

Greyton

Neighbourhood Watch

Constitution

And

Code of conduct

Greyton Neighbourhood Watch

CONTENTS

Constitution

1. Definitions
2. Aims
3. Objectives
4. Membership
5. Indemnity
6. Liability
7. Accountability
8. Affiliation
9. Composition
10. Functions
11. Logos and Letter heads
12. Identity Cards
13. Resolution of Disputes
14. Use and Control of Funds and Assets
15. Dissolution of a Neighbourhood Watch Structure
16. Dysfunctional Neighbourhood Watch Structure
17. Amending the Constitution and Code of Conduct

Code of Conduct

1. Members
2. Structure
3. Disciplinary Measures

Criteria for registration

Guidelines for working together

Common practices and procedures

1. Liability
2. Public participation
3. Minimum force
4. Relationship with Community Police Forum
5. The role of SAPS

Greyton Neighbourhood Watch Area Map

Greyton Neighbourhood Watch

Constitution

1. Definitions

“Greyton 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 the Greyton Neighbourhood Watch, being:

- the names and contact details of the committee members,
- it’s membership,
- it’s constitution, and
- it’s code of conduct

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

“Greyton Community Police Forum”: The official representation of the Greyton Neighbourhood Watch.

“Official”: This implies that the Greyton Neighbourhood Watch has been registered and is recognised accordingly.

“Non-political”: Implies that the Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch 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 Greyton area.

To serve as a watchdog for the community and the local police services, assisting the local police services to safeguard the community against criminal activities and strive for a safe and secure environment.

To provide a channel through which the local community 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.

Greyton Neighbourhood Watch

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 irrespective of race, colour, religion, disability, age or sexual orientation subject to the criteria as set out by the neighbourhood watch structure.

Membership is open to all who reside in Greyton or have direct business or interest in the area.

The Greyton Neighbourhood Watch may determine a membership fee. In the event where such a fee is applicable, payment will not be enforced in any way, neither shall the Greyton 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 the Greyton Neighbourhood Watch 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

The Greyton Neighbourhood Watch 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 members clearly indemnifying the Greyton Neighbourhood Watch.

This acknowledgement must clearly state that the Greyton Neighbourhood Watch is a voluntary association.

6. Liability

The Greyton Neighbourhood Watch 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 act in their own capacity, as individuals and liability will be in that capacity.

The Greyton Neighbourhood Watch will not be responsible for civil and or criminal actions or omissions that are perpetrated by a member of the Greyton Neighbourhood Watch, 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 Greyton Neighbourhood Watch will be against the member concerned and not the Greyton Neighbourhood Watch.

7. Accountability

The Greyton Neighbourhood Watch will be accountable to the South African Police Service in the first instance.

By virtue of its registration with the Greyton Community Police Forum the Greyton Neighbourhood Watch will be accountable to the Greyton Community Police Forum.

In the absence of the Greyton Community Police Forum, the Greyton Neighbourhood Watch will be accountable to the Area Community Police Board.

Greyton Neighbourhood Watch

Should the Greyton Community Police Forum or the Area Community Police Board be found to be dysfunctional the Greyton 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 the Greyton Neighbourhood Watch 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

The Greyton Neighbourhood Watch will be affiliated to the local Greyton Community Police Forum in order to be recognised by the local South African Police Services in the area.

9. Composition

The Greyton Neighbourhood Watch will consist of individual households and businesses in the Greyton area.

10. Functions

The Greyton Neighbourhood Watch must assist the South African Police Services in crime prevention in their areas.

The Greyton Neighbourhood Watch will adopt and support the social crime prevention strategy of the police.

The Greyton Neighbourhood Watch must operate within the framework of the law.

The Greyton 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 Greyton Neighbourhood Watch must at all times strive to work in partnership with the Greyton Community Police Forum.

The Greyton Neighbourhood Watch will be responsible for initiating and implementing crime prevention projects in consultation with the Greyton Community Police Forum.

11. Logos and Letterheads

The Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch will not use the same logo or a letterhead similar to that of the South African Police Services.

The Greyton Neighbourhood Watch may use the logo and letterhead of the Greyton Community Police Forum after obtaining written consent of the executive committee of the Greyton Community Police Forum.

Greyton Neighbourhood Watch

12. Identity Cards

All members of the Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch will ensure that all identity cards are validated annually.

13. Resolution of Disputes

If any dispute arises, the Greyton Community Police Forum must attempt to resolve it.

Should it be found that the Greyton 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.

14. Use and Control of Funds and Assets

The Greyton Neighbourhood Watch will remain a non-profit-making organisation.

The Greyton Neighbourhood Watch will keep proper accounting records that accurately reflect all its income and expenditure, assets and liabilities. The Greyton Neighbourhood Watch will have its financial accounts reviewed annually and where possible have them audited.

The Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch.

A decision to embark on such campaigns must be reached in consultation with the Greyton Community Police Forum and the South African Police Services.

All government funding must be controlled by the Greyton Community Police Forum and the South African Police Services.

If the annual income of the Greyton Neighbourhood Watch exceeds R500, the structure will ensure that all funds be deposited in a registered Greyton neighbourhood watch bank account, with a banking institution registered and recognized by the South African Merchant Bank Act No 90 of 1994.

The Greyton Neighbourhood Watch will ensure that a person be appointed as a custodian of the neighbourhood watch equipment. The prime function of this portfolio will be the maintenance of a fully completed inventory signed annually by the trustee and filed by the chairperson of the Greyton Neighbourhood Watch.

Greyton Neighbourhood Watch

15. Dissolution of the Greyton Neighbourhood Watch.

The Greyton Neighbourhood Watch may be dissolved by a majority vote of a duly constituted meeting. This meeting may take place under the chairperson of the Greyton Community Police Forum.

Reference to the mandate will be made and duly recorded.

The Greyton Neighbourhood Watch will invite the Greyton 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 Greyton Community Police Forum will become the custodian of all assets, funds and documentation pertaining to the Greyton Neighbourhood Watch.

The Greyton Community Police Forum will immediately cancel the mandate as recorded that the Greyton Neighbourhood Watch holds with the banking institution.

Upon complying with clause (e), the Greyton Community Police Forum will with immediate effect appoint members from its executive as signatories to the banking account/s.

The Greyton 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 Greyton Community Police Forum will sustain any and all current project/s and attend to the administration of the dissolved Greyton Neighbourhood Watch including the payments to creditors, if any.

If after the agreed time period for restructuring of the Greyton Neighbourhood Watch and all efforts to this effect have failed, the Greyton Community Police Forum may donate the assets of the dissolved Greyton Neighbourhood Watch to an organization which shall include a neighbourhood watch with similar aims and objectives as that of the dissolved Greyton Neighbourhood Watch.

16. Dysfunctional Neighbourhood Watch structure.

The Greyton Neighbourhood Watch may be declared dysfunctional by consensus reached with the Greyton Neighbourhood Watch, the Greyton 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 Greyton Community Police Forum who will take control of all and any projects pending and engaged upon by the Greyton Neighbourhood Watch. The Greyton Community Police Forum will administer the funds and cover all creditors if any.

The Greyton Neighbourhood Watch, together with the Greyton 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 Greyton 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.

Greyton Neighbourhood Watch

Code of Conduct

1. Members

This code of conduct and the constitution is binding on all members.

The Greyton Neighbourhood Watch 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 the Greyton Neighbourhood Watch will display racism, sexism or any other form of discrimination towards any member and any other person.

The Greyton Neighbourhood Watch 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.

The Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch must respect the decision of the courts and immediately institute disciplinary measures as defined. The Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch.

The Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch.

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 Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch, except after being duly authorized to do so by the Greyton Neighbourhood Watch.

Notwithstanding the above, should any payment, commission, or gratuity be offered to Greyton Neighbourhood Watch, its executive committee will act in the best interest of the Greyton Neighbourhood Watch.

No member may exploit its membership of the Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch as highlighted by the Greyton Neighbourhood Watch's constitution and code of conduct.

2. Structure

The Greyton Neighbourhood Watch will be a non-profit making organisation.

The Greyton Neighbourhood Watch must be non-politically aligned and should not participate or engage or support or secure the premises where any political activity is being conducted.

Greyton Neighbourhood Watch

The Greyton Neighbourhood Watch and its members must operate in partnership with the South African Police Services, and within the framework of the law.

Should Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch must by means of registration ensure that no person under the age of 18 years participates in neighbourhood watch patrol/s.

The Greyton Neighbourhood Watch will appropriately penalize a member of the neighbourhood watch 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 the Greyton Neighbourhood Watch'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.

Greyton Neighbourhood Watch will sign a pledge endorsing the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures.

The Greyton Neighbourhood Watch 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 Greyton Neighbourhood Watch, the Greyton Neighbourhood 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 the Greyton Neighbourhood Watch will with immediate effect advise the Greyton Community Police Forum of its decision and the action taken.

Criteria for the Registration

Greyton Neighbourhood Watch must make an application to register with the Greyton Community Police Forum to secure official recognition.

The application for registration must be made in writing and the executive committee or co-ordinating committee of the Greyton Neighbourhood Watch that seeks registration must appear physically before the Greyton Community Police Forum in the area.

The Greyton Neighbourhood Watch, seeking registration must provide the Greyton Community Police Forum with the following;

- The constitution and the code of conduct of the Greyton Neighbourhood Watch.
- The area and boundaries where the Greyton Neighbourhood Watch operates.
- The names and addresses of the members of the Greyton Neighbourhood Watch.

Greyton Neighbourhood Watch

– The names and addresses of all executive committee members of the Greyton Neighbourhood Watch.

Subject to the consideration of the application for registration of the Greyton Neighbourhood Watch, the Greyton Community Police Forum will ensure that the application for registration of the Greyton Neighbourhood Watch 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 Greyton Community Police Forum will assist the Greyton Neighbourhood Watch 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 the Greyton Neighbourhood Watch when patrols are undertaken.

The Department of Community Safety will decide on approval of all project-funding applications for a registered neighbourhood watch, that are submitted by a registered Community Police Forum.

The Greyton Neighbourhood Watch will assist the South African Police Services in the identification of potential police reservists.

The Greyton Neighbourhood Watch, 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 Greyton Community Police Forum must assist each other in the publicity campaign for the Greyton Neighbourhood Watch.

Common Practices and Procedures

1. Liability

The Greyton Neighbourhood Watch cannot be held responsible for the action of a member; however a member may request the Greyton Neighbourhood Watch to assist by obtaining some form of legal assistance and or legal aid.

Greyton Neighbourhood Watch may negotiate insurance cover for its members. The Greyton Neighbourhood Watch will have the responsibility to raise the necessary funds and pay for the insurance cover.

2. Public Participation

Greyton Neighbourhood Watch 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.”

Greyton Neighbourhood Watch

4. Relationship with the Greyton Community Police Forum

Greyton Neighbourhood Watch will support all activities of the Greyton 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 Greyton Neighbourhood Watch, to ensure its smooth running within the legal and budgetary constraints on it.

Greyton Neighbourhood Watch Area Map

