

Southfield Neighbourhood Watch

Constitution and Code of Conduct

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1. Definitions

- **Neighbourhood Watch**

A group of individuals resident in the area or businesses wherein the Southfield Neighbourhood Watch (SFNW) activity is being conducted.

- **Recognition**

The process that precedes recognition whereby the details of the Southfield Neighbourhood Watch (SFNW) structure, being:

- Names and contact details of the committee members,
- Membership,
- Constitution,
- Code of Conduct and
- Audited Financial Statements

shall be recorded with the local Community Police Forum and the local South African Police Services.

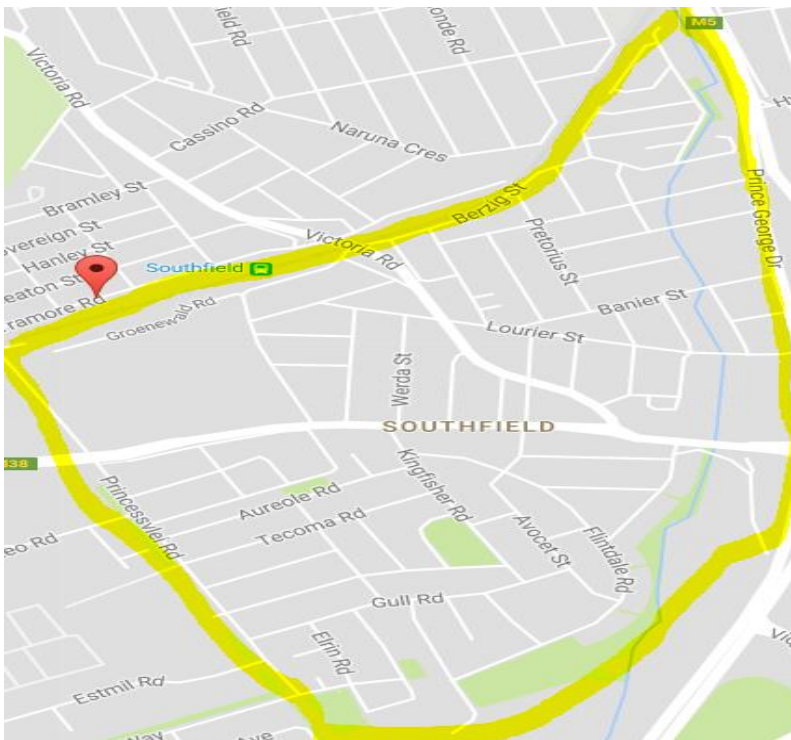
- **Affiliation to local Community Police Forum**

The official representations of the Southfield Neighbourhood Watch (SFNW) structure in the area.

- **Executive Committee**

Elected office bearers of the Neighbourhood Watch, i.e. Chairperson, Vice Chairperson, Secretary, Treasurer, Operations Manager, Zone / Street Co-ordinators.

- **Area of Operation**



- **Non – political**

Implies that SFNW 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.

- **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 assist the South African Police Services in any lawful manner in regards to the abatement, alleviation or prevention of crime in Southfield.
- To ensure that SFNW act within the framework of the law.

4. Membership and Protection of Member Information

See attached Membership Policy document.

5. Indemnity

- SFNW 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 SFNW clearly indemnifying the neighbourhood watch structure.
- This acknowledgement must clearly state that SFNW is a voluntary association.

6. Liability

- SFNW 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 members affiliated to SFNW act in their own capacity, as individuals and liability will be in that capacity.
- SFNW will not be responsible for civil and or criminal actions or omissions that are perpetrated by a member of SFNW, 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 SFNW will be against the member concerned and not SFNW.

7. Accountability

SFNW will be accountable to the Diep River Community Policing Forum and secondly to the local South African Police Service.

8. Functions

SFNW must assist the South African Police Services in crime prevention in their areas.

The SFNW structure will adopt and support the social crime prevention strategy of the police.

The SFNW structure must operate within the framework of the law.

SFNW 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 will be adhered to and complied with at all times and under all circumstances.

The SFNW structure must at all times strive to work in partnership with the Community Police Forum that operates in the area.

The SFNW structure will be responsible for initiating and implementing crime prevention projects in consultation with the local Community Police Forum.

9. Identity Cards

All members of SFNW 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.

10. 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 cannot 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.

11. Use and Control of Funds and Assets

SFNW will:

- Remain a non-profitmaking organisation.
- 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.
- Be permitted to hold fund-raising campaigns for the purposes of furthering its stated aims and objectives.
- Funds acquired from other sources, i.e. donations, will be controlled by policy, see attached document.
- 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 SFNW account, with a banking institution registered and recognized by the South African Merchant Bank Act No 90 of 1994.

12. Dissolution of the SFNW structure

- SFNW 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.
- SFNW 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 SFNW.
- The local Community Police Forum will immediately cancel the mandate as recorded that SFNW 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 SFNW including the payments to creditors, if any.

- If after the agreed time period for restructuring of SFNW 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.

13. Dysfunctional neighbourhood watch structure.

- SFNW may be declared dysfunctional by consensus reached with SFNW, 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 SFNW. The local Community Police Forum will administer the funds and cover all creditors if any.
- SFNW, 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.

14. 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, SFNW, 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 SFNW structures and members.
- SFNW 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 SFNW will display racism, sexism or any other form of discrimination towards any member and any other person.
- SFNW 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-defence as approved by the Provincial Commissioner, South African Police Services – Western Cape may be used.
- SFNW will ensure that all members with firearms declare these to the local South African Police Services or the office of the SFNW as appointed by the resident station commissioner of the South African Police Services.
- Should a member be found guilty of a criminal offence, SFNW must respect the decision of the courts and immediately institute disciplinary measures as defined. SFNW 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 SFNW.
- SFNW and its executive committee will mandate a member to address, and or make public statements, and or make public announcements, in matters pertaining to SFNW.
- 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 SFNW 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. SFNW 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 SFNW, except after being duly authorized to do so by the SFNW.
- Notwithstanding the above, should any payment, commission, or gratuity be offered to SFNW, its executive committee will act in the best interest of the SFNW. The neighbourhood watch accepting the offer will with immediate effect and in writing advise that SFNW of its decision and or actions in this regard.
- No member may exploit its membership of SFNW 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 SFNW as highlighted by the SFNW constitution and code of conduct.

2. Structure

- SFNW will be a non-profit making organisation.
- SFNW 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 SFNW 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.

- SFNW and its members must operate in partnership with the South African Police Services, and within the framework of the law.
- Should SFNW 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 SFNW patrols.
- SFNW must by means of registration ensure that no person under the age of 18 years participates in neighbourhood watch patrol/s.
- SFNW will appropriately penalize a member of SFNW 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 SFNW'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.
- SFNW and its members is not a substitute for the South African Police Services.

3. Disciplinary Measures

- All disciplinary measures will entail:
 - o Reprimand
 - o Suspension
 - o Expulsion subject to investigation
- In the event of any complaint being lodged against a member of SFNW, the Watch 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 SFNW will with immediate effect advise the structure and members of its decision and the action taken.