

1. Name:

1.1 The name of the Neighbourhood Watch shall be ORANJEZICHT HIGGOVALE NEIGHBOURHOOD WATCH (OHWATCH)

2. Objects and Powers:

The objects of the OHWATCH shall be in respect of the whole area of Oranjezicht & Higgovale to:

2.1 Comply at all times with the provisions contained in the Western Cape Provincial Constitution and Code of Conduct for Neighbourhood Watch Structures (WCNWS) and in the event of there being any conflict between WCNWS and this Constitution the provisions of WCNWS shall prevail;

2.2 Lobby National, Provincial and City Government on all issues of Public Safety under the Codes contained in WCNWS;

2.3 Seek and obtain funding and resources (including SAPS reinforcement) through the Community Police Forum from any available governmental or departmental source

2.4 Arrange and provide for or join in arranging and providing for the holding of exhibitions, meetings, lectures, classes, seminars and training courses;

2.5 Promote and carry out or assist in promoting and carrying out research, surveys and investigations and publish results thereof;

2.6 Collect and disseminate information on all matters affecting the above purposes and exchange such information with other bodies having similar purposes whether in this country or overseas;

2.7 Procure to be written and print, publish, issue and circulate gratuitously or otherwise such papers, books, periodicals, pamphlets or other documents or films or recorded tapes as shall further the above purposes;

2.8 Accept gifts in such a manner as OHWATCH shall think fit, subject to such consents as required by law;

2.9 Procure contributions to OHWATCH by personal or written appeals, public meetings or otherwise, subject to such consents as required by law;

2.10 Appoint and constitute such advisory committees as the Executive Committee may think fit;

2.11 Do all such other lawful things as are necessary for the attainment of the said purposes. [Top](#)

3. Membership:

3.1 Membership of OHWATCH shall be open to any person living, working or owning property in Oranjezicht & Higgovale;

3.1.1 Membership shall be for those persons who wish to participate in the objectives of OHWATCH and shall be by registration on the OHWATCH data base. The data base shall be accessed by email at such email address(es) as are from time to time made available or as published on the OHWATCH web site;

3.2 Only those who have registered as members in accordance with 3.1.1 hereof shall be entitled to vote at General Meetings of OHWATCH;

3.3 The Committee may request reasonable information from an applicant before granting membership;

3.4 The Committee shall not reject an applicant without sufficient reason. [Top](#)

4. Termination of Membership:

4.1 A member may resign by email notice to the OHWATCH data base email address;

4.2 The Committee may in their absolute discretion terminate membership of any member provided that ten days notice is given to any member of the Committee's intentions and that such notice contains full reasons for the Committee's intended action. Any written reply shall be considered by the Committee. [Top](#)

5. Officers:

5.1 At the Inaugural Meeting OHWATCH the Sector Leaders that sign the Constitution shall be deemed to represent their respective Sectors and the meeting

5.1.1 Shall elect a Chairperson for the Committee and thereafter at the Annual General Meeting shall elect a Chairperson for the Committee and other such officers as OHWATCH shall from time to time decide;

5.1.2 Shall appoint the Crime Prevention Officer of Oranjezicht & Higgovale SAPS (from time to time) as the only person entitled under (WCNWS) to make or issue any statement to the media of any matters or issues concerning OHWATCH;

5.2 The Chairperson of the Committee shall be the Chairperson of OHWATCH and shall hold office until the conclusion of the Annual General Meeting of OHWATCH next after election but shall be eligible for re-election;

5.3 OHWATCH may appoint one or more qualified auditors and may determine their remuneration (if any). [Top](#)

6. Patrons etc:

6.1 The Annual General Meeting, if it thinks fit, may elect a President and Vice President of OHWATCH. A President or Vice President of OHWATCH need not be a member of OHWATCH. A President or Vice President of OHWATCH may attend general meetings of OHWATCH but shall not be entitled to vote.

6.1.1 Any person proposed as President or Vice President must be informed of the proposal in writing not less than fourteen days before any Annual General Meeting and must agree to accept such proposal;

6.2 The Committee may elect any person as a Patron of OHWATCH for such a period as they think fit and such a person shall be entitled to all privileges of membership except that they shall not be entitled to vote at meetings nor serve as officers or on the Committee. [Top](#)

7. Executive Committee:

7.1 Subject as hereinafter mentioned the policy and general management of the affairs of OHWATCH, including the powers above mentioned, shall be directed by an Executive Committee (herein called “the Committee”) which shall meet not less than twelve times a year and which shall consist of one Sector Leader from each of the Sectors into which OHWATCH is from time to time divided;

7.1.1 Each member of the Committee shall be entitled to one vote at meetings of the Committee;

7.1.2 Each Committee member may vote by proxy duly authorised in writing on not more than three occasions in any one year commencing with the inaugural meeting

7.2 The members of the Committee shall be those Sector Leaders that sign the Constitution at the inaugural meeting of OHWATCH held on 14th January 2009 and they shall continue in office until the next Annual General Meeting of OHWATCH. Unless the Annual General Meeting votes that any member or members should cease to be on the Committee they shall continue in office until the next following Annual General Meeting;

7.3 In addition the Committee may co-opt up to one third of the total number of appointed and/or elected members of the Committee, who shall be representative of members of OHWATCH who shall serve until the conclusion of the next Annual General Meeting after individual co-option. Co-opted members shall be entitled to vote;

7.4 The following shall be entitled to voting representation on the Committee:

7.4.1 The Police Crime Prevention Officer in post from time to time or his/her representative;

7.5 Any casual vacancy in the Committee may be filled up by the Committee and any person appointed to fill such a casual vacancy shall hold office until the conclusion of the next Annual General Meeting of OHWATCH and shall be eligible for election at the meeting;

7.6 The proceedings of the Committee shall not be invalidated by any accidental failure to elect or any accidental defect in the election, appointment, co-option or qualification of any member;

7.7 The Committee may appoint such special or standing committees as may be deemed necessary by the Committee and shall determine their terms of reference, powers, duration and composition. All acts and proceedings of such special or standing committees shall be reported back to the Committee fully and promptly.

7.8 The Commandant of Oranjezicht & Higgovale Police Service shall be entitled to ex-officio nonvoting representation on the Committee;

7.8.1 The Committee may at any Committee meeting vote to allow any other Senior Police Officer or any Senior official or politician concerned in Public Safety or Neighbourhood Watch Association to have ex-officio nonvoting representation on the Committee at the meeting where such vote is taken;

7.8.2 The Committee may at any Committee meeting invite one representative from each of the Companies providing Security Services in Oranjezicht & Higgovale to attend such Committee meeting Provided that all such Companies are given an equal opportunity to attend and an equal right to address the Committee in the absolute discretion of the Chairperson;

7.9 The duties of Sector Leaders and their deputies or assistants shall be established and determined generally and specifically at Committee meetings or Sector meetings with the Crime Prevention Officer in accordance with (WCNWS)

7.9.1 Sector Leaders may invite non members to attend at Sector meetings provided that if any of the Companies providing Security Services in Oranjezicht & Higgovale are to attend such Sector meetings then all such Companies shall be given an equal opportunity to attend and an equal right to address the Sector Committee in the absolute discretion of the Sector Leader. [Top](#)

8. Rules of Procedures at all Meetings:

8.1 Quorum:

8.1.1 The quorum at an Annual General Meeting of OHWATCH shall be fifty members or one quarter of the membership of OHWATCH whichever is the lesser;

8.1.2 The quorum at a meeting of the Committee or of any committee appointed under Clause 7.7 hereof shall be ten or such other number as OHWATCH may in General Meeting from time to time determine, subject to a minimum of five;

8.2 Voting:

8.2.1 Subject to Clause 16 and 17 hereof, all questions arising at any meeting shall be decided by a simple majority of those present and entitled to vote thereat. No person shall exercise more than one vote but in the case of any equality of votes the chairperson of the meeting shall have a second or casting vote;

8.3 Minutes:

Minute books shall be kept by the Committee and all other committees, and the appropriate secretary shall enter therein a record of all attendances, proceedings and resolutions. [Top](#)

9. Standing Orders:

9.1 The Committee may make such rules for the conduct of its business and that of OHWATCH as it may deem necessary PROVIDED THAT they shall be consistent with the requirements of this constitution;

9.2 If any representative of the media attends any meeting of the Committee the Chairperson may in the Chairperson's absolute and unfettered discretion exclude the media or obtain written undertakings that no name of any Sector Leader or identifying information will be published;

9.3 The Committee shall have the power to make, repeal and amend such rules as they may from time to time consider necessary for the well being of OHWATCH PROVIDED THAT they shall be consistent with the requirements of this constitution, which rules, repeals and amendments shall have effect until set aside by the Committee or at a general meeting. [Top](#)

10. Meetings of OHWATCH

10.1 There shall be an annual general meeting of OHWATCH which shall be held in February of each year at such time and at such place as the Committee shall determine. At least fourteen clear days notice shall be given in the OHWATCH Website and in the local Newspapers;

10.2 At such Annual General Meeting the business shall include:

10.2.1 the election of officers:

10.2.2 the election of members to serve on the Committee;

10.3 The Chairperson of the Committee may at any time call a Special General Meeting of OHWATCH at his or her discretion and shall call such a meeting within twenty eight days of receiving a written request to do so, signed by not less than seven members of the Committee and giving reasons for the request. [Top](#)

11. Nomination of Committee Members:

11.1 Nomination for officers or members of the Committee must be made by full members of the Association and must be in the hands of the Committee at least ten days before the Annual General Meeting. Should nominations exceed vacancies, elections shall be decided by a simple majority of those present and entitled to vote;

11.2 No member shall exercise more than one vote but in case of an equality of votes the Chairperson shall have a second or casting vote. [Top](#)

12. Finance:

12.1 All monies raised by or on behalf of OHWATCH shall be applied to further the purposes of OHWATCH and not otherwise PROVIDED THAT nothing herein contained

shall prevent the payment in good faith of reasonable and proper repayment of reasonable out-of-pocket expenses;

12.2 Nothing within this Constitution shall prevent any Committee member or member of OHWATCH from collecting or raising funds for the benefit of individuals or Sectors provided that OHWATCH is not to be used as the name behind any such collection. Any funds so raised and any expenditure, surplus or goods acquired shall be the sole responsibility of individuals or Sectors. [Top](#)

13. Alterations to the Constitution:

13.1 Any alteration to this Constitution shall receive the assent of not less than two-thirds of the membership of OHWATCH for the time being present and voting at an Annual General Meeting or a Special General Meeting;

13.2 Notice of any such alteration shall have been received by the Committee in writing not less than 21 clear days before the meeting at which the alteration is to be proposed. At least 14 clear days notice in writing of such a meeting, setting out the terms of the alteration, shall be published on the OHWATCH website and in the local press;

13.3 No alteration shall be made to Clause 2.1 or this Clause until the approval in writing of the Community Police Forum or other authority having jurisdiction shall have been obtained and no alteration shall be made which would have the effect of causing OHWATCH to cease to apply the principles of WCNWS. [Top](#)

14. Dissolution:

14.1 If the Committee by a simple majority decides at any time that on the ground of expenses or otherwise it is necessary or advisable to dissolve OHWATCH it shall call a meeting of all members of OHWATCH who have the power to vote, of which meeting not less than 14 days notice (stating the terms of the Resolution to be proposed thereat) shall be given. Notice shall be by publication on OHWATCH web site and in the local press;

14.2 If such decisions shall be confirmed by a two thirds majority of those present and voting at such meeting, the Committee shall have the power to dispose of any assets held by or on behalf of OHWATCH. Any assets remaining after the satisfaction of any proper debts and liabilities shall be given or transferred to such other charitable institution or institutions having objects similar to the objects of OHWATCH as the Committee may decide or failing that may be applied for some other charitable purpose. A copy of the statement of accounts, or account and statement, for the final accounting period of OHWATCH must be sent to the Community Police Forum. [Top](#)

15. Arrangements until first Annual General Meeting:

Until the first annual general meeting takes place this constitution shall take effect as if references in it to the Committee were references to the persons whose signatures appear at the bottom of this document. This Constitution was adopted on the date mentioned above by the persons whose signatures appear at the bottom of this document. [Top](#)

CODE OF CONDUCT

1st Draft Protocol / Code of Conduct.

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(Note: Italics are used where this Protocol follows the words of the Oranjezicht Higgovale Watch (OHW) constitution)

1. Aims and Objectives.

- To nurture a sense of unity, dedication and good neighbourly relations among the residents of Oranjezicht & Higgovale.
- To assist the local police to safeguard the community against criminal activities and strive for a safe and secure environment.
- To provide a channel through which local communities can play a meaningful role in crime prevention in a manner that is ethical and non-violent.
- To create public awareness with regard to safety, crime prevention and protection of families and their property.
- To encourage the community to work in close co-operation with the South African Police Services (SAPS) and other structures such as local authorities who are involved in law enforcement.
- To unite a diverse residency in creating a stable and crime free environment. [Top](#)

2. Indemnity.

- OHW 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.
- An acknowledgement to this effect must be signed by all members of OHW clearly indemnifying the Neighbourhood Watch Structure.
- The acknowledgement must clearly state that OHW is a voluntary association.
- Each member of OHW shall sign an indemnity to be given to the Sector Leader before taking part in any patrol on behalf of OHW.

3. Liability.

- OHW 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.
- All individual members act in their own capacity as individuals and liability will be in that capacity.
- OHW will not be responsible for civil and or criminal actions or omissions that are perpetrated by a member of OHW nor responsible for civil and or criminal actions or omissions against its members.

- All and any criminal and civil actions that are instituted against a member of OHW will be against the member concerned and not OHW.
- Any damage or injury to any member of OHW or his or her property when such member is acting as a member of OHW in whatsoever capacity shall, subject to claims against third parties, be the sole and absolute responsibility of the member.
- OHW carries no insurances whatsoever for members or their families or dependants.
- Members of OHW 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. [Top](#)

4. Accountability.

- OHW will be accountable to SAPS in the first instance and shall also be accountable to the local Community Police Forum.
- Each member of OHW shall give to his or her Sector Leader a written report of all incidents during any patrol or similar duty within 24 hours of completion of such patrol or similar action on behalf of OHW.
- The form of written report is attached to this protocol and a blank form will be given to or available to each member before the member embarks upon any patrol.
- The Sector Leaders shall give all completed forms to the Crime Prevention Officer at each Sector Leaders meeting under the constitution of OHW.
- Upon handing the completed forms to the Crime Prevention Officer the terms of Clause 4 shall be deemed to have been complied with.
- If SAPS or the Crime Prevention Officer reasonably require a statement to be made earlier than the time referred to above, the member of OHW and the Sector Leader shall comply with such request. [Top](#)

5. Functions.

- OHW must assist SAPS in crime prevention in the Oranjezicht & Higgovale area.
- OHW will adopt and support the social crime prevention policy of SAPS.
- OHW must operate within the framework of the law. Only minimum force may be used to secure an arrest as defined in Criminal Procedure Act No. 51 of 1977.
- OHW members will have powers similar to that of any other citizen to perform a citizen's arrest and the requirements set out in the Criminal Procedure Act No. 51 of 1977 will be adhered to and complied with at all times.
- Members of OHW 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. Identity Cards.

- All members of OHW will have identity cards and must carry these cards at all times when on patrol on behalf of OHW.
- The identity cards of members must contain a recent photograph of the member, his or her full names, identity number and the member's legible signature.
- The identity cards shall refer to Caledon Police Station and be signed by the SAPS local station commissioner.
- All identity cards shall be validated annually
- Any member losing his or her identity card shall forthwith report such loss to the Sector Leader.

- Only members of OHW as defined in the constitution may go on any patrol.
- No person under the age of eighteen years shall be a member of OHW. [Top](#)

7. Conduct

- All members of OHW 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.
- No member of OHW will display racism, sexism or any other form of discrimination towards any other member and any other person.
- 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.
- All members with firearms taken on any patrol shall declare these to the local SAPS Crime Prevention Officer before going on patrol.
- Should a member of OHW be found guilty of a criminal offence committed when the member is operating formally as a OHW member, OHW will take such disciplinary actions as are considered appropriate by the Committee and will issue a public statement regarding its action.
- Members of OHW shall not divulge any confidential or privileged information that they may have acquired as a result of their membership of OHW.
- No member of OHW may exploit his or her membership for personal advantage or benefit.
- Members of OHW must at all times act in a manner that will uphold and promote the aims and objectives of OHW.

8. Conduct and Patrol Procedure

- The master registration form of which a draft is attached hereto must be filled in before each patrol. All details of name; cell phone number; vehicle registration number and area to be patrolled must be legibly recorded. Details of any weapons carried must be provided.
- Members of OHW are permitted to carry and use high intensity torches up to ten million candlepower.
- Pepper spray or CS gas emitters and electric stun guns are permitted but may only be used in self defence when physical damage has been committed or is reasonably expected to be committed.
- Each member going on patrol must have at least one cell phone in each car or group of members on foot patrol.
- Each cell phone used on patrol shall contain in the memory the cell phone number of the response vehicle cell phone; the Oranjezicht & Higgovale SAPS telephone number and the cell phone number of at least one of the other patrols on duty during the same roster hours
- Members of OHW 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.

- The report shall be by cell phone to the Response vehicle and to SAPS in Oranjezicht & Higgovale and it may be advisable to inform any other OHW vehicle on patrol. The precise position of the member or the member's vehicle must be given to the Response vehicle and all members on patrol should ensure that they are aware of their precise location at all times.
- OHW members shall follow any instructions from the response vehicle as to whether to follow the suspects or maintain observation. No physical interference can be directed by SAPS.
- OHW members shall withdraw from any scene or incident forthwith upon any violence being used or threatened and shall not confront the perpetrators.
- NOTHING herein contained shall restrict the rights of any member as an individual to defend him or herself using reasonable force so to do if faced with a situation where the member or any other person on duty with such member is subjected to actual or reasonably anticipated violence.
- Any incident shall forthwith be recorded briefly in writing with detail of time; place; number of suspects or perpetrators; description of perpetrators by age, size and colour and clothing followed by a brief description of the incident.
- The detail of the incident must be formally recorded on the form referred to above. If a member of OHW discharges any firearm such further forms as required by SAPS must be completed.
- No member of OHW shall release any statement to any media on any matters concerning OHW unless the Crime Prevention Officer has agreed the content of any statement. If approval is not given within seven days of submitting the proposed statement the member is at liberty to release such statement.
- Members of OHW may place such information as they chose on the OHW website subject to compliance with the OHW constitution. [Top](#)

9. Working with SAPS

- SAPS shall be obliged whenever possible to provide members, reservists or assist to arrange for members from other law enforcement agencies to supervise OHW when patrols are undertaken.
- The Department of Community Safety will decide on approval of all project-funding applications for OHW as submitted by the Community Police Forum (CPF).
- OHW and SAPS must share information on matters pertaining to crime prevention and the apprehension of criminals.
- SAPS and CPF must assist each other in the publicity campaign for OHW. [Top](#)