



PINELANDS NEIGHBOURHOOD WATCH

Code of Conduct

Annexure (A) – March 2018 (revision 0.1)

1. INTRODUCTION

- 1.1. Pinelands Neighbourhood Watch (PNW) 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 Delta Van or CSC (Community Service Centre). In addition, members should also post to their Sector WhatsApp group to alert fellow members and to keep them informed.
- 1.2. PNW must assist SAPS and other safety and security services 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.
- 1.3. This Code of Conduct is binding on all members of 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.
- 1.4. This Code of Conduct regulates the relationship between members of PNW and members of the community and promotes exemplary conduct by members whilst they are serving the community as a member of PNW.
- 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.
- 1.6. 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.
- 1.7. 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.
- 1.8. This Code of Conduct is issued in terms of the Western Cape Community Safety Act, 2013 (Act No. 3 of 2013) (the Community Safety Act).

2. COMMUNICATIONS (radios / whatsapp / facebook)

RADIOS

- 2.1. Radios purchased from PNW by members are exclusively to be used for PNW related communication.
- 2.2. The radio frequency belongs to PNW and is for exclusive use in PNW related activities.
- 2.3. It is imperative that PNW has a record of all radios using this frequency:
 - 2.3.1. Members with PNW radios who relocate / move out of the precinct of Pinelands shall inform the PNW Structure.



PINELANDS NEIGHBOURHOOD WATCH

- 2.3.2. Members wishing to “sell” their radio must inform the PNW Structure accordingly before doing so, in order to:
 - 2.3.2.1. Ensure that the PNW frequency has been removed from the radio if it is being sold to a non PNW member;
 - 2.3.2.2. Update the database and keep track of the change of ownership if it is being sold (or given) to a PNW member
- 2.3.3. Failing that, it shall be deemed as “Illegal Use”, because:
 - 2.3.3.1. 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.
 - 2.3.3.2. The PNW “ICASA licensed” radio frequency output is 4 watt, compared to a common “license free” radio frequency output of 0.5 watt. Therefore, if one were to program the ex-PNW radio with a license free frequency, the handheld would still in theory be illegal due to the output wattage being too high.
- 2.3.4. The PNW Structure must be informed as soon as possible if a radio is stolen or lost or broken.
- 2.4. Patrollers who do not have their own radio must return “LOAN RADIOS” to the owner / radio caretaker.
- 2.5. All users of the PNW radio, whether PNW members or designated users, must follow the “Basic Radio Etiquette Rules”, as prescribed in the PNW Radio Etiquette document.

WHATSAPP AND OTHER SOCIAL MEDIA

- 2.6. 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.
- 2.7. The sharing of PNW posts to other groups or social media must be avoided – unless expressly mandated to do so.
- 2.8. It may be necessary to institute disciplinary proceedings when it is found that points 2.6 and 2.7 have been violated.

3. CONDUCT OF ALL MEMBERS

- 3.1. 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 –
 - 3.1.1. 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;
 - 3.1.2. respect and protect the dignity and rights of every person in the neighbourhood, including the right to free movement;



PINELANDS NEIGHBOURHOOD WATCH

- 3.1.3. act within his or her rights as a private person, and not beyond those rights;
 - 3.1.4. 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;
 - 3.1.5. refrain, as much as is reasonably possible, from placing him- or herself and fellow members or the police at risk;
- 3.2. A member may not –
- 3.2.1. 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;
 - 3.2.2. conduct himself or herself in a manner that will bring the PNW Structure into disrepute;
 - 3.2.3. 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.
 - 3.2.4. exploit his or her membership of the PNW Structure for his or her own personal advantage or benefit;
 - 3.2.5. 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 5.1.17 for full clause).
- 3.3. 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 terminate the member's membership in terms of the procedures set out in the PNW Constitution (founding document).

4. DUTIES OF PATROLLING MEMBERS ONLY

- 4.1. When patrolling as a member of the PNW Structure, the member must –
- 4.1.1. always alert the SAPS members in the area when the PNW member/s will be patrolling;
 - 4.1.2. 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;
 - 4.1.3. obey all lawful instructions issued by members of the services mentioned in 4.1.2 above;
 - 4.1.4. carry their member identification cards (when issued) in accordance with Regulation 4(5) of the Community Safety Regulations;
 - 4.1.5. 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;



PINELANDS NEIGHBOURHOOD WATCH

- 4.1.6. undertake to report to SAPS any individual, vehicle or situation suspected of being connected to crime.
- 4.2. A member's assistance to the PNW Structure is voluntary and therefore when a member is using his or her 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.
- 4.3. No intimidation in whatever form may be used against any individuals in any neighbourhood where such patrols take place.

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

- 5.1. PNW Members will adhere to the following rules of conduct:
 - 5.1.1. Members will adhere to the code of conduct which has been drawn up for the protection of the PNW members,
 - 5.1.2. Members will sign in and out of the patrol register at CSC (or any form of registration implemented by PNW) and ASAP thereafter inform the SAPS patrol vehicle and/or person on duty at CSC:
 - 5.1.2.1. On routine patrols the register at CSC needs to be filled in before the patrol starts
 - 5.1.2.2. On unscheduled patrols when patrollers do not meet at the station, a 'roll call' at the beginning and/or end of each patrol shift will be taken by a senior responsible PNW member. This roll call will be entered into the patrol register by the responsible PNW member.
 - 5.1.3. Members will only use private vehicles when patrolling
 - 5.1.4. 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
 - 5.1.5. Members will normally only patrol within the demarcated "DELTA" area of the "Pinelands Precinct" as per the PNW sector map (see PNW map in section 9 at the end of this document). However, members will be allowed to assist Thornton NHW when the need arises.
 - 5.1.6. Members will be clearly identifiable by the correct use of reflective clothing (when available)
 - 5.1.7. Members will make their vehicles clearly identifiable (when possible) by the correct use of vehicle stickers and a legal use of white roof/dashboard lights, when it is required and appropriate to do so.
 - 5.1.8. Members will undertake to call in to SAPS any suspicious individuals, vehicles or situations, to ask SAPS to investigate / intervene / assist when the need arises:
 - 5.1.8.1. A first call (describing the suspicious behaviour) should be made to SAPS and then to a locally available armed response company
 - 5.1.8.2. 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



PINELANDS NEIGHBOURHOOD WATCH

- professional manner without threatening or violating the dignity and rights (including the right of free movement) of the questioned person;
- 5.1.8.3. Searching of individuals or vehicles by PNW patrollers is not allowed.
- 5.1.9. Members will not engage in any form of vigilantism – it is not allowed and will not be tolerated.
- 5.1.10. 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.
- 5.1.11. Members will at all times act in a non-violent manner.
- 5.1.12. 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.
- 5.1.13. 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, 2013 (Act No. 15 of 2013); as referenced below:

DANGEROUS WEAPONS ACT, 2013 - Act No. 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.*

- 5.1.14. Members will note that The PNW Structure requires all patrolling members with firearms to declare such to the PINELANDS SAPS station commander BEFORE each and every patrol.
- 5.1.15. 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 self defence, and therefore in no way are the rights of a person wishing to protect themselves removed.: (see Q & A section)
- pepper spray, teargas, tazer, baseball bat, bush-knives, pangas, bb gun, paintball gun, hand cuffs, baton, firearm, or any other dangerous weapon or device;



PINELANDS NEIGHBOURHOOD WATCH

- 5.1.16. 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 self-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.
- 5.1.17. 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
 - 5.1.17.1. 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;
 - 5.1.17.2. The PNW member accepting the offer shall with immediate effect and in writing, advise the PNW Structure of the decision and/or actions in this regard.
- 5.1.18. 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.)
 - 5.1.18.1. Members should rather report suspected criminal behaviour to the police before they personally attempt to perform an arrest
 - 5.1.18.2. **NB** - A member must take into account the danger and risk involved and familiarise himself/herself 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**).
- 5.1.19. Members (male) 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**)
- 5.1.20. Members will not place themselves at risk by being alone in potentially dangerous areas, e.g. on the deserted soccer field, on solitary foot patrol, on a bicycle alone, etc.
- 5.1.21. Members who arrive first at the scene of accidents or fires (home or veld) as well as at every crime scene
 - 5.1.21.1. should take charge, secure and cordon off the scene while awaiting the arrival of SAPS, Metro Police or Paramedics;
 - 5.1.21.2. should send a brief report back to the PNW Structure by email via the secretary (secretary@pinelandsnw.co.za) with pertinent details of the incident.



PINELANDS NEIGHBOURHOOD WATCH

6. DISCIPLINARY MEASURES

- 6.1. A member who is in breach of this Code of Conduct may face disciplinary measures and potentially lose his or her membership in terms of the disciplinary procedures instituted by the PNW Structure as provided in the PNW Constitution (founding document).
- 6.2. This refers to the full document titled “Disciplinary Procedure V1.3 (PNW Constitution Feb2016 v1.2 - Annexure B)” – which an annexure of the PNW Constitution titled “201603302027530.Pinelands NW Constitution Feb 2016 V1 2 (2)”
- 6.3. Should a member be found guilty of a criminal offence, the PNW Structure must respect the decision of the courts and immediately institute disciplinary measures.
- 6.4. The PNW Structure shall maintain a minuted record of processes and actions taken.

7. AMENDMENTS

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

Questions and Answers

A member should be able to answer the following questions as follows:

Question: Am I allowed to carry weapons for my own defence whilst on patrol?

Answer: Yes, provided they are concealed;

Question: Am I allowed to display those weapons whilst patrolling?

Answer: Definitely not, it can be interpreted as an act of aggression and intimidation.

Question: Am I allowed to use those weapons to defend myself if I am under direct and unprovoked attack and I fear death, bodily harm or rape?

Answer: YES.

Question: Am I allowed to display those weapons or use them to stop a thief who is running or just passing by with what looks like stolen property?

Answer: No, and anyway how do you know it's stolen?

Question: What if someone tells you that they saw the person stealing the property?

Answer: Call SAPS and if they are not available you can effect a citizens arrest using reasonable physical force if necessary - but NOT using the weapons.

Question: What happens if I engage with someone because I think he is a suspicious person and he turns on me and attacks me, and then I defend myself with one of the weapons I carry for self defence?

Answer: It depends on the engagement, which you should not have entered into in the first place because we are the eyes and ears for SAPS only. Your conduct may lead to a conclusion in a Court that you intended to actively and unlawfully engage with others and thus your carrying of the weapons was to use when in that engagement. In other words your intent all along was the unlawful use of a dangerous weapon.



PINELANDS NEIGHBOURHOOD WATCH

8. REFERENCES to SAPS ACTS

8.1. Criminal Procedures Act No. 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 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.]

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

47. **Private persons to assist in arrest when called upon**

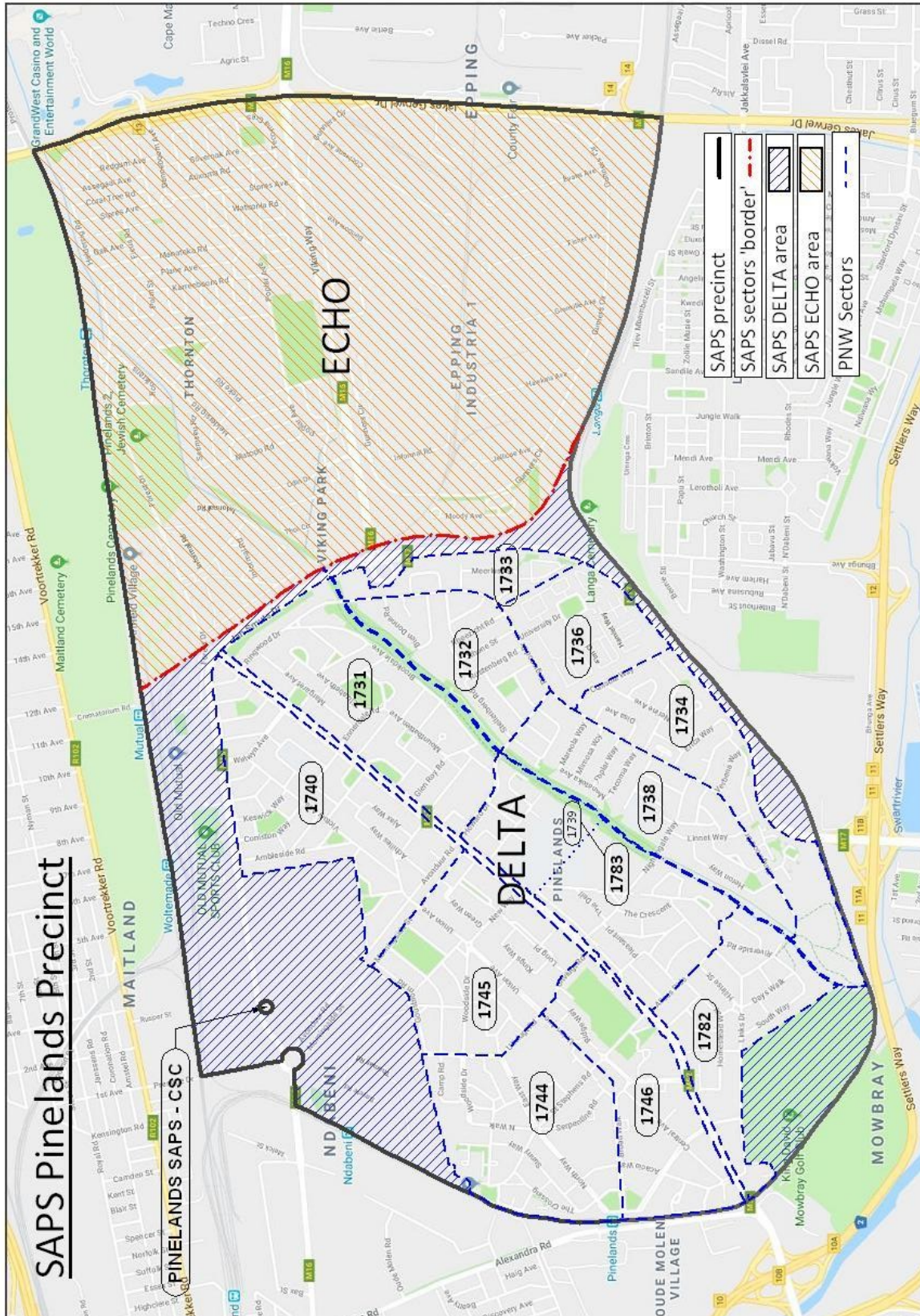
1. Every male inhabitant of the Republic of an age not below sixteen and not exceeding sixty years shall, when called upon by any police official to do so, assist such police official-
 - a. in arresting any person;
 - b. in detaining any person so arrested.
2. Any person who, without sufficient cause, 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.]



PINELANDS NEIGHBOURHOOD WATCH

9. Pinelands SAPS – Precinct Map





PINELANDS NEIGHBOURHOOD WATCH

This Code of Conduct document is to be read by every PNW member and then

- (A) To be acknowledged by every Member upon registration, and
- (B) To be signed by every Patroller ideally before their first patrol
- (C) Each page to be initialled

By Order: PNW COMMITTEE

I[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]

HEIDI EBRAHIM

.....[Print Name - chairperson]