

Code of Conduct

1. INTRODUCTION

- 1.1. This Code of Conduct shall be binding on all members of Plumstead Neighbourhood Watch (PNW) and all patrolling members must pledge their adherence to this Code, failing which the member's membership may, at the discretion of the PNW committee, be terminated.
- 1.2. The purpose of this Code 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 PNW.
- 1.3. Plumstead Neighbourhood Watch must operate as the EYES AND EARS of the community it serves and must cooperate with the South African Police Service (SAPS). PNW members will therefore at all times use "Eyes and Ears" to assist the police by using their dedicated PNW two-way radios to call SAPS when needed, or alternatively by using their cell phones to contact SAPS or CSC (Community Service Centre). In addition, members should also post to their Patroller Alerts Groups to alert fellow members and to keep them informed.
- 1.4. PNW must assist SAPS and other safety and security services providers (SSPs) and partners to safeguard the local community and their property, to manage and control crime prevention initiatives and to discourage crime in the area (refer to map in section 9). PNW members take on this responsibility voluntarily and are fully aware of the risk it involves. However, due to the nature of the task, members must refrain from placing themselves and/or other members of the community or the police at risk.
- 1.5. By pledging adherence to this Code of Conduct, a PNW member

acknowledges that he or she is fully aware of the obligations and risks involved due to the nature of the task.

- 1.1. The PNW Structure will not be responsible for civil and or criminal actions or omissions that are perpetrated by a PNW member nor will it be responsible for civil and/or criminal actions or omissions against its members.
- 1.2. SAPS is to recognise the PNW Code of Conduct and should not in any way place patrollers at risk by encouraging them to depart from it.
- 1.3. This Code of Conduct is issued in terms of the *Western Cape Community Safety Act 3 of 2013*.

2. CONDUCT OF ALL MEMBERS

- 1.1. A member must at all times act in accordance with the principles enshrined in the Constitution of the Republic of South Africa, 1996, and must –
 - a) at all times act in a manner that upholds and promotes the aims and objectives of the PNW Structure, as highlighted by the PNW Structure's constitution and code of conduct;
 - b) respect and protect the dignity and rights of every person in the neighbourhood, including the right to free movement;
 - c) act within his or her rights as a private person, and not beyond those rights;
 - d) serve the community in the area in an unbiased, apolitical and impartial manner in order to create confidence in the PNW organisation, and build unity in a safe neighbourhood;
 - e) refrain, as much as is reasonably possible, from themselves and fellow members or the police at risk;

- 1.2. A member may not –
 - (a) 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;

- (b) conduct themselves in a manner that will bring the PNW Structure into disrepute;
- (c) 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 protect a member of the PNW Structure or community. (ref: **Protection of Personal Information Act 4 of 2013 – chapter 1**)
- (d) exploit his or her membership of the PNW Structure for his or her own personal advantage or benefit;
- (e) accept any payment, commission or gratuity in connection with his or her membership of the PNW Structure except after being duly authorised to do so by the PNW Structure (refer to clause 4.1 (r) for the full clause)

1.3. If a member is convicted of a sexual offence, or any crime involving violence, or dishonesty during his or her membership, the PNW Structure may immediately terminate the member's membership in terms of the procedures set out in the PNW Constitution.

2. DUTIES OF PATROLLING MEMBERS ONLY

- 2.3. When patrolling as a member of the PNW Structure, the member must —
- (a) always alert the SAPS members in the area when the PNW member/s will be patrolling;
 - (b) 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;

(c) obey all lawful instructions issued by members of the services mentioned in (b) above;

(d) carry their member identification cards (when issued) in accordance with Regulation 4(5) of the Community Safety Regulations;

- (e) act in the best interests of ALL residents, tenants, owners of immovable property and people with other relevant legitimate interests in the area, including the PNW Structure, except in circumstances beyond their ability, or determined by personal safety;
 - (f) undertake to report to SAPS any individual, vehicle or situation suspected of being connected to crime.
- 2.4. A member's assistance to the PNW Structure is voluntary and therefore when a member is using their private vehicle during the assistance, neither SAPS nor the PNW Structure can be held responsible for any damage to private vehicles caused during the rendering of such assistance.
- 2.5. No intimidation in whatever form may be used against any individuals in any neighbourhood where such patrols take place.

3. CONDUCT OF PATROLLING MEMBERS – THE DO'S AND DON'TS

- 3.3. PNW Members will adhere to the following rules of conduct:
- (a) Members will adhere to the code of conduct which has been drawn up for the protection of the PNW members,
 - (b) Members will only use private vehicles when patrolling
 - (c) Members will need to be aware that, as their assistance is voluntary, neither SAPS nor the PNW Structure can be held responsible for any damage to said vehicles
 - (d) Members will normally only patrol within the demarcated area of the "Plumstead Precinct" as per the PNW sector map. However, members

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will be allowed to assist in other areas should the need arise:

- (i) Members will inform CVIC Control
- (ii) Seek permission for CVIC or a senior neighbourhood watch patroller
- (e) Members will be clearly identifiable by the correct attire

- (i) Plumstead Neighbourhood Watch Reflective Vest and/or
 - (ii) Tactical Vest with Plumstead Neighbourhood watch identifying features
- (f) Members will make their vehicles clearly identifiable (when possible) by the correct use of vehicle decals and a legal use of white roof/dashboard lights, when it is required and appropriate to do so.
- (i) Members may only patrol 'dark' with the permission of SAPS as per the *Community Safety Act*.
- (g) Members will undertake to call in to SAPS or an SSP any suspicious individuals, vehicles or situations, to ask SAPS to investigate / intervene / assist when the need arises:
- (i) A first call (describing the suspicious behaviour) should be made to SAPS and then to local SSPs and other law enforcement agencies.
 - (ii) Should reasonable circumstances warrant an immediate inquiry with regard to any individual or vehicle behaving in a suspicious manner, **and with 'Safety First' in mind**, the inquiry has to be conducted in a professional manner without threatening or violating the dignity and rights (including the right of free movement) of the questioned person;
 - (iii) Searching of individuals or vehicles by PNW patrollers is not allowed and will lead to disciplinary action.
- (h) Members will not engage in any form of vigilantism – it is not allowed and will not be tolerated.

- (i) Members will at all times conduct themselves in accordance with the laws of South Africa and will not take the law into his or her own hands irrespective of the circumstances.
- (j) Members will at all times will operate a vehicle within the framework of the *National Road Traffic Act 93 of 1996* (NRTA) when representing Plumstead Neighbourhood Watch.
- (k) No member, whilst on patrol, may be under the influence of an

intoxicating liquor or drugs, or any substance causing an altered state of mind.

- (l) Members will at all times act in a non-violent manner.
- (m) Members will not make public statements, nor public announcements to any media in matters pertaining to the PNW Structure. The PNW Structure and its executive committee shall mandate a member to address the media and should no specific person be appointed, then this duty will fall upon the chairperson or the vice chairperson.
- (n) Members will not make use of any dangerous weapon under circumstances which would make him or her guilty of a contravention of Section 3(1) of the *Dangerous Weapon Act 15 of 2013*; as referenced below:

DANGEROUS WEAPONS ACT 15 of 2013 (Extract)

Prohibition of possession of dangerous weapons

3.(1) Any person who is in possession of any dangerous weapon under circumstances which may raise a reasonable suspicion that the person intends to use the dangerous weapon for an unlawful purpose, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three years.

Note: *“dangerous weapon” means any object, other than a firearm, capable of causing death or inflicting serious bodily harm, if it were used for an unlawful purpose.*

- (o) Members will note that the PNW Structure requires all patrolling members with firearms to declare such to the DIEP RIVER SAPS

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station commander and if the station commander is not present, the shift commander.

- (p) Members will note that the open carrying and display of items listed below, whilst on patrol, could be viewed as intimidatory and provocative and potentially raise a reasonable suspicion that the bearer or carrier intends to use such for unlawful purposes, and thus a breach of the *Dangerous Weapons Act*. Such conduct would also be contradictory to the PNW Constitution, which empowers members to serve as the eyes and ears for SAPS and is thus not permitted. It is recognised that such

items could, under different circumstances, be used for the purpose of protecting private property and/or private-defence, and therefore in no way are the rights of a person wishing to protect themselves removed.

- (i) pepper spray, teargas, tazer, baseball bat, bush-knives, pangas, bb gun, paintball gun, hand cuffs, baton, firearm, or any other dangerous weapon or device;
- (q) Members will note that since PNW Patrollers function as “Eyes and Ears” they must refrain from exposing themselves to dangerous situations, which may result in the use of private-defence measures, and must instead remove themselves from those situations immediately. The member must refrain from provoking or escalating a situation and becoming a danger to themselves or others. If SAPS is not available to attend to a call-out immediately, the member is requested to monitor the situation from a safe position.
- (r) Members will not accept any form of payment, commission or gratuity in connection with his or her membership of the PNW Structure, except after being duly authorised to do so by the PNW Structure
 - (i) Notwithstanding the above, should any payment, commission, or gratuity be offered to the PNW Structure, the executive committee of PNW shall act in the best interest of the PNW Structure;
 - (ii) The PNW member accepting the offer shall with immediate effect and in writing, advise the PNW Structure of the decision

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and/or actions in this regard.

- (s) Members are not compelled to detain or arrest anyone. (Note: Although a citizen’s arrest is allowed in certain situations, the police are still the only designated persons with legal power to perform law enforcement actions.)
 - (i) Members should rather report suspected criminal behaviour to the police before they personally attempt to perform an arrest
 - (ii) A member must take into account the danger and risk involved and familiarise themselves with regard to the law pertaining to the rights of private persons to arrest or perform searches,

including the minimum use of force, and must at all times comply with the law. (ref: **Criminal Procedure Act 51 of 1977 – chapter 5 section 42**).

- (t) Male members are obliged to assist in arrest when called upon by SAPS to do so as required by law. (ref: **Criminal procedures Act 51 of 1977 – chapter 5 section 47**)
- (u) Members will not place themselves at risk by being alone in potentially dangerous areas, e.g. on solitary foot patrol, on a bicycle alone, etc.
- (v) Members who arrive first at the scene of accidents or fires (home or veld) as well as at every crime scene
 - (i) should take charge, secure and cordon off the scene while awaiting the arrival of SAPS, Metro Police or Paramedics;
 - (ii) should send a brief report back to the PNW Structure by email or WhatsApp with pertinent details of the incident.

4. COMMUNICATIONS (Radios / WhatsApp / Facebook)

RADIOS

- 4.3. Radios purchased from PNW by members are exclusively to be used for PNW related communication.

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- 4.6. It is imperative that PNW has a record of all radios using this frequency:
 - (a) Members with PNW radios who relocate / move out of the designated area of Plumstead shall inform the PNW Structure.
 - (b) Members wishing to “sell” their radio must inform the PNW Structure accordingly before doing so, in order to:
 - (i) Ensure that the PNW frequency has been removed from the radio if it is being sold to a non PNW member;
 - (ii) Update the database and keep track of the change of ownership if it is being sold (or given) to a PNW member
 - (c) Failing that, it shall be deemed as “Illegal Use”, because:
 - (i) it is illegal to own a high-powered two-way radio that is not

licensed to an ICASA approved frequency. The onus is on the new radio owner to ensure that they have a legal radio by getting a new 'ICASA approved' frequency installed, subject to the owner of the frequency granting approval for the use thereof.

(d) The PNW Structure must be informed as soon as possible if a radio is stolen or lost or broken.

- 4.7. Patrollers who do not have their own radio must return "LOAN RADIOS" to the owner / radio caretaker.
- 4.8. All users of the PNW radio, whether PNW members or designated users, must follow the "Basic Radio Etiquette Rules".

WHATSAPP AND OTHER SOCIAL MEDIA

- 4.9. It is IMPORTANT to remember that any post on PNW WhatsApp groups must be treated as confidential due to the sensitivity of ongoing investigations and current incidents where any leak of information to outside groups or the wider community can be extremely prejudicial to the process.
- 4.10. Patrollers are required to make use of the 'Patroller Alerts Group' to book

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on when they commence their patrol and to book off at the termination of the patrol.

- 4.11. The sharing of PNW posts to other groups or social media must be avoided – unless expressly mandated to do so.
- 4.12. It may be necessary to institute disciplinary proceedings when it is found that points 5.6 and 5.7 have been violated.

5. DISCIPLINARY MEASURES

- 5.3. A member who is in breach of this Code of Conduct may face disciplinary measures and potentially lose their membership in terms of the disciplinary procedures instituted by the PNW Structure.
- 5.4. Should a member be found guilty of a criminal offence, the PNW Structure must respect the decision of the courts and immediately

Structure must respect the decision of the courts and immediately institute disciplinary measures.

- 5.5. The PNW Structure shall maintain a minuted record of processes and actions taken.
- 5.6. Notice of a disciplinary inquiry instituted against a member(s) must be made in writing.
- 5.7. The Executive Committee will routinely investigate the nature of the complaint through an investigatory interview before any decision is made to hold a disciplinary hearing.
- 5.8. A time limit of thirty (30) days is placed on the investigation period.
- 5.9. The purpose and procedure of an investigatory interview:
 - (a) The purpose of an investigatory interview is to elicit facts from the member(s) in question to support disciplinary action that is being considered.
 - (b) An investigatory interview is where the Executive Committee have the opportunity to ask the member(s) under investigation questions to obtain information that could be used as a basis for the

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disciplinary hearing. They may also ask a member(s) to defend their conduct at an investigatory interview.

- (c) The member(s) under investigation may be suspended pending the result of the investigation. This is known as precautionary suspension.
 - (d) The Executive Committee do not need to supply the member(s) under investigation with any documentation or evidence that they hold during this stage.
 - (e) The member(s) who are under investigation are not entitled to representation during this stage.
 - (f) Upon conclusion of the investigatory interview, the Executive Committee must decide whether or not to proceed with a disciplinary hearing.
- 5.13. If the Executive Committee decide not to proceed with disciplinary hearing, they need to inform the member(s) in writing that the disciplinary

inquiry has been dismissed.

- 5.14. If the Executive Committee have decided to move forward with a disciplinary hearing, the member(s) must be informed in writing and notice of at least fourteen (14) court days shall be given to the member. The written notice will include:

- (a) The specific nature of the issue;
- (b) The date, time and place of the disciplinary hearing;
- (c) That the member(s) may be accompanied by a PNW representative;
- (d) The names of any witnesses and those in attendance at the hearing;
- (e) A copy of the disciplinary procedures and any written statements, reports and other evidence to be considered.
- (f) That the member(s) may provide evidence and/or call witnesses to the hearing, and the need to ensure that any witnesses are aware

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of the need for confidentiality.

- (g) All documentation relating to the disciplinary hearing must be reasonable and submitted to the chair at least 36 hours prior to the hearing.
 - (h) If a new matter is raised at the hearing that the member(s) is unaware of, the member(s) will have 48 hours after the hearing to submit any additional documentation to the chair for consideration as part of the decision making process.
- 5.15. The chairperson who will lead the disciplinary hearing will be an independent and impartial party.
- 5.16. The job of the chairperson is to listen and evaluate all the evidence and come to a conclusion as to the member(s) guilt based on a balance of probabilities.
- 5.17. Before the disciplinary hearing commences, the member(s) will be provided, if available, with written copies of evidence and relevant witness statements.

- 5.18. The member(s) may choose to be accompanied by a PNW representative or any other member of PNW throughout the disciplinary hearing.
- 5.19. No legal representation is allowed, unless a complex legal issue is to be discussed and then both parties, upon agreement, are allowed to have legal representatives present.
- 5.20. The member(s) may appeal against the decision reached at the disciplinary hearing. The local CPF will then investigate and hold a disciplinary hearing. The decision of the local CPF is final and binding.
- 5.21. All information will be retained on a confidential basis.
- 5.22. If the member(s) fails to attend the disciplinary hearing without good cause, a decision may be taken in their absence based on the information available.
- 5.23. The procedure to follow at a disciplinary hearing:

(a) The charge(s) will be read to the member(s).

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(b) The member(s) will be given the opportunity to plea on the charges.

(c) If the member(s) pleads guilty, no evidence is heard and the chairperson only hears the member(s) opinion regarding appropriate disciplinary measure.

(d) If the member(s) plead not guilty, the chairperson will call witnesses to state the case against the member(s).

(e) The member(s) will have the opportunity to cross-examine every witness.

(f) The member(s) will have the opportunity to call their witnesses and question them.

(g) The chairperson may question the member(s) witnesses.

(h) After all the evidence has been heard, the chairperson gives the member(s) the opportunity to summarise their case and give their opinion regarding the finding the chairperson should arrive at, considering all the evidence.

(i) The chairperson now summarises the evidence.

(j) The chairperson may adjourn the disciplinary hearing to reach a

decision regarding the member(s) guilt or innocence.

- (k) The chairperson makes his decision and provides reasons therefore.
- (l) The opportunity is given to the member(s) to give evidence in mitigation and to request the chairperson to impose a specific disciplinary measure.
- (m) The chairperson may adjourn the meeting once again in order to decide on the appropriate disciplinary measure.
- (n) The chairperson hands down the decision for the disciplinary measures and gives reasons for the decision reached.

5.24. Suspension:

- (a) Punitive suspension is a form of direct punishment for the

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member(s) who have been found guilty of misconduct at a disciplinary hearing.

- (b) A minimum of thirty (30) days suspension is deemed to be fair and reasonable. No maximum limit has been set.
- (c) Upon suspension all equipment used in connection with PNW and the carrying out of its objectives is to be returned until such time that the member(s) is reinstated.
- (d) In the result of a criminal offence, all members will be suspended for the duration of the case and have their fingerprints rerun.
- (e) If requested, reasons for suspension are to be given to the member(s).
- (f) Reasons for suspension:
 - (i) Breach of this Code of Conduct or any provision set out in the Constitution; or
 - (ii) Negligent behaviour;
 - (iii) Pending legal action;
 - (iv) Medical grounds;
 - (v) Poses a risk to other members, property or the community.

5.25. Termination:

- (a) Termination is the most severe form of direct punishment for the member(s) who have been found guilty of misconduct at a disciplinary hearing.
- (b) The notice period will differ based on the amount time the member(s) have dedicated and served as a member of PNW.
 - (i) Member for six (6) months or less, they shall receive one (1) week notice.
 - (ii) Member for more than six (6) months, but less than one (1) year shall receive two (2) weeks notice.

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- (i) Member for one (1) year or more, they shall receive at least four (4) weeks notice.
- (c) Upon termination, all equipment belonging to PNW or being used in connection with PNW and the carrying out of its objectives is to be returned to the Executive Committee.
- (d) All items purchased from PNW may be bought back by the Executive Committee from the terminated member(s) at a reduced rate. If the member is not willing to sell, all affiliation to the PNW Structure is to be removed from the equipment.
- (e) Reasons for termination:
 - (i) Severe breach of this Code of Conduct or any provision set out in the PNW Constitution.
 - (ii) Theft or other criminal behaviour, which includes revealing confidential information.
 - (iii) Physical Violence or threats against other members.
 - (iv) The outcome of a disciplinary hearing
 - (v) Grossly negligent behaviour.
- (f) Immediate termination occurs when someone is instantly dismissed without notice *in lieu* of notice. This type of termination happens due to gross misconduct of the member(s). Gross misconduct being, but not limited to

- (i) Serious negligence which causes unacceptable loss, damage or injury;
- (ii) Serious violation of health and safety rules;
- (iii) Physical violence or intimidation;
- (iv) Deliberate and serious damage to property;
- (v) Theft, fraud, corruption and deliberate falsification of records;
- (vi) Serious incapability whilst on duty brought on by the consumption of alcohol or illegal drugs

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6. AMENDMENTS

- 6.3. Changes to this Code of Conduct shall be made by the PNW Committee (or a nominated sub-committee), as and when –
 - (a) the need arises, or
 - (b) the Western Cape Community Safety Act is amended
- 6.4. Changes may be implemented without prior consultation; however, notice shall be given advising members of any changes.

7. REFERENCES to ACTS

- 7.3. ***Criminal Procedures Act 51 of 1977 – chapter 5 section 42 reads:***

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*

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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 59 of 1983.]

7.26. Criminal Procedures Act No. 51 of 1977 – chapter 5 section 47 reads:

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 33 of 1986.]

7.27. Protection of Personal Information Act 4 of 2013 – chapter 1

“personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –

- (a) information relating to the race, gender, sex, pregnancy, marital

- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, e-mail address, physical address,

- (a) the biometric information of the person;
- (b) the personal opinions, views or preferences of the person;
- (c) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (d) the views or opinions of another individual about the person; and
- (e) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

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_____ [PRINT FULL NAME]

ID Number _____, hereby acknowledge that
I have read and understood this Code of Conduct and will adhere to it and
understand that any failure on my part to do so may lead to the termination of my
membership.

Signed on this _____ day of the month of _____, in the year

Signed:

_____ [PNW
member]

Authorised by: _____

[PNW Chairperson]

_____ [Print

Name - Chairperson]

