
**GUIDELINE
FARM WATCH
SOUTH AFRICAN POLICE SERVICE**

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1. Introduction

- 1.1 Community policing is a philosophy that guides police management styles and operational and operational strategies and emphasises the establishment of police community partnerships and a problem solving approach responsive to the needs of the community.
- 1.2 Community policing requires a partnership between the South African Police Service and the community which entails close cooperation between the parties, each having specified and joint rights and responsibilities to address crime and in certain instances the contributing factors which cause crime.
- 1.3 The Community Police Forum (CPF) and sub-forums are the formal consultation mechanisms of the partnership.
- 1.4 The characteristics of community policing has five (5) basic qualities namely:

| Nr | Characteristics | Context |
|----|---------------------|--|
| 1 | Service orientation | with the community as client and the police as service provider |
| 2 | Partnership | which entails community police forums and other structures |
| 3 | Problem-solving | which relates to the analysis and solving of the root causes of crime |
| 4 | Empowerment | which refers to joint responsibility and capacity between the police and the community |
| 5 | Accountability | which refers to mechanisms which make the police accountable for their actions |

- 1.5 Any partnership regarding safety and security with the community must be coordinated by the South African Police Service.
- 1.6 A farm watch group is a community-based group consisting of members of the community who renders coordinated activities in support of the South African Police Service to prevent crime.
- ### 2. How a farm watch group is established?
- 2.1 The Community identifies a need to be involved in crime prevention activities and calls a meeting to establish the farm watch group.
- 2.2 During the first meeting the executive members are elected and a constitution with the terms of reference and the crime prevention activities planned is determined.
- 2.3 The executive members of the group present the concept to the local Community Policing Forum (CPF) and request permission to go ahead with the initiative.
- 2.4 The Chairperson and executives of the CPF consider the application and when satisfied with the constitution, terms of reference and planned activities provide approval that the Farm watch become a sub-structure to the CPF and can be involved in crime prevention activities in support of the local police station.

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- 3. The applicable legislation in community-based crime prevention structures**
- 3.1 Partnership policing means that the community and the South African Police Service have a joint responsibility to prevent crime which is regulated by the following legislation:
 - 3.1.1 The Constitution of the Republic of South Africa Act (Act 108 of 1996);
 - 3.1.2 South African Police Service Act (Act 68 of 1995);
 - 3.1.3 Criminal Procedure Act (Act 51 of 1977);
 - 3.1.4 Heraldry Act (Act 18 of 1962);
 - 3.1.5 National Road Traffic Act (Act 93 of 1996);
 - 3.1.6 Firearm Control Act (Act 60 of 2000);
 - 3.1.7 Private Security Industry Regulation Act (Act 56 of 2001).
- 3.2 The Constitution of the Republic of South Africa Act (Act 108 of 1996)**
 - 3.2.1 The Bill of Rights in the Constitution promotes amongst others human dignity, equality, freedom, security and privacy. It also ensures that each person has human rights that must be protected.
 - 3.2.2 A member of the Farm Watch will have to protect the rights of a person as set out in the Constitution.
- 3.3 South African Police Service Act (Act 68 of 1995)**
 - 3.3.1 Section 13 of the Act deals with powers, duties and functions of the South African Police Service.
 - 3.3.2 Section 48 of the Act regulates the Reserve Police Service within the South African Police Service. It states that the National Commissioner may appoint a person as a member of the Reserve in a manner determined by the National Commissioner. The National Commissioner will also determine what kind of training will be applicable for Reservists which normally entails handling of fire arms and policing functions.
 - 3.3.3 A member of the Reserve (a Reservist) shall be deemed to be in the employ of the South African Police Service while on duty with the permission of the Station Commander, however he or she will not be remunerated by the South African Police Service.
 - 3.3.4 A member of a Farm Watch who is not appointed as a Reservist in terms of the Act and not on duty, is a private person and have no policing powers.
 - 3.3.5 A member of a Farm Watch will have the same powers as normal citizens of South Africa, and although they can affect a citizen arrest in certain circumstances, the South African Police Service remain the only entity responsible for rendering law and order and policing functions.

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- 3.5.6 The using or wearing of South African Police Service regulation uniform or badges is prohibited by the Act.
- 3.5.7 Anyone pretending to be a member of the South African Police Service commits an offence under the Act.
- 3.6 **Criminal Procedure Act (Act 51 of 1977)**
- 3.6.1 Section 42 of the Act indicates that citizens of South Africa have the right to arrest the following:
- Trespassers;
 - Persons engaged in an affray (public fighting); and
 - Persons who he has a reasonable suspicion have committed a Schedule 1 Offence.
- 3.6.2 Schedule 1 offences include the following:
- House breaking;
 - Malicious injury;
 - Robbery (High jacking or armed robbery);
 - Rape;
 - Murder;
 - Arson;
 - Assault with intent to do grievous bodily harm (GBH)
 - Indecent assault; or
 - Any attempt of the above.
- 3.6.3 Before a citizen's arrest can be effected there must be reasonable belief or knowledge that a Schedule 1 offence has been committed.
- 3.6.4 The citizen who effects the arrest can only use the force that was necessary to secure compliance from the suspect and where there was no other reasonable alternative.
- 3.6.5 Should the conditions of the Act not be adhered to the person effecting a citizen's arrest can be guilty of effecting an unlawful arrest and can be held liable.
- 3.6.6 Members of a Farm Watch will have the powers to effect a citizen's arrest on the conditions mentioned above with the aim to ensure the suspect is charged and brought before a court.
- 3.6.7 Section 47 of the Act states that any citizen must assist members of the South African Police Service to effect an arrest of a suspect. It states that any male citizen between the ages of 16 and 60 can be requested by a police officer to assist with the arrest of a suspect and such citizen cannot refuse such request. If he refuses he can be prosecuted.
- 3.6.8 Section 23 of the Act states that the person who effected the arrest can search the suspect and seize any article that was used in the commission of a crime as evidence. Such article must be handed to a police official as soon as possible. A statement must also be provided with regards to the seizure for the purposes of the court procedures.

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- 3.6.9 A person will act in self defence in case where he/she causes the death of another person who attacks him or her on the understanding that the attack is ongoing/imminent and that the attack is unlawful. Retaliation is not self defence and this will cause the defender to be guilty of assault. The action of self defence must be directed to the attacker and nobody else. The action of self defence must be proportional, reasonable in the circumstances and necessary. In cases where it is believed that a person would injure you or someone close to you and will even possible kill you as a result of this attack any means of self defence can be used.
- 3.7 **Heraldry Act (Act 18 of 1962);**
- 3.7.1 The use of the emblem of the South African Police Service is protected by the Heraldry Act (Act 18 of 1962) and no other person or entity can use this emblem.
- 3.8 **National Road Traffic Act (Act 93 of 1996);**
- 3.8.1 The use of any rotating or reflecting lights of any color on a private vehicle for the purposes of visibility during any patrols is being prohibited by this Act. The use of orange, blue, green or flashing lights on any unauthorised vehicle is prohibited by Regulation 176 of this Act.
- 3.9 **Firearm Control Act (Act 60 of 2000)**
- 3.9.1 The Act determines that no person may carry a legally owned firearm in a public place unless:
- In case of a handgun:
 - in a holster or similar holster designed manufactured or adapted for carrying of a handgun and attached to his or her person;
 - in a rucksack or similar holder;
 - In case of any other firearm, in a holder designed, manufactured or adapted for the carrying of the firearm.
- 3.9.2 The firearm must be completely covered and the person carrying the firearm must be able to exercise effective control over such firearm.
- 3.10 **Private Security Industry Regulation Act (Act 56 of 2001)**
- 3.10.1 "Security service" refers the activities to protect or safeguard a person or property in any manner.
- 3.10.2 A service provider rendering such safeguarding functions must be registered by the Private Security Industry Regulatory Authority.
- 3.10.3 A farm watch structure where the community coordinates themselves to patrol and protect property may apply with PSIRA to be exempted from the provisions of the Act.
4. **The restriction of the powers of members of a Farm Watch:**
- 4.1 A member of a Farm Watch may not:

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- wear any uniform or use any badge and emblem of the SAPS;
- perform any policing functions or crime prevention functions such as cordon and search, road blocks, raids, investigations or use vehicles of the SAPS unless as part of a community-based crime prevention operation conducted with the members of the SAPS;
- prevent a member of the SAPS in the performing of their duties and
- instruct or manage any member of the SAPS irrelevant of the circumstances.

5. Operational functions of the Farm Watch

- 5.1 A member of a farm watch can wear a reflector jacket to be visible.
- 5.2 The following functions can be performed by members of the Farm Watch:
- 5.2.1 Be the ears and eyes for the SAPS.
- 5.2.2 Conduct a citizen's arrest.
- 5.2.3 Conduct observation patrol duties to prevent crime on a voluntary basis with no payment.
- 5.2.4 Educate citizens including farm workers on crime prevention, safety hints and protection of crime scenes and have awareness campaigns in that regard.
- 5.2.5 Gather information and intelligence on crime that can assist the SAPS.
- 5.2.6 Protect and safeguard crime scenes.
- 5.2.7 Build and promote good relationships with the rural community including farm workers.
- 5.2.8 Report any criminal and suspicious activities to the SAPD.
- 5.2.9 Create a communication channel with the community and SAPS.
- 5.2.10 Attend the CPF and Rural Safety Meetings arranged by the police station.

6. Closure

- 6.1 The SAPS cannot render effective rural safety services without the involvement of the community. Structures such as Farm Watch play an important role in crime prevention and activation in cases of emergency.
- 6.2 The active involvement of members of the Farm Watch in the CPF and other rural safety meetings contributes to the effective sharing of crime information and direct where patrols and other crime prevention initiatives are needed.