



## Milnerton Central Neighbourhood Watch

# Code of Conduct October 2019

### 1. Aims and Objectives

- 1.1 Nurturing a sense of unity, dedication and good neighbourly relations among the residents of Milnerton Central;
- 1.2 To serve as a watchdog for the community and the local police services, thereby assisting the local police to safeguard the community against criminal activities and strive for a safe and secure environment.
- 1.3 Providing a channel for the local community to play a meaningful role in crime prevention;
- 1.4 Creating public awareness with regard to safety, crime prevention and the protection of families and their property;
- 1.5 Encouraging the community to work in close co-operation with the South African Police Service and other structures, such as local authorities who are involved in law enforcement;
- 1.6 Ensuring that the members of the MCNW act within the framework of the law;
- 1.7 Seeking to unite a diverse residency that is dedicated to creating a stable and crime-free environment.

### 2. General

- 2.1 MCNW must operate as the EYES AND EARS of the community it serves and must cooperate with the South African Police Service (SAPS).
- 2.2 By pledging adherence to this Code of Conduct, a MCNW member acknowledges that he or she is fully aware of the obligations and risks involved due to the nature of the task.
- 2.3 The MCNW Structure will not be responsible for civil and or criminal actions or omissions that are perpetrated by a MCNW member nor will it be responsible for civil and/or criminal actions or omissions against its members.
- 2.4 SAPS is to recognise the MCNW Code of Conduct and should not in any way place patrollers at risk by encouraging them to depart from it.
- 2.5 This Code of Conduct is binding on all members of MCNW, and all patrolling members must pledge their adherence to this Code, failing which the member's membership may, at the discretion of the MCNW committee, be terminated.
- 2.6 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).
- 2.7 A MCNW member who is in breach of this Code may lose his or her membership in terms of disciplinary procedures instituted by MCNW.
- 2.8 SAPS shall be obliged whenever possible to provide members and/or reservists and to assist in arranging for members from other law enforcement agencies to supervise MCNW when patrols are undertaken.

- 2.9 The Department of Community Safety will decide on approval of all project funding applications for MCNW as submitted by the Community Police Forum (CPF).
- 2.10 MCNW and SAPS must share information on matters pertaining to crime prevention and the apprehension of criminals.
- 2.11 SAPS and CPF must assist each other in the publicity campaign for MCNW

### **3. Indemnity**

- 3.1 MCNW is not a legal person and functions within the guidelines provided by and set out in the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures.
- 3.2 An acknowledgement to this effect must be signed by all members of MCNW clearly indemnifying the Neighbourhood Watch Structure.
- 3.3 The acknowledgement must clearly state that MCNW is a voluntary association.
- 3.4 A copy of this Protocol shall be signed by each member of MCNW and given to his or her Sector Leader before any member takes part in any foot or vehicle patrol on behalf of MCNW.

### **4. Liability**

- 4.1 MCNW is not a legal person and as such does not have powers of whatever nature which might be in law to act or be acted upon.
- 4.2 All individual members act in their own capacity as individuals and liability will be in that capacity.
- 4.3 MCNW will not be responsible for civil and or criminal actions or omissions that are perpetrated by a member of MCNW nor responsible for civil and or criminal actions or omissions against its members.
- 4.4 All and any criminal and civil actions that are instituted against a member of MCNW will be against the member concerned and not MCNW.
- 4.5 Any damage or injury to any member of MCNW or his or her property when such member is acting as a member of MCNW in whatever capacity shall subject to claims against third parties be the sole and absolute responsibility of the member.
- 4.6 MCNW carries no insurances whatsoever for members or their families or dependants.
- 4.7 Members of MCNW must take all such steps as they choose to establish their own legal position as to their personal/ accident/medical or vehicle insurances and assurances.

### **5. Accountability**

- 5.1 MCNW will be accountable to SAPS in the first instance and shall also be accountable to the local Community Police Forum.
- 5.2 Each member of MCNW shall report all incidents during any patrol or similar duty on the website (reporting section) within 24 hours of completion of such patrol or similar action on behalf of MCNW.
- 5.3 The form of written report is attached to this protocol
- 5.4 Should the website be down or not accessible, a blank form will be given to or made available to each member before the member embarks upon any patrol.
- 5.5 The Sector Leaders shall present all incidents occurring in their sector at each Sector Leaders meeting under the constitution of MCNW.

- 5.6 If SAPS or the Crime Prevention Officer reasonably require a statement to be made earlier than the time referred to in 5.2 the member of MCNW and the Sector Leader shall comply with such request.

## 6. Functions

- 6.1 MCNW must assist SAPS in crime prevention in the Milnerton Central area.
- 6.2 MCNW will adopt and support the social crime prevention policy of SAPS.
- 6.3 MCNW must operate within the framework of the law.
- 6.4 Members are not compelled to detain or arrest anyone. (Note: Although a citizen's arrest is allowed in certain situations, the police and law enforcement officers are the designated persons with legal power to perform arrests.)
- 6.5 Members of MCNW have the same rights as any member of the public to arrest a perpetrator of an offence or of any person reasonably suspected of being about to commit an offence.
- 6.6 Only minimum force may be used to secure an arrest as defined in Criminal Procedure Act No. 51 of 1977.

## 7. Identity Cards

- 7.1 All members of MCNW will receive an identity card when becoming a member of MCNW.
- 7.2 The identity cards of members must show/display a recent photograph of the member, his or her full names, identity number and the member's legible signature.
- 7.3 The identity cards shall refer to Milnerton Police Station and be signed by the SAPS local station commissioner.
- 7.4 All identity cards shall be validated annually
- 7.5 Members of MCNW must carry their identity card with them at all times when on any patrol on behalf of MCNW.
- 7.6 Any member losing his or her identity card shall forthwith report such loss to the Sector Leader.
- 7.7 Only members of MCNW as defined in the constitution may go on any patrol.
- 7.8 No person under the age of eighteen years shall be a member of MCNW.

## 8. Communication

- 8.1 Radios
- 8.1.1 Radios purchased from MCNW by members are exclusively to be used for MCNW related communication.
- 8.1.2 The radio frequency belongs to MCNW and is for exclusive use in MCNW related activities.
- 8.1.3 It is imperative that MCNW has a record of all radios using this frequency:
- 8.1.3.1 Members with MCNW radios who relocate / move out of the precinct of Milnerton shall inform the MCNW Structure.
- 8.1.3.2 Members wishing to "sell" their radio must inform the MCNW Structure accordingly before doing so, in order to:
- 8.1.3.2.1 Ensure that the MCNW frequency has been removed from the radio if it is being sold to a non MCNW member;
- 8.1.3.2.2 Update the database/register and keep track of the change of ownership if it is being sold (or given) to a MCNW member
- 8.1.3.3 Failing that, it shall be deemed as "Illegal Use", because:

- 8.1.3.3.1 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.
- 8.1.3.3.2 The MCNW "ICASA licensed" radio frequency output is 4 watts, compared to a common "license free" radio frequency output of 0.5 watts. Therefore, if one were to program the ex-MCNW radio with a license free frequency, the handheld would still in theory be illegal due to the output wattage being too high.
- 8.1.3.4 The MCNW Structure must be informed as soon as possible if a radio is stolen, lost or broken.
- 8.1.4 Patrollers who do not have their own radio must return "LOAN RADIOS" to the owner / radio caretaker.
- 8.1.5 All users of the MCNW radio, whether MCNW members or designated users, must follow the "Basic Radio Etiquette Rules", as prescribed in the MCNW Radio Etiquette document.
- 8.2 Whatsapp/Telegram and other Social Media
  - 8.2.1 It is IMPORTANT to remember that any post on MCNW WhatsApp/ Telegram 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.
  - 8.2.2 The sharing of MCNW posts to other groups or social media must be avoided – unless expressly mandated to do so.
  - 8.2.3 It may be necessary to institute disciplinary proceedings when it is found that points 8.2.1 and 8.2.2 have been violated.

## 9. Conduct of all members

- 9.1 Members of MCNW must at all times act in a manner that will uphold and promote the aims and objectives of MCNW.
- 9.2 All members of MCNW must at all times act in a non-violent manner. No member may take the law into his or her own hands irrespective of circumstances.
- 9.3 All members of MNWH must respect and protect the dignity and rights of every person in the neighbourhood, including the right to free movement
- 9.4 A member of MCNW may not display racism, sexism or any other form of discrimination towards any other member and any other person.
- 9.5 No member shall carry any weapon perceived to be dangerous that could inflict serious bodily harm or damage to property. This includes dangerous weapons as defined by law when patrolling. Only weapons for the sole purpose of self-defence as approved by the Provincial Commissioner, SAPS – Western Cape may be used.
- 9.6 All members with firearms taken on any patrol shall declare these to the local SAPS Crime Prevention Officer BEFORE each and every patrol, must declare this to MCNW and sign the relevant documentation and must inform fellow patrollers that he/she is carrying a firearm.
- 9.7 All members must refrain, as much as is reasonably possible, from placing him- or herself and fellow members or the police at risk

- 9.8 Members note that MCNW Patrollers function as “Eyes and Ears” and therefore 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.
- 9.9 Should a member of MCNW be found guilty of a criminal offence committed when the member is operating formally as a MCNW member, MCNW will take such disciplinary actions as are considered appropriate by the Committee and will issue a public statement regarding its action.
- 9.10 Members of MCNW shall not divulge any confidential or privileged information that they may have acquired as a result of their membership of MCNW.
- 9.11 No member of MCNW may exploit his or her membership for personal advantage or benefit.

## 10. Duties of Patrolling members only

When patrolling as a member of the MCNW Structure, the member must –

- 10.1 always comply with the sign-in and sign-out procedure ;
- 10.2 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;
- 10.3 obey all lawful instructions issued by members of the services mentioned in 10.2 above;
- 10.4 carry their member identification cards (when issued) in accordance with Regulation 4(5) of the Community Safety Regulations.
- 10.5 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 MCNW Structure, except in circumstances beyond their ability, or determined by personal safety;
- 10.6 act in accordance with the official handbooks of the Department of Community Safety developed for MCNW members including protocols for incident management, crime scene management and best practice in every circumstance.
- 10.7 must have at least one cell phone in each car or group of members on foot patrol.
- 10.8 A member’s assistance to the MCNW Structure is voluntary and therefore when a member is using his or her private vehicle during the assistance, neither SAPS nor the MCNW Structure can be held responsible for any damage to private vehicles caused during the rendering of such assistance.
- 10.9 No intimidation in whatever form may be used against any individuals in any neighbourhood where such patrols take place.
- 10.10 Members of MCNW are not expected or required to confront any persons of any race creed or gender whether they are suspected of being about to commit a crime or having committed a crime. The duty of members on patrol is to report any suspicious person or vehicle in the neighbourhood. Members shall use their own discretion as to whether to drive around their allocated Sector or whether to remain stationary and in the latter instance whether or not to keep the vehicle’s engine running.
- 10.11 MCNW members should rather report suspected criminal behaviour to the police before they personally attempt to perform an arrest.
- 10.12 Members will not make public statements, nor public announcements to any media in matters pertaining to the MCNW Structure. The MCNW 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.

- 10.13 Members will only use private vehicles when patrolling
- 10.14 Members will need to be aware that, as their assistance is voluntary, neither SAPS nor the MCNW Structure can be held responsible for any damage to said vehicles
- 10.15 Members will normally only patrol within the demarcated MCNW unless participating in a power patrol