowd management and the regulation of their activities remain critical.

4.2 The participation of the industry in crowd management

There are many factors affecting a crowd's behaviour. According to Zhao (2015) one of the causes of crowd mutation is emergency events such as a terror attack, explosion, protests, sudden fire etc., that may lead to unforeseen circumstances if the crowd is not properly managed. This is because people usually panic in such events, and they would do whatever it takes to save themselves. (Trivedi & Khan, 2019). Crowd disasters can arise wherever a crowd is at, be it, an organised or unorganised event, shopping mall, institutions of higher learning (colleges and universities), train stations, mines etc.

In the absence of proper crowd management mechanisms, a stampede may occur leading to loss of life and property damage (Al-Kodmany, 2013). Security officers (guards) would then be called upon to prevent the development of stampede in such incidents (Al-Kodmany, 2013). Sometimes security guards use loudspeakers to manage the excessive crowd flow, and this interference by security officers would change the crowd flow dynamic from hazardous to safer (Al-Kodmany, 2013). The active involvement of security officers in such events indicate the significance of the role played by the private security industry in crowd management.

The above paragraph generates regulatory concerns, such as the extent to which the private security industry can be involved in crowd management. Another area of interest which was presented by Trivedi and Khan (2019) is the participation of the industry in crowd rescue during evacuation events. This must be a cause for concern to those who study the regulation of private security industry worldwide because, in the academic discourse, there are no publications alluding to this detail.

4.3 The use of technology in public and private spaces

The argument put forward by Ntshangase (2018, p. 306) is that many unruly incidents such as protests or demonstrations occur on private properties, and many of those properties are safeguarded by the private security industry. In addition, Caluza (2021, p. 5) stressed that nowadays private security companies do not only render their services in private properties, but they also offer them in public spaces. In affirmation with Caluza's (2021) assertion, Ntshangase (2018, p. 41) emphasized that security companies are being employed by not only private properties, but also the public sector to offer crowd management.

Before crowd management strategies are used either in public or private spaces, security companies employ crowd detection strategies and other security equipment to detect and/or monitor a crowd and crowd mutation. Hence, Ntshangase (2018, p. 306) argued that private security companies are in possession of security equipment which is not available to SAPS and to public order policing (POP). The importance of the technology used by security companies in crowd management cannot be underrated. Thus, Ntshangase (2018, p. 307) maintains that the private security industry plays both an integral and complementary role in crowd management situations even though security officers are not well trained in the field of crowd management (Ntshangase, 2018, p. 309).

4.4   The establishment of a security plan

As earlier discussed, crowd management involves setting up of effective procedures to manage the crowd (e.g., planning, detection, monitoring, and reaction). The literature has shown that a safety and security plan is critical in crowd management (Trivedi & Khan, 2019). According to Trivedi and Khan (2019) those who are responsible for crowd management are supposed to develop a safety and security plan which should involve all relevant stakeholders. The plan must set out the measures used to manage the crowd on a daily basis and in cases of emergency. In a case of emergency, the leading stakeholder activates measures as outlined in a safety and security plan to manage the crowd. For example, if there is a protest, security officers would call upon SAPS to intervene as the stakeholder that is mandated to deal with public order policing. This means the plan that Trivedi and Khan (2019) talked about exists even when there are no incidents because a crowd must be closely monitored at all times.

5.   RESEARCH FINDINGS

This section of the study presents the findings from the field research and provides answers to the research questions discussed in the first section.

5.1   The role of the industry in crowd management

This study revealed that crowd management means different things to different people or sectors. This is mainly created by the fact that crowds and the management of crowds differ. Safety practitioners manage crowds in their line of duty and are empowered by their legislation. Police officers also manage crowds as a policing function (public order policing and crime prevention). One of the security services listed in section 1 of the PSIR Act states that, "a security service means providing a service aimed at ensuring *order and safety* on the premises used for sporting, recreational, entertainment or similar purpose."

The aforementioned premises are crowded spaces and security officers operating in that environment are mandated in terms of the law to *ensure order and safety*. This mandate means, the private security industry - and not *public order policing* plays a role in crowd management. *Ensuring order* during special events remains a mandate of security service providers operating in that space. They are not mandated to restore order should the crowd get out of hand because they are not public order police. Unlike in other countries where private security industry is allowed to be involved in crowd control or management, and have powers to disperse crowds (Al-Kodmany, 2013; *Chinwokwu, 2018*; Kasali, 2011).

Crowd management, in the context of the private security industry, refers to the strategies and techniques used to manage crowds before, during, and after an event to avoid unforeseen circumstances (such as stampedes and crime) that may result in the loss of life and/or damage to the property under protection. Crowd management requires the development of a safety and security plan that specifies the role players and their responsibilities in a specific event. If the crowd becomes unruly, the stakeholder responsible for public order would step in to keep the situation under control as per their mandate.

In a case of an emergency evacuation, security or safety officers assist the crowd. Concisely, crowd management is done in conjunction with someone else meaning other role players are involved. The study also discovered that *crowd control* does not only refer to the containment of an unruly crowd as Hoglund (2013) argued in the literature, it also includes crowd monitoring and access control in a crowded environment which is the control of crowd movements.

The industry is alienated on the grounds that they are not legally mandated to do crowd management and control, but this is a misinterpretation of the terms. South African Authorities dealing with the regulation of large gatherings and security service providers have misinterpreted the two English concepts (crowd management and crowd control) by only aligning them to public order policing. This creates the misguided impression that private security industry is not supposed to engage in crowd management and/or control since it is only public order policing units that are mandated to do so.

The private security industry constantly manages crowds in their line of duty albeit not in the same way as the public order policing unit. As Mkhwanazi (2022) indicated, there were additional duties carried out by security officers during the lockdown period, among others, the controlling of people at the retail entrances to enforce compliance with lockdown regulations. The other example that may be provided is that of security officers directing a large number of people to emergency exits during a shootout between criminals and security service providers at a shopping mall. These examples illustrate crowd control in a different perspective or, some may say in a literal sense. Does that suggest that private security industry should stand back to wait for the police to control the crowd at the shopping centres? That is one of the reasons it is argued that Authorities misinterpreted the two concepts.

5.2   The legislations governing large gatherings in South Africa

This study found no legislation that specifically regulates crowd management and/or control because these terms can be used in many places where a crowd exists and is not only limited to security as earlier argued. Section 17 of the Constitution of the Republic of South Africa states that, "everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket

and to present petitions.". This section allows inhabitants to gather in large numbers (crowds) and to protest if they want to, provided they are doing it peacefully and are unarmed. Section 205(3) of the Constitution further sets the objectives of the police service which are to; prevent, combat, and investigate crime, *to maintain public order*, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law. As informed by the above constitutional provisions, the national commissioner, in terms of section 17 of the SAPS Act, is obliged to establish a national public order police unit to maintain public order in general.

This aforementioned provision led to the police developing a document called National Instruction 4 of 2014 Public Order Policing: Crowd Management During Public Gatherings and Demonstrations. As indicated in the document, "the purpose of this National Instruction is to regulate the *crowd management* environment and, if violence is anticipated or has occurred during any *gathering or demonstration*, implement the restoration of *public order*". This document created a misconception to the public by stating that, "crowd management is the primary function of public order policing units.". It is worth noting that the *barriers for control* research report published by the Authority, followed the footsteps of the confused by indicating that crowd control is solely the mandate of the SAPS and that the private security industry is not mandated to conduct any crowd control functions (Gichanga, 2019, p. 37). Arguably, Gichanga (2019) viewed crowd control from a perspective of crowd dispersing.

Section 1 of the Regulation of Gathering Act 205 of 1993 (RGA) define *gathering* as any assembly, concourse, or procession of more than 15 persons in or on any public road as defined in the Road Traffic Act, 1989 (Act 29 of 1989), or any other *public place or premises* wholly or partly open to the air. This definition is silent on gatherings found in or on private roads, places, and

premises and this legislation has created a legal vacuum in the regulation of gatherings within private premises. We acknowledge that section 205(3) of the Constitution when setting the objects of the police talks about the protection of inhabitants' properties and maintaining of public order. When the public order policing unit is regulating large gatherings or crowds, it is guided by, among other legislations, the RGA. The RGA limits the public order police to gatherings found in public spaces as stipulated in the Act, and excludes gatherings found within private premises. Hence the National Instruction 4 of 2014 is called Public Order Policing: Crowd Management *During 'Public' Gatherings and Demonstrations*.

The private security industry is mandated by their clients to protect and safeguard assets and lives in private premises. It is argued that many unruly incidents, such as protests or demonstrations, take place in private properties and many of those properties are safeguarded by the private security industry (Ntshangase, 2018). The industry therefore must ensure that the property and persons in private premises are protected against any security threats.

While performing their functions within a private property, the industry sometimes faces situations where crowds threaten the property and persons under their protection. In such instances, they do not stand back and observe a crowd damaging the property or taking people's lives. They, to a certain extent, become involved in crowd management and control to protect lives and assets of their clients if a crowd begins to act violently within their area of duty. The industry does not perform the function of the public order policing unit within private properties, but it does protect clients' properties against violent crowds. The question is, do public order police have a legal mandate and/or jurisdiction to regulate gatherings at private premises and empowered by which legislation? Currently, some gatherings at private premises are not regulated by any law and SAPS POP therefore does not have any

legal mandate and/or jurisdiction to regulate gatherings in those spaces. Since some institutions of higher learning are considered as Organs of State and are established in terms of the national legislation, they are not referred to as private properties but are considered as public spaces. Public institutions of higher learning are thus subjected to the Regulation of Gatherings Act.

Over and above the RGA regulating gatherings, the sport and recreational events in private premises are regulated by the Safety at Sports and Recreational Events Act 2 of 2010 (SASREA). SASREA is the legislation that provide measures to safeguard the physical well-being and safety of persons and property at sports, recreational, religious cultural, exhibitional, organisational or similar events held at stadiums, venues or along a route. Briefly, this legislation ensures safety and security during sport and entertainment events either in private or public spaces. It is the only legislation that makes provision to include private security industry in crowd management and control within private premises. Take for instance the role of *stewards*.

Section 1 of SASREA defines a steward as – "a person who is appointed in terms of section 20(5) of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001), to be responsible for the marshalling and overseeing of the safe and general flow of spectators, the provision of the event information, including safety and security information to spectators, the provision of ushering services and the provision of assistance with emergency evacuation procedures to persons within a stadium or venue and their precincts." This example has all the elements of both crowd control and management rendered by security service providers. Unfortunately, PSiRA's research (*Securing the Theatre for Champions*) did not unpack either the role of *stewards* during event security or the level of training received by these security service providers.

5.3 Crowd management training for security service providers

Most security service providers working in large gatherings were not trained to provide crowd management as a service. Their clients would expect them to deal with crowds in large gatherings even though they are not trained to do so. The industry highlighted that PSiRA accredited institutions do not offer training in crowd management and/or evacuation. It was reported that those who were trained in crowd control received their training from previous employment, the vast majority of whom were from the police. The study discovered that the Safety and Security Sector Education and Training Authority (SASSETA) offers a crowd management course to security service providers and prospective security service providers and that service providers are trained by SASSETA-accredited training institutions. However, the remaining large population of security officers, including some who are executing the tasks of event security and evacuation, had no training in crowd management and had to rely on their experience when dealing with crowds.

Crowd management training for security practitioners and prospective security practitioners is lacking not only in South Africa, but also in other parts of the continent. Nigeria faces the similar challenge. According to Kasali (2011, p. 43), "one of the challenges of private security guards in Nigeria is lack of adequate training. Most private security companies are always in the habit of recruiting people as guards with very little or no training. Many of the private security guards undergo only physical fitness as training while they have no knowledge of several other aspects of security training including intelligence collection and analysis, martial arts, crowd control, riot control, data mining and automated data analysis in crime mitigation, to mention a few." Although PSiRA is not currently offering crowd management

training, SASSETA's provision of crowd management training to security service providers, will make it much easier for the Authority to develop crowd management training for the guarding sector. It is obvious that crowd management has a significant impact on the guarding sector. As a result, it is stated that training should only be developed for the guarding sector.

SAPS indicated that they employ ten action modes to control large gatherings in public places. The action modes are split into two categories: defensive and offensive. The five defensive measures are: block, isolate, channel, escort, and patrol. These measures may be used to manage and/or control peaceful crowds in a private property. The private security industry may be trained in defensive measures to manage crowds in private premises. It would not be illegal for security service providers to use the five defensive measures while waiting for the police to arrive at a scene. As a result, the interviewees believed that when the Authority develops crowd management training, it must consider the action modes.

For unruly larger gatherings, the industry may use some of the offensive measures (within the confines of the law) in a private space while waiting for the trained public order police officers to arrive on the scene. This is because SAPS is the only stakeholder mandated to *maintain public order* as stipulated in the Constitution of the Republic and SAPS Act. However, the RGA limits the public order police to public spaces and leaving large gatherings in private spaces unregulated. The five offensive measures are: search and arrest, push-back, encircle, evacuate, and disperse. The search and arrest will not be possible because security service providers are not allowed to make arrests, but they may apprehend suspects. Dispersing crowds in private spaces is a measure that the Authority and other relevant bodies should uncover since the RGA is silent in that regard.

5.4 The critical stakeholders in crowd management

In support of the assertion made by Ntshangase (2018), the study found that there are different critical stakeholders involved in crowd management and private security industry is one of those stakeholders in private and public spaces. Stakeholders in crowd management are identified in advance. The research revealed that, in most cases, the private security industry becomes one of the key stakeholders if the gathering is in a private space. When there is a protest (whether peaceful or violent), security service providers request the South African Police Services to police the crowd. The Public Order Police (POP), crime prevention, and crime intelligence will be added to this stakeholder mix because they are established to police large gatherings; but, if criminality prevails, additional units will be involved to support POP and the security industry will provide backup.

If the crowd is in a private property, the property owner must be involved because security service providers and SAPS will be unable to deal with the crowd without the owner's permission. The police (POP) are tasked with maintaining public order, but they have no jurisdiction in private spaces in terms of the law. If the crowd intends to use public roads, Metro police and traffic officers will be brought in. The business community will be identified as a stakeholder if customers are unable to access shops because of the large gathering. Safety officers are stakeholders in evacuation situations. Event organisers, disaster management, firefighters, and the Department of Health would all be present.

The partnership of the police and private security industry in crowd management is long overdue and it will not be a new phenomenon that starts in South Africa. Chinwokwu, (2018, p. 91) highlighted that Nigerian police sometimes work hand in hand with the private security industry to control crowds. The research has also shown that private security sometimes provides backup to SAPS during

large gatherings. This partnership between the police and private security industry in crowd management should be considered by relevant Authorities. The July 2021 civil unrest demonstrated to the public that the police became overwhelmed. What makes it even worse the protest was largely limited to two provinces of the country which were Gauteng, and KwaZulu-Natal. Imagine if the civil unrest of that nature affected all the nine provinces: the police were not going to fulfil their mandate as stipulated in Section 205(3) of the Constitution which is to prevent, combat and investigate crime, to maintain public order, to protect and *secure the inhabitants of the republic and their properties*, and to uphold and enforce the law. Moreover, the unit that deals with public order does not have a jurisdiction over large gatherings taking place in private properties. This means the involvement of the private security industry in private premises cannot be overemphasized.

5.5   The security measures used during large gatherings

The private security industry lacks specific security measures or tools for monitoring large gatherings. However, it was mentioned that the ones they are using are effective to some extent. The study found that the technology which is used by security service providers to protect and safeguard their clients is helpful during large gatherings in private spaces. This confirms the assertions made by the literature that in most instances the technology used at shopping malls, train stations, universities, mines, airports and all places where a crowd is found, is commonly not operated or monitored by the police, but by the private security industry. Ntshangase emphasized that the importance of the technology used by security companies in crowd management cannot be overstated. The industry's technology plays a vital role in crowd management situations (Ntshangase, 2018).

Security service providers may use measures and equipment during events that differ from those used during protests. To name but a few, they would use red cones to reserve parking and to prevent a stampede, a speed fence would be used as a barrier between the audience and the artist on stage. A perimeter fence is raised as a critical measure because it allows security service providers to control access to the premises. During peaceful or violent protests, security personnel use CCTV cameras installed on the premises to track or monitor the movement of the crowd. Others have mentioned that they use drones to monitor large gatherings in private properties. In addition, they use CCTV to investigate criminality during mass demonstrations. It was stated that security officers are not permitted by their managers to carry cameras when dealing with crowds, because doing so may aggravate a crowd.
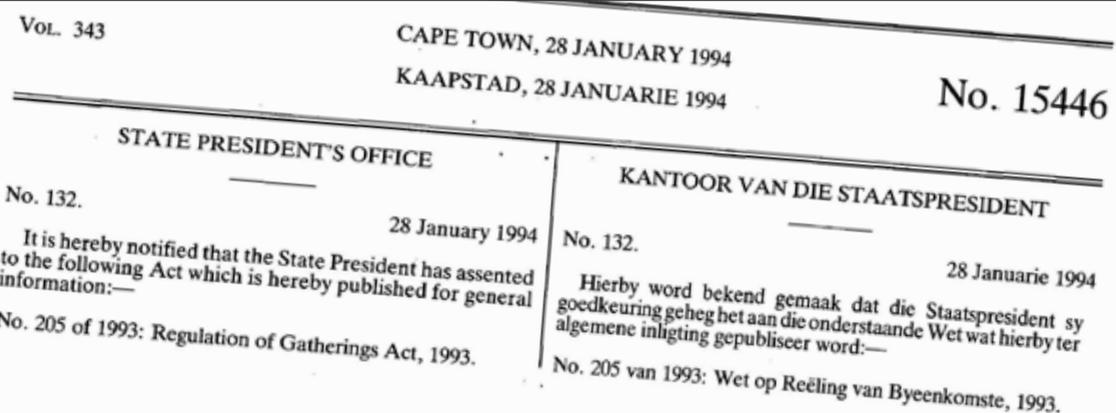
Some organisations or institutions have a crowd management plan that details the standard procedures and tools to be used during large gatherings in their premises. Previously, the industry used pepper spray to deal with violent crowds, but they no longer do so. Finally, it was noted that if the property owner or management is required to engage the crowd, the security will form a human shield between the crowd and the protected individuals.

6. RECOMMENDATION

The section presents the recommendations of the study as informed by the research findings.

6.1 Amendment of the Regulation of Gatherings Act

PSiRA should advise the Minister of Police about the definitional gap created by the Regulation of Gatherings Act. Section 17 of the Republic's Constitution does not limit gatherings to public or private spaces; rather, it states that everyone has the right to assemble, demonstrate, picket, and present petitions peacefully and unarmed. This means that the gathering could take place on private or public property. As a result, the Gatherings Act must be amended to include private properties in the definition. This will broaden the public order police's jurisdiction to include large gatherings in private spaces. Furthermore, the proposed amendment should define the powers of the private security industry in regulating large gatherings in private properties. This is because some property owners use private security to protect their assets, the industry and consumers must be aware of the dos and don'ts.

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CAPE TOWN, 28 JANUARY 1994
KAAPSTAD, 28 JANUARIE 1994

No. 15446

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 132.

28 January 1994

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 205 of 1993: Regulation of Gatherings Act, 1993.

No. 132.

28 Januarie 1994

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 205 van 1993: Wet op Reëling van Byeenkomste, 1993.

6.2 The development of the crowd management course

According to the study, the security industry plays a role in crowd management and control in large gatherings, particularly in private premises and some public spaces, although their participation in mass gatherings may differ from that of the police. According to the study's findings, the guarding sector is heavily involved in crowd management. As a result, the Authority should consider developing a mandatory crowd management and control course for security guards who render security services in large gatherings and other crowded spaces. The training developed would have to be in accordance with constitutional provisions as well as other legislations governing large gatherings.

The crowd management training (including evacuation) which will be developed and offered by PSiRA needs to be compulsory to all security guards and prospective security guards operating within or outside South African borders. Thereafter, the Authority should not link security officers with the guarding sector if they are not in possession of the crowd management course. Moreover, even currently registered security officers should not be allowed to offer guarding services without crowd management training. This means the Authority should consider encouraging security officers (employed or unemployed) who have guarding training to pursue additional crowd management training to allow them to operate in large gatherings or crowded environments.

PSiRA would have to give exemption to security guards who received crowd management training from SASSETA accredited institutions and those who come from specifically SAPS (Public Order Policing), provided they write and pass a prerequisite skills assessment test. If the security service provider fails the test, he

or she will have to re-do the training with a PSiRA accredited training institution despite the qualifications they possess in crowd management or control and their police background.

Since the research revealed that other countries on the continent lack crowd management training for security practitioners and prospective security practitioners, the PSiRA-developed crowd management manuals can be marketed across the continent (particularly, Southern African Development Community [SADC] region) to private security industry regulators.

6.3   The appointment of compliant service providers during mass gatherings

When a consumer of security services appoints a security service provider to protect and safeguard property and people during a mass demonstration, the appointed security service provider must follow South African law. First and foremost, the security service provider must be registered with the appropriate regulatory Authority. Secondly, the service provider's services must be consistent with what they are registered for with the regulatory Authority. If not, the Authority must take legal action against all those who break the law.

PSiRA should advise the South African Police Service's National Commissioner that the PSIR Act be included as part of the regulatory framework informing national instruction. As the SASREA includes security service providers, as part of crowd management, the police would need to be aware of legitimate security service providers with whom they could collaborate with during crowd management.

6.4 The use of security equipment during large gatherings

The Authority should ensure that security equipment used by security service providers during large gatherings do not infringe human rights of citizens. Moreover, their conduct when managing an unruly crowds should not fuel the situation. This means they should be capacitated with negotiation skills to ensure they are able to engage the crowd in a way that calms the situation and not exacerbate it.

6.5 The crowd in private property

The RGA gap suggests that once a crowd enters a private property without the owner/landlord's permission, they cease to be a crowd and become trespassers and security service providers should be encouraged by their clients to treat them as such until the amendment of the RGA.

7. CONCLUSION

This research paper presented that crowd management is a concept that means different things to different people. To argue that crowd management and/or control is solely the responsibility of SAPS is misleading as crowd management involves a lot of stakeholders including private security. The study also showed that crowd management is not a standalone security service, but an additional service that is offered by security guards operating in crowded spaces. There are no sub-services of crowd management offered by security service providers as stated in the research hypothesis, thus the hypothesis of this study has been disqualified.

The panel of experts on policing and crowd management categorically stated in recommendation 62(ii) that research be conducted to establish the role of the private security industry in crowd management. The research demonstrated that SAPS is not the only institution assigned with the responsibility to provide crowd management or crowd control in the country. Additionally, the RGA does not give any mandate for SAPS (POP) to manage large gatherings found in private properties, but it only talks about large gatherings in public spaces. The research determined that the security industry does, in fact, play a role in crowd management and control. Additionally, it was established that there is no legislation that prohibits the industry from managing or controlling crowds. However, the industry is not supposed to maintain public order since it is the mandate of SAPS.

There is an additional determination to be made on the duties of the industry in relation to the ten action modes used by SAPS to manage large gatherings in public spaces. Thus, it was recommended that the Authority develops training mechanisms that will be in line with what is expected from security service providers during large gatherings. It was identified that although

the industry lacks the ability to deal with crowds, but it has a role to play in that space. Moreover, the developed training needs to be compulsory to all security guards and prospective security guards operating in crowded environments. The study further recommended that the RGA be amended to outline the powers of the private security industry in large gatherings held on private properties.

The debate on the involvement of the private security industry in crowd management and control has been in the limelight in the academic discourse for quite some time, and this study sought to explore every avenue to resolve this issue from the regulatory viewpoint. The study established that, indeed, the private security industry has an important and complementary role in crowd management and crowd control.

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PSiRA

Private Security Industry Regulatory Authority