

## **Extract from PepperBall Users Manual**

### **USE OF FORCE IN AFFECTING A CITIZENS ARREST**

In terms of Section 42 of the Criminal Procedure Act of 1977 a South African Citizen has the right to arrest the following persons:-

- Trespassers
- Persons engaged in an affray (Public Fighting)
- Persons who he has a reasonable suspicion have committed a Schedule One Offence.

#### **REQUIREMENTS REGARDING THE USE OF FORCE DURING ARRESTS**

1. You have the right to arrest the individual. (Section 42)
2. You must have the intention to arrest the suspect (i.e. your intent must be to arrest the suspect so that you can hand him over to the law enforcement agencies.)
3. You must have a reasonable belief or have actual knowledge of a schedule one offence having been committed by the suspect.
4. The suspect must have resisted or fled in the knowledge of your intention to arrest them. (Inform them of same asap)
5. Your use of force was necessary to secure compliance from the suspect and there was no other reasonable alternative.

#### **SOME SCHEDULE ONE OFFENCES**

1. House breaking
2. Malicious injury to property
3. Robbery (Hijacking, mugging)
4. Rape
5. Murder
6. Arson
7. Assault with intent to do grievous bodily harm (GBH)
8. Indecent Assault
9. Any attempt at one of the above

### **South African Law & Private Defence**

The law requires certain conditions to be met before one wishes to plead Private Defence, which includes both self-defence and the defence of a third party.

#### **REQUIREMENTS OF THE HARM THREATENED**

- The harm must be unlawful
- The harm must infringe a legal interest
- The harm must be reasonably imminent or actually occurring.

#### **REQUIREMENTS OF YOUR RESPONSE**

- Your response must be directed at the attacker or his agent. (I.e. his dog)
- Your response must be necessary
- Your response must be related to the severity of the attack.
- Your intention must have been to act in accordance with the requirements of the law of private defence.