



NEIGHBOURHOOD
WATCH

GUIDELINES

**For compiling a Neighbourhood Watch Constitution
as required in terms of**

***Section 6 (Accreditation and Support of Neighbourhood Watches) of
the Western Cape Community Safety Act of 2013***

28/04/2022

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1. Name of the Neighbourhood Watch / Farm Watch

State the name of the Neighbourhood / Farm Watch

2. Area of operation – Boundaries of Patrol (Map)

Clearly demarcated and agreed upon area in which the structure operates.

3. Objectives of the Neighbourhood Watch / Farm Watch

What are the objectives - examples of Objectives below:

- *To create public awareness in terms of community safety, crime prevention and protection of property;*
- *To encourage the community to work in close co-operation with the South African Police Service and other safety partners involved in law enforcement;*
- *To manage and co-ordinate crime prevention initiatives and to discourage crime in the area;*
- *To ensure that the neighbourhood watch members act within the framework of the law, and*
- *To unite community in creating a stable and crime free environment.*

4. Membership

Requirements for membership, disciplinary measures and termination of membership:-

- A member(s) may not discriminate unfairly against any person on the basis of language, age, gender, religion, ethnic or social origin, colour, sexual orientation, disability, political persuasion, or any other constitutionally - protected orientation;*
- A member(s) must conduct himself or herself in a manner that will **not** bring the NHW into disrepute;*
- A member(s) may not disseminate or divulge any confidential or privileged information obtained as a result of his or her membership or obtained whilst on formal patrol, unless it is essential to do so to help to protect a member of the NHW or community;*
- A member(s) may not exploit his or her membership of the NHW for his or her own personal advantage or benefit;*
- A member(s) may not accept any payment, commission or gratuity in connection with his or her membership of the NHW except after being duly authorised to do so by the Neighbourhood Watch;*
- A member(s) may not be in possession of any dangerous weapon under circumstances which makes him or her guilty of a contravention of section 3(1) of the Dangerous Weapon Act, 2013 (Act 15 of 2013);*
- A member(s) may not have a criminal record that is younger than five years from the current date of joining, and*
- If a member is convicted of a sexual offence or any crime involving violence (ie. assault, murder etc.) or dishonesty during his or her membership, the Neighbourhood Watch chairperson may terminate the member's membership in terms of procedures provided in the founding document of the Neighbourhood Watch.*

5. Conduct and duties of Members on Patrol

When a member is patrolling as a member of the NHW the member must –

- Alert the SAPS in the area when the NHW will be patrolling;*
- Strive to work in partnership, whenever possible, with the members of SAPS, municipal police service or law enforcement agencies with regard to crime prevention in the area;*
- Obey all lawful instructions issued by members of the services mentioned in paragraph (b) above;*

- d) Be identifiable and carry the identification cards issued in accordance with regulation 4(5) of the Community Safety Regulations;
- e) Be punctual, reliable and competent in all duties as a NHW member;
- f) Act in the best interests of individual residents, tenants or owners of immovable property or with other relevant interests in the area and the NHW, except in circumstances beyond their ability, or determined by personal safety;
- g) Act in accordance with official handbooks of the **Department of Community Safety** developed for NHW members, including protocols for incident management, crime scene management and best practice in every circumstance;
- h) Display commitment to the best possible functioning of the NHW and the promotion of healthy inter-personal relations;
- i) Undertake to report any individual, vehicle or situation suspected of being connected to crime to the control room and, where necessary, to SAPS;
- j) A member's assistance to a Neighbourhood Watch is voluntary and therefore when a member is using his or her private vehicle during the assistance, neither SAPS nor the Neighbourhood Watch can be held responsible for any damage to private vehicles caused during the rendering of the assistance.
- k) Members must familiarise themselves with regard to the law regarding the rights of private persons to arrest or perform searches, including the minimum use of force and must at all times comply with the **Criminal Procedure Act, 1977, (Act 51 of 1977)**.
- l) Members should rather report suspected criminal behaviour to the police before they personally attempt to perform an arrest.
- m) No intimidation in whatever form may be used against any individuals in any neighbourhood where such patrols take place;
- n) No form of vigilantism will be accepted;
- o) The NHW must strive to work in partnership with the Community Police Forum and Sub-Forum of the area; and
- p) The Chairperson or Co-ordinator of the NHW must regularly attend the sector meetings held by SAPS and share information at the sector meetings regarding the crime situation in the area.

6. Indemnity

- Each patrolling member must complete and sign an indemnity form.
- A neighbourhood watch structure is not a legal person and shall function within the guidelines as provided in the **Code of Conduct** for Neighbourhood watch Structures.
- An acknowledgement to this effect shall be signed by all neighbourhood watches and or associations and its members clearly indemnifying the neighbourhood watch structure.
- The acknowledgement referred to above must clearly state that a neighbourhood watch structure is a voluntary association.

7. 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.

- a) All neighbourhood watch patrolling members as well as any non-patrolling members affiliated to the Neighbourhood Watch Structure act in their own capacity, as individuals and liability shall be in that capacity;
- b) Neighbourhood Watch structures shall 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, and

- c) Any criminal and civil actions instituted against a member of the Neighbourhood Watch structure shall be against the member concerned and not the entire Neighbourhood Watch structure.

8. Accountability

- (a) The accredited Neighbourhood / Farm Watch structure(s) shall be accountable to the **Department of Community Safety** by virtue of **Section 6 of the Western Cape Community Safety Act of 2013**.
- (b) An accredited neighbourhood watch (NHW) must operate as the **eyes and ears only** of the community it serves and must co-operate with the South African Police Service, (SAPS).
- (c) A NHW must assist SAPS and work with other safety and security service providers and safety partners to safeguard their local community,
- (d) The **Code of Conduct** issued in terms of **Regulation 4(2)(r)** of the regulations issued in terms of the **Western Cape Community Safety Act, 2013 (Act 3 of 2013) (the Community Safety Act)** is binding on all members of the NHW and members must pledge their adherence to this Code, facility which the member's membership will be terminated.

9. Compilation of the Executive Committee

- Determine the number of members to form an executive committee (be careful not to have too many members on the executive committee;)
- Determine the term of the executive committee members positions ie. Chairperson, Treasurer, Secretary etc. and
- Determine the functions and powers of each position held on the executive committee and agree thereon.

10. Role, functions and powers of the Executive Committee

Functions of each position:- Example of functions

- **Chairman** – chairperson must be accountable for the structure and must be able to grant proxy to the vice chairman in he's absence, must ensure transparency and accountability within the NHW.
- **Vice-chairman** – will act in the absence of the chairperson provided he was given a written proxy.
- **Secretary** – responsible for arranging meetings, minute taking, assist with the arrangements for events etc.
- **Treasurer** – Keep account of the funds, there **must** be 3 signatories for the withdrawal of funds to ensure accountability.
- **Neighbourhood Watch Co-ordinator**- will be responsible to coordinate activities and engagements.
- **Additional member/s** – functions to be determined by the Neighbourhood Watch.

11. Delegation of Powers

- Determine who can delegate their powers, under which circumstances and for what period.

12. General meetings and Special General meetings

- Determine the frequency of meetings;
- How many members constitutes a quorum?
- Determine the frequency of AGM, and
- Determine the requirements for a Special General meeting, meeting rules etc.

13. Annual General Meetings

- AGM shall be opened to registered members of the NHW and members of the community who will act as observers (no voting powers);
- 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 NHW structure;
- The Executive Committee must report on the general work of the Neighbourhood Watch as well as the financial status;
- A Financial Report and Asset Report must be tabled at each General Meeting of the NHW.
- Fifty percent (50%) plus one (1) of the designated members of the Neighbourhood Watch will constitute a quorum;
- A written apology will not be accepted and included for purposes of a quorum;
- 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;
- If no quorum is attained at this meeting, the meeting may be postponed for a period of fourteen (14) days;
- Notices of the rescheduled meeting should be forwarded to all members at least seven (7) days prior to the meeting;
- If no quorum is attained at the rescheduled meeting, the meeting shall continue with the attendees who shall be deemed to be a quorum;
- Election of the Executive shall be officiated by an independent individual, Community Police Forum and or an official of the Department of Community Safety if requested, and
- The Annual General Meeting must be convened at the end of the financial year or as determined by the collective of the Neighbourhood Watch (all members).

14. Disciplinary Measures/Procedures

When an allegation against a member is received, the member should be informed of the allegations against him or her in writing by the Chairperson of the Neighbourhood Watch and a Statutory member should be appointed to investigate the matter and report to the findings to the committee for further discussion and final recommendation;

– Resolution of disputes to be included hereunder - All disciplinary measures/procedures shall entail

- (a) Reprimand
- (b) Suspension
- (c) Termination / Expulsion subject to investigation

- A member who is in breach of this Constitution may lose his or her membership in terms of disciplinary procedures instituted by the NHW as provided in their constitution;
- If any dispute arises, the local SAPS and Community Police Forum must attempt to resolve such dispute;
- Failure to resolve such dispute will lead to the dispute being referred to the Department of Community Safety – Neighbourhood Watch Division, whose decision shall be final and binding;
- In the event of any complaint against a member of a neighbourhood watch lodged with the neighbourhood watch concern, the neighbourhood watch may propose to reprimand, suspend and or expel the member, subject to an investigation;
- The Neighbourhood Watch must deal with the matter at its earliest convenience and advise the complainant in regard to its action.
- In the case of allegations of Misconduct or unbecoming behaviour against the Chairperson of the NHW, he or she should be informed about the allegations against him or her by designated Executive member to deal with the matter.

- The officer appointed to investigate the allegation of Misconduct or to inquire into the fitness of the Chairperson or any member for his or her position and/or to execute his or her functions as Chairperson of the Executive, must, after the investigation or inquiry, and after having received representations from the Chairperson, make recommendations to be reprimanded; be suspended for a period not exceeding six months; or be expelled as Chairperson of the Executive.

15. Asset Management

- The Neighbourhood Watch must manage their resources / equipment received and procured via an Asset register;
- This register must include the acquisition and control of Assets;
- In the event of an AGM and or Special AGM where a new chairperson is nominated, the Asset register together with assets to be handed over;
- Should the Neighbourhood Watch Structure become dysfunctional the procedure for dissolution and winding of its affairs must be stated, and
- Where the Neighbourhood Watch is dissolved, the assets may be transferred to another Neighbourhood Watch.

16. Financial Management

- A Neighbourhood Watch must at all times be transparent with its finance and account for all funds accessed and or generated;
- The bank account must be registered in the name of the Neighbourhood Watch and there must be three (3) signatories;
- Must keep proper financial records that accurately reflect all its income and expenditure, cashflow etc.;
- The financial affairs of the NHW should be managed in compliance with any policy and/or directives regarding financial administration issued by the Department;
- All financial expenditure, donations or sponsorship by the NHW must be approved by the Executive Committee and be recorded accordingly, and
- Funds received by the NHW must be deposited into the bank account of the NHW immediately or a day thereafter and assets received by the NHW must be registered in the Asset Register as soon as possible.

17. Dissolution of Neighbourhood / Farm Watch

A Neighbourhood Watch may be dissolved:

- If it is dysfunctional ie. it cannot function properly due to internal disputes and strife;
- If there is an irretrievable breakdown of trust between the SAPS and the Neighbourhood Watch or, and
- If it is confirmed that the internal strife or dispute is at a stage where the lives of members of the NHW are being threatened.

18. Amendments to the Constitution

- The Neighbourhood Watch should communicate and submit any amendments to their Constitution to the Department of Community Safety, NHW – Unit in order to update the records;
- Frequency of an amendment and quorum for amendments to be instituted – determine the number of members to constitute a quorum example - 50% of all members inclusive of the executive committee etc.
- The proposed amendments must be discussed at a Special Meeting of the NHW and consensus must be reached in order to effect the amendment.

19. Interpretation

- This Constitution should be explained to all Neighbourhood Watch members to get consensus;

- *Each Neighbourhood Watch member must sign a pledge form pledging that he / she will abide by the Constitution, and*
- *The accepted Constitution will be binding on all members.*