



INDUSTRY CIRCULAR NO:002/21

TO : ALL SECURITY SERVICE PROVIDERS

**FROM : MANABELA CHAUKE
DIRECTOR**

DATE : 12 FEBRUARY 2021

**SUBJECT : NOTICE IN RESPECT OF THE INVOLVEMENT OF PRIVATE
SECURITY ENTITIES AND OTHER PRIVATE PERSONS IN POLICE
OPERATIONS**

The Private Security Industry Regulatory Authority wishes to address the role to played by the private security providers in police operations. This notice is largely informed by a circular which was issued by the SAPS dated 23 December 2020 on the *Utilisation of Private Security and Other Private Persons in Police Stations*. The contents of this notice are in line with the legal prescripts for the regulation of the private security industry in South Africa, including the Code of Conduct for the Private Security Providers.

In this context, a private security provider is a person who renders a security service to another for remuneration, reward, fee or benefit, and includes such a person who is registered (or not registered) as required in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001).

Private security providers must take note of this important information in relation to their association with the SAPS.

1. In terms of the Criminal Procedure Act, 1977 (Act No 51 of 1977), read in conjunction with the Control of Access to Public Premises and Vehicles Act, 1985 (Act No.53 of 1985), powers to effect arrests, search and seizure, conduct road blocks and stopping vehicles primarily rest with the police.
 2. It is, therefore, illegal for private security service providers to set up roadblocks or check points and exercise any police powers at a roadblock including:
 - a) conducting public searches of persons, vehicles, premises or containers;
 - b) hold roadblocks or check points;
 - c) stop vehicles on public roads;
 - d) conduct crime scene investigations;
 - e) interrogate suspects without informing them of their constitutional rights; or
 - f) take statements, etc.
 3. Private security providers cannot arrest any person without a warrant of arrest and/or without the authorisation of a police official. The performance of police powers by private security providers is beyond the scope of their responsibility.
 4. In carrying out citizen's arrest, private security providers must comply with the Criminal Procedure Act, 1977. The relevant sections are sections 42 (arrest by a private person without a warrant) and section 47 (private persons to assist in arrest when called upon by a police official). Private security providers may only perform citizen's arrest and searches in limited circumstances, that is, where authorised by, for instance, the Control of Access to the Public Premises and Vehicle Act, 1985.
 5. In line with the National Instruction 1 of 2005 (Crime Scene Management), private security providers may not tamper, contaminate or disturb physical evidence on a crime scene or introduce change into the crime scene. Such conduct could constitute one or more of the following offences:-
 - defeating the ends of justice;
 - obstructing a police official in the execution of his or her duties; and
 - even being an accessory to the principal offence.
-

6. Private security providers must note that the use of private tracker dogs on crimes without the permission of the crime scene manager or police official in charge of the crime scene could be construed as tampering, contaminating or disturbing a crime scene or physical evidence at the crime scene.
7. Private security service providers must ensure that the crime scene is secured with minimal contamination and disturbance of physical evidence. As the responders, they must ensure that the crime scene is not changed and/tempered with. In the event that a crime has been committed, it is the duty of a private security officer to contact the nearest police station to the crime scene.
8. Private security providers cannot participate and/or assist in police operations. Such conduct may render the South African Police Service liable for civil claims and has a potential of being declared unconstitutional in a court of law.

Yours Faithfully,



MR MANABELA CHAUKE
DIRECTOR