



PLUMSTEAD NEIGHBOURHOOD WATCH

CODE OF CONDUCT

1. This Code of Conduct and the Constitution of Plumstead Neighbourhood Watch (PNW) shall be binding on all members of PNW. The purpose of this code of conduct is to assure the safety of all PNW members, patrollers and members of the public at all times. This document intends to promote the objectives of the Constitution of the PNW.
2. Members of PNW must always act in a non-violent manner. No member may take the law into his or her own hands irrespective of circumstances. No PNW member or patroller may stop or search any suspicious person/s or seize any property on such a person/s.
3. No member of PNW shall display racism, sexism or any other form of discrimination towards any member and any other person. This shall not be limited to but includes inter alia any form of social media, WhatsApp messages and groups or any other forms of communication whatsoever.
4. When on patrol a PNW member may only use “minimum force”, as described in the Criminal Procedure Act 51 of 1977, read with the Constitution of the Republic of South Africa of 1996 and the South African Police Services Act 68 of 1995, to secure the arrest of the perpetrator of an offence (as per attached guidelines - marked *Citizen's Arrest*) and no intimidation in whatever form may be used in the communities where such patrols will be taking place.
5. No member of PNW may when patrolling carry any weapon(s) perceived to be dangerous that could inflict serious bodily harm and or damage to property; this shall include dangerous weapon as defined in the Constitution of PNW. Only weapons for sole purpose of self-defense as approved by the Provincial Commissioner South African Police Services – Western Cape may be used.
6. Any PNW member who intends taking a firearm on patrol must declare such to the local South African Police Services before taking such firearm on patrol.
7. No person under the age of 18 years may participate in any patrol.

8. Members of PNW may not divulge any confidential or privileged information that they may have acquired as a result of their membership of PNW.
9. No member of PNW may make public statements and or the media as a spokesperson for PNW without the explicit authority from the Executive Committee of PNW duly mandating that member to act for and on behalf of PNW.
10. No member of PNW may accept any payment, commission or gratuity in connection with his or her membership of PNW, except after being duly authorized to do so by the Executive Committee of PNW
11. No member of PNW may exploit his or her membership of PNW for personal advantage or benefit.
12. Members of PNW must at all times act in a manner that will uphold and promote the aims and objective of PNW as highlighted in PNW Constitution and this Code of Conduct.
13. All PNW members must prior to proceeding with a patrol ensure that the following is adhered to at all times:
 - All members when patrolling as a member of PNW must carry an identification card, visibly identifying him or her as a member of the PNW.
 - All members when patrolling must wear a PNW vest with the identifying marks "PLUMSTEAD NEIGHBOURHOOD WATCH" displayed on the back of the vest.
 - All members when patrolling must display the decals of the PNW (as provided to them) on vehicle.
 - All members when patrolling must have an operational amber flashing light on the roof of the vehicle.
14. Any PNW member in contravention of this code of conduct shall be guilty of a serious offence, resulting in the immediate suspension of the member pending expulsion and subject to full investigation and decision on the matter.

Approved by the Executive Committee of the Plumstead Neighbourhood Watch on: 05 December 2016

**Extracts from
CRIMINAL PROCEDURE ACT NO. 51 OF 1977
Relevant to Citizen's Arrest
CHAPTER 5
ARREST**

39. Manner and effect of arrest.—(1) An arrest shall be effected with or without a warrant and, unless the person to be arrested submits to custody, by actually touching his body or, if the circumstances so require, by forcibly confining his body.
(2) The person effecting an arrest shall, at the time of effecting the arrest or immediately after effecting the arrest, inform the arrested person of the cause of the arrest or,

42. Arrest by private person without warrant.—(1) Any private person may without warrant arrest any person—

- (a) who commits or attempts to commit in his presence or whom he reasonably suspects of having committed an offence referred to in Schedule 1;
- (b) 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;
- (c) whom he is by any law authorized to arrest without warrant in respect of any offence specified in that law;
- (d) whom he sees engaged in an affray.

(2) 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.

(3) 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.

[Sub-s. (3) substituted by s. 13 of Act No. 59 of 1983.]

47. Private persons to assist in arrest when called upon.—(1) Every male inhabitant of the Republic of an age not below sixteen and not exceeding sixty years shall, when called upon by any police official to do so, assist such police official—

- (a) in arresting any person;
- (b) in detaining any person so arrested.

(2) Any person who, without sufficient cause, fails to assist a police official as provided in subsection (1), shall be guilty of an offence and liable on conviction to a fine not exceeding R300 or to imprisonment for a period not exceeding three months.

[Sub-s. (2) substituted by s. 4 of Act No. 33 of 1986.]

48. Breaking open premises for purpose of arrest.—Any person who may lawfully arrest another in respect of any offence and who knows or reasonably suspects such other person to be on any premises, may, if he first audibly demands entry into such premises and notifies the purpose for which he seeks entry and fails to gain entry, break open, enter and search such premises for the purpose of effecting the arrest.

49. Use of force in effecting arrest.—(1) For the purposes of this section—

- (a) “arrestor” means any person authorised under this Act to arrest or to assist in arresting a suspect; and
 - (b) “suspect” means any person in respect of whom an arrestor has or had a reasonable suspicion that such person is committing or has committed an offence.
- (2) If any arrestor attempts to arrest a suspect and the suspect resists the attempt, or flees, or resists the attempt and flees, when it is clear that an attempt to arrest him or her is being made, and the suspect cannot be arrested without the use of force, the arrestor may, in order to effect the arrest, use such force as may be reasonably necessary and proportional in the circumstances to overcome the resistance or to

prevent the suspect from fleeing: Provided that the arrestor is justified in terms of this section in using deadly force that is intended or is likely to cause death or grievous bodily harm to a suspect, only if he or she believes on reasonable grounds—

(a) that the force is immediately necessary for the purposes of protecting the arrestor, any person lawfully assisting the arrestor or any other person from imminent or future death or grievous bodily harm;

(b) that there is a substantial risk that the suspect will cause imminent or future death or grievous bodily harm if the arrest is delayed; or

(c) that the offence for which the arrest is sought is in progress and is of a forcible and serious nature and involves the use of life threatening violence or a strong likelihood that it will cause grievous bodily harm.

[S. 49 substituted by s. 7 of Act No. 122 of 1998.]

50. Procedure after arrest.—(1) (a) Any person who is arrested with or without warrant for allegedly committing an offence, or for any other reason, shall as soon as possible be brought to a police station

Schedule 1

(Sections 40 and 42)

[Schedule 1 substituted by s. 17 of Act No. 26 of 1987. Heading substituted by s. 8 of Act No. 122 of 1998.]

- o Treason.
- o Sedition.
- o Public violence.
- o Murder.
- o Culpable homicide.
- o Rape.
- o Indecent assault.
- o Bestiality.
- o Robbery.
- o Kidnapping.
- o Childstealing.
- o Assault, when a dangerous wound is inflicted.
- o Arson.
- o Malicious injury to property.
- o Breaking or entering any premises, whether under the common law or a statutory provision, with intent to commit an offence.
- o Theft, whether under the common law or a statutory provision.
- o Receiving stolen property knowing it to have been stolen.
- o Fraud.
- o Forgery or uttering a forged document knowing it to have been forged. Offences relating to the coinage.
- o 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.
- o 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.
- o Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule