

A large, stylized graphic of an eye in shades of orange, centered on the page. The eye is composed of a central circle, two curved shapes for the eyelids, and a larger outer shape for the eye socket. The text is overlaid on this graphic.

Western Cape provincial

constitution

and

Code of conduct

for

Neighbourhood Watch

structures

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# Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures

## 1. Definitions

- ▶ **“Neighbourhood watch structure”**: An all – encompassing phrase and shall including individual neighbourhood watches as well as neighbourhood watch associations and other structures such as street committees, street watches, block watches, farm watches, business watches, flat watches and any neighbourhood watching activity deemed to be related to the definition.
- ▶ **“Neighbourhood watch associations”**: A structure, consisting of a group of neighbourhood watches or such structures as referred to above.
- ▶ **“Neighbourhood watch”**: A group of individuals resident in the area or businesses wherein the neighbourhood watch activity is being conducted.
- ▶ **“Recognition”**: The process that precedes recognition whereby the details of a neighbourhood watch structure, being
  - the names and contact details of the committee members,
  - its membership,
  - its constitution,
  - its code of conduct and
  - audited financial statementsshall be recorded with the local Community Police Forum and the local South African Police Services. In cases where the Community Police Forum is not in existence or is not active, this will be done by the South African Police Services.
- ▶ **“Affiliation to local Community Police Forum”**: The official representation of the neighbourhood watch structure in the area. In the absence of a community police forum such official representation will be through the local station commissioner of the South African Police Services.
- ▶ **“Official”**: This implies that a structure has been registered and is recognised accordingly.
- ▶ **“Non – political”**: Implies that the neighbourhood watch structure should not be affiliated to any political organization, and also must not do any work or give the perception of being politically aligned with any political organization.
- ▶ **“Non – sexist”**: This implies that the neighbourhood watch structure must not discriminate on the grounds of sex, gender or sexual orientation.
- ▶ **“Dangerous Weapons”**: As defined by The Dangerous Weapon Act No 71 of 1968, ... “any object, other than a firearm, which is likely to cause serious bodily injury if it were used to commit an assault.”

## 2. Aims

- ▶ To nurture a sense of unity, dedication and good neighbourly relations among the residents of the area.
- ▶ To serve as a watchdog for its community and the local police services, thereby assisting the local police services to safeguard its community against criminal activities and strive for a safe and secure environment.
- ▶ To provide a channel through which local communities can play a meaningful role in crime prevention.

### 3. Objectives

- ▶ To create public awareness with regard to safety, crime prevention and protection of families and their property.
- ▶ To encourage the community to work in close co-operation with the South African Police Services and other structures such as local authorities who are involved in law enforcement.
- ▶ To ensure that the neighbourhood watches act within the framework of the law.
- ▶ To unite a diverse residency in creating a stable and crime free environment.

### 4. Membership

- ▶ Membership of the association is based upon the principles of non-racism, non – sexism, non-sectarianism and democracy.
- ▶ Membership is open to all registered neighbourhood watches who comply and is subject to the criteria for recognition.
- ▶ Membership is open to all irrespective of race, colour, religion, disability, age or sexual orientation subject to the criteria as set out by the relevant neighbourhood watch structure.
- ▶ Membership is open to all who reside in the area of operation or have direct business or interest in the area subject to the criteria as set out by the residing neighbourhood watch.
- ▶ Neighbourhood watch structures may determine their own membership fee. In the event where such a fee is applicable, payment will not be enforced in any way, neither shall the neighbourhood watch affiliation depend on such a fee payable. The payment of such a fee shall remain voluntary at all times.
- ▶ A membership register will be kept by neighbourhood watch structures and updated annually. The register must contain the name, address, identity number and telephone details of the members. The register must also contain the indemnity forms signed by the members.

### 5. Indemnity

- ▶ A neighbourhood watch structure is not a legal person and functions within the guidelines as provided and set out in the Western Cape Provincial Constitution and Code of conduct for Neighbourhood Watch structures.
- ▶ An acknowledgement to this effect will be signed by all neighbourhood watches and associations and its members clearly indemnifying the neighbourhood watch structure.
- ▶ This acknowledgement must clearly state that a neighbourhood watch structure is a voluntary association.
- ▶ The same acknowledgement must be completed by all neighbourhood watch and or associations before joining a neighbourhood watch structure.

### 6. Liability

- ▶ A neighbourhood watch structure is not a legal person and as such does not have powers of whatsoever the nature might be in law to act or to be acted upon.
- ▶ All individual members and any neighbourhood watch affiliated to the neighbourhood watch structure act in their own capacity, as individuals and liability will be in that capacity.
- ▶ The neighbourhood watch structures will not be responsible for civil and or criminal actions or omissions that are perpetrated by a member of a neighbourhood watch structure, nor responsible for civil and or criminal actions or omissions against its members.
- ▶ All and any criminal and civil actions that are instituted against a member of the neighbourhood watch structure will be against the member concerned and not the neighbourhood watch structure.

## 7. Accountability

- ▶ The neighbourhood watch structure will be accountable to the South African Police Service in the first instance.
- ▶ By virtue of its registration with local community police forum the neighbourhood watch structure will be accountable to the local Community Police Forum.
- ▶ In the absence of such a community police forum, the neighbourhood watch structure will be accountable to the Area Community Police Board.
- ▶ Should the local Community Police Forum or the Area Community Police Board be found to be dysfunctional the neighbourhood watch structure will be accountable to the Provincial Community Police Board.
- ▶ The Provincial Constitution and Code of conduct for neighbourhood watch structures will be binding on all neighbourhood watch structures in so far as it is not in conflict with the Constitution of the Republic of South Africa and the Bill of Rights.

## 8. Affiliation

All neighbourhood watch structures must be affiliated to the local Community Police Forum in order to be recognised by the local South African Police Services in the area.

## 9. Composition

The neighbourhood watch structures will consist of individual households and businesses in clearly demarcated and agreed upon areas, streets, sections, flats, farms, wards or zones of the area.

## 10. Functions

- ▶ The neighbourhood watch must assist the South African Police Services in crime prevention in their areas.
- ▶ The neighbourhood watch structure will adopt and support the social crime prevention strategy of the police.
- ▶ The neighbourhood watch structures must operate within the framework of the law.
- ▶ The neighbourhood watch members will have powers, similar to that of any other citizen, to perform a citizen's arrest.
- ▶ In performing a citizen's arrest, the requirements set out in the Criminal Procedure Act No. 51 of 1977 (see annexure) will be adhered to and complied with at all times and under all circumstances.
- ▶ The neighbourhood watch structures must at all times strive to work in partnership with the Community Police Forum that operates in the area.
- ▶ The neighbourhood watch structure will be responsible for initiating and implementing crime prevention projects in consultation with the local Community Police Forum.

## 11. Logos and Letterheads

- ▶ A neighbourhood watch structure may design and use its own logo, and a letterhead complementing its stated aims and objectives. Such a design shall not be found to be offensive, insulting, demeaning and annoying to the public. Such design will not bring the Community Police Forum and the South African Police Services into disrepute.
- ▶ The neighbourhood watch structure should not use the same logo or a letterhead similar to that of the South African Police Services.
- ▶ The neighbourhood watch structure may use the logo and letterhead of the local Community Police Forum after obtaining written consent of the executive committee of the local Community Police Forum.

## **12. Identity Cards**

- ▶ All members of a neighbourhood watch structures will have identity cards.
- ▶ The identity cards of members must not be similar to that used by members of the South African Police Services.
- ▶ The identity cards of members must contain the most recent photograph of the member, his or her full names, identity number and the holder's legible signature.
- ▶ To validate such a card it shall reflect the full name of the resident South African Police Station and the signature of the South African Police Services local station commissioner.
- ▶ The structure will ensure that all identity cards are validated annually.

## **13. Resolution of Disputes**

- ▶ If any dispute arises, the local Community Police Forum must attempt to resolve it.
- ▶ Should it be found that the local Community Police Forum can not resolve the dispute, it will be referred to the Area Community Police Board.
- ▶ Failure to resolve a dispute will lead to it being taken to the Provincial Community Police Board, whose decision shall be final and binding.

## **14. Use and Control of Funds and Assets**

- ▶ The neighbourhood watch structure will remain a non profit-making organisation.
- ▶ The neighbourhood watch structure will keep proper accounting records that accurately reflect all its income and expenditure, assets and liabilities. The neighbourhood watch structure will have its financial accounts reviewed annually and where possible have them audited.
- ▶ The neighbourhood watch structure will be permitted to hold fund-raising campaigns for the purposes of furthering its stated aims and objectives.
- ▶ Funds acquired from other sources will be controlled and administered by the neighbourhood watch structure concerned.
- ▶ A decision to embark on such campaigns must be reached in consultation with the local Community Police Forum and the South African Police Services.
- ▶ All government funding must be controlled by the local Community Police Forum and the South African Police Services.
- ▶ If the annual income of a neighbourhood watch exceeds R500, the structure will ensure that all funds be deposited in a registered neighbourhood watch structure's bank account, with a banking institution registered and recognized by the South African Merchant Bank Act No 90 of 1994.
- ▶ The neighbourhood watch structures will ensure that a person or a member of the structure will be appointed as a custodian of the equipment. The prime function of this portfolio will be upon handing over in the event of dysfunctionality / changing of office / changing of portfolios; a fully completed inventory signed by the trustee will be filed by the chairperson of the neighbourhood watch.

## **15. Dissolution of a neighbourhood watch structure.**

- ▶ A neighbourhood watch structure may be dissolved by a majority vote of a duly constituted meeting. This meeting may take place under the chairperson of the local Community Police Forum or an independent person.
- ▶ Reference to the mandate will be made and duly recorded.

- ▶ The neighbourhood watch will invite the local Community Police Forum, the local Station Commissioner of the South African Police Service and a representative from the Department of Community Safety to be present at the meeting.
- ▶ Subject to the above, the local Community Police Forum will become the custodian of all assets, funds and documentation pertaining to the neighbourhood watch structures.
- ▶ The local Community Police Forum will immediately cancel the mandate as recorded that the neighbourhood watch structure holds with the banking institution.
- ▶ Upon complying with clause (e), the local Community Police Forum will with immediate effect appoint members from its executive as signatories to the banking account/s.
- ▶ The local community Police Forum will hold all funds and assets in trust until such time that the community organizes itself again in a neighbourhood watch.
- ▶ In the interim the local Community Police Forum will sustain any and all current project/s and attend to the administration of the dissolved neighbourhood watch structure including the payments to creditors, if any.
- ▶ If after the agreed time period for restructuring of the neighbourhood watch structure and all efforts to this effect have failed, the local Community Police Forum may donate the assets of the dissolved neighbourhood watch structure to an organization which shall include a neighbourhood watch with similar aims and objectives as that of the dissolved neighbourhood watch structure.

## **16. Dysfunctional neighbourhood watch structure.**

- ▶ A neighbourhood watch may be declared dysfunctional by consensus reached with the neighbourhood watch structure, the local Community Police Forum, the local station commissioner of the South African Police Services and a representative of the Department of Community Safety.
- ▶ Subject to the above all interest will vest in the Local Community Police forum who take control of all and any projects pending and engaged upon by the neighbourhood watch. The local Community Police Forum will administer the funds and cover all creditors if any.
- ▶ The neighbourhood watch structure, together with the local Community Police Forum will employ every effort to re-establish a neighbourhood watch or any organisation with similar objectives that can be recognized by the local Community Police Forum.

## **17. Amending the constitution and code of conduct.**

The Minister of Community Safety in the Western Cape may and will amend the constitution and code of conduct by means of appointing a committee consisting of representatives from the Department of Community Safety, the South African Police Service – Western Cape, the Provincial Community Police Board, the Neighbourhood Watch Structure, and any person he/she may so deem fit.

# **Code of Conduct**

## **1. Members**

- ▶ This code of conduct and the constitution is binding on all neighbourhood watch structures and members.
- ▶ The neighbourhood watch structure and its members must at all times act in a non-violent manner. No member may take the law into his or her own hands irrespective of circumstances.
- ▶ No member of a neighbourhood watch structure will display racism, sexism or any other form of discrimination towards any member and any other person.

- ▶ The neighbourhood watch structure will not allow any member to carry any weapon/s perceived to be dangerous that could inflict serious bodily and or damage to property; this includes dangerous weapons as defined by law when patrolling. Only weapons for the sole purpose of self defense as approved by the Provincial Commissioner, South African Police Services – Western Cape may be used.
- ▶ The neighbourhood watch structure will ensure that all neighbourhood watch members with firearms declare these to the local South African Police Services or the office of the neighbourhood watch as appointed by the resident station commissioner of the South African Police Services.
- ▶ Should a member be found guilty of a criminal offence, the neighbourhood watch structure must respect the decision of the courts and immediately institute disciplinary measures as defined. The neighbourhood watch structure will issue a public statement regarding its action.
- ▶ Members may not divulge any confidential or privileged information that they may have acquired as a result of their membership of the neighbourhood watch structure.
- ▶ The neighbourhood watch structure and its executive committee will mandate a member to address, and or make public statements, and or make public announcements, in matters pertaining to the neighbourhood watch structure.
- ▶ Members found to be making public statements and or addressing the media without the explicit authority duly mandating the member to act for and on behalf of the neighbourhood watch structure will be found guilty of a serious offence, resulting in the immediate suspension of the member pending expulsion subject to the merits of the matter. The neighbourhood watch structure will with immediate effect rectify the matter and make a public statement in this regard.
- ▶ No member may accept any payment, commission or gratuity in connection with his or her membership of the neighbourhood watch structure, except after being duly authorized to do so by the neighbourhood watch structure.
- ▶ Notwithstanding the above, should any payment, commission, or gratuity be offered to a neighbourhood watch, its executive committee will act in the best interest of the neighbourhood watch. The neighbourhood watch accepting the offer will with immediate effect and in writing advise that neighbourhood watch structure of its decision and or actions in this regard.
- ▶ No member may exploit its membership of the neighbourhood watch structure to its own personal advantage or benefit.
- ▶ Members must at all times act in a manner that will uphold and promote the aims and objective of the neighbourhood watch structure as highlighted by the neighbourhood watch structure's constitution and code of conduct.

## **2. Structure**

- ▶ The neighbourhood watch structure will be a non-profit making organisation.
- ▶ The neighbourhood watch structure must be non-politically aligned and should not participate or engage or support or secure the premises where any political activity is being conducted. However should the neighbourhood watch structure be requested to promote a safe environment its acceptance must be performed within the framework of the law and as contained herein. A public and official statement must be made at the meeting and or gathering in regard to the statutes of the neighbourhood watch concerned.
- ▶ The neighbourhood watch structure and its members must operate in partnership with the South African Police Services, and within the framework of the law.



- ▶ Should a neighbourhood watch structure choose to do patrols, only minimum force, as described in the Criminal Procedure Act No. 51 of 1977 may be used to secure the arrest of the perpetrator of an offence and no intimidation in whatever form may be used in the communities where such patrols will be taking place.
- ▶ If any such patrols are to take place, the local South African Police Services must be informed and the South African Police Services officer or reservists, wherever possible, must support such neighbourhood watch patrols.
- ▶ The neighbourhood watch structure must by means of registration ensure that no person under the age of 18 years participates in neighbourhood watch patrol/s.
- ▶ The neighbourhood watch structure will appropriately penalize a member of a neighbourhood watch structure if such member is found guilty of misconduct or has brought the good name of the association into disrepute, depending on the merits of the case.
- ▶ Where there is a conflict between a neighbourhood watch structure's code of conduct and constitution and the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures, the latter shall be decisive.
- ▶ All neighbourhood watch structures will be required to sign a pledge endorsing the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures.
- ▶ The neighbourhood watch structures and its members is not a substitute for the South African Police Services.

### 3. Disciplinary Measures

All disciplinary measures will entail

- ▶ Reprimand
- ▶ Suspension
- ▶ Expulsion subject to investigation

In the event of any complaint being lodged against a member of a neighbourhood watch, the neighbourhood watch concerned, may propose to reprimand, suspend, or expel the member, subject to an investigation and to deal with the matter at its earliest convenience and advise the complainant of its action. Furthermore the neighbourhood watch will with immediate effect advise the neighbourhood watch structure of its decision and the action taken.

## Criteria for the Registration

- ▶ A neighbourhood watch structure must make an application to register with the local Community Police Forum to secure official recognition.
- ▶ The application for registration must be made in writing and the executive committee or co-coordinating committee of the neighbourhood watch structure that seeks registration must appear physically before the local Community Police Forum in the area.
- ▶ The neighbourhood watch structure seeking registration must provide the Community Police Forum with the following;
  - The constitution and the code of conduct of the neighbourhood watch structure.
  - The area and boundaries where the neighbourhood watch structure operates.
  - The names and addresses of the members of the neighbourhood watch structure.
  - The names and addresses of all executive committee members of the neighbourhood watch structure.
- ▶ Subject to the consideration of the application for registration of the neighbourhood watch structure, the Community Police Forum will ensure that the application for registration of a neighbourhood

watch structure is not in conflict with that of the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures as contained herein.

- ▶ Where a conflict may exist Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures will be decisive and the community police forum will assist the neighbourhood watch structure to rectify the matter.

## Guidelines for Working Together

- ▶ The South African Police Services will, wherever possible, provide members, reservists, or assist to arrange for members from other law enforcement agencies to supervise neighbourhood watches when patrols are undertaken.
- ▶ The Department of Community Safety will decide on approval of all project-funding applications for a registered neighbourhood watches that are submitted by a registered Community Police Forum.
- ▶ Neighbourhood watch structures will assist the South African Police Services in the identification of potential police reservists.
- ▶ The neighbourhood structure, its members, and the South African Police Services must share information on matters pertaining to crime prevention and the apprehension of criminals.
- ▶ The South African Police Services and the Community Police Forum must assist each other in the publicity campaign for the local neighbourhood watch structure.

## Common Practices and Procedures

### 1. Liability

- ▶ The neighbourhood watch structure cannot be held responsible for the action of a member; however a member may request the neighbourhood watch structure to assist by obtaining some form of legal assistance and or legal aid.
- ▶ A neighbourhood watch structure may negotiate insurance cover for its members. The neighbourhood watch structure will have the responsibility to raise the necessary funds and pay for the insurance cover.

### 2. Public Participation

The neighbourhood watch structure must have regular public meetings to keep the local community informed of all its activities.

### 3. Minimum force

Attention is drawn to the Criminal Procedure Act NO 51 of 1977 (section 49 (1):

“A person so authorized may, in order to effect the arrest, use such force as may in the circumstances be reasonably necessary to overcome the resistance or to prevent the person concerned from fleeing.”

### 4. Relationship with the Community Police Forum

The Neighbourhood Watch Structure will support all activities of the local Community Police Forum.

### 5. The role of SAPS

- ▶ The officer responsible for social crime prevention will accept the responsibility to encourage local communities to organize themselves in neighbourhood watch structures and or organizations.
- ▶ The South African Police Services will provide all possible assistance to the neighbourhood watch structure to ensure its smooth running within the legal and budgetary constraints on it.

# Acknowledgement

The Department Community Safety Western Cape would like to acknowledge the contributions of the Provincial Committee elected to amend the Constitution of the Provincial Constitution and Code of Conduct of the Neighbourhood Watch structures.

The members are :

1. Mr John Cloete – Dept of Community Safety
2. Mr Ashwell Francis – CPF (West Metropole)
3. Ms Nomafu Mpotulo – Neighbourhood Watch (East Metropole)
4. Mr Don Sauls – Dept of Community Safety
5. Col. Hennie Schreuder – CPF (Boland)
6. Mr Louis Swigelaar – Neighbourhood Watch ( West Metropole)
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