Intelligence Gathering Process: Securing Public Protests, Gatherings and Major Events

Mokopane Charles Marakalala

College of Law, School of Criminal Justice, Department of Police Practice, University of South Africa, Preller Street Muckleneuk Ridge, Pretoria, South Africa

Corresponding authour: Marakmc@unisa.ac.za

Abstract. Protests are viewed as a way for citizens to make their voices heard by their governments. In South Africa, protests are common, which may indicate that the population has many demands. During protests, there is a lot of concern for people's lives to be safe (United Nations, 2011:34). Therefore, the police are routinely called in to guarantee that protests are calm. Sadly, lives are frequently lost during the supposedly nonviolent protests. Understanding why so many people die at the hands of the police during protests in South Africa is the driving force behind this research. The main aim of research is to determine whether actions are required to lower the high rate of protest-related fatalities.

The forensic intelligence must immediately evaluate its existing regime and operational approach to the intelligence gathering of public protests and riots in order to provide momentum and assure conformity with the Bill of Rights, the Constitution, national legislation, and international norms. Relevant legislation, including the Constitution (Bill of Rights) and standing orders appears to re-affirm the international position on the use of lethal force. In fact, the standing order goes so far in prescribing the kind of weapons and ammunition allowed to be used during public protests or gatherings (Verma, Das, Abraham, 2013:54).

Keywords: *Intelligence, gathering, securing, public protests, challenges, major events.*

Introduction

This paper focuses on **intelligence gathering and securing public protests, gatherings and major events**. After 1994, there was a significant change in the mechanics of how public protests were handled by the South African police. Anonymous (2015:np) indicated that prior to 1994, political disturbance was suppressed and put under control by the police with the assistance of the military. Increased political activity in the early 1990s created significant "riot control" issues for the police force (Alexander, 2010:32). Political protests and rallies that were common in the early 1990s could not be suppressed in the same way they had been before democratic negotiations. Public order intelligence gathering was often characterized by arbitrary "riot control" and abusive activities of the Internal Stability Division (ISD) when it came to methods taken to suppress public dissent.

The Bill of Rights in the Constitution provides that "everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions" (Omar, 2006:65). Equally, so, the South African Police Act 68 of 1995 attempted to bring about a change in our intelligence gathering approach with the introduction of community-based intelligence gathering and the need to expunge the apartheid intelligence gathering style and stigma.

Problem Statement

The most important police challenge today in South Africa is to maintain the social order in nine diverse provinces within different political contexts. Due to a lack of clear policy and guidelines, the SAPS reacted with operational policy based on lessons learned from a number of notable incidences involving the police and the public.

The Police will be able to accept accountability for their acts and wrongdoings, but they must be given the right guidance (Omar, 2007L35). They also require good working environment, enough preparation, and equipment to do their duties in a competent manner. Line managers are responsible for overseeing their workers, and it is necessary to analyze and assess police operations and activities. According to Alexander (2010:45) the effective police accountability also requires a variety of players from the many tiers of contemporary democracies, including as

legislators, the courts, members of civil society, and independent oversight organizations like national human rights institutes. It mostly concerns the police officers themselves.

Three crucial, connected issues must be the focus of any attempts to improve police supervision and accountability. First, efforts must be undertaken to strengthen civilian oversight over the police in areas where intelligence gathering has become militarized and may be undemocratic and authoritarian. Bond (2010:53) mentioned that the public's trust in the police must also be boosted by improving the quality of police service delivery and by looking into and responding to instances of police brutality (Sheehan & Cordner, 1995). Responding to these manifestations within the spirit and parameters of a community-oriented police approach and the Bill of Rights is the SAPS's major issue. This necessitates striking a realistic balance between respecting the freedom of citizens to protest and the necessity for the police to maintain peace and stability.

Literature Review

A research literature review, according to Kumar (2014:51) is a systematic, clear, and repeatable approach for locating, assessing, and synthesizing the body of finished and documented work created by researchers, academics, and practitioners. The findings of a research review are based on the pioneering work of academics and researchers. Creswell (2014:44) elaborates on and supports the aforementioned claim by saying that a literature review is a required element of any research report or thesis. Its major goal is to build a connection between the project and the subject by giving background information and context for the investigation.

The review may include the following:

> ➤ Background information that establishes the existence of the problem to be investigated.
> ➤ Previous research on the topic or related topics;
> ➤ Theory of relevance to the 'why' questions; and
> ➤ Research paradigm(s) as a source of ontological and epistemological assumptions.

Literature review practically inappropriate and illogical for one to present satisfactory understanding of the term "*Intelligence gathering and securing public protests presents major challenges in major event*" without first providing a clear explanation of what 'fraud' as the base concept means.

Scope and Objectives

In order to reduce provocation, intimidation, and violence, the policy intends to establish a framework with recommendations for the SAPS as it reviews and harmonizes its operational tactics and instructions applicable on intelligence gathering public protest and associated significant events (Neuman & Wiegand, (2010:99). The goal(s) is(are) to encourage ideal crowd control and management capabilities within the police in order to ensure public confidence and maintenance of safety during public gatherings:

> ➤ To provide a framework and facilitate the development of appropriate guidelines by the SAPS on the use of force in relation to crowd control and management that adheres to internationally recognized standards;
> ➤ To proportionately use the amount of force that the police can use, it is important to establish the concept of involvement in suppressing public protest. This will also make it easier to introduce;
> ➤ In order to reduce provocation, intimidation, and violence, the policy intends to establish a framework with recommendations for the SAPS as it reviews and harmonizes its operational tactics and instructions applicable on intelligence gathering public protest and associated significant events;
> ➤ The goal(s) is(are) to encourage ideal crowd control and management capabilities within the police in order to ensure public confidence and maintenance of safety during public gatherings; to provide a framework and facilitate the development of appropriate guidelines by the SAPS on the use of force in relation to crowd control and management that adheres to internationally recognized standards;
> ➤ To proportionately use the amount of force that the police can use, it is important to establish the concept of involvement in suppressing public protest. This will also make it easier to introduce

This paper is based on these objectives:

> ➤ To investigate the police awareness and understanding of their constitutional role in civil protests.
> ➤ To investigate whether the SAPS has got enough human and material resources capacity required to engage protests.
> ➤ To examine the strategies or approaches utilised by the SAPS in dealing with protesters.
> ➤ To ascertain the challenges and prospects for protests management strategies by the police.

➢ To recommend best practices that could be adopted by SAPS in terms of civil protests management in South Africa.

Methodology

Kumar (2014:51) indicated that to provide the greatest possible information collection and fact-checking, numerous methodologies were combined in the creation of this policy.

➢ Desktop research, a study of case studies, and national perspectives on the use of force in international and regional contexts;

➢ Interviews with pertinent parties (including academics, researchers, and SAPS with an emphasis on the issue; Case studies were employed in the research on the intelligence gathering of public protests.

Some of the researchers involved were able to link to certain regions pertinent to this policy where they were either exposed to or given the chance to observe and assess. A physical examination of all pertinent laws and operating guidelines (Denscombe, 2012:27).

In developing policy and guidelines for the intelligence gathering of public protests and gathering, we need to ensure our intelligence gathering approach is consistent with:-

➢ Constitutionally accorded rights for all individuals;

➢ Effective and peaceful crowd control demands;

➢ An approach that does not impact negatively and enhances tensions between the police and community at the time of protest, this has potential to continue even beyond the protest;

➢ Our intelligence gathering approach not generating the very violence it seeks to control in public protests.

Policy Implementation Environment

This policy is aimed to provide a framework and guidelines for the police in intelligence gathering public protests and to introduce stringent measures around the use of force linked to public gathering and protest (Botha & Visser, 2012:89). The policy and guidelines must guide the SAPS in developing appropriate and effective operational strategies and systems in the intelligence gathering of public protests while which must restore and enhance trust and confidence of the communities (Govender, 2013:43)

Legislative Framework

Unresolved societal concerns have caused some citizens to express themselves through organized and unorganized public meetings, marches, and occasionally public protests since 1996. The government has a residual impact to preserve public order even though the basic motives of public protest acts are justifiable (Maxfield, & Babbie, 2015:88). Additionally, there have been occasions where organizers have abdicated their duties, which has resulted in criminal activity and allowed criminal elements to utilize demonstrations and public gatherings to further their own specific goals (Creswell, 2014:67).

The Republic of South Africa's 1996 Constitution (Section 205 sub-section (3)) outlines the police's duties as including: preventing, combating, and investigating crime; upholding public order; and protecting and securing the populace.

The Intelligence Gathering of Public Protests

The SAPS must immediately evaluate its existing regime and operational approach to the intelligence gathering of public protests and riots in order to provide momentum and assure conformity with the Bill of Rights, the Constitution, national legislation, and international norms (Sheehan, & Cordner, 2015:77). Even while the operational planning experiences of SAPS for significant events like the 2010 FIFA Soccer World Cup are not directly relevant, they do offer a platform and opportunity for filling training gaps and improving crowd management techniques.

Any operational police plan in South Africa must consider the operational environment and be founded on good democratic principles that respect citizens' human rights while also safeguarding unarmed civilians from any harm that may be posed by.

It thus imperative that the SAPS must urgently align itself with the following issues as crucial areas for intervention and redress:

Establishment of a dedicated Public Order Intelligence gathering (POPs) Unit.

According to the SAPS Act, the National Commissioner is required to create and maintain a national public order intelligence gathering unit (Section 17). In fact, such a unit was created in 1996. The SAPS reorganized the POPs unit in 2002, aligning it to work as the Area Crime Combating Units at the level of the intelligence gathering area (Rauch & Storey, 2018:23). The latter term also modified the functions to include fighting crime. Unfortunately, this relegated the crowd management function into a secondary function. According to Govender (2013) during the subsequent restructuring process in 2006, the intelligence gathering areas were disbanded and intelligence gathering resources "released" to supplement much needed capacity at station level. Again, the ACCUs was affected and the name was changed to Crime Combating Units (CCUs).

Training of members attached to public order intelligence gathering unit.

The National Commissioner must create and operate a national public order intelligence gathering unit in accordance with the SAPS Act (Section 17). A unit of this kind was in fact created in 1996. The POPs unit was restructured by the SAPS in 2002 and oriented to work as Area Crime Combating Units at the level of police areas. The later moniker implies that the functions also changed to include fighting crime. This, regrettably, reduced the role of crowd control to one of secondary importance (Govender, 2013:60) The police areas were abolished and intelligence gathering resources "released" during the ensuing reorganization exercise in 2006 to help fill capacity gaps at the station level. When this happened again, the ACCUs' name was modified to Crime Combating Units (CCUs).

Command and Control

Strong lines of command and control are essential for the SAPS to respond to any public protest situation successfully. It has been established that different persons interpret command and control differently. Command and control in the context of public protest police simply means that some people must be aware of their various responsibilities (Alexander, Runciman, & Maruping, 2015:33). The platoon's regular members are responsible for carrying out orders given by the platoon leader. The operational commander, who is often located a few blocks away in a temporary or permanent command center, directs the platoon leader (this can create serious repercussions in cases where communication is lost and the platoon is left on its own). Therefore, it seems sense to take the command away.

Operational planning and Types of Public Protests

Botha and Visser (2012:41) stated that public demonstrations in the contemporary South African setting can either take the form of organized demonstrations or the more contentious unplanned (spontaneous) public demonstrations. The former is explicitly planned and offers the chance for operational planning in accordance with established norms (Bond, 2010:23). A meeting with the conveners and organizers of the gathering is required by Section 4 of the Regulation of Gatherings Act, as is the disclosure of information regarding the number of attendees, the number of marshals to be used, anticipated routes, the imposition of specific requirements and conditions, etc. Thus, the SAPS can proactively conduct accurate assessments, plan for emergencies, and evaluate choices. The allocation of resources and, if required, the request for reinforcements must be considered in operational planning. Therefore, it is essential that a POP unit member attend the Section.

Use of force

In line with the international instruments, many countries do not subscribe to the use of lethal force during public gatherings and demonstrations. It has always been perceived that a similar approach is followed in South Africa. Unfortunately, the contrary has been proved over the past few years which reached a climax during the first quarter of 2011 (Bond, 2010:54).

Relevant legislation, including the Constitution (Bill of Rights) and standing orders appears to re-affirm the international position on the use of lethal force. In fact, the standing order goes so far in prescribing the kind of weapons and ammunition allowed to be used during public protests or gatherings.

Equipment

It is the responsibility of the SAPS management to launch the procurement processes in order to guarantee that all essential equipment is acquired, assigned fairly, and maintained properly in order to give effect to the execution of this policy (Van der Walt, 2011:43). The minimum equipment which will be required is:

> ➤ Helmets and body armor
> ➤ Shields;
> ➤ Batons;
> ➤ Water cannons (some already procured for crowd control during the 2010 FIFA World Cup;
> ➤ Armoured vehicles (some of the current fleet needs replacement);
> ➤ Specified Caliber Firearms and ammunition;
> ➤ Communication and Video equipment;
> ➤ Mobile operational centers (supplementing the current fleet).

A commander must evaluate the situation and use the facts at hand to guide resource deployment. Before each intervention by the Public Order Intelligence gathering Units, Unit Commanders must make sure that the SAP 15 forms are completed, including the serial numbers of all weapons, shotguns, and ammunition. Members must possess all required tools, and when guns are issued, the serial number of the firearm must be associated with the name of a specific member. The issuance of such equipment requires the approval of commanders. Each participant is required to occasionally wear their name badges throughout the protest or event (Alexander *at el,* 2015:43).

The availability of video equipment during public rallies and demonstrations is a crucial area of procurement.

Use of Intelligence

The intelligence community must undertake a threat analysis throughout the whole nation to identify hotspots that must be taken into account and offer direction for the deployment and/or allocation of equipment.

Intelligence Responsibility of Conveners/organizers

The conveners/organizers of gatherings and public protests, who fail to comply with provisions of the Regulation of Gatherings Act, should be prosecuted under section 12 of the Act. To ensure this section is effectively utilized, as intended in the Act, it is essential that section 4 meetings (held with authorities to consider and plan the gathering) be thoroughly managed. Such meetings must place strict conditions on the approval of gatherings and public protests.

Section 11 of the Act also makes conveners liable for damages that arise as a direct consequence of the gathering. This section also needs to be utilized together with section 12 of the Act.

Section 11 and 12 of the Act have not been effectively utilized and going forward, more focus must be placed on these sections as part of the intelligence gathering of public protests and gatherings.

"The government was warned about the July 2021 riots months in advance. They didn't listen. Daily Maverick spoke to several sources with ties to the State Security Agency, Police Crime Intelligence, the military and the Hawks. All spoke on condition of anonymity because of the sensitivity of their positions. They predict a terrifying scenario: a repeat insurrection, likely driven by the pro-Zuma RET faction and marked by guerilla-style sabotage. The aim: to keep Jacob Zuma — and his allies implicated in the State Capture inquiry — out of jail''.

Recent intelligence gathering and securing public protests, gatherings and major events:
> ➤ Violent Tembisa protests will cost millions in damages;
> ➤ Eskom withdraws services in Tembisa aim violent protests;
> ➤ Four killed, scores injured, millions of rands in damage as Tembisa burns
> ➤ UPDATE: At least four killed in violent Tembisa protests as death toll rises
> ➤ Tembisa businesses suffer as fiery protests turn deadly
> ➤ Amnesty SA calls for calm after protester killed as Tembisa riots continue
> ➤ Three dead as angry Tembisa residents protest against expensive electricity bills

What the NCPS builds on - current actions against crime

The National Crime Prevention Strategy's main long-term objective is to alter the criminal justice system's ability to deal with crime while simultaneously lowering the likelihood and motivation for criminal action. The National Crime Prevention Strategy, however, is based on an ongoing plan of action that is being carried out by several agencies (Anonymous, 2015:np).
The Departments of Justice, Correctional Services, and Welfare, as well as the SAPS and SANDF, are involved in current and continuing operations. Each of these organizations has its own active effort to combat crime.

The departmental activities are centred on the priority crimes already listed. Some of the actions which are presently underway include:

Combating gun crimes requires an interagency effort to strengthen legislative gun control measures, identify smuggling routes and organizations, work with neighboring states, tighten regulations on state-owned guns, and limit illicit firearm importation. Special initiatives have also been taken to reduce the possession of illicit guns and strengthen the deterrent effect of dealing with people accused of offences involving firearms (Anonymous, 2015:np).

Targeting organized crime entails concentrating information collecting efforts on organized criminal syndicates. Close collaboration between departmental bodies working on various dimensions of organized crime has been prioritized because such syndicates are active in a variety of different criminal types. Implementing a novel strategy based on cross-community cooperation is one of the activities connected to specific organized crime challenges. Additionally, strategies

White collar crime is being addressed through a multifaceted approach which includes legislation to curb public protests, gatherings and major events, special co-operation efforts between police and business as well as a programme by business to develop codes of conduct within the private sector (Anonymous, 2015:np).

Gender violence and crimes against children are receiving special attention through the establishment of specialised police units to investigate crimes against children and the creation of victim aid centres at which interdisciplinary services are offered to victims of these crimes. In addition, special court facilities which protect young witnesses have been established around the country and are supported in some areas by prosecutors specialising in these cases (Anonymous, 2015:np). A number of governmental and non-governmental education and awareness programmes exist to educate children to deal with abuse and to raise awareness of gender crimes and crimes against children.

Violence associated with inter-group conflict is being addressed through a Presidential task team to address violence in KwaZulu Natal. This team is coordinating all intelligence gathering efforts and identifying solutions in areas particularly affected by violence. Operational strategies based on sector intelligence gathering are aimed at maximising police deployment in affected areas. In addition, an intelligence task team is supporting the Cabinet Committee on Taxi Violence and special police units are addressing this issue (Interpol, 2020a:np).

The use of tracking technologies to identify automobiles, partnerships to mobilize the community to aid in the recovery of stolen vehicles, and collaborations with civil society that help law enforcement activities are the emphasis of short-term solutions to deal with vehicle theft and hijacking. Additionally, a Border Control Unit has been established to deal with the export of vehicles, and it is aided by the deployment of more SANDF resources to support roadblocks and cordon and search operations (Anonymous, 2015:np).

To combat corruption within the criminal justice system, police anti-corruption teams have been formed at the national and provincial levels (Anonymous, 2015:np). Public complaints will be received and handled by a new Independent Complaints Directorate. While the Department of Welfare is looking into corruption, control mechanisms are being put in place in the Justice sector to stop police docket theft. Along with these efforts, intelligence projects aimed at revealing pervasive government corruption are being carried out.

Recommendations

The purpose of this research paper is to generate new knowledge with the purpose of empowering forensic investigators or forensic intelligence who investigate the public protests, gatherings and major events.The researcher believes that forensic investigators and public demonstrations, gatherings, and major events, among others, may do this by acquiring the essential expertise, including training in the investigation of intelligence collecting and securing public protests, gatherings, and major events.

Research Findings

The following findings were prepared regarding other relevant points that the researcher came upon during the research:

- historical viewpoint on gatherings, demonstrations, and significant events;
- conceptualization of large-scale gatherings, demonstrations, and events;
- perpetrator of large-scale events, gatherings, and protests in public;
- theoretical justification of the causes of large-scale events, demonstrations, and protests in public;
- the effect of the Covid-19 epidemic on large-scale events, rallies, and public demonstrations;

- Policies in South Africa regarding public gatherings, protests, and large events.

As COVID-19-related crimes like as violence, ATM bombings, misappropriation or abuse of public funds or outside financial help rise, illegal players are finding new ways to make money (Interpol, 2020:np). As a result of COVID-19 containment measures, profit-driven criminals may switch to other types of unlawful activity by modifying the criminal economy and criminal behavior.

The COVID-19 pandemic is also having an impact on the capacity of the public and private sectors to carry out counterterrorism financing (AML/CFT) obligations, including those related to supervision, regulation, and policy reform as well as suspicious transaction reporting and international cooperation.

Conclusion

The pandemic's effects are still changing. As a result, it is anticipated that the changes brought about by the pandemic in terms of both public demonstrations, gatherings, and large events as well as terrorist funding will continue to shift. Rising unemployment, financial distress, company bankruptcies, an increase in the flow of cash through economies, a potential stockpile of cash by organized crime groups, and the quickening of stimulus program implementation all represent vulnerabilities that criminals may exploit more frequently in the coming months. Additionally, there will be greater possibilities for criminals to create criminal schemes to take advantage of and unlawfully benefit from these new medical discoveries as the development of additional COVID-19 vaccines accelerates (Interpol, 2020:np).

The research's conclusions support the assertion that the primary responsibility of the forensic investigator is to perform crime prevention and to take a proactive rather than a reactive approach. This article comes to the conclusion that a thorough evaluation of forensic investigation efforts is necessary. To stop criminal activity, law enforcement must take preventive measures. In order to minimize criminality like money-laundering in South Africa, this study emphasizes the need of taking preventative methods, capacity building, and tactics into consideration for both financial institutions and law enforcement organizations. The study suggests tactics to raise awareness among bank employees.

References

Alexander, P. 2010. Rebellion of the poor: *South Africa's service delivery protests – a preliminary analysis*. Review of African Political Economy, 37 (123), 25-40.

Alexander, P., Runciman, C. & Maruping, B. (2015). *South African Police Service (SAPS) data on crowd incidents – A preliminary analysis*. Social Change Research Unit: University of Johannesburg.

Anonymous, 2015. Krugersdorp cops involved in "execution" to be suspended. http://www.news24.com/SouthAfrica/News/Krugersdorp-cops-involved-in-execution-to-be-suspended- 2015110.

Bond, P. (2010). *South Africa's financial bubble and boiling social protest*. Monthly Review, June 17-28.

Botha, R. Visser, J. 2012. Forceful arrest: An overview of section 49 of the Criminal Procedure Act no 51 of 1977 and its recent amendments.

Creswell, J. W. 2014. *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. (4th Edition). Thousand Oaks: Sage.

Denscombe, M. 2012. *Research Proposals-A practical guide*. McGraw- Hill House: Open University Press.

Govender, P. (2013). *Hundreds of criminal cases against cops before* courts. Sunday Times, March 10:7.

Hagan, F.E. (2000). *Research methods in criminal justice and criminology*. 5th ed. Boston, Massachussetts: Allyn & Bacon.

Interpol (2020), INTERPOL Warns of Financial Fraud Linked to COVID-19. [online], http://www.interpol.int/en/News-and-Events/News/2020/INTERPOL-warns-of-financial-fraudlinked-to-COVID-19. (Accessed 10 July 2023).

Kumar, R. 2014. *Research Methodology. A step-by-step guide for beginners*. (4th ed). London: SAGE.

Maxfield, M. G. & Babbie, E. 2015. *Research Methods for Criminal Justice and Criminology*. Belmont: Wadsworth.

Neuman, W.L. & Wiegand, B. (2010). Criminal justice research methods: *Qualitative & Quantitative approaches*. Boston, Massachussetts: Allyn & Bacon.

Omar, B. (2007). *Impact of SAPS restructuring on public order intelligence gathering*. Institute for Security Studies: Pretoria.

Rauch, J. & Storey, D. (2018). The Intelligence gathering of Public Gatherings and Demonstrations in South Africa 1960 – 1994. *Centre for the Study of Violence and Reconciliatio*n: Johannesburg, 1998, p. 1.

Sheehan, R. & Cordner, G. (2015). *Police Administration*. 3rd Ed. Cincinnati: Anderson Publishing.

South African Police Service. 2005. *South African Police Service Act and Regulations.* Act No 68 of 2005. Pretoria: Government Printers.

Tait, S. & Marks, M. (2011). *You strike a gathering; you strike a rock.* South African Crime Quarterly 38: pp. 15-22.

United Nations. (2011). *Handbook on police accountability, oversight and integrity.* Criminal Justice

Van der Walt, T. 2011. *The use of force in effecting arrest in South Africa and the 2010 bill:* A step in the right direction. London: CRC Press

Verma, A., Das, D.K. & Abraham, M. (2013). *Global community intelligence gathering:* Problems and challenges. London: CRC Press