

Department of Community Safety

Provincial Constitution and
Code of Conduct for
Neighbourhood Watch Structures

1 December 1999

PROVINCIAL CONSTITUTION AND CODE OF CONDUCT FOR NEIGHBOURHOOD WATCH STRUCTURES

On this **1st** day of **December** 19**99**.

The Department of Community Safety presents the Western Cape Provincial Minister of Community Safety, Sport and Recreation, Mr Mark Wiley, the South African Police Services Western Cape Provincial Commissioner, Commissioner Lennit Max, and the Community Police Forum Western Cape Provincial Board Chairperson, Mr Lieb Friedman, with the final draft of the **Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures** for comment.

WESTERN CAPE PROVINCIAL MINISTER OF COMMUNITY SAFETY.....
Minister Mark Wiley

SAPS WESTERN CAPE PROVINCIAL COMMISSIONER:.....
Commissioner Lennit Max

WESTERN CAPE PROVINCIAL CPF BOARD CHAIRPERSON:.....
Mr Lieb Friedman

**PROVINCIAL CONSTITUTION AND CODE OF CONDUCT FOR
NEIGHBOURHOOD WATCH STRUCTURES**

This document shall be entitled the **Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures**.

1. Definitions

"Neighbourhood watch structure": This is an all-encompassing phrase which shall include individual neighbourhood watches as well as neighbourhood watch associations and other structures such as the street committees, street watches, block watches, farm watches, business watches and flat watches.

"Neighbourhood watch association": This refers to a structure, consisting of a group of neighbourhood watches or such structures as referred to above.

"Recognition": This refers to the status accorded a neighbourhood watch structure that has fulfilled all the requirements that are set out in criteria for recognition.

"Registration": This refers to a process that will precede recognition whereby the details of a neighbourhood watch structure, including committee members, membership, a code of conduct and a constitution, will be recorded by the local South African Police Services station and the local Community Police Forum. In cases where the Community Police Forum is not in existence or is not active, this will be done by the South African Police Services.

"Affiliation to local Community Police Forum": This implies official representation of the neighbourhood watch structure in the Community Police Forum that exists in the area.

"Official": This implies that a structure has been registered and is recognised accordingly.

"Non-political" implies that the neighbourhood watch structure must not be affiliated to any political organisation, and also must not do any work for a political organisation.

"Non-sexist": This implies that the neighbourhood watch structure must not discriminate on the grounds of sex, gender or sexual orientation.

2. Aims

- (a) To nurture a sense of unity, dedication and good neighbourly relations among the residents of the area.
- (b) To serve as a watchdog over the community and safeguard the community against criminal activities.
- (c) To strive for a safe and secure environment.

3. Objectives

- (a) To create public awareness with regard to safety, crime prevention and protection of families and their property.
- (b) 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.
- (c) To ensure that the neighbourhood watches act within the framework of the law.

4. Membership

- (a) Membership of the association shall be based upon the principles of non-racism, non-sexism and democracy.
- (b) Membership shall be open to all registered neighbourhood watches who comply with the criteria for recognition of neighbourhood watches.
- (c) Membership shall be open to all irrespective of race, colour, religion, disability, age or sexual orientation.

- (d) Neighbourhood watch structures may determine their own membership fee. In cases where there is a membership fee payable, payment of such a fee must be on a voluntary basis.

5. Indemnity

- (a) An indemnity form which indemnifies the neighbourhood watch structure from being held liable for actions by members of the neighbourhood watch structure must be completed by all persons who wish to join the neighbourhood watch structure.
- (b) The indemnity form referred to above must clearly state that a neighbourhood watch structure is a voluntary association.
- (c) The same indemnity form must be completed by all neighbourhood watch structures before joining a neighbourhood watch association.

6. Liability

- (a) A neighbourhood watch structure 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 of a neighbourhood watch act in their own capacity as individuals and liability shall be in that capacity.
- (c) The association shall not be responsible for civil or criminal actions or omissions that are perpetrated by a member of a neighbourhood watch structure nor responsible for civil or criminal actions or omissions against its member neighbourhood watch structures or individuals.
- (d) The neighbourhood watch structures shall not be responsible for civil or criminal actions or omissions that are perpetrated by a member of a neighbourhood watch structure, nor responsible for civil or criminal actions or omissions against its members.

- (e) All criminal or civil actions that are instituted against a member of the neighbourhood watch structure shall be against the member concerned and not the neighbourhood watch structure.

7. Accountability

- (a) The neighbourhood watch structures shall be accountable to the Community Police Forum in the police station area.
- (b) The neighbourhood watch association shall be accountable to the Area Board of the Community Police Forum in the police area.

8. Affiliation

- (a) All neighbourhood watch structures and the neighbourhood watch associations must be affiliated to the local Community Police Forum in the area.

9. Composition

- (a) The neighbourhood watch structure shall consist of individual households in demarcated areas, streets, sections, flats, farms, wards or zones of the area.
- (b) The neighbourhood watch association shall consist of elected members of the neighbourhood watch structures in demarcated areas, streets, sections, flats, farms, wards or zones.

10. Functions

- (a) The neighbourhood watch must assist the South African Police Services in so far as crime prevention in their areas is concerned.
- (b) The neighbourhood watch structures must operate within the framework of the law.

- (c) The neighbourhood watch members shall have powers, just like any other citizen, to perform a citizen's arrest.
- (d) In performing a citizen's arrest, the requirements set out in the Criminal Procedure Act No. 75 of 1977, must be complied with.
- (e) The neighbourhood watch structures must work in partnership with the Community Police Forum which operates in the area.
- (f) The neighbourhood watches shall be responsible for initiating and implementing crime prevention projects in consultation with the local Community Police Forum.
- (g) The Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures shall be binding to all neighbourhood watch structures in so far as it is not in conflict with the Constitution of the Republic of South Africa and the Bill of Rights.

11. Logos and Letterheads

- (a) A neighbourhood watch structure shall design and use its own logo and a letterhead in a way which is not contrary to its stated aims and objectives and in a manner which is not offensive.
- (b) A neighbourhood watch must not use the same logo or letterhead as the logo of the local Community Police Forum or the same logo as the one used by the South African Police Services.

12. Identity Cards

- (a) All members of a neighbourhood watch structures shall have identity cards.
- (b) The identity cards of members must not be similar to the ones used by the members of the South African Police Services.
- (c) The identity cards of members must have a photograph of the member, his or her authorised signature, a serial or station code and an authorised signature of the South African Police Services local station commissioner.

13. Resolution of Disputes

- (a) If any dispute arises, the local Community Police Forum must attempt to resolve such dispute.
- (b) If the dispute cannot be resolved by the local Community Police Forum, the dispute shall be referred to the Community Police Forum Area Board.
- (c) Failure to resolve such dispute will lead to the dispute being taken to the Community Police Forum Provincial Board, and the decision of that structure will be final and binding.

14. Use and Control of Funds

- (a) The neighbourhood watch structure shall be a non profit-making organisation.
- (b) The neighbourhood watch structure shall be permitted to hold fund-raising campaigns for the purposes of furthering its stated aims and objectives.
- (c) A decision to embark on such campaigns must be reached in consultation with the local Community Police Forum and/ the South African Police Services.
- (d) All government funding must be controlled by the local Community Police Forum and/ the South African Police Services, and other funds acquired from other sources shall be controlled and administered by the neighbourhood watch structure concerned.
- (e) All funds must be deposited in a registered neighbourhood watch structure's bank account, which must be opened with a reputable banking institution.

CODE OF CONDUCT

1. Members

- (a) This code of conduct and the constitution shall be binding on all neighbourhood watch structures and the members thereof.
- (b) The members of a neighbourhood watch structure must act non-violently and no member may take the law into his or her own hands.
- (c) No member shall display racism, sexism or any other form of discrimination towards any other person.
- (d) No member of a neighbourhood watch structure will be allowed to carry any dangerous weapon when patrolling.
- (e) Neighbourhood watch members with firearms must declare them to the South African Police Services.
- (f) If a member is found guilty of a serious criminal offence, the neighbourhood watch structure must suspend or terminate the membership of such perpetrator, depending on the merits of the case.
- (g) Members may not divulge any confidential or privileged information that they may have acquired as a result of their membership of the neighbourhood watch structure.
- (h) Members may not address the media, nor make public announcements, in matters connected to the business of the neighbourhood watch structure without the authority of the neighbourhood watch structure's executive committee.
- (i) No member may accept any payment, commission or gratuity in connection with his or her membership of the neighbourhood watch structure, except after being authorised to do so by the neighbourhood watch executive committee.

- (j) No member may exploit his or her membership of the neighbourhood watch to his or her own personal advantage or benefit.
- (k) Members must at all times act in a manner that will uphold and promote the aims and objectives of the neighbourhood watch structure as highlighted by the neighbourhood watch structure's constitution and code of conduct.

2. Structure

- (a) The neighbourhood watch structure shall be a non-profit making organisation.
- (b) The neighbourhood watch structure must be non-politically aligned.
- (c) The neighbourhood watch structure and its members must operate in partnership with the South African Police Services, and within the framework of the law.
- (d) If a neighbourhood watch structure chooses to do patrols only minimum force, as described in the Criminal Procedure Act No. 75 of 1997, 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.
- (e) If any such patrols are to take place, the local South African Police Services must be informed and the South African Police Services reservists, wherever possible, must supervise such neighbourhood watch patrols.
- (f) The neighbourhood watch structure association shall penalise a member of a neighbourhood watch structure 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.
- (g) Where there is a conflict between a neighbourhood watch structure's code of conduct and constitution and the Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures, the latter shall be decisive.

- (h) All neighbourhood watch structures shall be required to sign a pledge of endorsing the Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures.
- (i) The neighbourhood watch structure and its members is not a substitute for the South African Police Services.

CRITERIA FOR THE REGISTRATION

- (a) A neighbourhood watch structure must make an application to register with the local Community Police Forum to secure official recognition.
- (b) The application for registration must be made in writing and the executive committee or co-ordinating committee of the neighbourhood watch structure which seeks application must appear physically before the local Community Police Forum in the area.
- (c) The neighbourhood watch structure seeking registration must provide the Community Police Forum with the following;
- The constitution and the code of conduct of the neighbourhood watch structure.
 - The area and boundaries of the area where the neighbourhood watch structure operates,
 - The names and addresses of the members of the neighbourhood watch structure,
 - The names and addresses of all executive committee members of the neighbourhood watch structure.
- (d) The Community Police Forum shall, in considering the application for registration of a neighbourhood watch structure, read it together with the Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures to determine if there is any conflict between the two constitutions.
- (e) Where there is conflict in the provisions of the two constitutions, the provisions set out in the Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures will be decisive.

GUIDELINES FOR WORKING TOGETHER

- (a) The South African Police Services shall, wherever possible, provide reservists to supervise neighbourhood watches when patrols are undertaken.
- (b) The Department of Community Safety shall decide on approval of all project-funding applications for a registered neighbourhood watches that are submitted by a registered Community Police Forum.
- (c) Neighbourhood watches shall assist the South African Police Services in the identification of potential police reservists.
- (d) The neighbourhood watches and the South African Police Services must share information on matters pertaining to crime prevention and the apprehension of criminals.
- (e) The South African Police Services and the Community Police Forum must assist each other in the publicity campaign for the local neighbourhood watch structure.

UMGAQO-SISEKO NEMIGAQO YOKUZIPHATHA YEZIGQEBA ZOOLINDIKHAYA BEPHONDO

Ngawo lo mhla wokuqala kaDisemba 1999

ISEBE loKhuseleko loLuntu lunikezela kuMphathiswa wezoKhuseleko loLuntu, iMidlalo noLonwabo kwiphondo leNtshona Koloni, uMnu. Mark Wiley, kuMkhomishinala weNkonzo zaMapolisa eNtshona Koloni, uMkhomishinala Lennit Max nakuSihlalo weBhodi yeSigqeba saMapolisa sasekuHlaleni kwiphondo leNtshona Koloni, uMnu. Lieb Friedman, isiqulungo sokugqibela soMgaqo-siseko neMigaqo yokuziphatha yeZigqeba zooLindikhaya bePhondo, khona ukuze bakwazi ukunika izimvo zabo ngawo.

UMPHATHISWA WEZOKHUSELEKO LOLUNTU ENTSHONA KOLONI:.....
uMphathiswa Mark Wiley

UMKHOMISHINALA WEENKONZO
ZAMAPOLISA ENTSHONA KOLONI:.....
uMkhomishinala Lennit Max

USIHLALO WEBHODI YESIGQEBA SAMAPOLISA
SASEKUHLALeni KWIPHONDO LENTSHONA KOLONI:.....
uMnu. Lieb Friedman

UMGAQO-SISEKO NEMIGAQO YOKUZIPHATHA YEZIGQEBA ZOOLINDIKHAYA BEPHONDO

1. Inkcazo-magama

Apha kweli phepha, ngaphandle kwaxa indlela elisetyenziswe ngayo igama ilinika enye intsingiselo-

Isigqeba soolindikhaya sibhekisele koolindikhaya beendawo ezahlukeneyo, kwimibutho yoolindikhaya, kwiikomiti zezitalato, koolindikhaya bezitalato, koolindikhaya beebloko, koolindikhaya basezifama, koolindikhaya bamashishini nabeeffleti;

"Umbutho woolindikhaya": Apha kubhekiselwe kwisigqeba esinamaqela oolindikhaya abahlukeneyo okanye esinezigqeba ezahlukeneyo ezifana nezi zikhankanywe ngentla apha.

Jkuzibandakanya kwiSigqeba saMapolisa sasekuhlaleni": Kuthetha ukuba nommeli kwesigqeba soolindikhaya kwisigqeba samapolisa sasekuhlaleni esikhoyo kuloo ngingqi.

2. Ubulungu

(1) Ubulungu kumbutho woolindikhaya-

(a) buya kusekelwa kumgaqo-nkqubo wokungacalu-caluli ngokobuhlanga nangokwesini nakowentando yesininzi (idemokhrasi);

(b) buya kuvuleleka kubo bonke oolindikhaya ababhalisiweyo abayifezekisayo yonke imiqathango yokwamkelwa koolindikhaya;

(c) buya kuvuleleka kubo bonke abantu nokuba baluluphi na uhlanga, nokuba banjani na ngebala, nokuba bangabeyiphi na inkonzo, nokuba bangabantu abanobulima, nokuba bangakanani na ngobudala, nokuba bangabantu abakhetha ukwabelana ngesondo nomntu wesiphi na isini;

(2) Izigqeba zoolindikhaya zinokuzigqibela ngokwazo ukuba mayibe yimalini na intlawulo yobulungu. Apho ke kuthe kwagcitywa kwelokuba makubekho intlawulo yobulungu loo ntlawulo kufuneka kungabi sosinyanzelo ukuyihlawula.

3. Iinjongo

(a) Kukwenza ukuba uluntu lube nomgqalisela ngokhuseleko, ngothintelo lolwaphulo-mthetho nangokhuselo lweentsapho nezinto zalo.

(b) Kukukhuthaza abahlali ukuba basebenzisane neNkonzo zaMapolisa zaseMzantsi Afrika nezinye ke izigqeba ezibandakanyekayo ekuqinisekiseni ukuthotyelwa kwemithetho, ezifana noomasipala ababandakanyekayo ekuqinisekiseni ukuthotyelwa komthetho.

(c) Kukuqinisekisa ukuba oolindikhaya bahamba ngokomthetho kwindlela abasebenza ngayo.

(d) Kukukhuthaza umanyano, inkuthalo nomoya wobudlelwane phakathi kwabahlali bendawo leyo.

(e) Kukuba liliso lomzi nokukhusela abahlali kwizenzo zolwaphulo-mthetho.

(f) Kukusebenzela ukuba indawo ekuhlalwa kuzo zibe ziindawo abakhuselekileyo abantu kuzo.

4. Imisebenzi

(a) Oolindikhaya kufuneka bancedise iiNkonzo zaMapolisa zaseMzantsi Afrika ekuthinteleni ulwaphulo-mthetho kwezo ndawo basebenza kuzo.

(b) Izigqeba zoolindikhaya kufuneka zihambe ngokomthetho kwindlela abasebenza ngayo.

. Amagunya

(1) Amalungu oolindikhaya aya kuba nawo onke la magunya achazwe kuMthetho oyiCriminal Procedure Act 51 ka-1997 ekwenzeni oku kulandelayo:

(a) ekubambeni abantu, kambe ke ehamba ngokwemiqathango echazwe apha kulo Mthetho iCriminal Procedure Act 51 ka-1997;

(b) nasekusunguleni nasekuqhubeni iiprojekthi ezijoliswe ekuthinteleni ulwaphulo-mthetho, oko ekwenza ngothethwano nesigqeba samapolisa sasekuhlaleni.

6. Ukhululo (Indemnity)

(a) Kukho ifomu ekufuneka izaliswe ngabo bonke abantu abafuna ukuzibandakanya nezigqeba zoolindikhaya, fomu leyo esikhululayo isigqeba eso kubutyala obunokuthi benziwe ngamalungu aso.

(b) Le fomu ikhankanywe ngentla apha kufuneka ichaze ngokucacileyo ukuba isigqeba soolindikhaya ngumbutho ekungenwa kuwo ngokuzithandela komntu.

(c) Kwayona le fomu kufuneka izaliswe zizo zonke izigqeba zoolindikhaya phambi kokuba zizibandakanye nombutho woolindikhaya.

7. Imbopheleleko

(a) Isigqeba soolindikhaya asisosigqeba sibophelelekayo ngokwasemthethweni, into ke leyo ethetha ukuthi asinawo amagunya okuba singathatha amanyathelo ngokwasemthethweni, kwaye naso singenakuthathelwa manyathelo asemthethweni.

(b) Isigqeba soolindikhaya asisayi kuchaphazeleka kwiimbambano nakwizenzo zolwaphulo-mthetho ezithe zenziwa lilungu lesigqeba

soolindikhaya okanye lombutho woolindikhaya lizenza xa belisenza umsebenzi wobulungu kweso sigqeba soolindikhaya salo.

(c) Naliphi na ityala lolwaphulo-mthetho elibekwa ilungu lesigqeba soolindikhaya nalo naliphi na ityala lembambano elimangalelwa ngalo ilungu elo lichaphazelekayo liya kuba yimhemhe yalo, hayi eyesigqeba sonke.

8. Ukuba phantsi kolawulo

(a) Izigqeba zoolindikhaya ziya kuba phantsi kolawulo lwezigqeba zamapolisa zasekuhlaleni kwezo ngingqi zikuzo izikhululo zamapolisa zazo.

(b) Umbutho woolindikhaya uya kuba phantsi kolawulo lweBhodi yeSithili yeZigqeba zaMapolisa zasekuhlaleni kuloo ngingqi yamapolisa ukuyo.

9. Ukusetyenziswa nokulawulwa kwezimali

(1) Isigqeba soolindikhaya -

(a) siya kuba ngumbutho ongenzi nzuzo;

(b) siya kuvumeleka ukuba singanamaphulo okuzenzela imali eya kusetyenziswa ekufezekisweni kweenjongo zaso;

(c) siya kufaka zonke iimali ezithe zafunyanwa kwi-akhawunti yesigqeba soolindikhaya ekwibhanki ebhalisiweyo neyaziwayo;

(2) Isigqibo sokusungula iphulo lokunyusa ingxowa kufuneka sithathwe ngothethwano neSigqeba saMapolisa sasekuhlaleni neeNkonzo zaMapolisa zaseMzantsi Afrika.

(3) Yonke imali eyinkxaso evela kurhulumente kufuneka ilawulwe siSigqeba saMapolisa sasekuhlaleni naziNkonzo zamaPolisa zaseMzantsi Afrika.

(4) Ezinye iimali ezithe zafunyanwa kwezinye iindawo ziya kulawulwa sisigqeba soolindikhaya eso sithe sazifumana.

10. Ukuzibandakanya

Zonke izigqeba zoolindikhaya nayo yonke imibutho yezigqeba zoolindikhaya kufuneka zizibandakanye neSigqeba saMapolisa sasekuhlaleni saloo ngingqi.

11. Ukuma kwaso isigqeba

(a) Isigqeba soolindikhaya siya kwenziwa yimizi ethile ngokwemida ethe yasikwa, ngokwezitalato, ngokweziphaluka, ngokweefleti, ngokweefama, ngokweewadi okanye ngokwezithilana (zones) zaloo ndawo.

(b) Umbutho wezigqeba zoolindikhaya uya kuba namalungu anyuliweyo avela kwizigqeba zoolindikhaya beengingqi ezithe zasikwa,

abezitalato, abeziphhaluka, abeefleti, abeefama, abeewadi okanye bezithilana.

(c) Isigqeba soolindikhaya siya kuba namalungu angekho ngaphantsi kwesibini.

(d) Iintlanganiso kufuneka zingene qho, kunjalo nje kugcinwe imizuzu yazo zonke iintlanganiso.

(e) Kufuneka kuhlalwe intlanganiso kawonke-wonke yonyaka apho kuya kuthi kutyunjwe, kunyulwe abantu bokuthatha izithuba zabalawuli.

(f) Usihlalo, unobhala nonondyebo iya kuba ngabo ababhexeshi abaphambili kwikomiti elawulayo.

12. Iimbasa nemibhalo yeempepha zembalelwano

(a) Isigqeba soolindikhaya siya kuthi siziyilele sizenzele imbasa so esiza kuyisebenzisa kwakunye nemibhalo eza kuba kwiimpepha zayo zembalelwano, izinto ezi eziya kwenziwa zingagaphikisani neenjongo zaso, kananjalo zingabi nakulumeza.

(b) Isigqeba soolindikhaya akufuneki sisebenzise iimbasa yaso okanye imibhalo yeempepha zembalelwano zaso njengembasa yeSigqeba samaPolisa sasekuHlaleni okanye sisebenzise imbasa efana naleyo isetyenziswa ziiNkonzo zaMapolisa zaseMzantsi Afrika.

13. Amakhadi ezazisi

(a) Onke amalungu esigqeba soolindikhaya aya kuba nezazisi ezingamakhadi.

(b) Amakhadi ezazisi amalungu akufuneki afane nalawo asetyenziswa ziiNkonzo zaMapolisa zaseMzantsi Afrika.

(c) Amakhadi ezazisi amalungu kufuneka abe nefoto yelungu elo wakunye nomsayino walo ogunyazisiweyo, nekhawudi yesikhululo eso kwakunye nomsayino ogunyazisiweyo womkhomishinala weenKonzo zaMapolisa aseMzantsi Afrika wesikhululo samapolisa saloo ndawo.

14. Ukusonjululwa kweembambano

(a) Xa kuthe kwakho imbambano evelayo kufuneka ukuba iSigqeba saMapolisa sasekuHlaleni saloo ndawo sizame ukuyisombulula loo mbambano.

(b) Ukuba ngaba ke loo mbambano ayinakusonjululwa siSigqeba saMapolisa sasekuHlaleni, kufuneka ukuba idluliselwe kwiBhodi yeSithili yeZigqeba zaMapolisa zasekuHlaleni.

(c) Ukuwa phantsi kwamalinge okusombulula imbambano kuya kukhokelela kwinto yokuba imbambano leyo mayidluliselwe kwiBhodi yeSithili

yeZigqeba zaMapolisa zasekuHlaleni, kwaye ke isigqibo seBhodi leyo akusayi kugqithwa kuso.

UMGAQO WOKUZIPHATHA

1. Ukusetyenziswa kwawo

(a) Lo mgaqo wokuziphatha uya kubophelela zonke izigqeba zoolindikhaya namalungu azo.

(b) Xa kuthe kwabakho ukuphikisana phakathi komgaqo wokuziphatha nomgaqo-siseko wesigqeba soolindikhaya nomgaqo-siseko nomgaqo wokuZiphatha wePhondo, kuya kuhanjwa ngokwale yePhondo.

2. Ukuma kwesigqeba

(a) Isigqeba soolindikhaya siya kuba ngumbutho ongenzi nzuzo.

(b) Isigqeba soolindikhaya akufuneki ukuba sizibandakanye nawo nawuphi na umbutho wezopolitiko okanye sisebenzele umbutho ololo hlobo.

(c) Isigqeba soolindikhaya kunye namalungu aso kufuneka basebenzisane neeNkonzo zaMapolisa zaseMzantsi Afrika, kananjalo bahambe ngokomthetho kwindlela abasebenza ngayo.

3. Umsebenzi

(a) Amalungu esigqeba soolindikhaya kufuneka angenzi izinto ngobudlova okanye athathele umthetho ezandleni zawo.

(b) Amalungu akuvumelekanga ukuba adize nayo nayiphi na inkcukacha anayo engafanelanga kuthiwa pahaha athe ayifumana kuba engamalungu esigqeba soolindikhaya.

(c) Amalungu akavumelekanga ukuba aqhagamshelane namaziko eendaba okanye akhuphele uluntu izaziso ngemicimbi ephathelele kwisigqeba soolindikhaya engakhange agunyaziswe yikomiti elawulayo.

(d) Akukho lungu livumelekileyo ukuba lamkele intlawulo okanye ibhaso ngenxa yokuba lililungu lesigqeba soolindikhaya, ngaphandle kwaxa ligunyaziswe yikomiti elawulayo yoolindikhaya.

(e) Akukho lungu livumelekileyo ukuba lisebenzise ubulungu balo kulindikhaya ngenjongo yokuzenzela inzuzo.

(f) Amalungu kufuneka ukuba ngalo lonke ixesha aziphathe ngendlela eya kuthi iziphakamise iinjongo zesigqeba soolindikhaya.

(g) Zonke izigqeba zoolindikhaya ziya kulindeleka ukuba zityikitye isivumelwano sokuzinikela kwazo ekuxhaseni uMgaqo-siseko nomgaqo wokuZiphatha wePhondo.

(h) Isigqeba soolindikhaya namalungu aso asithathi indawo yeeNkonzo zaMapolisa zaseMzantsi Afrika.

4. Imijikelo

(1) Ukuba ngaba isigqeba soolindikhaya sikhetha ukuba senze imijikelo -

(a) kufuneka kuzanywe kangangoko ukuba kungasetyenziswa bundlongondlango xa kubanjwa lowo waphule umthetho, njengoko uchazwa nakuMthetho oyiCriminal Procedure Act No 51 ka-1997;

(b) aMapolisa oMzantsi Afrika kufuneka aziswe, kwaye abancedisi bawo (reservists) kufuneka ibe ngabo abaphethe loo mijikelo, xa kunokwenzeka oko;

(c) kwezo ndawo yenziwa kuzo le mijikelo akufuneki nakanye ukuba isetyenziswe izoyikiso zalo naluphi na uhlobo;

(d) xa amalungu esenza umjikelo akasayi kuvunyelwa ukuba aphaathe izixhobo ezinobungozi;

(e) amalungu akulo mjikelo aphaethe imipu kufuneka ukuba awaxelele aMapolisa oMzantsi Afrika.

5. Ukuziphatha kakubi

(a) Isigqeba soolindikhaya sinokuthi sikhe sibumise okanye sibutshitshise ubulungu belungu elithe lafunyanwa linetyala lokwaphula umthetho, kuxhomekeke ke kambe kuhlobo lwetyala elo.

(b) Isigqeba soolindikhaya okanye umbutho wezigqeba zoolindikhaya unokuthi ulohlwaye ilungu elifunyanwe linetyala lokuziphatha kakubi okanye elithe lalibeka ibala igama lesigqeba eso okanye lombutho wezigqeba lowo, kuxhomekeke ke kambe kuhlobo lwetyala elo.

6. Inkqubo yobhaliso

(1) Isigqeba soolindikhaya esifuna ukubhaliswa kufuneka -

(a) sifake isicelo esibhaliweyo kwisigqeba samapolisa sasekuhlaleni ukuze sibe nokwamkelwa ngokusemthethweni; kwaye kufuneka

(b) sinike isigqeba samapolisa sasekuhlaleni ezi zinto zilandelayo:

(i) umgaqo-siseko waso nomgaqo wokuziphatha waso;

(ii) igama laloo ngingqi sisebenza kuyo kunye nemida yayo;

(iii) amagama nee-adresi zamalungu aso;

(iv) amagama nee-adresi zamalungu ekomiti elawulayo onke.

(2) Ikomiti elawulayo okanye ikomiti enxibelelanisayo yesigqeba soolindikhaya kufuneka iye kuvela ubuqu phambi kwesigqeba samapolisa sasekuhlaleni saloo ndawo.

(3) Xa isigqeba samapolisa sasekuhlaleni siphonononga isicelo sokubhaliswa saso nasiphi na isigqeba soolindikhaya, siya kujonga ukuba ngaba akukho kungqubana kukhoyo na phakathi komgaqo-siseko waso noMgaqo-siseko noMgaqo wokuZiphatha wePhondo ojoliswe kwizigqeba zoolindikhaya.

(4) Xa kunokuthi kubekho ukungqubana okukhoyo kule migaqo-siseko ikhankanywe kumhlathi 3, kuya kuthi kuhanjwe ngoMgaqo-siseko noMgaqo wokuZiphatha wePhondo.

7. IZIKHOKELO ZENTSEBENZISWANO

(a) AMapolisa oMzantsi Afrika aya kuthi apho anakho akhuphe bancedisi bawo (reservists) ukuba baye kubeka iliso kwimijikelo ethathwayo.

(b) ISebe loKhuseleko loLuntu lilo eliya kwamkela izicelo zenkxaso-mali yeeprojekthi zoolindikhaya ababhalisiweyo nezithe zangeniswa sisigqeba samapolisa sasekuhlaleni esibhalisiweyo.

(c) Izigqeba zoolindikhaya ziya kuncedisa amapolisa ekutyumbeni abo banokuba ngabancedisi bamapolisa.

(d) Oolindikhaya kunye neeNkonzo zaMapolisa zaseMzantsi Afrika kufuneka ziphefumlelane ngenkcukacha nenkcazelo ephathelele ekuthintelweni kolwaphulo-mthetho nokubanjwa kwezaphula-mthetho.

(e) IiNkonzo zaMapolisa zaseMzantsi Afrika kunye neSigqeba saMapolisa sasekuhlaleni kufuneka zincedisane kumaphulo okubhengeza isigqeba soolindikhaya sendawo ethile nokuba iphulo elo liqhutyelwa phi na.

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PROVINSIALE GRONDWET EN GEDRAGSKODE
VIR BUURTWAGSTRUKTURE

Op hierdie 1ste dag van Desember 1999.

Die Departement van Gemeenskapsveiligheid lê die finale konsep van die Provinsiale Grondwet en Gedragskode vir Buurtwagstrukture vir kommentaar voor aan die Wes-Kaapse Provinsiale Minister van Gemeenskapsveiligheid, Sport en Ontspanning, mnr. Mark Wiley, die Provinsiale Kommissaris van die Suid-Afrikaanse Polisie, Wes-Kaap, Kommissaris Lennit Max, en die Voorsitter van die Wes-Kaapse gemeenskapspolisieforum se Provinsiale Raad, mnr. Lieb Friedman.

WES-KAAPSE MINISTER VAN GEMEENSKAPSVEILIGHEID

Minister Mark Wiley

PROVINSIALE KOMMISSARIS VAN SAPD

Kommissaris Lennit Max

VOORSITTER WES-KAAPSE GPF-RAAD

Mnr. Lieb Friedman

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WES-KAAPSE MINISTER VAN GEMEENSKAPSVEILIGHEID

Minister Mark Wiley

PROVINSIALE KOMMISSARIS VAN SAPD

Kommissaris Lennit Max

VOORSITTER WES-KAAPSE GPF-RAAD

Mnr. Lieb Friedman

PROVINSIALE GRONDWET EN GEDRAGSKODE
VIR BUURTWAGSTRUKTURE

1. Woordomsrywings

In hierdie dokument, tensy die teendeel uit die samehang blyk, –
beteken “affiliasie by plaaslike gemeenskapspolisieforum”
verteenwoordiging van die buurtwagstruktuur op die
gemeenskapspolisieforum, wat in die betrokke gebied bestaan;
beteken “buurtwagstruktuur” individuele buurtwagte,
buurtwagverenigings, straatkomitees, straatwagte, blokwapte, plaaswapte,
besigheidswagte en woonstelwapte, en
verwys “buurtwagvereniging” na ‘n struktuur, bestaande uit ‘n groep
buurtwagte of sodanige strukture, soos hierbo vermeld;

2. Lidmaatskap

- (1) Lidmaatskap van die buurtwagvereniging is –
- (a) gegrond op nie-rassistiese, nie-seksistiese en demokratiese beginsels;
 - (b) oop vir alle geregistreerde buurtwagte wat aan die maatstawwe vir die
erkenning van buurtwagte voldoen;
 - (c) oop vir almal, ongeag ras, kleur, godsdiens, gestremdheid, ouderdom
of geslagsoriëntering.
- (2) Buurtwagstrukture mag hul eie lidmaatskapsgelde vasstel. In gevalle
waar lidmaatskapsgelde betaalbaar is, moet betaling van dié gelde op ‘n
vrywillige grondslag geskied.

3. Doelstellings

- (a) Om openbare bewustheid van veiligheid, misdaadvoorkoming en
die beskerming van families en hul eiendom daar te stel.
- (b) Om die gemeenskap aan te moedig om nou saam te werk met die
Suid-Afrikaanse Polisie diens en ander strukture soos plaaslike
owerhede, wat by wetstoepassing betrokke is.
- (c) Om te verseker dat die buurtwagte binne die raamwerk van die reg
optree.
- (d) Om ‘n gevoel van eenheid, toewyding en goeie buurmanskap onder
die inwoners van die gebied aan te kweek.
- (e) Om as waghond oor die gemeenskap te waak en dit teen

misdadige bedrywighede te beskerm.

(f) Om 'n veilige en misdaadvrye omgewing na te streef.

4. Funksies

- (a) Die buurtwagte moet die Suid-Afrikaanse Polisie diens met misdaadvoorkoming in hul gebiede bystaan.
- (b) Die buurtwagstrukture moet binne die raamwerk van die reg optree.

5. Bevoegdhede

(1) Die buurtwaglede sal beskik oor al die bevoegdhede, soos in die Strafproseswet 1997, Wet 51 van 1997 uiteengesit, om:

- (a) 'n burgerlike arrestasie uit te voer, onderhewig aan die vereistes soos in die Strafproseswet uiteengesit; en
- (b) misdaadvoorkomingsprojekte in oorleg met die plaaslike gemeenskapspolisieforum aan die gang te sit en uit te voer.

6. Vrywaring

- (a) Alle persone wat by die buurtwagstruktuur wil aansluit, moet 'n vrywaringvorm voltooi, wat die buurtwagstruktuur daarvan vrywaar om aanspreeklik gehou te word vir optrede deur lede van die buurtwagstruktuur.
- (b) Die vrywaringvorm hierbo vermeld, moet duidelik stipuleer dat 'n buurtwagstruktuur 'n vrywillige vereniging is.
- (c) Dieselfde vrywaringvorm moet ingevul word deur alle buurtwagstrukture, voordat hulle by 'n buurtwagvereniging aansluit.

7. Aanspreeklikheid

- (a) 'n Buurtwagstruktuur is nie 'n regspersoon nie en het as sodanig nie die regsbevoegdheid om 'n geding in te stel of te verdedig nie.
- (b) Die buurtwagstruktuur of -vereniging is nie aanspreeklik vir siviele of strafregtelike gedinge, ingestel deur of teen 'n lid terwyl hy of sy in sy of haar hoedanigheid as 'n lid van so 'n buurtwagstruktuur opgetree het nie.
- (c) Alle strafregtelike of siviele gedinge wat teen 'n lid van die buurtwagstruktuur ingestel word, word ingestel teen die betrokke

lid en nie teen die buurtwagstruktuur nie.

8. Rekenpligtigheid

- (a) Die buurtwagstrukture sal rekenpligtig wees teenoor die gemeenskapspolisieforum in die betrokke polisiestasiagebied.
- (b) Die buurtwagvereniging sal rekenpligtig wees teenoor die gebiedsraad van die gemeenskapspolisieforum in die betrokke polisiegebied.

9. Benutting van en beheer oor fondse

- (1) 'n Buurtwagstruktuur moet -
 - (a) 'n organisasie sonder winsoogmerk wees;
 - (b) toegelaat word om fondsinsamelingsveldtogte te hou met die doel om sy verklaarde doelstellings en oogmerke te bevorder;
 - (c) alle fondse wat dit ontvang, inbetaal in 'n geregistreerde buurtwagstruktuur se bankrekening, wat by 'n erkende bankinstelling geopen moet word.
- (2) 'n Besluit om fondsinsamelingsveldtogte aan te pak, moet in oorleg met die plaaslike gemeenskapspolisieforum en die Suid-Afrikaanse Polisie diens geneem word.
- (3) Alle regeringsfondse moet deur die plaaslike gemeenskapspolisieforum en die Suid-Afrikaanse Polisie diens beheer word.
- (4) Fondse wat uit ander bronne verkry word, moet deur die betrokke buurtwagstruktuur beheer en geadministreer word.

10. Affiliasie

Alle buurtwagstrukture en die buurtwagverenigings moet by die plaaslike gemeenskapspolisieforum in hul gebied geaffilieer wees.

11. Samestelling/Organisasiestruktuur

- (a) Die buurtwagstruktuur sal bestaan uit individuele huishoudings in afgebakende gedeeltes, strate, afdelings, woonstelle, plase, wyke of sones binne die gebied.
- (b) Die buurtwagvereniging sal bestaan uit verkose lede van die buurtwagstrukture in afgebakende gedeeltes, strate, afdelings, woonstelle, plase, wyke of sones.
- (c) 'n Buurtwagstruktuur moet uit minstens twee lede bestaan.
- (d) Vergaderings moet gereeld gehou word en elke keer moet daar notule

gehou word.

- (e) 'n Algemene jaarvergadering moet ook gehou word, waarop alle uitvoerende poste vir benoeming en herverkiesing oopgestel moet word.
- (f) 'n Voorsitter, sekretaris en tesourier sal die kern van die uitvoerende komitee vorm.

12. Logo's en briefhoofde

- (a) 'n Buurtwagstruktuur moet sy eie logo en briefhoof ontwerp en gebruik op so 'n wyse dat dit nie strydig met sy verklaarde doelstellings en oogmerke is of aanstoot gee nie.
- (b) 'n Buurtwag mag nie dieselfde logo of briefhoof gebruik as dié van die plaaslike gemeenskapspolisieforum of dié wat deur die Suid-Afrikaanse Polisie diens gebruik word nie.

13. Identiteitskaarte

- (a) Alle lede van 'n buurtwagstruktuur moet identiteitskaarte hê.
- (b) Die lede se identiteitskaarte mag nie soortgelyk wees aan dié wat deur lede van die Suid-Afrikaanse Polisie diens gebruik word nie.
- (c) Elke lid se identiteitskaart moet 'n foto van die lid, sy of haar gemagtigde handtekening, 'n reeks- of stasiekode en 'n gemagtigde handtekening van die plaaslike stasiekommissaris van die Suid-Afrikaanse Polisie diens bevat.

14. Oplossing van geskille

- (a) Indien enige geskil ontstaan, moet die plaaslike gemeenskapspolisieforum dit probeer oplos.
- (b) Indien die geskil nie deur die plaaslike gemeenskapspolisieforum opgelos kan word nie, moet dit na die gemeenskapspolisieforum se gebiedsraad verwys word.
- (c) Indien sodanige geskil nie daar opgelos word nie, sal dit daartoe lei dat die geskil na die gemeenskapspolisieforum se Provinsiale Raad verwys word en die besluit van daardie struktuur sal finaal en bindend wees.

GEDRAGSKODE

1. Aansoek

- (a) Hierdie gedragkode en die grondwet sal bindend wees op alle buurtwagstrukture en hul lede.
- (b) Indien 'n buurtwagstruktuur se gedragkode en grondwet strydig is met die Provinsiale Grondwet en Gedragkode, sal laasgenoemde beslissend wees.

2. Struktuur

- (a) Die buurtwagstruktuur moet 'n organisasie sonder winsoogmerk wees.
- (b) Die buurtwagstruktuur mag nie by enige politieke organisasie geaffilieer wees of vir so 'n organisasie werk nie.
- (c) Die buurtwagstruktuur en sy lede moet in vennootskap met die Suid-Afrikaanse Polisie diens en binne die raamwerk van die reg optree.

3. Verpligtinge

- (a) Die lede van 'n buurtwag mag nie gewelddadig optree of die reg in eie hande neem nie.
- (b) Lede mag nie enige vertroulike of bevoorregte inligting bekend maak, wat hulle moontlik as gevolg van hul lidmaatskap van 'n buurtwagstruktuur bekom het nie.
- (c) Lede mag nie sonder magtiging van die buurtwagstruktuur se uitvoerende komitee die media toespreek of openbare aankondigings doen oor aangeleenthede wat met die buurtwagstruktuur se bedrywighede verband hou nie.
- (d) Geen lid mag enige betaling, kommissie of fooi in verband met sy of haar lidmaatskap van 'n buurtwagstruktuur aanvaar nie, tensy daartoe gemagtig deur die buurtwag se uitvoerende komitee.
- (e) Geen lid mag sy of haar lidmaatskap van 'n buurtwag vir sy of haar persoonlike gewin of voordeel uitbuit nie.
- (f) Lede se optrede moet te alle tye sodanig wees dat dit die doelstellings en oogmerke van die buurtwagstruktuur ondersteun en bevorder.
- (g) Daar sal van alle buurtwagstrukture vereis word om 'n onderneming te onderteken, wat die Provinsiale Grondwet en Gedragkode onderskryf.

(h) 'n Buurtwagstruktuur en sy lede vervang nie die Suid-Afrikaanse Polisie nie.

4. Patrollies

(1) Indien 'n buurtwagstruktuur besluit om patrollies te doen –

- (a) mag slegs minimum geweld, soos omskryf in die Strafproseswet 1997, Wet 51 van 1997, gebruik word om 'n persoon wat 'n misdryf pleeg, te arresteer;
- (b) moet die plaaslike Suid-Afrikaanse Polisie daarvan ingelig word en moet hul reserviste waar moontlik oor daardie buurtwagpatrollies toesig hou;
- (c) mag geen intimidasie in enige vorm gebruik word binne die gemeenskappe waar daardie patrollies sal plaasvind nie;
- (d) sal sy lede nie toegelaat word om enige gevaarlike wapens te dra wanneer hulle patrolleer nie, en
- (e) moet sy lede wat vuurwapens dra, dit aan die Suid-Afrikaanse Polisie verklaar.

5. Wangedrag

- (a) 'n Buurtwagstruktuur mag, afhangende van die meriete van 'n geval, die lidmaatskap van 'n lid wat aan 'n misdaad skuldig bevind word, opskort of beëindig.
- (b) 'n Buurtwagstruktuur of -vereniging mag, afhangende van die meriete van 'n geval, 'n lid penaliseer wat aan wangedrag skuldig bevind word of die struktuur of vereniging se goeie naam skade aangedoen het.

6. Registrasieprosedure

(1) 'n Buurtwagstruktuur wat registrasie verlang, moet -

- (a) 'n skriftelike aansoek by die plaaslike gemeenskapspolisieforum indien, ten einde amptelike erkenning te kry; en
- (b) die gemeenskapspolisieforum voorsien van:
 - (i) sy grondwet en gedragskode;
 - (ii) die gebied en grense van die gebied waarbinne dit werksaam is;
 - (iii) die name en adresse van sy lede;
 - (iv) die name en adresse van al die lede van die uitvoerende komitee.

