



UONHW Constitution

Region: Upper Oakdale

Document: Constitution

Revision: 1.1

UPPER OAKDALE NEIGHBOURHOOD WATCH

CONSTITUTION

AND

CODE OF CONDUCT

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PREAMBLE

Members of the community in a police precinct, out of their concern for the crime in their precinct may voluntarily come together in order to patrol the area in groups and take part in other crime prevention activities to:

- deter criminals or would be criminals,
- identify and warn the police of the presence of suspected persons,
- execute citizens' searches, seizures and arrests, and,
- advise the residents on limiting the opportunities of criminals to commit crime in the area.

WHEREAS the exercise of such right, if left unchecked may lead to a situation where members of the community may take the law in their own hands.

AND WHEREAS, owing to the fact that the aims of the group will be, among others, to enhance the aims and objectives of the Community Police Forums as legislated by Chapter 7 of the South African Police Service Act, Act 68 of 1995 and support the work of the police, such a group may not be established without the knowledge of the local SAPS Station Commander and the Local Community Police Forum.

NAME OF THE DOCUMENT

The document shall be known as:


"UPPER OAKDALE NEIGHBOURHOOD WATCH (UONHW) CONSTITUTION AND CODE OF CONDUCT"

PURPOSE OF THE DOCUMENT

- To regulate the establishment, performance and functioning of the Neighbourhood Watch, its co-operation with the Community Police Forum, the South African Police Service, the Metro Police Service, other law enforcement agencies and the Department of Community Safety in the Province;
- to ensure that the Neighbourhood Watch acts within the framework of the law;
- to access funding and assistance for the Neighbourhood Watch from the Department of Community Safety and other State Departments;

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1. ABBREVIATIONS AND ACRONYMS

“CPF” : Community Police Forum

“SAPS” : South African Police Service

“UONHW” – Upper Oakdale Neighbourhood Watch

2. ANNEXURES

A : Application for registration and membership of the association

B : Application for membership of the Crime Watch

C : Relevant sections of the Criminal Procedure Act, Act 51 of 1977

D : Pledge of endorsement

3. FOUNDING PROVISION

3.1. CRIMINAL PROCEDURE ACT, ACT 51 OF 1977

- Specifically Sections : 23, 24, 29,42, 47, 48 and 49

3.2. PARAGRAPH 25, UNIFORM CONSTITUTION FOR COMMUNITY POLICE FORUMS IN THE WESTERN CAPE

- Community-based Safety Structures

4. THE LOGO OF THE NEIGHBOURHOOD WATCH (NHW)

4.1. Upper Oakdale Neighbourhood Watch may design and use its own Logo and letterhead complementing its area, aims and objectives. Such a design shall not be offensive, insulting, misdemeanour and annoying to the public.

4.2. The Logo and letterhead shall:

4.2.1 promote the Service Concept of the NHW Structure;

4.2.2 consist of an acceptable visual picture and a suitable written Service Concept and;

4.2.3 shall not be against the determination of section 68 of the South African Police Service Act, Act 68 of 1995.

4.3. The Logo shall be used on all correspondence of the NHW.

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- 4.4. The NHW must use the logo with the name of the Structure.
- 4.5. The Logo must only be used for and on official correspondence.
- 4.6. The Logo should not be used for other purposes without the authority of the Provincial Community Police Board.

5. DEFINITIONS

“CPF Constitution” refers to the Uniform Constitution for Community Police Forums in the Western Cape Province.

“Executive Committee” means the committee elected by a community police forum, sub-forum or board and which is responsible for the day to day running of the affairs of the forum, sub-forum or board.

“Community Police Forum” A forum in terms of Chapter 7 of the South African Police Service Act, Act 68 of 1995. Where reference is made to a Community Police Forum, it also includes sub-forums.

“Community Safety Structures” “refers to community-based safety structures such as Neighbourhood Watch Structures, Business Watch Structures, Child Rapid Response Unit, Farm Watches, Traffic Volunteers, Bambananis etc.

“Neighbourhood Watch Structure”: This shall be an all-encompassing phrase and shall include individual neighbourhood watches Associations and other structures such as the street committees, street watches, block watches, farm watches, business watches, flat watches and any other neighbourhood watching activity deemed to be related to the definition as set out herein.

“Neighbourhood Watch Associations”: This shall be a structure, consisting of representatives of neighbourhood watches in a police precinct.

“Recognition”: This prescribes the process that precedes the registration of a Community Safety Structure, i.e. the community of a certain area in the precinct with the intention to establish a Community Safety Structure, must in writing inform the Station Commander, Chairperson of the CPF or the Association.

“Registration”: A recognised activity may apply for registration as a Community Safety Structure and a member of the Association. The application should be done on the prescribed form - Annexure A.

“Non - political”: Means that the Structure should not be affiliated to any political organizations, and also must not do any work that creates a perception of being politically aligned with any political organization.

“Non - sexist”: This means that the Structure must not discriminate on the grounds of

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gender or sexual orientation.

“Identity Card” an identification card issued to a member of the Structure, authorised by the Association and the South African Police Service.

“Sector” refers to a section of the Police Precinct as determined by the Station Commissioner.

“Sector Manager” a member of the South African Police Service responsible for the prevention of crime in a Sector of the Police precinct.

“Social Events Committee” a committee responsible for social gatherings and fundraising through social events.

“Executive Committee” or **“Co-ordinating Committee”** refers to the number of members appointed by the Association and Neighbourhood or Business Watch Structures to manage the activities.

“Pledge of endorsement” refers to a document on which members of the executive committee of the Structure pledge their endorsement of the Constitution and the Code of Conduct for Community Safety Structures.

“Responsible person” is an employee of the Department of Community Safety responsible for Community Police Forums and Community Safety Structures.

“Department” refers to the Western Cape Department of Community Safety.

“Paragraph” refers to sections of this document.

“Jurisdiction” refers to the area served by the Community Safety structure or the Association.


“Cluster” refers to a number of police stations in an area grouped together for the purpose of managing the performance of those stations in relation to the coordination of crime prevention and investigation activities in the area.

“Area/Cluster Co-ordinator/Chairperson” a member elected by and from the CPF’s in the Area/Cluster to co-ordinate CPF activities in the cluster and represent the cluster on the Provincial Board.

“Cluster station” refers to a station in the cluster where the cluster commander or commissioner is stationed.

“Member” refers to a registered member of a community safety structure.

“Structure” refers to a Community-Based Safety Structure.

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6. UPPER OAKDALE NEIGHBOURHOOD WATCH

6.1. Vision

To live and operate in a Crime Free Neighborhood.

6.2. Mission

To make the Area of Upper Oakdale Neighborhood Watch, and direct neighboring areas, crime free by collaborating with the S.A. Police Service, Cape Town City Council and other Stakeholders.

6.3. Aims

- (a) To nurture a sense of unity, dedication and good neighbourly relations among the residents or business in the Upper Oakdale area.
- (b) To serve as a watchdog for the Upper Oakdale community, local business and the local Police Services and thereby assisting the local Police Services to safeguard its community against criminal activities and to strive for a safe and secure environment.
- (c) To provide a channel through which the Upper Oakdale community can play a meaningful role in the preservation of a safe and secure environment.

6.4. Objectives

- (a) To create public awareness with regard to community safety, crime prevention and protection of residents and their property.
- (b) To encourage the Upper Oakdale community to work in close co-operation with the Law Enforcement agencies, the CPF, Victim Empowerment Structures and local authorities in the area.
- (c) To encourage the community in the Upper Oakdale area to act within the framework of the law in their effort to assist the law enforcement agencies.
- (d) To seek to unite a diverse Community to create a stable and crime-free environment in Upper Oakdale.

7. MANAGEMENT AND DUTIES

7.1. Management. The Executive Committee shall consist of:

- (a) Chairperson and Deputy Chairperson;
- (b) Secretary;
- (c) Treasurer;

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After the Election, the names of the office bearers must be reported to the Bellville CPF with a copy of the adopted Constitution.

The Executive may as the need arises, task other members of the Structure to execute or manage certain tasks or projects.

Any vacancies on the Executive Committee due to resignation or expulsion and/or otherwise must be filled by means of an election at a Special General Meeting. As an interim measure, the Executive of the Structure may decide who will perform the duties and functions in the vacant position until a Special AGM is called within 21 days from the date of that post.

7.2. Duties. Duties of the respective committee members will be as follows:

- (a) The Chairperson shall:
 - (i) preside over meetings of the Structure, and;
 - (ii) be a representative of the Structure;
 - (iii) present reports on the activities of the Structure to the meetings of the Bellville CPF;
 - (iv) supervise all work of the Structure, in consultation with other Executive members.
 - (v) report regularly to the Bellville CPF on instances where the Structure was represented;
 - (vi) as far as possible sign all outgoing correspondence of the Structure;
 - (vii) in conjunction with the Treasurer ensure that the funds of the Structure are administered in accordance with the policy, plans and reason for the allocation.
 - (viii) No statutory member may serve as a Chairperson of the Structure except for the period that the Structure has been dissolved and in order to re-activate the Structure.

- (b) The Deputy/Vice Chairperson shall:
 - (i) act as Chairperson in the absence of the Chairperson at any proceedings of the Structure and he or she shall perform all functions, duties and responsibilities of the Chairperson as described in this Constitution.
 - (ii) No Statutory member may serve as a Deputy Chairperson. In the absence of the Chairperson and the Deputy Chairperson of the Structure, the Executive Committee shall nominate a Chairperson for that purpose from members of the Executive Committee.

- (c) The Secretary shall:
 - (i) take minutes in accordance with set format and standard;
 - (ii) receive all correspondence directed to the Structure;



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- (iii) arrange all meetings as may be decided upon by the Executive Committee;
 - (iv) keep all official documents of the Structure other than financial records;
 - (v) perform all other procedural and organizational duties which relates to his or her duties as Secretary.
 - (vi) A statutory member may not be appointed as a Secretary for the Structure, but may be appointed as an Assistant Secretary.
- (d) The Treasurer shall:
- (i) be responsible for the finances as prescribed in this Constitution and shall, on the direction of the executive of the Structure operate a banking account on behalf of the Structure;
 - (ii) keep books of account and other records necessary, to reflect on the financial position of the Structure;
 - (iii) form part of the Social Events Committee and;
 - (iv) assist with the development and execution of projects for fundraising;
 - (v) assist with the preparation of Business Plans, and;
 - (vi) present monthly Financial Reports to the Structure;
 - (vii) No statutory member may be appointed as a Treasurer;
 - (viii) The Treasurer must hand over all financial documentation before vacating his or her office at the Annual General Meeting, if not re-elected.
 - (ix) In the case of a resignation or expulsion, the Treasurer must hand over all the bank accounts of the Structure and all the related financial documentation to the Station Commander;
 - (x) The Treasurer shall also keep and update the Asset Register of the Structure;
- (e) The Social Events Committee shall:
- (i) be responsible for planning and executing social events sanctioned by the Structure or otherwise;
 - (ii) provide recommendations for social events and gathering;
 - (iii) plan each social event and ensure smooth functioning of the event;
 - (iv) discuss and plan resources with Exco for each event;
 - (v) work with the treasurer to ensure that each event is a profitable.

8. MEETINGS

8.1. Annual General Meetings.

- (a) An Annual General Meeting, which may be attended by Members who are registered members of the Upper Oakdale NHW. And should be convened between March and April of a calendar year.
- (b) Written notice of the Annual General Meeting must be forwarded by the Secretary at least twenty-one (21) days in advance of the proposed meeting to all members of the Upper Oakdale NHW and the SAPS Sector



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- Commander.
- (c) At an Annual General Meeting the Upper Oakdale NHW shall deliver and discuss the following reports:
- (i) The Chairperson's Report;
 - (ii) The SAPS Sector Commander's Report.
 - (iii) The financial Report for the past financial year by the Treasurer.
 - (iv) Elect the Executive Committee.
 - (v) Ten percent (10%) plus one (1) of the designated members will constitute a quorum;
 - (vi) A written apology will not be accepted and included for purposes of a quorum;
 - (vii) A proxy must be appointed in writing in the place of the absent designated Member and this must be submitted to the Secretary at least 5 days before the meeting;
 - (viii) If no quorum is attained at this meeting, the meeting will be postponed for a period of fourteen (14) days;
 - (ix) Notices of the rescheduled meeting should be forwarded to all members at least seven (7) days to the said meeting;
 - (x) If no quorum is attained at the rescheduled meeting, the meeting shall continue with the attendees who shall be deemed to be a quorum;

8.2 Special General Meetings

- (a) The Upper Oakdale NHW may instruct the Secretary to convene a Special General Meeting to discuss and rule on special matters.
- (b) The Secretary shall, on a written request, convene a Special General Meeting to have the Executive to rule on issues listed by the members in writing on the condition that the request is supported by forty percent (40%) of the total number of members of the Upper Oakdale NHW.
- (c) Requests for a Special General Meeting must reach the Secretary at least twenty-eight (28) days prior to the envisaged meeting. The Secretary must then, in writing, notify all members of the forum of such a meeting at least fourteen (14) days in advance.
- (d) The notice of such a Special General Meeting must specify the purpose of the meeting and matters to be dealt with at the meeting.
- (e) Fifty percent (50%) plus one (1) of the designated members of the Upper Oakdale NHW will constitute a quorum.
- (f) A written apology will not be accepted and included for purposes of a quorum. In the absence of a quorum the procedure will be the same as in the case of the Annual General Meeting;

8.3 Patrollers Meetings

- (a) Patrollers Meetings of the Upper Oakdale NHW must consist of members of the NHW, Institutions or Bodies, members of the general public and Statutory Members and shall meet monthly to report on achievements, best practices, challenges and the way forward.
- (b) A quorum of ten percent (10%) of designated members of the NHW is



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necessary for a Patrollers Meeting.

8.4. Executive Committee Meetings

- (a) The Executive Committee of the NHW will convene monthly, and more often if necessary, to discuss and rule on matters relating to management and objective issues of the NHW and request the necessary feedback and reports.
- (b) All resolutions must be passed by means of fifty percent plus one (50% + 1) vote. In the event of a tie, the Chairperson will have a deciding vote.
- (c) In the event that the Chairperson is absent from an Executive Committee Meeting, the Deputy Chairperson will chair the meeting. In the absence of both, the meeting must decide on a Chairperson.

8.5. General Procedures for Meetings

- (a) Meetings shall be conducted in terms of generally accepted procedures and practices relating to meetings.
- (b) Decisions will be taken by consensus as far as possible.
- (c) Members should obtain permission from the Chairperson to speak, by raising their hands.
- (d) Members should, at all times, when they have the floor, address the Chairperson.
- (e) Persons in the meeting must be addressed appropriately.
- (f) When a person is found to persist with poor conduct during the meeting, the Chairperson may instruct the person to leave the meeting.
- (g) No unnecessary disturbances will be tolerated, but representatives may interrupt a speaker on a point of order. With regard to a point of order, the Chairperson will make the final decision.
- (h) The Chairperson may, with the permission of the meeting, amend the agenda. Additions and/or omissions may be made at the commencement of the meeting.
- (i) Representatives of the Department of Community Safety may attend all meetings as observers.

8.6. Voting.

- (a) For election purposes, office bearers will be voted in by secret ballot or any other fair process agreed by the meeting.
- (b) A person co-opted to the Forum or Board shall not be allowed to vote at any meeting of the Watch.
- (c) Voting by proxy at any meeting is only allowed when the proxy is properly mandated in writing.
- (d) In the case of a tie during any voting process of the Watch, the Chairperson shall have a decisive vote.

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9. MEMBERSHIP OF UPPER OAKDALE NEIGHBOURHOOD WATCH (NHW) STRUCTURE

- (a) Membership of Upper Oakdale NHW shall be based upon the principles of non-racism, non-sexism, non-sectarianism and democratic principles.
- (b) Membership of Upper Oakdale NHW shall be open to all irrespective of race, colour, religion, disability, age or sexual orientation subject to the criteria as set out by the NHW.
- (c) The following persons shall not be allowed to be members of Upper Oakdale NHW:
 - (i) persons with serious criminal records
 - (ii) persons being investigated for the commission of crime
 - (iii) persons who are not psychologically healthy
- (d) When considering the application of an applicant on the grounds of his or her involvement in crime, the following should be taken into consideration:
 - (i) the seriousness of the offences and alleged offences;
 - (ii) number of convictions;
 - (iii) the time lapse between the convictions;
 - (iv) date of the last conviction.
- (e) Membership of Upper Oakdale NHW shall be open to all who reside in the area of operations or have direct business interests in the area subject to the criteria of the NHW.
- (f) Community members of Upper Oakdale having business in the area where a Structure is active and staying in an area where the Structure is active may not be a member of both residential and business Structures.
- (g) Membership of Upper Oakdale is voluntary and no membership fee is payable.
- (h) For the purpose of membership of Upper Oakdale NHW, a resident or business owner must supply information as requested on the application form (See annexure B).
- (i) Applicants must for the purpose of membership, indemnify the structure against actions emanating from their intentional and negligent acts during the execution of their voluntary service in Upper Oakdale NHW.
- (j) A membership register will be kept by Upper Oakdale NHW and updated as it is needed. The register must contain a copy of the application for membership (Annexure B) and a copy of the member's identity documents.

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- (k) A member of the Upper Oakdale NHW structure shall be identified for the membership of the Association and liaison with the Station Commander, the Bellville CPF and the Sector Managers.
- (l) The co-ordinator of Upper Oakdale NHW shall be accountable to the Bellville CPF in regard to the activities of the Community Safety Structures in the area of jurisdiction.
- (m) A permanent member of the SAPS and a Reservist, except a category B Reservist, may not be a member of Upper Oakdale NHW.
- (n) Members of the Bellville CPF may be members of Upper Oakdale NHW for the period that he or she is a member of the CPF.
- (o) Membership shall cease on the resignation of the member from the Upper Oakdale NHW structure, cease of business or stay in the area of the structure, death or expulsion from the structure, and on appointment as a member of the South African Police Service, the South African National Defence Force or Correctional Services.
- (p) The Upper Oakdale NHW Structure may reject an application for membership of a person or terminate the membership of a member due to:
 - (1) Involvement and / or alleged involvement in criminal activities,
 - (2) Serious criminal records,
 - (3) Failure to make criminal record(s) known at the time of applying for membership,
 - (4) Not being psychologically healthy;
 - (5) Without any reasonable explanation, fails to attend at least four set meetings in a period of six months.
 - (6) Showing a pattern of failure to attend set meetings;
 - (7) Not staying or having business in the area,
 - (8) Accepting appointment as a member of the South African Police Service, Metro Police, the South African National Defense Force, Correctional Services or and other Law Enforcement Agency, except appointment as a Category B-reservists.
 - (9) Being a member of the South African Police Service, Metro Police, the South African National Defense Force, Correctional Services or and other Law Enforcement Agency, except appointment as a Category B-reservists.
 - (10) Failure to report for the prescribed number of patrol sessions or activities for the Month.

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(11) Other sufficient convincing reasons.


- (q) Members of the Upper Oakdale NHW structure will be subjected to a screening process. Failure to comply with this requirement will result in the cancellation of the membership.

10. INDEMNITY

- (a) Upper Oakdale NHW is not a legal person and shall function within the guidelines as provided and set out in the Western Cape Constitution and Code of conduct for Community Safety Structures.
- (b) An acknowledgement to this effect shall be signed by all Upper Oakdale NHW members, clearly indemnifying the Structure, the CPF and the Department of Community Safety from the unlawful and negligent acts of its members.
- (c) The same acknowledgement shall be completed by all members of Upper Oakdale NHW before registering with the Bellville CPF.

11. LIABILITY

- (a) Upper Oakdale NHW is not a legal person and as such does not have powers in law to act or to be acted upon.
- (b) All individual members and any Community Safety Structure, recognised and registered with the Association and CPF, act in their own capacity, as individuals and shall be liable in that capacity.
- (c) Upper Oakdale NHW shall not be responsible for civil and/or criminal actions or omissions perpetrated by a member, nor shall it be responsible for civil and/or criminal actions or omissions against its members.
- (d) All and any criminal and civil actions that are instituted against a member for the acts of that member shall be the responsibility of the member concerned.
- (e) Upper Oakdale NHW may not be held responsible for the action of a member but may request the structure to assist by obtaining some form of legal assistance and/or legal aid for the members.
- (f) Upper Oakdale NHW may negotiate a special insurance cover for its members. The premiums of the cover must be paid by the insured members.

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12. ACCOUNTABILITY

- (a) The Upper Oakdale NHW shall be accountable to the Bellville CPF in the first instance for its functioning, administration and its activities in the precinct.
- (b) In the absence of such a Community Police Forum, the Community Safety Structure shall be accountable to the Station Commander.
- (c) The Provincial Constitution and Code of Conduct for Community Safety Structures shall be binding on all Community Safety Structures as far as it is not in conflict with the Constitution of the Republic of South Africa and the Bill of Rights.

13. RECOGNITION AND REGISTRATION

- (a) All Community Safety Structures in an area must be registered with the local Association. In the case where there is only one Community Safety Structure in the area, the Structure will report to the CPF.
- (b) Application for recognition and registration of the Upper Oakdale NHW must be done before the operation. (See Annexure A).
- (c) After the recognition and the registration of the Upper Oakdale NHW, copies of the Identity Documents, name, address and the occupation of the members of the executive committee should be supplied to the Bellville CPF. This should be accompanied by the pledge of the endorsement. (See Annexure D).
- (d) Structures failing to register will have their activities policed in terms of the laws of the country when complaints are received from the community.

14. CRITERIA FOR REGISTRATION AS A COMMUNITY SAFETY STRUCTURE

- (a) The application for registration must be made in writing. Before obtaining approval, the proposed executive committee of Upper Oakdale NHW that seeks registration, must appear personally at the Management Meeting of Bellville Community Police Forum.
- (b) The Upper Oakdale NHW Structure seeking registration must provide the Bellville Community Police Forum with the following;
 - (i) The Constitution and the Code of Conduct of the Structure.
 - (ii) The area and boundaries where the structure will be operating.
 - (iii) The names and addresses of the members of the Upper Oakdale NHW Structure as well as their occupation and places of employment.

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- (iv) The names and addresses of the members of the executive committee as well as their occupations and places of employment.

15. COMPOSITION

Upper Oakdale NHW Structure, shall consist of individuals residing in the area or having business in the area to function in a clearly demarcated and agreed upon area by the structure, the Bellville CPF and the SAPS. (E.g. streets, sections, flats, or zones of the area).

16. FUNCTIONS OF UPPER OAKDALE NHW STRUCTURE

- (a) Assist the Bellville CPF to achieve its objectives as determined by Section 18 of the South African Police Service Act, Act 68 of 1995.
- (b) Assist the SAPS by:
- (i) Advising the residents in the area in regard to the opportunities of crime;
 - (ii) Executing lawful requests of members of the Service;
 - (iii) Patrolling the area to deter criminals or would be criminals;
 - (iv) Identify and warn the police of the presence of suspected persons in their area;
 - (v) Execute citizen searches and arrest in terms of the law;
 - (vi) Supporting the SAPS during operations and other activities in the area;
 - (vii) Initiating and taking part in crime prevention projects in conjunction with the SAPS and Bellville CPF.
- (c) Community Safety Structures of the one area shall only assist in the area/sector of another structure with the authority of the Bellville CPF and the Bellville SAPS.
- (d) The Structure shall adopt and support the social crime prevention strategy of the SAPS.
- (e) The Upper Oakdale NHW Structure must operate within the framework of the law.
- (f) In performing citizens' searches and arrests, the requirements set out in the sections of the Criminal Procedure Act No. 51 of 1977 must be complied with at all times. (**See annexure C**).
- (g) The Upper Oakdale NHW must at all times strive to work in partnership with the Bellville Community Police Forum in the area.

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- (h) The Upper Oakdale NHW Structure shall be a non-profit-making-organisation.
- (l) The Upper Oakdale NHW 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 from.
- (j) Should Upper Oakdale NHW 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 perpetrators of an offence and no intimidation in whatever form may be used against the communities where such patrols are taking place.
- (k) When Upper Oakdale NHW Structure do any patrols or other Community Safety activities are to take place, the Station Commander or Sector Commander must be informed thereof beforehand.
- (l) The Upper Oakdale NHW Structure is not allowed to set up and manage a roadblock or a checkpoint at any public place.
- (n) The Upper Oakdale NHW Structure must by means of registration ensure that no person under the age of 18 years participates in the activities of the Structure.
- (o) The Upper Oakdale NHW Structure shall appropriately penalize a member of the structure if such member is alleged to have committed misconduct or has brought the good name of the Structure into disrepute, depending on the merits of the case.
- (p) All Community Safety Structures shall be required to sign a pledge endorsing the Western Cape Provincial Constitution and Code of Conduct for Community Safety Structures.

17. IDENTITY CARDS FOR UPPER OAKDALE NHW MEMBERS (PATROLLERS)

- (a) All members of Upper Oakdale NHW Structure shall have identification cards.
- (b) The format and appearance of the identity card should not be against the determination of section 68 of the South African Police Service Act, Act 68 of 1995.
- (c) The identity cards of the members must have the number of the card, name and logo of the Structure, a recent photograph of the member, his or her full names, identity number, signatures of the holder and the signature of the issuing authority.
- (d) Identity Cards shall be issued by the SAPS on the request of the Upper Oakdale NHW Structure and the Bellville CPF.
- (e) The member shall be responsible for the replacement of a lost or damaged identity card. The replacement fee may be determined by the Upper Oakdale NHW Structure, the Bellville CPF and the SAPS.

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- (f) The Identity card shall on termination of membership be obtained by the Chairperson Upper Oakdale NHW Structure and handed over to Bellville CPF to be destroyed and put on record.

18. RESOLUTION OF DISPUTES

- (a) If any dispute arises in Upper Oakdale NHW Structure, the Bellville CPF must attempt to resolve such dispute.
- (b) Should it be found by Bellville CPF that it cannot resolve the dispute, the dispute shall be referred to the Bellville Cluster Board Coordinator or Provincial Community Police Board. The decision of the board shall be final and binding.
- (c) Should the disputes be so serious that it is life-threatening, the station commander, in consultation with Bellville CPF may suspend the activities of the structure pending the intervention of the Department of Community Safety.

19. USE AND CONTROL OF FUNDS AND ASSETS OF UPPER OAKDALE NHW STRUCTURE

- (a) Upper Oakdale NHW Structure shall be a non-profit-making organisation.
- (b) The Upper Oakdale NHW Structure shall keep proper accounting records that accurately reflect all its income and expenditure, assets and liabilities. The Bellville CPF shall inspect the assets and registers as need be.
- (c) The Upper Oakdale NHW Structure shall be permitted to hold fund-raising campaigns for the purposes of furthering its aims and objectives. The fund-raising campaign may only be held after it has been approved by the Bellville CPF.
- (d) The Upper Oakdale NHW Structure may obtain donations and sponsorship from members of the community and business. Donations and sponsorship shall be obtained and administered in terms of the Code for Donations and sponsorships.
- (e) The Upper Oakdale NHW Structure may apply for funds from the Department via the Bellville CPF.
- (f) Funds obtained from donations shall be controlled and administered by the Upper Oakdale NHW Structure, to which it was donated or sponsored to.
- (g) All government funding to the Upper Oakdale NHW must be controlled by the Bellville Community Police Forum.

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- (h) If the annual income of Upper Oakdale NHW Structure exceeds R500-00, the structure shall ensure that the funds are deposited in the Structure's bank Account.
- (i) The Upper Oakdale NHW Structure shall ensure that a member of the Structure is appointed as a custodian of the assets of the Structure. A handing over shall be signed on the appointment of any new asset manager. An Equipment Control Book should be implemented to ensure proper handing over of equipment.

20. DISSOLUTION OF A COMMUNITY SAFETY STRUCTURE

- (a) A structure may be dissolved on the request of the Executive Committee of the Structure or any responsible person.
- (b) A Structure may be dissolved by a majority vote on a Special Meeting. This meeting may be chaired by the chairperson of the Bellville Community Police Forum.
- (c) A Structure may also be dissolved on the request of the Bellville CPF by the responsible person of the Department of Community Safety after consultation with the Cluster Board and the SAPS.
- (d) The responsible person of the Department of Community Safety may, on request intervene to solve a dispute between the Structure, the SAPS and the CPF. If it found that there is an irretrievable breakdown of trust between the Structure, the SAPS and the CPF and that the Structure cannot function properly due to internal strife, the Department may dissolve the structure:
 - (i) Dissolution should not be undertaken before dispute resolution has been attempted;
 - (ii) If dispute resolution has failed, the responsible person of the Department of Community Safety must consult the Bellville CPF, the Provincial Community Police Board and the SAPS before taking a decision to dissolve the Structure.
- (e) After the decision to dissolve the Structure, the Bellville CPF shall cancel the recognition and registration of the structure.
- (f) After the dissolution of the Structure all the assets, funds and documentation pertaining to the Structure must be transferred to Bellville CPF.
- (g) Bellville Community Police Forum shall, after the dissolution of the Structure, cancel the mandate of the signatories on the Banking Account of the Structure with the relevant banking institution and arrange for the transfer of the funds to the account of the Bellville CPF.
- (h) Assets of the dissolved Structure will be transferred to the Bellville CPF for distribution and use by other registered Structures in the Police Precinct.

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- (i) Documents, registers and files of the dissolved Structure must be kept for a period of one year by the SAPS.
- (j) After the dissolution of the Structure, the Bellville CPF shall sustain any or all current project(s) of the dissolved Structure and attend to the payments to creditors out of the available funds.
- (k) If the Structure is not revived within a certain period, the Bellville Community Police Forum may distribute the assets of the dissolved structure to other Structures in the precinct.

21. ASSISTANCE AND CO-OPERATION

- (a) The Department of Community Safety shall consider all project-funding applications for registered Structures that are endorsed by the Bellville Community Police Forum.
- (b) The Structures, its members and the Bellville CPF must share information pertaining to the crime situation in their areas of operation.
- (d) The Bellville CPF and SAPS must give feedback to the Structures in regard to meetings attended on matters pertaining to the structures and their performance.
- (e) The Upper Oakdale NHW must inform the Station Commander and the Bellville CPF about their operations with other State Departments.
- ((f) Owing to the establishment and the functions of the Structures, Upper Oakdale NHW is not a sub-forum of the Bellville CPF and cannot be used as a CPF in the absence of a sub-CPF in the area.
- (g) Complaints against the members of the Upper Oakdale NHW must be investigated by the Bellville CPF and the Department. If the complaint relates to the alleged commission of a crime, the matter shall be referred to the SAPS.
- (h) The Structures and the Bellville CPF must operate in co-operation with the Victim Support Structures in their area of jurisdiction.
- (l) The Upper Oakdale NHW must have regular meetings with the community in the area to keep the local community informed of its activities.
- (j) The Upper Oakdale NHW shall support all activities of the Bellville Community Police Forum.

22. DYSFUNCTIONAL COMMUNITY SAFETY STRUCTURE

- (a) A Structure may be declared dysfunctional by consensus reached by members of the structure.

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- (b) The Bellville CPF may also declare a Structure as dysfunctional after consulting the members of the Structure.
- (c) After declaring a Structure dysfunctional, the finances and the assets of the Structure must be dealt with as in the case when the Structure has been dissolved.

23. AMENDMENT OF THE CONSTITUTION AND CODE OF CONDUCT

The Minister of Community Safety in the Western Cape may amend the Constitution and Code of Conduct for Community Safety Structures on the request of any party after consideration by a committee consisting of representatives from the Department of Community Safety, the South African Police Service, the Provincial Community Police Board or any person he or she may so deem fit.

24. CODE FOR DONATIONS AND SPONSORSHIPS

24.1. PURPOSE: to prevent:

- a situation where Community Safety Structures may unknowingly receive donations and sponsorships from persons and businesses the association with whom may negatively affect the image of the structure, the Service and that of the Department of Community Safety,
- a situation where one Structure in the precinct is fully resourced while the others are under-resourced.
- a situation where a Structure may request and receive fees, donations etc. to an extent that their action might be against the law.

24.2. No donations and sponsorship shall be made to an individual member of the structure.

24.3. When the Structure is approached by a donor or sponsor, the responsible person in the Structure shall not accept the sponsor before obtaining the authority of the CPF.

24.4. The Structure or a member of the Structure shall not approach any person or business for donations or sponsorship without the authority of the CPF.

24.5. The Structure or a member of the Structure shall not receive any donations or sponsorship from a donor or sponsor without the authority of the CPF.

24.6. After receiving the approved donations or sponsorships from the approved donors or sponsors, the Structure or a member of the Structure must declare the donation and sponsorship to the CPF.

24.7. The donations received must be dealt within the following manner:

23.7.1 Financial donations, if not immediately used, must be recorded into the financial registers of the Structure;

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23.7.2 Material donations must be recorded in the asset register of the Structure.

24.8. Donations and sponsorships received must be used by the receiving Structure for the purpose for which it was made.

24.9. When the donation has been used for the purpose for which it was obtained, the remaining financial and material part of the donation must be declared to the CPF.

24.10. The acceptance of donations and sponsorships to the Structure shall not be approved by the local CPF without consultation with the Provincial Board.

24.11. Donations or sponsorships, to which conditions are attached, must be referred to the responsible person at the Department for consideration in conjunction with the CPF Board.

25. CODE OF CONDUCT

25.1. Members of the Community Safety Structures.

- (a) This code of conduct and the Constitution shall be binding on all Community Safety Structures and members.
- (b) The Community Safety Structure and its members must at all times act within the framework of the law.
- (c) No member of a Community Safety Structure shall display racism, sexism or any other form of discrimination towards any member or any other person.
- (d) Members of the Community Safety Structure, during patrols or assisting the Police shall not carry any dangerous weapons that could inflict serious bodily harm and/or damage to property. These shall include dangerous weapons as defined by the Dangerous Weapon Act, Act 71 of 1968.
- (e) The Community Safety Structure shall ensure that all members with firearms declare such to the local South African Police Service. Members should not patrol with their firearms.
- (f) Should a member be found guilty of an offence, Structure must respect the decision of the courts and immediately consider the institution of disciplinary measures.
- (g) Members may not divulge any confidential or privileged information that they may have acquired as a result of their membership of the Structure.



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- (h) The Structure and its executive committee shall mandate a member to address, and/or make public statements, on matters pertaining to the Structure.
- (i) Members found to be making public statements and/or addressing the media without the authority of the Structure may be guilty of serious misconduct which may result in their immediate suspension and a disciplinary investigation.
- (j) No member may accept any fee, payment, commission or gratuity in connection with his or her membership of the Structure or for his or her duties as a member of the Structure.
- (k) No member may exploit his or her membership of the Structure for his or her personal advantage or benefit.
- (l) Members must at all time act in a manner that will uphold and promote the aims and objectives of the Structure as highlighted by the Constitution and Code of Conduct.

25.2. Disciplinary measures

- (a) All disciplinary measures shall entail
 - (i) Reprimand
 - (ii) Suspension
 - (iii) Expulsion, subject to investigation and if found guilty, based on the merits of the case.
- (b) In the event of any complaint against a member of the structure, the structure will institute an investigation at its earliest convenience and may reprimand, suspend or expel the member from the Structure. Before any action is taken against the member, he or she will be given a notice of the complaint against him or her and will be given an opportunity to respond to the complaint.
- (c) After a decision had been taken on the allegations against a member, the relevant Association and CPF shall with immediate effect be informed of the decision and the reasons therefore.
- (d) The member may appeal against the decision to the next higher level. The decision of the Area/Cluster CPF in conjunction with the Area/Cluster Association will be final.

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26. ANNEXURE A

APPLICATION FOR REGISTRATION AS A COMMUNITY SAFETY STRUCTURE

1. Name¹ _____
2. Area of operation _____
3. SAPS CAS block / Sector no _____
4. Address & tel. no. of the premises from which the activity operates,


5. ID No, Name of the owner of the premises from which the activity is to be operated.

6. ID No, Name, Address, tel. no. and occupation of the chairperson or person responsible for liaison with the Station Commissioner, CPF, the Association and the Sector Manager.

7. The Neighbourhood Watch is aware that the structure is a voluntary structure to render services as per the Constitution free of charge to the residents or businesses in the area.

SIGNATURE _____
Chair/Responsible person

¹ Name of the Neighbourhood Watch

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27. ANNEXURE B

APPLICATION FOR MEMBERSHIP OF THE UPPER OAKDALE NEIGHBOURHOOD WATCH

1. I _____
2. With ID number: _____
hereby apply for membership of Upper Oakdale NHW.
3. Address: _____
Contact numbers: _____
Email Address: _____
4. I am aware that my membership and Services are voluntary and free of charge and that I will be subjected to a screening and/or vetting process.
5. I am psychologically healthy and have no criminal record and no criminal cases are pending against me.
6. I will in the execution of my voluntary service to the residents and business in the area act within the framework of the law and the constitution and code of conduct for neighbourhood watches.

SIGNATURE _____ DATE: _____

PLACE: _____

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28. ANNEXURE C

UPPER OAKDALE NHW: GUIDELINES IN AFFECTING A CITIZENS ARREST

1. In terms of Section 42 of the Criminal Procedure Act, Act 51 of 1977 a South African Citizen has the right to arrest the following persons:
 - a. Trespassers.
 - b. Persons engaged in an affray (public fighting).
 - c. Persons who he has a reasonable suspicion have committed a Schedule One Offence. Schedule One Offences include the following:
 - i. Treason.
 - ii. Sedition.
 - iii. Public violence.
 - iv. Murder.
 - v. Culpable homicide.
 - vi. Rape.
 - vii. Indecent assault.
 - viii. Sodomy.*
 - ix. Bestiality.
 - x. Robbery.
 - xi. Kidnapping.
 - xii. Child-stealing.
 - xiii. Assault, when a dangerous wound is inflicted.
 - xiv. Arson.
 - xv. Malicious injury to property.
 - xvi. Breaking or entering any premises, whether under the common law or a statutory provision, with intent to commit an offence.
 - xvii. Theft, whether under the common law or a statutory provision.
 - xviii. Receiving stolen property knowing it to have been stolen.
 - xix. Fraud.
 - xx. Forgery or uttering a forged document knowing it to have been forged.
 - xxi. Offences relating to the coinage.
 - xxii. Any offence, except the offence of escaping from lawful custody in circumstances other than the circumstances referred to immediately hereunder, the punishment wherefore may be a period of imprisonment exceeding six months without the option of a fine.
 - xxiii. Escaping from lawful custody, where the person concerned is in such custody in respect of any offence referred to in this Schedule or is in such custody in respect of the offence of escaping from lawful custody.
 - xxiv. Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

2. Requirements regarding the Use of Force during Arrests (Section 42).

- a. You have the right to arrest the individual. (Section 42)




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- b. 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.)
 - c. You must have a reasonable belief or have actual knowledge of a schedule one offence having been committed by the suspect.
 - d. The suspect must have resisted or fled in the knowledge of your intention to arrest them. (Inform them of same asap).
 - e. Your use of force was necessary to secure compliance from the suspect and there was no other reasonable alternative.
3. 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.
- a. Requirements of the Harm Threatened:
 - i. The harm must be unlawful.
 - ii. The harm must infringe a legal interest.
 - iii. The harm must be reasonably imminent or actually occurring.
 - b. Requirements of Your Response.
 - i. Your response must be directed at the attacker or his agent. (I.e. his dog).
 - ii. Your response must be necessary.
 - iii. Your response must be related to the severity of the attack.
 - iv. Your intention must have been to act in accordance with the requirements of the law of private defence.
4. Arrest by private person without warrant (Section 42).
- a. Any private person may without warrant arrest any person -
 - i. Who commits or attempts to commit in his presence or whom he reasonably suspects of having committed an offence referred to in Schedule 1;
 - ii. Whom he reasonably believes to have committed any offence and to be escaping from and to be freshly pursued by a person whom such private person reasonably believes to have authority to arrest that person for that offence;
 - iii. Whom he is by any law authorized to arrest without warrant in respect of any offence specified in that law;
 - iv. Whom he sees engaged in an affray.
 - b. Any private person who may without warrant arrest any person under subsection (1)(a) may forthwith pursue that person, and any other private person to whom the purpose of the pursuit has been made known, may join and assist therein.
 - c. The owner, lawful occupier or person in charge of property on or in respect of which any person is found committing any offence, and any person authorized thereto by such owner, occupier or person in charge, may without warrant arrest the person so found.

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29. ANNEXURE D

PLEDGE OF ENDORSEMENT

1. I¹ _____

on behalf of the executive of the

UPPER OAKDALE NHW

hereby endorse the Western Cape constitution and code of conduct for community safety structures.


2. It is also hereby confirmed that the executive committee will ensure that all members of the structure comply with the provisions of the Western Cape constitution and code of conduct for community safety structures and promote its aims and objectives.
3. The necessary steps will be taken against any member of the structure who contravenes the provisions of the Western Cape constitution and code of conduct for community safety structures and its aims and objectives.

SIGNATURE _____

DATE _____

PLACE _____

¹ ID.No., Name and Surname

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R. B. N RUDI NOTHNAGEL
CHAIRPERSON: UPPER OAKDALE NEIGHBOURHOOD WATCH

Wijk Frank Withers
VICE-CHAIRPERSON: UPPER OAKDALE NEIGHBOURHOOD WATCH

Marius Van Vuuren
SECRETARY: UPPER OAKDALE NEIGHBOURHOOD WATCH

Mardine Van Vuuren
TREASURER: UPPER OAKDALE NEIGHBOURHOOD WATCH

DATE: 18 MAY 2019

PLACE: UPPER OAKDALE