
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF POLICE**NO. 6334****20 June 2025**

By virtue of the powers vested in me by section 64L(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995), I, Sehlahle Fannie Masemola, National Commissioner of the South African Police Service, hereby —

- (a) repeal all previous National Standards of Policing for Municipal Police Services for Crowd Management during Gatherings and Demonstrations and all previous National Standards of Policing for Municipal Police Services for Arrest and the treatment of an arrested person until such person is handed over to a community service centre commander; and
- (b) determine that the approved National Standards of Policing for Municipal Police Services for Crowd Management during Gatherings and Demonstrations and the National Standards of Policing for Municipal Police Services for Arrest and the treatment of an arrested person until such person is handed over to a community service centre commander are available on the website of the South African Police Service at the following links respectively:

Final Municipal Standard Arrest, 2024 or
([https://www.saps.gov.za/resource_centre/notices/downloads/munpolstandardp
op.pdf](https://www.saps.gov.za/resource_centre/notices/downloads/munpolstandardp
op.pdf)); and

Final Municipal Standard Crowd Management, 2024 or
([https://www.saps.gov.za/resource_centre/notices/downloads/munpolstandarda
rrest.pdf](https://www.saps.gov.za/resource_centre/notices/downloads/munpolstandarda
rrest.pdf))



GENERAL SF MASEMOLA
National Commissioner: South African Police Service

NATIONAL MUNICIPAL POLICING STANDARD FOR CROWD MANAGEMENT DURING GATHERINGS AND DEMONSTRATIONS

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1. Background

- (1) The Bill of Rights as set out in chapter 2 of the Constitution of the Republic of South Africa, 1996, is the cornerstone of democracy in South Africa.
- (2) Section 17 of the *Constitution* provides that everyone has the right to assemble peacefully and unarmed and to demonstrate, picket and present petitions. Furthermore, under international law, there is a duty upon the State to facilitate the right of *peaceful gathering*.
- (3) The rights in the Bill of Rights are, however, subject to the limitations contained or referred to in the Bill of Rights and are limited by law of general application.
- (4) The functions of municipal police services as set out in section 64E of the South African Police Service Act, 1995 (Act No. 68 of 1995) include traffic policing and the prevention of crime. These functions are directly affected by *gatherings* and *demonstrations* since such actions affect the free flow of traffic on public roads and furthermore relate to the protection of life, limb and property. In this regard, the role of municipal police services in the management of crowds during public *gatherings* and *demonstrations* supports the responsibility of the South African Police Service to prevent crime and to uphold and enforce the law, as set out in section 205(3) of the *Constitution*.
- (5) Therefore, the National Standard aims to regulate *crowd management* by *members* during *gatherings* and *demonstrations* in accordance with the democratic principles of the *Constitution*, acceptable international standards and in support of traffic policing and the prevention of crime.

2. Definitions

In this National Standard, unless the context indicates otherwise —

- (a) “*authorised member*” means a member of *the Service* who is authorised to represent the SAPS and who has specific responsibilities in terms of *the Act* and/ or SASREA;
- (b) “*Constitution*” means the Constitution of the Republic of South Africa, 1996;
- (c) “*convener*” means any person who, of his own accord, convenes a *gathering*; and in relation to any organisation or branch of any organisation, any person representing such organisation or branch in terms of section 2(1) of *the Act* (also referred to as the organiser);
- (d) “*crowd containment measures*” means measures to control larger groups involved in *illegal* behaviour, in particular, acts of collective violence and against *vital facilities*. Their initiation is strictly conditioned to the criteria established in paragraph 14 below;
- (e) “*crowd management*” means the policing of assemblies, *demonstrations* and all *gatherings*, as defined in *the Act*, whether recreational, peaceful, or of disruptive nature;
- (f) “*dangerous weapon*” means any object which may be used to cause serious bodily injury or death of a person;
- (g) “*debriefing*” means a meeting where *members* are asked to give a report on an operation or task that they have just completed;
- (h) “*de-escalation*” means taking action or communicating verbally or non-verbally during a potential *force* encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time,

options and resources can be called upon to resolve the situation without the use of *force* or with a reduction in the *force* necessary;

- (i) “*defensive measures*” means pro-active tactical measures such as static barriers (which are used to protect and safeguard people or property), negotiation, cordoning off, block, isolate, patrol, escort and channel;
- (j) “*demonstration*” means a congregation of persons consisting of more than one person (but not more than 15 persons), demonstrating for or against any person, cause, action, or failure to take action;
- (k) “*disarmament action*” means the act of disarming armed individuals amongst the protestors during the *protest*;
- (l) “*Executive Head*” means the Executive Head of a municipal police service appointed in terms of section 64C of the South African Police Services Act, 1995 (Act No. 68 of 1995) by the relevant municipal council;
- (m) “*first responder*” means the first official who responds to and arrives at the scene of a spontaneous *gathering* (such an official may be a member of *the Service* or a *member*;
- (n) “*force*” means the amount of effort physical and non-physical, including but not limited to the use of equipment including weapons. (Where the use of *force* is required within the context of *crowd management*, section 9(2) of the *Act* should be taken in consideration);
- (o) “*formal protest*” means a *protest* that is carried out through the notification process (followed in some cases by a section 4 meeting) as provided for in sections 3 and 4 of *the Act* (The process is discussed in more detail in the section dealing with *the Act* below);

- (p) “*gathering*” means a *gathering*, concourse or procession of more than 15 persons in or on any public road or any other public place or premises wholly or partly open to the air, as defined in section 1 of *the Act*;
- (q) “*informal protest*” means a *protest* that takes place outside of the formal processes of *the Act*;
- (r) “*information manager*” means the *member* of *POP* designated to take responsibility for the collection and supply of all information to the *operational commander* before, during and after a *gathering*, to ensure informed tactical decision making in order to professionally police all *gatherings*. The *information manager* must liaise with all role-players;
- (s) “*less lethal weapons*” means weapons less likely to kill than firearms discharging metal-jacketed ammunition. Less-lethal ammunition may be fired from firearms;
- (t) “*member*” means a *member* of a municipal police service;
- (u) “*national road*” means —
- (i) any road or route declared a *national road* under section 40(1) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);
 - (ii) any road or route which, in terms of section 40(5) South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998), is regarded and treated as a *national road* so declared; and
 - (iii) any part of the road which is a toll road as defined in this section, as well as any “interprovincial bridge” and “interstate bridge” as so defined which is used in conjunction with a *national road*;
- (v) “*offensive measures*” means reactive tactical measures required to normalize a situation and includes search and seizure, push back,

evacuation, encircling and dispersal and requires the systematic escalation of appropriate *force*;

- (w) “*operational commander*” means an operational officer of *the Service* or *member* who is responsible for the operational execution and coordination of an operation, and who has been designated in writing;
- (x) “*overall commander*” means the member of *the Service*, designated in writing, who is in overall command of the operation (not only of the Joint Operation Centre, but of all persons and resources engaged in the operation);
- (y) “*peaceful gathering*” means any *gathering* where the conduct of the participants is non-violent. It may include conduct that may annoy, give offence or temporarily hinder, impede or obstruct the activities of third parties. Where a large majority of participants are acting in a peaceful manner, violent actions by individuals or small groups should not lead to the *gathering* as a whole being classified as “not peaceful”. In case of doubt concerning the classification of any *gathering*, it will be presumed that it is protected as a *peaceful gathering*;
- (z) “*policing of other crowds*” means techniques, tactics and strategies to manage *gatherings* that are, or no longer, constituting peaceful assemblies. Wherever reasonably possible, attempts should be made to de-escalate the situation through dialogue and negotiation with *crowd* leaders or other participants in the *gathering*. Under all circumstances, in responding to other crowds, *members* must be guided by the fundamental principles on the use of *force* as outlined in paragraph 4 (below);
- (aa) “*protest*” means collective protests that are carried out by people assembled in groups or crowds”;

- (bb) “*responsible officer*” means a *member* designated as *responsible officer* or deputy *responsible officer* by the local authority and includes any person deemed to be a *responsible officer* as contemplated in section 2(4)(b) or 3(4) of *the Act*;
- (cc) “*the Act*” means the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993);
- (dd) “*the Service*” means the South African Police Service;
- (ee) “*video camera operator*” refers to a *member* trained and designated to record incidents of *crowd management*; and
- (ff) “*vital facilities*” means those facilities defined by section 7 of the *Act*, the National Key Points Act, 1980 (Act No. 102 of 1980) or the Critical Infrastructure Protection Act, 2019 (Act No. 8 of 2019).

3. Acronyms

In this National Standard, unless the context indicates otherwise —

- (a) JOC means Joint Operational Centre;
- (b) LRAD means Long Range Acoustics Device;
- (c) IRIS means Incident Registration Information System;
- (d) OCC means Operational Command Centre;
- (e) OCT means Operational Commander: Training;
- (f) POP means Public Order Policing; and
- (g) SASREA means Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010).

4. Crowd management principles

- (1) The following principles are critical in any situation relating to *crowd management* to allow for a negotiated outcome taking situational appropriateness into consideration in order to de-escalate conflicts and

protect life by promoting diversity and fairness and ensuring non-discrimination:

(a) De-escalation

- (i) With the purpose of avoiding or minimising the use of *force*, *members* must always attempt to de-escalate the situation. The use of negotiation or mediation must never be understood as being exclusively restricted to *peaceful assemblies*. Interventions must be used in a manner that allow for more time, options and resources during conflict resolution and decision-making.

(b) Protect life

- (i) Where the use of *force* is unavoidable, respect for and protection of life has highest priority. The duty to protect life requires the taking of all achievable precautions to minimise the recourse to potentially lethal *force*, as well as the rendering or facilitating of first aid in situations where serious injury occurs.
- (ii) Intentional lethal *force* may only be used where it is strictly unavoidable to protect another life (lethal *force* may not be used to solely protect property).

- (2) In order to achieve the above, use of *force* by *members* must comply with the principles of legality, precaution, necessity, proportionality, non-discrimination and accountability.

(a) Legality, necessity and proportionality

- (i) *Force* should only be used when, in the circumstances, it is reasonably necessary in order to achieve a lawful and legitimate law enforcement objective and no reasonable alternative appears available at that moment other than resorting to the use of *force*.

- (ii) When the use of *force* is reasonably necessary in the circumstances, the minimum *force* required to achieve a legitimate law enforcement objective must be used.
- (iii) The use of *force* must cease as soon as it is no longer necessary.
- (iv) The type and level of the *force* used and the harm that may reasonably be expected to result from it must be proportionate to the threat posed by an individual or group of individuals.
- (v) Every member has the duty to intervene in order to prevent other *members* from using excessive *force* or other illegal means.

(b) Precaution

- (i) Precautionary measures must be taken to minimize the need for the use of *force* during operations and, if *force* is required, to minimize the risk of injury or death.
- (ii) This includes, but is not limited to, proper planning, consideration of *defensive measures*, provisioning of protective equipment and *less lethal weapons* as well as the training of *members* in the use thereof.
- (iii) Whenever new technology is acquired, procedures for the appropriate use thereof must be set out clearly in standard operating procedures, taking into consideration those who are particularly vulnerable to the harmful consequences of the use of *force* in general and to the effects of specific *less lethal weapons*.

(c) Non-discrimination

- (i) Crowds must not be treated as identical and unchanging. *Members* must distinguish between acts of violence, attributable to a person or a smaller group and peaceful behaviour of other participants and bystanders, to ensure that the rights of the latter can be respected and protected.

- (ii) Participants and bystanders who might be vulnerable to the effects of a particular weapon should be considered when action is taken.
- (iii) Actions should be monitored and recorded to ensure that *force* is not used in a discriminatory manner.

(d) Accountability

- (i) Complete accountability for the use of *force* must be ensured during *crowd management*, in particular when weapons were used or death or injury occurred.
- (ii) All members are responsible for their decisions concerning the use of *force* which must be justified and justifiable.
- (iii) This includes commanders who are responsible for the planning and preparation of operations as well as command and control during the execution thereof.

5. Pro-active conflict resolution (formal protests)

- (1) If information concerning potential violent disorder is brought to the attention of the *Executive Head*, such information must be reported to the relevant Provincial Head: Visible Policing and Operations of the Service.
- (2) *Executive Heads* must support and act in partnership with the community by, either personally or through a *member* or *members* designated by him or her for that purpose, —
 - (a) building positive and constructive relationships with event organisers, community leaders and non-governmental organisations;
 - (b) participating in safety advisory groups of local authorities to deal with issues relating to public safety; and
 - (c) exploring the potential for establishing formal liaison panels, to prevent and lessen community disorder together with institutions

such as local authorities, civil society organisations, community policing forums and non-governmental organisations.

6. Designation and responsibilities of responsible officers

- (1) The local authority may designate a *member* as the *responsible officer* and submit, in writing, the particulars and contact details of the *responsible officer* to the Provincial Commissioner as well as to all station commanders within the area of jurisdiction of the municipal police service.

- (2) The *responsible officer* must —
 - (a) maintain a good relationship with the *authorised member of the Service*;
 - (b) receive written notice of an intended *gathering* in accordance with the provisions of *the Act*,
 - (c) receive and report information regarding an intended *gathering* to the *authorised member*,
 - (d) take such steps as he or she may deem necessary, including obtaining assistance from *the Service* to establish the identity of the *convener* of the intended *gathering* and requesting the *convener* to comply with the provisions of *the Act*,
 - (e) consult with the *authorised member* regarding the necessity for negotiations on any aspect of the conduct of, or any condition with regard to, the *gathering*; and
 - (f) if, after the consultations referred to in subparagraph (e) above, he or she is of the opinion that negotiations are —
 - (i) not necessary and that the *gathering* may take place, notify the *convener* and the *authorised member* in writing accordingly; or
 - (ii) necessary —
 - (aa) set up a meeting between himself or herself, the *convener*, the *authorised member*, any other

- responsible officers* concerned, if any, and representatives of such other public bodies or other persons, as are, in the opinion of such *responsible officer*, necessary to discuss the contents of the notice, amendments or additions thereto and the conditions, if any, to be imposed in respect of the holding of the *gathering* so as to meet the objects of *the Act*,
- (bb) act as chairperson of the meeting and ensure that discussions take place in good faith;
 - (cc) impose conditions, if any, with regard to the holding of the *gathering* as envisaged in section 4(4)(b) of *the Act* and give written reasons therefor; and
 - (dd) ensure that written minutes are kept of the meeting and that the approval, conditions or refusal are communicated, in writing, to the applicant;
- (g) ensure that a written copy of the notice, including any amendment thereof and any condition imposed and reasons therefor, is handed to the *convener*, the *authorised member* and every party who attended the meeting referred to in subparagraph (f) above;
 - (h) prohibit the intended *gathering* on the grounds referred to in section 5 of *the Act* and notify the *convener*, *authorised member* and every other person with whom he or she has met or consulted and provide reasons therefor; and
 - (i) receive notification from the *convener* regarding any postponement, delay, cancellation or call-off of an intended *gathering* and notify the *authorised member* accordingly.
- (3) If a local authority designated a person who is not a *member* to perform the functions, exercise the powers and discharge the duties of a *responsible officer* in terms of *the Act*, the *Executive Head* must ensure that the necessary support is provided to such person to enable him or her to comply with his or her responsibilities in terms of *the Act* and to ensure the maintenance of good relationship and proper communication

channels with all the relevant role players, including the municipal police service, the *authorised member* and other relevant members of the *Service*.

7. Designation of authorised members

- (1) Once the Provincial Commissioner has designated *authorised members*, the Provincial Commissioner must ensure that the particulars of the *authorised members* are submitted, in writing, to every municipality and *Executive Head*, if any, within the province.
- (2) An *Executive Head* must ensure that a notice containing the name and contact particulars of the designated *authorised members* for his or her area of jurisdiction is displayed in all offices of the municipal police service to which the public have access.

8. Duties and responsibilities of an authorised member

The duties and responsibilities of an *authorised member* are to –

- (a) attend every Station Crime Combating Forum (SCCF) meeting;
- (b) constantly communicate with the OCC regarding planned *gatherings*;
- (c) inform the *responsible officer* of any unforeseen (spontaneous) *gathering*;
- (d) maintain a good relationship with the *responsible officer* and *conveners*;
- (e) consult with the relevant *POP* unit commander regarding –
 - (i) the conditions and prohibitions determined in respect of a *demonstration* or *gathering*; and
 - (ii) the deployment of the *POP* unit during the *gathering* or *demonstration*.
- (f) represent the *Service* and liaise with the *responsible officer* and *conveners* during all negotiations and consultations, i.e. –
 - (i) request conditions or prohibitions; and
 - (ii) arrange and negotiate the extent of security forces to be deployed for the operation;

- (g) brief all *members* performing duties at a *gathering* or *demonstration* regarding the content of a notice, conditions and amendments thereto;
- (h) take part in the overall debriefing of events by attending the *debriefing*; and
- (i) keep all records of operational plans and reports on the execution of operations and debriefing reports, for three years.

9. Receiving notice or information of a gathering

- (1) If an *authorised member* receives a notice or information regarding a *gathering*, the following action must be taken:

If...	then...
the <i>authorised member</i> received a notice (in writing) from a <i>convener</i> of a <i>gathering</i> ,	<ul style="list-style-type: none"> (a) he or she must inform the <i>convener</i> that such notice will be forwarded to the <i>responsible officer</i> to ensure cooperation with the security forces; (b) indicate how the <i>convener</i> is to contact the <i>responsible officer</i>; and (c) consult with the <i>responsible officer</i> to confirm if the notice has been received and arrangements for a consultative meeting is in place.
the <i>authorised member</i> received information from other internal police sources that a <i>gathering</i> is to take place,	<ul style="list-style-type: none"> (a) he or she must consult with the <i>responsible officer</i> and enquire whether a notice has been given; (b) if notice has not been given to the <i>responsible officer</i>, the <i>authorised member</i> must contact the <i>convener</i> and request the <i>convener</i> to submit a notice to ensure that the <i>gathering</i> is managed appropriately; and (c) the <i>authorised member</i> must consult with the <i>responsible officer</i> in this regard.

<p>the <i>authorised member</i> is contacted by the <i>responsible officer</i> to inform him or her that a <i>gathering</i> is to take place,</p>	<p>(a) the <i>authorised member</i> must make an attempt to gather information pertaining to the proposed <i>gathering</i> by using the <i>POP</i> unit information network (and crime intelligence network, where appropriate); and</p> <p>(b) request that the <i>responsible officer</i> make the necessary arrangements for meetings to ensure proper planning of the <i>gathering</i>.</p>
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- (2) During *consultations* referred to in subparagraph (1) or at a pre-planning meeting between government role players (before a meeting takes place with a *convener*), –
- (a) a common approach must be agreed upon on dealing with the proposed *gathering*;
 - (b) all the arrangements for the proposed event must be finalised; and
 - (c) the necessity for negotiations with the *convener* concerning any aspect of, or any condition about the proposed *gathering*, must be decided.
- (3) *Responsible officers* and *authorised members* must note that failure by a *convener* to submit a notice as referred to in subparagraph (1) does not preclude consultations and negotiations regarding the proposed *gathering*.
- (4) The *authorised member* will inform the Provincial Head: Visible Policing and Operations of the arrangements made in accordance with subparagraph (2).

10. Threat assessment after information has been received

- (1) After a *member* has received notification or information of a *crowd management* situation, the information must be conveyed to the relevant Provincial Head: Visible Policing and Operations of *the Service* to enable

him or her to determine the threat level involved (together with Crime Intelligence and other relevant role players).

- (2) The assessment of the threat level will be based on available operational information (taking into account the level of the risk, discussions and arrangements with the *convener*, history of peaceful or violent *protests* by the parties involved, past experience with the parties, suitability, vicinity or venue in terms of alleviating or aggravating risk, etc.). The Provincial Head: Visible Policing and Operations of *the Service* must, as soon as practically possible, inform the relevant *authorised member*, *POP* unit commander, station commander, provincial commissioner and the Section Head: *POP* Operations (at the Division: Visible Policing and Operations) regarding his or her assessment of the threat level involved in a *gathering* or *demonstration*.

- (3) The threat must be categorised as —

(a) **Level One**

A peaceful *gathering* or *protests* which can be policed by *members* who have been trained in basic *Crowd management* skills or Visible Policing at station level where there is no threat or need for the use of *force* is envisaged. The *POP* unit must be on standby, provided that the *POP* unit may take over control of the management of the *crowd*, if the commander of the *POP* unit deems it necessary. *Members* performing *crowd management* functions must form part of a unified command structure and must work in sections, platoons or companies. All *members* trained in basic *crowd management* must be in possession of the necessary *crowd management* equipment.

(b) **Level Two**

Unconfirmed information regarding a possibility of a threat against lives and property. *Members* who have been trained in basic crowd management skills or Visible Policing at station level are primarily

responsible to attend to these *gatherings* and *protests*. The *POP* unit will manage these *gatherings* or *protests*. *Members* performing *crowd management* functions must form part of a unified command structure and must work in sections, platoons or companies. All *members* trained in basic *crowd management* must be in possession of the necessary *crowd management* equipment.

(c) **Level Three**

Confirmed information regarding a likely threat to lives and property. The *POP* unit will take operational command. Visible Policing at station level and *members* may be utilised to assist in policing the *gatherings* or *protests*.

- (4) If a *crowd management* situation deteriorates to the extent that public violence breaks out and the necessity to restore *public order* is required, *POP* will take full operational command and stabilise the situation. If *POP* members cannot handle the incidents because violence escalated to such a level that lives are in imminent danger, the incident will be handed over to specialised units in *the Service*.

11. Safety at sports and recreational events

- (1) Safety at sports and recreational events is the responsibility of controlling body, an event organiser, or a stadium or venue owner as provided by section 4(1) of the SASREA.
- (2) The *Executive Head* must designate in writing a *member*, either in general or for a specific event, in terms of section 15(1) of the SASREA to form part of the Priority Committee for purposes of SASREA.
- (3) A *member* must be designated to represent the municipal police service at the event safety and security planning meeting committee for each event.

- (4) The deployment of *members* must be done taking into consideration the risk categorisation of the event based on the level of risk identified in respect of the event.

12. Attending to a gathering or demonstration

12.1 Role of first responder to informal protest

The *first responder* at the scene may be a *member* or a member of *the Service* and must aim to preserve the peace and protect the community.

The following steps must be taken in this regard:

12.1.1 Step 1

The *first responder* must —

- (a) set up a temporary JOC and obtain relevant tactical information;
- (b) identify the leader of the *gathering* or *protest*;
- (c) obtain information on the leader;
- (c) determine the reason for the *gathering* or *protest*; and
- (d) enquire whether notice was submitted or not.

12.1.2 Step 2

The *first responder* must —

- (a) contact the local *responsible officer* and enquire about whether notice was given or not;
- (b) contact the *authorised member* and request his or her presence at the scene; and
- (c) notify the relevant station commander, the *Executive Head* and POP unit commander of the situation.

12.1.3 Step 3

The *first responder* must contact the relevant POP unit with the following essential information:

- (a) exact location of the *gathering*;

- (b) estimated number of participants;
- (c) composition of crowd (sex and age);
- (d) any *dangerous weapons* in the crowd that is visible;
- (e) mood of crowd;
- (f) information on the leader of the *gathering*;
- (g) cause (reason) for *gathering* or *protest* action;
- (h) request back up by *members* who have been trained in *crowd management*; and
- (i) any other information identified as relevant.

12.1.4 Step 4

The *first responder* must —

- (a) set a standard of tolerance and ensure that *members* are aware of their own body language;
- (a) do not make any promises to the crowd;
- (b) make an attempt to introduce an atmosphere conducive to negotiation by implementing the 5 C stairs and move down (from confrontation and conflict to comprehension, communication and cooperation) and not upwards.

12.1.5 Step 5

The *first responder* must —

- (a) ensure that the content of section 9(1)(c) of *the Act* is brought to the attention of the *convener* or leader, if required;
- (b) facilitate primary negotiations until the scene is handed over to the POP unit or other relevant police officials;
- (c) after handing over the scene to police officials, the *first responder* must not withdraw from the scene without the permission of the *operational commander*;
- (d) ensure that record is continuously kept during the policing of a *gathering* or *demonstration*. This may be kept by means of written records, video recordings, still photographs, voice

recordings or statements) and must include the following information:

- (i) time of arrival at the scene or venue;
 - (ii) exact location (address) of the *gathering*;
 - (iii) number of participants involved in the *gathering*;
 - (iv) the behaviour of the participants and their actions;
 - (v) whether any firearms or weapons are observed;
 - (vi) particulars and descriptions of the leaders of the *gathering*;
 - (vii) descriptions of demonstrators contravening the law so that arrests can be effected at a later stage, if necessary;
 - (viii) all steps and actions taken by the *first responder*;
 - (ix) development of the situation;
 - (x) time at which the scene was handed over and to whom;
and
 - (xi) take photographs or video material of demonstrators contravening the law, if possible.
- (e) if a national *road* is being blocked, the road needs to be cleared first before negotiations may start. Other roads will depend on the discretion of the *operational commander*.

13. Pre-planning of operations

- (1) The designated *overall commander* is responsible for well-planned and co-ordinated actions for the duration of an operation.
- (2) All operational plans must be implemented according to OCT planning directives.
- (3) The *overall commander* is responsible to —
 - (a) activate or implement an effective information gathering system for the operation to pro-actively gather up to the minute, relevant and accurate information, by enlisting the assistance of, *inter alia*, *members*, members of Visible Policing at station level and local

authorities, discussions with the public or the use of the information network of the POP unit;

- (b) collect information regarding —
 - (i) the actual route the participants plan to follow (the information on the planned route is normally obtained from the *convener*);
 - (ii) the likelihood of an outbreak of violence;
 - (iii) whether the participants are aggravated;
 - (iv) whether any firearms (or *dangerous weapons* or objects) are or will be present;
 - (v) the intention of the participants;
 - (vi) the actual number of participants that will take part; and
 - (vii) any other information which is of importance for the operation;

- (c) make a thorough assessment on the available means, the mission, the threat as well as the surrounding circumstances. This will enable the *overall commander* to have a broad overview of what is expected and how he or she can achieve the objective;

- (d) arrange a security meeting with all the relevant role players needed to conduct the operation (for example, private security, the supervisor of the marshals, Traffic Police, Emergency Medical Services (EMS), Disaster Management as well as other relevant police units);

- (e) develop a comprehensive written operational plan;

- (f) submit the developed operational plan to the Head: National POP (or the functionary designated by him or her), the Provincial Commissioner and district commander;

- (g) submit the written plan to the relevant role players and units as well as the Station Commander (in whose policing area the event will take place). A copy of all crowd related event plans must be submitted to the relevant POP unit for registration on the IRIS system and to the relevant *Executive Head* for information purposes;
- (h) activate a JOC and designate a JOC commander, *operational commander*, intelligence commander and a support commander, taking into account the circumstances and the results of the threat assessment in the event of a level 2 threat. In the event of a level 3 threat, the relevant POP unit *operational commander* will be designated in consultation with the relevant POP unit commander and relevant Provincial Head: Visible Policing;
- (i) ensure an information network to supply up to the minute information of a tactical nature to the JOC (use this information to effectively apply the available resources or means. In all instances where the POP unit is actively involved in any operation (such as level 3) they will approach their *information managers* to gather information before, during and after the operation);
- (j) brief all the commanders and relevant command structures of the different units or departments;
- (k) ensure that a situation report is given to the POP operational room at the POP unit for the completion of an IRIS; and
- (l) ensure that a copy of the de-briefing report is submitted to the relevant POP unit for filing.

- (4) All information gathered before, during and after an operation must be reported to the *overall commander* to ensure that he or she is continuously aware of the actions of the participants. (The *members* must report all information to their commander in charge at the scene who must report it to the JOC commander. This information must be reported either telephonically or by radio, using the designated channel, to the *operational commander*, who will in turn inform the JOC commander.)

14. Briefing of members

- (1) *Members* must be properly briefed before they are deployed to perform *crowd management* duties.
- (2) The *overall commander* or a designated officer must —
- (a) personally brief all *members* and other role players in the command structure;
 - (b) ensure that all *members* in the command structure communicate the objectives of the operation clearly to all *members* deployed for the event;
 - (c) instruct all commanders or section leaders to furnish detailed written plans on their specific tasks;
 - (d) ensure that trained *video camera operators* are designated to record video material of the duties performed;
 - (e) ensure that *members* trained in first aid are also equipped and tasked should the need arise; and
 - (f) ensure that the restoration team including the specialist firearms officer is tasked should the need arise.
- (3) During the briefing, the tasks of all role players involved in the operation must be defined in detail by the *operational commander*.
- (4) The command structure as set out in the operational plan must be clearly explained.

- (5) The communication channel must also be communicated to all *members* before the operation.
- (6) A name list must be compiled of all *members* present (as well as the equipment and firearms and ammunition at their disposal) when a briefing is given.
- (7) Section leaders must be identified and briefed in accordance with the operational plan on what is to be done.
- (8) *Members* must be questioned to ensure that they understand what is expected of them.
- (9) *Commanders* and section leaders must brief their *members* to ensure that everyone involved is properly briefed.
- (10) A *briefing* certificate must be completed by the *operational commander*, stating that each *member* understands what is expected of him or her.
- (11) The *operational commander* must ensure that *members* are inspected in order to ensure that their name badges are clearly visible and that every *member* has at least —
 - (a) body protection (chest, leg and arm);
 - (b) bullet-resistant vest;
 - (c) helmet (with gas mask and filter);
 - (d) a shield;
 - (e) a tonfa;
 - (f) pepper spray;
 - (g) handcuffs;
 - (h) stun grenades;
 - (i) shotgun and approved rounds;
 - (j) 9 mm sidearm (official issue) firearm and rounds of ammunition;

- (k) 40 mm Launcher with rounds (to designated *members*);
 - (l) CS teargas grenades (R1 with ballistic rounds and grenade launching cup to designated *members*);
 - (m) loudhailer (commanders);
 - (n) hand radios;
 - (o) first-aid equipment (to designated *members*); and
 - (p) torchlight.
- (12) The *operational commander* must ensure that record is kept of each *member's* equipment, firearms and ammunition and that it is available once the inspection is finalised.
- (13) For the purposes of *crowd management*, the use of the following weapons and ammunition are **prohibited**:
- (a) R5 and R1 rifles with live ammunition;
 - (b) birdshot (fine lead pellets) and buckshot (small lead pellets);
 - (c) rubber-coated hard (metal, wooden, etc.) bullets;
 - (d) electronic immobilizing devices (“EIDs”), such as tasers and stun guns;
 - (e) mobile area denial systems utilising sound or micro radio waves to disperse a *crowd* from an area or to deny a *crowd* access to a particular area; and
 - (f) any other weapon or ammunition, including rubber rounds that do not conform to the standards approved by *the Service* in respect of rubber rounds the use of which is not explicitly authorised by this National Standard.
- (14) Approved firearms and sharp ammunition will not be used, except in the case of private defence, such as the protection of others against the imminent threat to life or serious injury and may not be fired in fully automatic mode.

- (15) The use of the following equipment, weapons and ammunition is subject to the authorisation of the *operational commander*:
- (a) Oleoresin Capsicum (“OC pepper”) spray;
 - (b) kinetic impact projectiles (“rubber bullets”);
 - (c) water cannons;
 - (d) 40mm rounds;
 - (e) teargas (CS);
 - (f) stun grenades; and
 - (g) LRAD.
- (16) If the use of any *less lethal weapons* or related equipment against *assembly* participants is foreseen, due attention should be paid to the potential for panic in a *crowd*, including the risk of a stampede.
- (17) Only weapons that meet international standards of accuracy may be used.
- (18) Inspection of the equipment of *members* who are performing *crowd management* duties must be conducted thoroughly once a month.
- (19) Approved kinetic impact projectiles (rubber bullets) may only be used as *offensive measures* to disperse a crowd in extreme circumstances, if less forceful methods have proven ineffective.

15. Execution of operations to protect and facilitate peaceful assemblies

- (1) The purpose of the policing of peaceful assemblies is to maintain their non-violent status, to facilitate their safe conduct and to protect them from threats that may arise from individuals or opposing groups. Facilitation must, where possible, be initiated during bilateral meetings preceding the *assembly*.

- (2) For this purpose, trust should, where possible, be built with the participants, in particular, the *convener*, through dialogue and negotiation. Specially trained conflict resolution practitioners should facilitate this process. Interactions must be proactive and non-confrontational with a view to gaining and maintaining cooperation. They should, where possible, be conducted in the language that is mostly spoken by the participants.
- (3) All *members* must display the highest degree of tolerance. In order to preserve their status as impartial facilitators, *members* must avoid any negative verbal engagement when verbal aggression or passive resistance occur.
- (4) Though the carrying of weapons during *protest* is unlawful, this should not be interpreted as automatically depriving an *assembly* of its peaceful status nor as necessarily requiring *disarmament action*. This also applies to other provisions as indicated in section 8 of *the Act*.
- (5) If there is a perceivable threat of violent or unlawful behaviour attributable to certain individuals or smaller groups and no specially trained crowd conflict manager or commander is available, the *convener* will be requested to monitor and where necessary, intervene in order to cease and or prevent such conduct.
- (6) If such behaviour poses an imminent threat towards the *peaceful assembly*, verbal appeals, directions and warnings must be provided. Video recording must be taken of both *members* and potential law violators.
- (7) The stop and search action mode should be strictly limited to circumstances in which there is a reasonable suspicion that the

individual poses an actual risk of violence or is or has been involved in other serious criminal activity.

- (8) *Operational commanders* must assess the need for law enforcement measures in case of isolated violent or unlawful behaviour. This decision will be guided by situational appropriateness and necessity for assuring the safety of individuals and property. Flexible low-profile tactics that reduces tension and the risk of violence as well as minimising the risk to participants, bystanders and property must be used when implementing law enforcement measures.
- (9) The imposition of restrictions in accordance with the conditions established by section 9(1) of the *Act* must only occur after negotiation and mediation have failed. They must be strictly proportional and provide suitable alternatives for allowing the effective communication of the *assembly's* key concern.
- (10) When balancing the right to *peaceful assembly* with the rights and freedoms of others, it must be recognised that the exercise of the former right, by definition, constitutes only a temporary interference with the latter. In particular, temporary disruption of vehicular traffic or impeding access to buildings and installations, which are not *vital facilities*, is not, in itself, a reason to impose restrictions.

16. Execution of operations to manage unrest or possible violence

- (1) The paragraph applies to all crowds that do not or no longer qualify as *peaceful gatherings* as defined in paragraph 2 of this National Standard.
- (2) The purpose of policing such situations is to contain the threats posed to persons, property and critical services through the *de-escalation* of conflict and the use of the remedies indicated in paragraph 13 of this National Standard.

- (3) For achieving this purpose, any intervention involving the use of *force* must be avoided until a proper assessment of the situation has been made at the locality by the *operational commander* and a decision on appropriate action has been taken. Specially trained crowd conflict managers or commanders must promote the *crowd's* voluntary compliance with *POP* action.
- (4) The physical presence of equipped *members* and armoured vehicles on the scene may *serve* as a visual deterrent when violence has broken out but appropriate personal protective equipment may decrease the need for *members* to use *force*.
- (5) The display of *members*, in particular, arrest and spotter units, may as such be sufficient for containing the situation and opening channels for negotiation.
- (6) *Crowd containment measures* may not be initiated unless the particular circumstances prevent any dialogue and negotiation with an identifiable organiser or group leader.
- (7) Once applied, their effects must be constantly reassessed and, if reasonable, adapted to the present situation. Under all circumstances such measures must be implemented with due precaution and in strict compliance with rules on the use of *force*.
- (8) For tracking and containing groups involved in illegal behaviour, video recording of both the *members* and the law violators must be taken. Amplified sound, to address the protestors, may be used only if there is no evident risk for causing indiscriminate harm.

- (9) The use of *less lethal weapons* to disperse an *assembly* should be considered a measure of last resort. Before approving dispersal, law enforcement agencies must seek to identify any violent individuals and isolate them from the other participants. This may enable the main *assembly* to continue.
- (10) Where *force* is proportionate and is necessary to achieve a legitimate law enforcement objective, all possible precautionary steps must be taken to avoid, or, at least, minimise the risk of injury or death.
- (11) Arrest teams must be available to arrest persons who are violent or committing offences. If arrested persons are going to be detained and charged, the use of arrests should be supported by the collection of video material that is managed in terms of principles of evidence collection.
- (12) The *cordoning* of groups without permitting egress (exit) from the area to be contained is prohibited. In all other circumstances, this method must be strictly exercised in a proportionate and non-discriminatory manner.
- (13) Crowds must only be dispersed in accordance with section 9(2) of *the Act* and if there are —
- (a) criminal activities of a collective nature, a clear and present danger of violence or a threat to any essential infrastructure;
 - (b) reasonably safe routes of dispersal in the direction of a positive attraction point (an area where participants would most likely be willing to move to);
 - (c) sufficient resources and contingencies available for safely responding to non-compliance with the order; and
 - (d) insufficient personnel for multiple simultaneous arrests.

- (14) The decision to disperse and the tactical actions to encourage or coerce required behaviour of the *crowd* vests in the *operational commander* after consultation with the *overall commander* and depends on situational appropriateness. The use of video recording equipment for documentation is mandatory.

17. Normalisation of the area after force was used

- (1) After the outbreak of any kind of violence or where *members* have been compelled to use *force*, it is of vital importance that the area should be restored and normalised as soon as possible.
- (2) In order to achieve this, the *member* in command at the scene must —
- (a) involve all relevant role players from all other departments or institutions to manage crowds or maintain public order (for example, ward councillors and other community and church leaders may address the people and urge them to remain calm). Roads need to be cleared and all signs of violence should be cleared by the responsible departments as soon as possible (subject to the investigation of the crime scene, if applicable);
 - (b) ensure that POP remains in the area to conduct saturation patrols and contain the situation by means of vehicle check points and roadblocks. Any form of violence or group forming will immediately be handled by POP in accordance with the prescripts. It is of vital importance that no violence should be tolerated and that perpetrators should be dealt with in terms of the law;
 - (c) after peace has been restored to the area, POP will hand over the area to the local station members in order to do further patrols of the area. This should be done because the local police is part of the immediate community and they should start to restore the police community relationships in that area, establish peace support to ensure peace building. POP should however remain in

reserve nearby in order to handle any eventuality should violence flair up again;

- (d) after it has become clear that the area has normalised, POP will hand over the area to the local police in order for them to continue with the normal day to day policing. At this stage POP may withdraw;
- (e) in incidents where normal day to day policing cannot continue in an area due to violence in that area, the normal day to day policing which is the responsibility of the local police station, may, depending on the seriousness of the situation, become the responsibility of POP upon the decision by the relevant Provincial Commissioner. This should continue until the situation is normalised as determined by the relevant Provincial Commissioner; and
- (f) in all cases of violence, ensure that only *members* with the appropriate equipment and training should manage the situation.

18. Reporting and record keeping

- (1) *Members* involved in an operation must keep the JOC up to date on actions and developments during the operation.
- (2) The *overall commander* must ensure that a detailed record is kept of all activities at all the different levels during the operation. All vehicles must have an operational diary which is completed by a *member* on that specific vehicle. The operational diary must contain all postings and instructions issued and all activities of participants during the event. An Occurrence Book entry must be made of the action taken and measures instituted by all functional role players involved in the operation.
- (3) Records of operational plans, all reports on the execution of operations, and debriefing reports must be filed together and kept according to the

Record Classification System of *the Service*, with an additional copy at the POP information component.

- (4) The representatives of all main role-players must be present at the JOC for the duration of the event.
- (5) All incidents relating to *crowd management* must be reported to the local POP unit for registration on the IRIS, irrespective of the threat level or whether POP was involved or not.
- (6) Video footage recorded as well at the water cannon digital video recorder must be handed in and preserved according to the relevant prescripts in dealing with video evidence. Such video footage must be made available to the Division: Visible Policing and Operations on request for evaluation and training purposes.
- (7) If *force* had been used to disperse crowds or offences had been committed, relevant case dockets must be opened.
- (8) In cases where *force* had been used to disperse crowds, the Independent Police Investigative Directorate must be notified.

19. Opening of dockets relating to crowd management incidents

- (1) *First responders* must open the initial public violence case dockets.
- (2) Station commanders will designate detectives to assist the Community Service Centre with statement taking during a *crowd management* incident.
- (3) If *force* had been used to disperse a *crowd* or offences had been committed, relevant case dockets will be opened.

- (4) In cases where an official firearm has been discharged by a *member* or death has been caused as a result of police action involving *members*, the Independent Police Investigative Directorate must be notified in accordance with the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011).
- (5) *Members* must also comply with the National Policing Standards on Arrest and Crime Scene Management in this regard.

20. Debriefing

- (1) The *overall commander* must ensure that a *debriefing* takes place after every event or *gathering* and that record is kept thereof.
- (2) Every level of command must debrief the levels below it individually, followed by an in-depth *debriefing* by the commanders of the operation. Afterwards a *debriefing* must be held with all role players to determine whether the operation was effective and whether communication with the role players was adequate.
- (3) A thorough evaluation must be conducted and, if possible, video footage must be shown.
- (4) All best practices, as well as shortcomings, must be recorded as part of a learning process to enhance best practices and address or prevent recurrences of identified mistakes.
- (5) Trainers and instructors must attend the *debriefings*, to review actions taken by *members* and to address improper conduct by means of in-service training in *crowd management* techniques.

21. Training and equipment

The training and equipment required by *members* to deal with *gatherings* and *demonstrations*, must be aligned to the training and equipment standards applicable to the members of *the Service*.

ARREST AND THE TREATMENT OF AN ARRESTED PERSON UNTIL SUCH PERSON IS HANDED OVER TO A COMMUNITY SERVICE CENTRE COMMANDER

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1. Background

- (1) In terms of section 12(1) of the Constitution of the Republic of South Africa, 1996, everyone has the right to freedom and security of the person, which includes the right —
 - (a) not to be deprived of freedom arbitrarily or without just cause;
 - (b) not to be detained without trial;
 - (c) to be free from all forms of violence from either public or private sources;
 - (d) not to be tortured in any way; and
 - (e) not to be treated or punished in a cruel, inhuman or degrading way.

- (2) Arrest, by definition, constitutes a serious restriction of an individual's freedom of movement, and can also affect his or her dignity and privacy. Therefore, arrest is fully regulated by legislation. This includes the Constitution of the Republic of South Africa, 1996, the *Criminal Procedure Act, 1977* (Act No. 51 of 1977) and other legislation. In addition, this national standard also regulates the circumstances when a person may be arrested and how such person should be treated and must therefore be strictly adhered to.

- (3) It follows that an arrest is lawful only when effected in accordance with the relevant statutory provisions. The object of an arrest must be to bring the arrested person before a court to be charged, tried, and then either convicted or acquitted.

2. Definitions

In this National Standard, unless the context otherwise indicates, —

- (a) “*child*” means a person younger than 18 years, irrespective of the nationality of the *child*;
- (b) “*community service centre commander*” means the member of the South African Police Service who is in charge of a community service centre of the South African Police Service and includes a member of the South African Police Service who is performing the functions of a *community service centre commander*;
- (c) “*complainant*” means any person who is or has been in a domestic relationship with a *respondent* and who is or has been subjected or allegedly subjected to an act of domestic violence, including any *child* in the care of the *complainant*;
- (d) “*Criminal Procedure Act*”, means the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (e) “*First Schedule*” means the *First Schedule* to the *Criminal Procedure Act*;
- (f) “*member*” means a *member* of a municipal police service;
- (g) “*police station*” means a *police station* under the command and control of the South African Police Service; and
- (h) “*respondent*” means any person who is or has been in a *domestic relationship* with a *complainant* and who —
 - (i) has committed or allegedly committed; or
 - (ii) has used or allegedly used a third party actor to commit or allegedly to commit, an act of domestic violence against the

complainant.

- (i) In this National Standard, a reference to *reasonable suspicion* or *grounds* must be interpreted to mean that a person will have *reasonable suspicion* or *grounds* to believe or suspect something or that certain action is necessary if —
 - (i) he or she really ‘believes’ or ‘suspects’ it;
 - (ii) his or her belief or suspicion is based on certain facts from which he or she has drawn an inference or conclusion; and
 - (iii) any reasonable person would, in view of those facts, also have drawn the same conclusion.

3. Securing the attendance of an accused at the trial by means other than arrest

- (1) There are various methods by which an accused’s attendance at a trial may be secured. Although arrest is one of these methods, it constitutes one of the most drastic infringements of the rights of an individual and a *member* should therefore regard it as a last resort.
- (2) It is impossible to lay down hard and fast rules regarding the manner in which the attendance of an accused at a trial should be secured. Each case must be dealt with according to its own merits. A *member* must always exercise his or her discretion in a proper manner when deciding whether a suspect should be arrested or rather be dealt with as provided for in subparagraph (3) below.
- (3) A *member*, even though authorised by law, should normally refrain from making an arrest if —
 - (a) the attendance of an accused may be secured by means of a summons as provided for in section 54 of the *Criminal Procedure Act*, or

- (b) the *member* believes on *reasonable grounds* that a magistrate's court, on convicting such person of that offence, will not impose a fine exceeding the amount determined by the Minister from time to time by notice in the *Gazette*, (at present R 5000,00), in which event such *member* may hand to the accused a written notice [J 534] as a method of securing the attendance of the accused in the magistrate's court in accordance with section 56 of the *Criminal Procedure Act*. If the person must be taken to the *police station* to be issued with a J 534, the person must be taken immediately to the *police station*. Pocket Book and Occurrence Book entries must be made in all these instances.

4. The object of an arrest

(1) General rule

As a general rule, the object of an arrest must be to secure the attendance of such person at his or her trial. A *member* may not arrest a person in order to punish, scare, or harass such person.

(2) Exceptions to the general rule

There are circumstances where the law permits a *member* to arrest a person although the purpose with the arrest is not solely to take the person to court. These circumstances are outlined below and constitute exceptions to the general rule that the object of an arrest must be to secure the attendance of an accused at his or her trial. These exceptions must be studied carefully and *members* must take special note of the requirements that must be complied with before an arrest in those circumstances will be regarded as lawful.

(a) Arrest for the purpose of further investigation

If a *member* has a *reasonable suspicion* that a person has committed a *First Schedule* offence but realises that further

investigation by the South African Police Service will be necessary before it will be possible to determine whether the suspect should be charged, such *member* may arrest the suspect *if the detention of the suspect is necessary to complete such further investigation*. It is thus proper for a *member* to arrest such a person with the purpose of handing him or her to a member of the South African Police Service. The member of the South African Police Service will conduct a further investigation and, depending on the outcome of such further investigation, charge or release the person. A *member* may only arrest a person for this purpose if such *member* has *reasonable grounds* to believe that the investigation of the South African Police Service will be hampered should the person not be arrested. This will normally be the case if such *member* has *reasonable grounds* to believe that —

- (i) the person will either abscond, do away with an article required as an exhibit, interfere with a witness or otherwise endeavour to evade or defeat the ends of justice;
- (ii) it is necessary for the purpose of the investigation of the case to establish the bodily features of that person and such person refuses to submit himself or herself voluntarily to the examination of his or her fingerprints, buccal sample or bodily appearance as provided for in the *Criminal Procedure Act*; or
- (iii) such person is an illegal foreigner (a person who is not a South African citizen and is in South Africa in contravention of the Immigration Act, 2002 (Act No. 13 of 2002)) or a person who is a prohibited person in terms of section 29 of the Immigration Act, 2002. Such person may be arrested without a warrant and be detained for purposes of conducting an investigation in terms of the said Act which

may lead to the obtaining of a warrant from the Minister of Home Affairs authorising such person's removal from the Republic.

(b) Arrest to verify a name and/ or address

In terms of section 41(1) of the *Criminal Procedure Act*, a *member* is given the power to call upon any person —

- (i) whom he or she has power to arrest;
- (ii) whom he or she reasonably suspects of having committed any offence or of having attempted to commit any offence; and
- (iii) who may, in his or her opinion, be able to give evidence in regard to the commission of any offence,

to furnish his or her full name and address. If such a person furnishes a name or address which the *member* reasonably suspects to be false, such *member* may arrest the person and must hand such person over to a member of the South African Police Service. The South African Police Service may detain such person for a period of twelve hours in order to verify the name and address of such person.

(c) Arrest in order to prevent the commission of an offence

In terms of section 40(1)(f) of the *Criminal Procedure Act*, a *member* may arrest a person whom he or she finds at night in circumstances which afford *reasonable grounds* for believing that such person is about to commit an offence. The purpose with the arrest in these circumstances is to prevent the commission of an offence. Such a person must be handed over to a member of the South African Police Service and may only be detained until the member of the South African Police Service is satisfied that the person will not proceed to commit the offence.

(d) Arrest in order to protect a suspect

If a *member* is authorised by any legislation to arrest a person and such *member* has *reasonable grounds* to believe that such person may be killed or be seriously injured unless he or she is immediately arrested, such *member* may arrest such person in order to protect him or her. (This would normally be the case when the suspect is threatened by the victim of the offence or a mob of people that he or she will be assaulted or be killed.) Such person must be handed over to a member of the South African Police Service and may normally be detained by the South African Police Service until he or she is brought before a court and the court has decided whether he or she should be released or be further detained.

(e) Arrest in order to end an offence

If a person may be arrested in terms of any legislation and a failure to arrest the person will result in the person continuing to commit an offence, such person may be arrested to prevent him or her from continuing to commit an offence. (This would for instance be the case where a person trespasses on property and refuses to leave the property).

5. The requirements for a lawful arrest

For an arrest to be lawful and for lawful continued detention after arrest, the following four requirements must be complied with:

(a) The arrest (with or without a warrant) must have been properly authorised.

There must be a statutory provision authorising the arrest. (See paragraphs 6(1) and (2) below).

- (b) **The member who effected the arrest must exercise physical control over the person who has been arrested.**
(See paragraphs 8(1) and (2) below).
- (c) **The person who has been arrested must be informed of the reason for his or her arrest and of the rights that he or she has as an arrested person, in terms of section 35(1) of the Constitution.**
(See paragraph 8(4) below).
- (d) **The person who has been arrested must be brought to the appropriate authorities as soon as possible.**
(See paragraph 9(7) below.)

6. Manner of effecting an arrest

(1) General rule - Arrest with a warrant

- (a) An arrest should preferably be effected only after a warrant for the arrest has been obtained in terms of section 43 of the *Criminal Procedure Act*.
- (b) Once a warrant for the arrest of a person has been issued, any *member* may execute such warrant. It is accordingly not necessary for the warrant to be executed by a particular *member*.

(2) Arrest without a warrant

- (a) It is only in exceptional circumstances where a *member* is specifically authorised by an Act (for example, sections 40 and 41 of the *Criminal Procedure Act*) to arrest a person without the authority of a warrant. Any arrest without a warrant, which is not specifically authorised by law, will be unlawful.
- (b) Section 40(2) of the *Criminal Procedure Act*, determines that if provision is made in a statute for a *member* to arrest a person without a warrant, subject to certain conditions or to the existence

of certain circumstances mentioned in such Act, those conditions must be observed and those circumstances must exist before the arrest is made.

- (c) Section 41 of the *Criminal Procedure Act*, provides that a *member* may call upon any person —
- (i) whom he or she reasonably suspects of having committed any offence or of having attempted to commit any offence; or
 - (ii) who may, in his or her opinion, be able to give evidence in regard to the commission or suspected commission of any offence,
- to furnish his or her full name and address.
- (d) If the person referred to in subparagraph (c), fails to furnish his or her full name and address, or the *member* reasonably suspects that a false name or address has been given to him or her, the *member* may forthwith arrest him or her. In the event that the person refuses to furnish his or her name or address, or furnishes a false name or address, such person is guilty of an offence and should be charged with the offence in the normal manner.

7. Arrest of a respondent in the case of an incident of domestic violence

- (1) In terms of section 3(1) of the Domestic Violence Act, 1998, a *member* **may arrest** without a warrant any person —
- (i) who is or has been in a domestic relationship with the *complainant*, and
 - (ii) whom the *member* reasonably suspects of having committed any offence against the *complainant*. The power to arrest in these circumstances is not limited to offences where violence is an element

or circumstances as provided for in section 40(1) of the *Criminal Procedure Act*).

- (2) A *member* **MUST**, in terms of section 3(2) of the Domestic Violence Act, 1998, without a warrant, arrest any *respondent* at the scene of an incident of domestic violence, if the *member* reasonably suspects that the *respondent* committed an offence containing an element of violence against the *complainant* (including the offence of common assault). If the *member* reasonably suspects that more than one *respondent* committed an offence containing an element of violence against any *complainant*, all *respondents* must be arrested.
- (3) In addition, *members* must comply with the provisions relating to arrest in the case of an incident of domestic violence as set out in National Standard on Domestic Violence.

8. Physical execution of an arrest

(1) Exercise of physical control

The *member* must confine the freedom of movement of the arrested person. Section 39 of the *Criminal Procedure Act*, determines that, unless the person who has been arrested submits to custody, an arrest is effected by actually touching his or her person or, if the circumstances so require, by forcibly confining his or her person.

(2) Amount of force which may be used in effecting arrest

- (a) As a rule there should be no need for the use of force, and, in every case where it may be necessary, only such force as is absolutely necessary to overcome resistance to the arrest, may be used. No justification whatsoever exists for beating, kicking or otherwise ill-treating an arrested person and there is no excuse whatsoever for a *member* to act in this manner.

- (b) Section 49 of the *Criminal Procedure Act*, provides for circumstances where the use of force may be justified to overcome the resistance to arrest offered by a suspect or if the suspect is fleeing from arrest. In this regard, the National Standard on the use of force when effecting an arrest must be complied with.

(3) Entering of premises for the purpose of arrest

- (a) Section 48 of the *Criminal Procedure Act*, provides that any person who may lawfully arrest another person in respect of any offence and who knows or reasonably suspects that such other person is on premises, may, if he or she has first —
- (i) audibly demanded entry into such premises; and
 - (ii) notified the purpose for which entry is sought and failed to gain entry,
- break open, enter and search such premises for the purpose of effecting the arrest.
- (b) If the *member* fails to gain entry after complying with the requirements stated in subparagraphs (a), such *member* may break open, enter and search such premises for the purpose of effecting the arrest.

(4) Information that must be furnished to a person upon arrest

- (a) The information that must be given to a person at the time of or immediately after his or her arrest is as follows:
- (i) the reason for his or her arrest;
 - (ii) that he or she has the right to remain silent and that anything he or she says, may be used as evidence against him or her in a court of law;
 - (iii) that he or she has a right to consult with a legal practitioner

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- of his or her choice or that he or she may, if he or she so prefers, apply to the Legal Aid Board to have a legal practitioner assigned to the case at state expense; and
- (iv) that he or she has the right to apply to be released on bail.
- (b) Section 39(2) of the *Criminal Procedure Act*, requires that the person who effects an arrest must, at the time of effecting the arrest or immediately thereafter, inform the person who has been arrested of the reason for his or her arrest. It is not necessary to use the actual words of the charge - mentioning the offence would be sufficient. If the arrest took place by virtue of a warrant, a copy of the warrant must, upon his or her demand, be handed to the person who has been arrested.
- (c) The information in subparagraph (a) must be given to the arrested person in a language which he or she understands. For this purpose the said information must be printed on the first pages of the Pocket book (SAPS 206) in all eleven official languages. To ensure that a person is fully informed of these rights, the arresting *member* must read this information from the Pocket book (SAPS 206) to the arrested person in a language which the arrested person understands. The person must, in all circumstances, acknowledge that the information in subparagraph (a) was conveyed to him or her by signing in the *member's* pocket book.
- (d) If a *member* —
- (i) is unable to establish what language the person understands; or
- (ii) cannot speak the language that the person understands; the *member* must read this information in English. In such a case, the *member* must, upon his or her arrival at the *police*

station, inform the *community service centre commander* that the person does not understand English and that steps must be taken by the *community service centre commander* to ascertain what language the person understands in order to convey the information to the person in that language.

- (e) Should a person volunteer any statement on arrest or prior to being formally charged at the community service centre of the South African Police Service, he or she must, once again, be informed of his or her rights as set out in subparagraph (a).

9. Procedure after arrest

(1) Recording of the fact that the arrested person has been informed of his or her rights

- (a) A *member* who arrests a person must, as soon as possible after having furnished the information in paragraph 8(4)(a)(above), to the arrested person, record in his or her Pocket book (SAPS 206) the fact that the information was so furnished.
- (b) The *member* must request the arrested person to confirm that he or she has been informed of his or her rights and that he or she understands the contents thereof, by signing next to the recording, referred to in subparagraph (a), in the Pocket book (SAPS 206).
- (c) If the arrested person refuses to sign in the Pocket book (SAPS 206), a third person (whether a civilian or another member) who witnessed the person being informed of his or her rights, must sign next to the recording to confirm that he or she has witnessed this and that the arrested person refused to sign. If a third person is not available, the member must make a recording in the Pocket

book (SAPS 206) to the effect that a third person was not available to confirm that the arrested person was informed of his or her rights and that the arrested person refused to sign the Pocket book (SAPS 206).

(2) Presumption of innocence

- (a) An arrested person has a right to be presumed innocent until proven guilty in a court of law. A *member* who arrests a person must therefore, at all times, control himself or herself and must never allow his or her belief in the guilt of the arrested person to move him or her to treat the arrested person in a manner which would amount to punishing the person for what the *member* believes that the person has done.
- (b) Even though an arrested person must be presumed to be innocent, a *member* must do everything which may legally be done in order to obtain evidence which could be presented in court to prove the guilt of the arrested person. A *member* must also take every precaution necessary in the circumstances to ensure that the person is not allowed any opportunity to escape.

(3) Injuries sustained prior to or during arrest

Upon the arrest of a person, a *member* is obliged to ensure the safety of such person while in his or her care. The following provisions must therefore be complied with:

- (a) The *member* concerned must take all reasonable precautions to ensure that the person will not be injured and will not escape before arrival at the *police station*.
- (b) Should the arrested person show any signs that he or she is seriously ill or is seriously injured, irrespective of whether the

injury was sustained during the arrest or not, the *member* must —

- (i) exercise his or her discretion and decide whether the person should be taken for emergency medical treatment even before he or she is taken to the *police station*; and
- (ii) if the arrested person, in the opinion of the *member* concerned, needs emergency medical treatment, decide whether the person is fit to be transported by police vehicle or should rather be transported by ambulance.

(c) If a *member* is in doubt as to whether emergency medical treatment is needed, he or she should rather take the necessary steps to arrange for such treatment. The Executive Head must issue standing orders informing the *members* under his or her command of the applicable hospitals, ambulances or medical practitioners that may be utilised for this purpose.

(d) The *member* who effects an arrest during which the arrested person is injured, must as soon as possible, enter particulars of the injuries, as well as the circumstances under which they were sustained, in his or her Pocket book (SAPS 206) and submit a full statement to the *community service centre commander* of the *police station* to which such person is handed over (for the information of the director of public prosecutions) which will accompany the case docket. He or she must also report any injuries which the arrested person sustained prior or during the arrest to the *community service centre commander* upon arrival at the *police station*.

(4) Search of the arrested person

In terms of section 23 of the *Criminal Procedure Act*, a *member* may search an arrested person. The purpose of such a search is twofold, namely to find any article that may be in such person's possession and which could be used in evidence, and to find any article which such person could use to injure himself or herself or any other person.

- (a) Every arrested person must always, immediately upon his or her arrest, at least be searched to determine whether he or she has any concealed weapons on him or her.
- (b) The search of an arrested person must be undertaken in a decent manner which displays respect for the inherent dignity of the person as required by section 29 of the *Criminal Procedure Act*, and a person may only be searched by a person of the same sex.

(5) The use of restraining measures

- (1) In order to curb the increasing number of escapes from police custody, any person who has been arrested and who is detained, may be placed in handcuffs and/or leg-irons (the latter depends on the circumstances).
- (2) Irrespective of whether restraining measures are used to secure an arrested person, *members* in charge of arrested persons must always remain alert until such persons are safely handed over to a member of the South African Police Service.

(6) Informing an employer in the case of arresting an employee

If a *member* arrests a person while such person is on duty and is in charge of his or her employer's property or business during the latter's absence, the *member* must, if possible, immediately inform the employer of such person of the arrest and take reasonable steps to ensure that

the employer's interests are safeguarded by someone else.

(7) Transporting the arrested person

- (1) In terms of section 50(1) of the *Criminal Procedure Act*, a person who has been arrested must as soon as possible be brought to—
 - (a) a *police station*; or
 - (b) in the case of an arrest by warrant, to the place stipulated in the warrant.

- (2) The *member* who is transporting the arrested person must drive with the necessary caution to ensure that the arrested person is not injured in any manner and must take the safest and shortest possible route to the *police station* or any other place specified in the warrant. Unnecessary driving around with arrested persons is not allowed.

10. Handing suspect over to the community service centre commander

- (1) Upon arrival at the *police station*, the *member* must hand the arrested person to the *community service centre commander* or the member in charge of the detention facilities at a *police station* and provide such person with the following information:
 - (a) the name of the *member* who has arrested the person;
 - (b) the name of the person arrested;
 - (c) the reason for the arrest;
 - (d) the date, time and place of arrest;
 - (e) the risk profile of the person arrested (risk of escaping, injuring others or him-or herself; and
 - (f) whether the person sustained any injuries prior to or during the arrest (see paragraph 9(3)(d) above).

- (2) The *member* must also, upon arrival at the *police station*, complete the Arrest Statement (SAPS 3M(i)) referred to in paragraph 11 below.

11. Completion of Arrest Statement (SAPS 3M(i))

The Arrest Statement (SAPS 3M(i)) is intended to ensure that an arrested person was informed of his or her fundamental rights as soon as possible after arrest, as required in paragraph 8(4)(above).

- (1) After a *member* has arrested a person, such person must, in terms of section 64H of the South African Police Service Act, 1995 (Act No. 68 of 1995), be brought to a *police station* under the control of the South African Police Service, or, in the case of an arrest by warrant, to any other place which is expressly mentioned in the warrant, to be dealt with in terms of section 50 of the *Criminal Procedure Act*.
- (2) A *member* must, upon his or her arrival at a *police station*, hand the arrested person to the *community service centre commander* or the member in charge of the detention facilities at a *police station* and the *member* must complete the Arrest Statement (SAPS 3M(i)).
- (3) Any force used during the arrest to overcome resistance or in order to prevent an escape, which resulted in injuries being sustained by the person during the arrest, must be recorded in a separate statement made by the *member* who applied the force. (Read together with subparagraph 9(3)(d) above).
- (4) The instructions, printed at the beginning of the Arrest Statement (SAPS 3M(i)), must be strictly adhered to.