

# THE UNIFORM CONSTITUTION FOR COMMUNITY POLICE FORUMS AND BOARDS IN THE WESTERN CAPE: 2010



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**ADV LENNIT MAX**

The Community Police Forum's (CPF) mandate is directly derived from the Police Act of 1995, Act No.68, Chapter 7, Sections 18-23. In the Western Cape, the concept of community policing has developed in a manner that speaks of leadership and guidance. One of the important instruments that guide the CPF structure is the CPF Constitution.

- A number of factors necessitated a second edition of the CPF Constitution, which can broadly be referred to as a change in the community-policing environment, this includes:
- The phasing out of SAPS Area Offices in 2006 and the subsequent challenges to elect a Provincial CPF Board;
- The formation of a National Cpf Board structure;
- The SAPS Instruction on Sector Policing and Cluster System; and • The alignment of Community Safety Structures with CPF's

I believe that this CPF Constitution will guide CPF Forums and Boards in order to strengthen their partnerships with the SAPS at the local level and as well as providing the basis of the civilian oversight responsibility in conjunction with my Department.

This province by means of its Strategic Objective 5, Reducing Crime, will need all its partnership resources together with SAPS to achieve this goal.

I wish to thank the members of the CPF Constitution Task Team for their consistent efforts over a period of four years to develop this CPF Constitution-adapted to suit the present and future needs of Community Police Structures in the Western Cape.

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**LIEUTENANT GENERAL MZWANDILE PETROS**

One of the anchors of the People Orientated Sustainable Strategy (POSS) is the establishment of formidable partnerships. The strategy which was adopted in 2003, speaks to communities being the most strategic partners in crime fighting. It is on that basis that there needs to be a concerted effort towards strengthening community participation in policing. Community participation cannot occur in a vacuum, it has to be structured through Community Police Forums (CPF's).

Community Police Forums as stipulated in the Police Act, have a mandate to execute. As the management of the South African Police Service (SAPS) in the Western Cape, we welcome the finalisation of the uniform constitution of the CPFs. This is a document that informs the vision and mission of the CPFs. It is this uniform constitution that will regulate relations between the police and the CPFs. The CPF constitution also sets out parameters within which engagement needs to take place.

So much deliberation and efforts went into its formulation and compilation, in order to ensure that it is a good legal document. It is imperative that this document does not gather dust, but be referred to religiously in our day to day interactions. Armed with a uniform CPF constitution, we can look forward to a meaningful direction in fighting crime.

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## **FOREWORD**

The first Uniform CPF Constitution for the Western Cape Province was adopted during October 2004 by the Provincial Board, after a Provincial CPF Conference that was held on 28<sup>th</sup> and 29<sup>th</sup> March 2003.

The process of the Amendments to the CPF Constitution commenced during 2006 with the phasing out of the SAPS Area Offices. As there was no structure to elect the Provincial CPF Board, members and Executives of the same Board have served from 2005 until **2010**.

During September 2007 a Provincial CPF Conference was held with more or less 800 CPF and SAPS delegates at Sea Point (Cape Town). After the Conference a series of Cluster Workshops were held with all CPF's in the Province where inputs were requested for amendment to the CPF Constitution and the Neighbourhood Watch Code of Conduct.

A Task Team, consisting of representatives of the Department, SAPS and the Provincial Board finalized these amendments at a Work Session in Stellenbosch in August 2008.

During late 2008 the process was halted, as from SAPS Head Office (Pretoria) a National CPF Board Structure and Constitution was being developed. As the Final Draft of the National CPF Constitution was circulating in 2009; it paved the way for the Provincial Amended CPF Constitution to be finalized.

The SAPS Instruction on Sector Policing and Cluster System gave further direction on the matter. Other developments which also had to be taken into account with the amendment of this Constitution were:

- the phasing out of the Areas and the formation of Policing Clusters;
- the institution of Sector Policing;
- the name changing of Station Commissioners to Station Commanders;
- the management, functioning and demands of Neighbourhood Watch Structures.

From August to October 2009 the Department and SAPS has held district meetings with CPF Chairpersons, Station Commanders and Neighbourhood Watch Co-ordinators. Owing to the concerns from these meetings, the MEC for Community Safety requested that a Task Team be formed to finalize the amendments to the Constitution.

The amended Constitution is based on the product of the first Task Team which drafted the first Constitution, and the changes and challenges within SAPS, the Department, CPF's and Neighbourhood Watch Structures.

The Constitution was adopted by the Provincial Board on 2010-02-18 and signed by the chairperson Ms. R. Bazier. It was also endorsed by the Provincial Commissioner and the MEC for the Department of Community Safety: Western Cape Province.

## **PREAMBLE**

Whereas the principle of Community Policing is enshrined in the most important documents of our Country and Province, namely the National and the Western Cape Constitutions as well as Chapter 7 of the South African Police Service Act and the South African Interim Regulations for Community Police Forums and Boards;

**Whereas** it is recognized that all members of the South African Police Service and the Community share the responsibility and are interdependent on each other to ensure a safe and secure environment for all of the people in the Western Cape Province; and,

**Whereas** it is incumbent on every member of a Community Police Forum and Board to ensure that the partnership between the Community and the Police is maintained in all the Police precincts in the Western Cape Province and that all Community Safety- and Victim Support Structures are directed, monitored and guided to act within the Law.

## **THE CONSTITUTION**

To regulate the establishment, functioning and management of Community

Police Forums and Boards, to operate as effective Community Structures through which the Police shall liaise with the Community in order to achieve the objectives contemplated in Section 215 of the Interim Constitution and Section 205(3) of the Constitution of the Republic of South Africa, and provide for the establishment of Community Safety- and Victim Support Structures under the control of the Forums and Boards.

## **GUIDING PRINCIPLES**

- The Forums and Boards shall be non-party political;
- The Forum shall, as far as is practically possible, be representative of the Community, Community-based Organizations, Community Safety- and Victim Support Structures in the Area;
- The Forum or Board Meetings shall be held in a language which is understandable to all in the Meeting.

**All Community Safety- and Victim Support Structures shall be registered and be accountable to the Forum or Sub-Forum of the area in which they operate.**

## **LEGAL PRINCIPLES**

(a) Constitution of the Republic of South Africa, Act 108 of 1996, Section 206(3): Each Province is entitled to

(c) promote good relations between the Police and the Community.

(b) South African Police Service Act, Act 68 of 1995: Section 10

(1) A Provincial Commissioner shall, subject to the direction of the member of the Executive Council, be responsible for establishing Community Police Forums at the Stations in the Province ...

(c) South African Police Service Act, Act 68 of 1995: Section 18

(1) The Service shall, in order to achieve the objects contemplated in Section 215 of the Constitution, liaise with the Community through Community Police Forums , ..

(d) South African Police Service Act, Act 68 of 1995: Section 64C:

The Executive Head of the Municipal Police shall -

(2)(f) either personally or through a member or members of the Municipal Police Service designated by him or her for that purpose, represent the Municipal Police Service on every Community Police Forum or Sub-Forum established in terms of Section 19 within the area of jurisdiction of the Municipality.

(e) South African Police Service Interim Regulations for Community Police Forums and Boards: GN R384 in GG 22273 of 11 May 2001;

5. Establishment of a Provincial Community Police Board:

(1) As soon as may be reasonably possible after the establishment of more than one Area Community Police Board in a Province, the Provincial Commissioner must invite the Executive Committee of every Area Community Police Board established in the said Province, to a meeting... with the purpose to establish a Provincial Community Police Board for that Province.

1 Note: National Instruction, 2613/5/2, dated 2009-04-28 renamed the Area Community Police Boards" as "Cluster Community Police Boards".

(f) South African Police Service Interim Regulations for Community Police Forums and Boards: GN R384 in GG 22273 of 11 May 2001;

Section 5;

(5) The Provincial Commissioner must, within 30 days after the establishment of a Provincial Community Police Board, submit a copy of the Constitution of the Provincial Community Police Board to the National Commissioner.

(g) National Circular 26/3/5/2: Dated 2009-06-04: From the Office of the Divisional Commissioner, Visible Policing in regard to the establishment of Cluster Boards.

## **1. ABBREVIATIONS AND ACRONYMS**

"AGM": Annual General Meeting

"CIO" : Crime Information Office.

"CPF": Community Police Forum

"CPSF": Community Police Sub-Forum

"SAPS": South African Police Service

## **2. ANNEXURE**

"A": Chapter 7 of the South African Police Service Act, Act 68 of 1995

"B": South African Police Interim Regulations for Community Police Forums and Boards, GN R384 in GG 22273 of 11 May 2001.

"G": National Instruction 3/2009: Sector Policing

"D": National Circular 2613/512: Dated 2009-04-28: Interim Logo for Community Police Fora: from the Office of the Divisional Commissioner, Visible Policing

"E": National Circular 26/3/5/2: Dated 2009-06-04: Structuring of Forums and Boards.

"F" **Structure**: Community Police Forums and Boards.

## **3. DEFINITIONS**

"Act" refers to the South African Police Service Act, Act No. 68 of 1995;

"Board" refers to Provincial Community Police Board and Cluster Community Police Board, established in terms of Section 20 and 21 of the Act;

"Circular" refers to National Circular 26/3/5/2: Dated 2009-06-04: from the Office of the Divisional Commissioner: Visible Policing.

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### **CPF CONSTITUTION: WESTERN CAPE**

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"Clustering" refers to the grouping together, for the purpose of representation in the Forum or Sub-Forum, of groups and organizations with more or less the same aims and objectives. Each political party will thus have one representative on the Forum or Sub-Forum.

"Cluster Community Safety- and Victim Support Association" refers to a group consisting of the representatives of the local structures in the precincts.

"Community Safety Structure": This shall be an all-encompassing phrase and shall include individual Neighbourhood Watches, Community Safety Structure Associations and other structures such as Street Committees, Street Watches, Block Watches, Farm Watches, Flat Watches and any other community safety activities deemed to be related to the definition as set out herein;

"Local Community Safety Structure Associations": This shall be a structure, consisting of representatives of the individual Community Safety Structures in the precinct;

"Community-based Organizations" refers to Governmental and Non-Governmental Organization operating from the jurisdiction of the Forum or Sub-Forum;

"Constitution" refers to the Uniform Constitution for Community Police Forums and Boards in the Western Cape: 2010.

"Days" excludes Saturdays, Sundays and Public Holidays, unless otherwise indicated;

"Department" refers to the Department of Community Safety in the Provincial Government of the Western Cape Province;

"Designated member" means a person properly mandated in writing by his or her organization or institution to represent such an institution or organization in the Forum or Sub-Forum; '

"Executive Committee" means the Committee elected by a Community Police Forum, Sub-Forum or Board which is responsible for the day-to-day running of the affairs of the Forum, Sub-Forum or Board;

"Ex-Officio Membership" refers to a membership held due to a person's appointment / election in a certain position or office. These members include;

- a member of the Forum after his or her election as a Chairperson of the Cluster Board,
- a Ward Councilor of the area.

These members do not have any voting powers and should not be elected to any position in the forum.

"Forum" refers to Community Police Forum and Sub-Forum established in terms of Section 19 of the Act;

"Impartial person and/or Organization" refers to a person and/ or organization specifically referred to as such and includes designated officials of the Department and excludes members of the SAPS;

"Jurisdiction" refers to the area served by a Sub-Forum, a Forum and Board;

"Law Enforcement Agencies" Municipal Law Enforcement Officials, Traffic Officials, Traffic Wardens, etc.

"Legal Official" refers to a legally qualified person attached to the Legal Services Component of the Service;

"Member" means any member of the Forum, Sub-Forum or Board, elected, co-opted and those whose application for membership of the Forum and Sub-Forum was approved or renewed in terms of this Constitution, excluding individuals from the general public, but including statutory members designated to the Forum, Sub-Forum or Board.

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### **CPF CONSTITUTION: WESTERN CAPE**

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**"Misconduct"** means a contravention of the determinations for the Constitution and the Codes of Conduct of the different Forums or Boards;

**"Non-Governmental Organizations"** refers to independent organizations in the community not affiliated to the Government, eg. Civic Organizations, NICRO, etc.;

**"Notice"** refers to written or verbal notice - preferably written where receipt can be acknowledged;

**"Office-bearer"** means any member who is elected by the Forum, Sub-Forum or Board to the Office of the Chairperson, Deputy Chairperson, Secretary, Assistant Secretary, Treasurer, Project Co-ordinator, Public Relations Officer or additional members;

**"Paragraph"** refers to the numbered sections of this document;

**"Proxy"** refers to a person properly mandated in writing to represent a designated representative of an Organization;

**"Register"** means to register with a Forum or Sub-Forum;

**"Responsible Person"** refers to an official of the Department of Community Safety or a member of the SAPS Provincial Office responsible for Forums, Sub-Forums and Boards;

**"Screening and screening process"** As part of the screening process, the person to be screened must reply to the questions on the prescribed form.

As part of the screening, the Crime Information Office at the station must attempt to confirm the applicants' replies on the form and supply a comment and a recommendation for the purpose of considering the conformation of membership of the Forum or Sub-Forum.

**"Sector"** means a geographical area within a Police precinct demarcated by the Station Commander in consultation with the relevant Community Police Forum or Sub-Forum;

**"Sub-Forum"** refers to a Forum established in terms of Section 19(2) of the Act for a Sector;

**"Statutory Member"** refers to a member of the Forum, Sub-Forum or Board designated in terms of Section 19(3), 20(3) and 21(3) of the Act. This also includes SAPS Reservists and members of the Municipal Police Service;

**"Victim Support Structures"**, these include Structures such as Victim Friendly Facilities, Victim Support Volunteers, Safe Houses or Centres, Youth Structures, Churches, Witness Support Structures and other similar structures;

**"Local Victim Support Structures Association"**, this shall be a structure consisting of representatives of the individual Victim Support Structures in the precinct;

**"Term of Office"** refers to the period for which an elected Executive Committee shall hold office. The Term of Office, for both Forums and Boards, shall be two years,

#### **4. LEGAL STATUS**

**4.1** This document derives its Mandate from:

**4.1.1** Chapter 7 of the South African Police Act, Act 68 of 1995;

**4.1.2** South African Police Interim Regulations for Community Police

Forums and Boards, GN R384 in GG 22273 of 11 May 2001:

**4.1.3** The CPF Provincial Conference Resolution held on 28 and 29 March 2003,

**4.1.4** Community Police Forum Uniform Constitution Western Cape (2004).

**4.1.5** National Instruction 3/2009: Sector Policing.

**4.1.6** National Circular 26/3/5/2: Dated 2009-04-28:

Interim Logo for Community Police Fora : from the Office of the Divisional Commissioner, Visible Policing.

**4.1.7** National Circular 26/3/5/2; Dated 2009-06-04:

From the Office of the Divisional Commissioner, Visible Policing: Cluster Boards.

**5. LEGAL PERSONALITY AND RESPONSIBILITY** 5.1 This Constitution shall be binding on all Forums in the Western Cape

Province established in terms of the South African Police Service Act.

**5.2** After establishment, each Community Police Forum must be named after the Police Station it serves. Cluster Community Police Boards must be named according to the Cluster it serves. In the case of a Sub-Forum, the naming must indicate under which Community Police Forum it resorts (eg. Lentegeur Sub-Forum, Sector 3, Mitchells Plain).

**5.3** These Forums and Boards are non-profit, Community- based Organizations.

**5.4** The Forums and Boards are legal entities which:

**5.4.1** exist as entities, independently and distinct from its members, irrespective of any change in its membership or management;

**5.4.2** may acquire rights and obligations as determined by the relevant Acts, Regulations and Instructions;

**5.4.3** may institute legal proceedings in its own name, and be cited in legal proceedings in its own name; and

**5.4.4** may not transform into Section 21 Companies.

**5.5** Any immovable property or registerable rights in immovable property, obtained by the Forum or Board, are to be registered in the name of the Forum or Board.

**5.6** All legal aspects to be performed by the Forums or Boards are to be performed by its structures, committees, officials and/or representatives, duly authorized thereto in the execution of their duties as structures, committees, officials and/ or representatives of the Forums or Boards;

**5.7** No member of the Forum or Board shall be liable for the debts of the Forum or Board which were duly authorized by the Forum or Board;

**5.8** No Forum or Board shall purchase or authorize that items be purchased on credit in the name of the Forum or Board.

#### **6. NAME, LOGO AND LETTERHEAD**

**6.1** The name of the document shall be:

**"THE UNIFORM CONSTITUTION FOR COMMUNITY POLICE FORUMS AND BOARDS IN THE WESTERN CAPE: 2010"**

**6.2** The Logo and Letterhead:

**6.2.1** An Interim Logo has been approved in terms of a letter from the Divisional Commissioner, Visible Policing 26/3/5/2 dated 2009-04-28.

**6.2.2** The Logo shall be seen as:

**"A handshake under the Aloe in a circle, and surrounded by the words 'Community Police Forum' and 'Partners in Policing' on the top and bottom"**

**6.2.3** For the purpose of identification, the name of the Forum or Board should be added above the Aloe, for example:

**6.2.3.1** "PAROW COMMUNITY POLICE FORUM"

**6.2.3.2** "GEORGE COMMUNITY POLICE CLUSTER BOARD"

**6.2.3.3** "WESTERN CAPE COMMUNITY POLICE BOARD" and shall be used on all correspondence of the Forum, Sub-Forum or Board,

**6.3** The Logo should only be used for official Forum, Sub-Forum and Board activities and correspondence.

#### **7. AIMS AND OBJECTIVES**

**7.1** The Forum and Board shall:

**7.1.1** to accomplish all the objectives in Section 18(1) of the Act;

**7.1.1.1** establish and maintain a partnership between the community and SAPS;

**7.1.1.2** promote communication between SAPS and the community;

**7.1.1.3** promote co-operation between SAPS and the community in fulfilling the needs of the community regarding policing;

- 7.1.1.4** improve the rendering of Police Services to the community at National, Provincial, Cluster and Local Levels;
- 7.1.1.5** promote transparency and accountability of the Service to the community; and
- 7.1.1.6** promote joint problem-identification and solving with the SAPS and the community;
- 7.1.2** to further accomplish the aims and objectives;
- 7.1.2.1** promote co-operation between the South African Police Service the Local Community, other Law Enforcement Agencies, Community Safety Structures, Victim Support Structures, Community-based Organizations and Institutions and the Municipal Police Service.
- 7.1.2.2** promote respect for human rights within the ranks of the SAPS, the Local Community, other Law Enforcement Agencies, Community Safety Structures, Victim Support Structures, Community-based Organizations and Institutions and the Municipal Police Service.
- 7.1.2.3** negotiate and co-operate with other Institutions at Local, Cluster, Provincial and National Level in order to promote the aims and objectives of the Forums and Boards,
- 7.1.2.4** mobilize the community and organizations in the community to join the Forums, Sub-Forums, Community Safety Structures and Victim Support Structures;
- 7.1.2.5** assist with the initiation and co-ordination of social crime prevention programmes and projects in conjunction with SAPS, other State Departments, Law Enforcement Agencies, Municipal Police Service and other CPF Structures.
- 7.1.2.6** request the Service to account on the achievement of the objectives in terms of Section 205(3) of the Constitution of the Republic of South Africa.

## **8. ESTABLISHMENT AND MANAGEMENT OF THE FORUMS AND BOARDS**

### **8.1 Community Police Forum**

- 8.1.1** A Station Commander must take reasonable steps to establish a Community Police Forum for the precinct;
- 8.1.2** The Station Commander shall, in order to establish a Community Police Forum, invite members of the community,
- 8.1.2.1** representatives of Community-Based Organizations and Institutions;
- 8.1.2.2** representatives of Community Safety- and Victim Support Structures;
- 8.1.2.3** Sector Commanders of the precinct;
- 8.1.2.4** Statutory members;
- 8.1.2.5** Municipal Police Service and other Law Enforcement Agencies (where applicable);
- 8.1.2.6** members of the Department responsible for Police/
- Community Relations;**
- 8.1.3** A Forum may co-opt an expert in the advisory capacity, in any particular field or area, as deemed necessary by the Forum. The co-opted member shall have no voting powers.
- 8.1.4** An Executive Committee shall be elected from the Community based Organizations registered with the Forum, and shall consist of:
- 8.1.4.1** a Chairperson and Deputy-Chairperson;
- 8.1.4.2** a Secretary and Assistant-Secretary;
- 8.1.4.3** a Treasurer;
- 8.1.4.4** a Project Co-ordinator;
- 8.1.4.5** a Public Relations Officer;
- 8.1.4.6** any additional members as decided by the Forum at an Annual General Meeting;
- 8.1.5** The Station Commander or his or her representative is a statutory member of the Executive Committee.

- 8.1.6** After the establishment of the Forum, such a notification with the names of the Executive Committee and the minutes of the meeting must be forwarded to the Cluster Commander if the Cluster Board has not yet been established or has to be re-established.
- 8.1.7** Any vacancies on the Executive Committee due to resignation, expulsion or otherwise, must be filled by means of an election at a Special General Meeting. As an interim measure, the Executive Committee of the Forum may decide who will perform the duties and the functions in the vacant position until a Special General Meeting is called within 21 days of the date when the position became vacant.
- 8.1.8** All the actions by the Executive Committee or any of its members in the bona fide performance of their duties, shall be regarded as if performed by the Forum or Sub-Forum. **8.1.9** The Chairperson and Deputy-Chairperson may not be eligible for re-election with regard to the same position after holding the **said position for two consecutive terms.**
- 8.1.10** Members must, except with a valid written apology, attend all set Executive Committee Meetings.
- 8.1.11** The Chairperson shall vacate his/her position on the Forum at Station level, if elected to be Chairperson of the Cluster Board. Such a member may, however, maintain membership of his or her Forum at station level as an ex-officio member of the Forum.
- 8.1.12** The Executive Committee shall ensure that proper minutes and records are kept of all proceedings. Permanent records must be kept electronically with disc backup. The records must be kept for a period of at least 3 years.
- 8.1.13** The Station Commander and the Cluster Commander must ensure that the minutes of the meetings of the Forum and Sub-Forum are submitted to the responsible person at the Office of the Provincial Commissioner within 7 days after the meeting.
- 8.1.14** A new Executive Committee of the Forum must be elected at the end of the term of office.

### **8.2 Sub-Forum**

- 8.2.1** The Station Commander and the Forum of the precinct shall take reasonable steps to establish a Community Police Sub-Forum for the sector;
- 8.2.2** At a General Meeting of the Community in the Sector, the **Executive** Committee of the Sub-Forum must be elected and thereafter at an Election
- Annual General Meeting;**
- 8.2.3** After establishing the Sub-Forum, such a notification with the names of the Executive Committee and the minutes of the meeting must be forwarded to the Forum of the precinct;
- 8.2.4** The Executive Committee shall comprise of:
- 8.2.4.1** a Chairperson and a Deputy,
- 8.2.4.2** a Secretary, Treasurer and Project Co-ordinator;
- 8.2.4.3** Statutory members.
- 8.2.5** A Sub-Forum may co-opt an expert in an advisory capacity, in any particular field or area, as deemed necessary by the Sub-Forum. The co-opted member shall have no voting powers;
- 8.2.6** A copy of the minutes of the meetings of the Sub-Forum must be handed to the precinct Forum and the Station Commander within 7 days after the meeting,

### **8.3. Membership: Forum and Sub-Forum**

- 8.3.1** Membership shall, subject to paragraph 8.3.11 be open to all members of the Community residing or having business in the area of the Forum or Sub-Forum and all Governmental Organizations in the jurisdiction of the Forums or Sub-Forums;
- 8.3.2** Membership is voluntary and no membership fees shall be payable for membership of the Forum or Sub-Forum;
- 8.3.3** Membership of the Executive of the Forum or Sub-Forum shall be limited to South African Citizens of the age of 18 years and above;

**8.3.4** All members, employees of the Service and Municipal Police members, designated to the Forum or Sub-Forum, are collectively a single statutory member for the respective Forums or Sub-Forums;

**8.3.5** Members of the Department should not be elected as executive members of the Forum or Sub-Forum;

**8.3.6** Public Service Act members of the SAPS should not be members of the Executive of the Forum or Sub-Forum of the station area in which they are stationed.

**8.3.7** A Body, Organization or Institution must apply in writing for membership of the Forum or Sub-Forum to the Executive of the Forum or Sub-Forum on the prescribed form. The application must indicate its:

**8.3.7.1** management and other officials;

**8.3.7.2** the aims and objectives of the entity, and;

**8.3.7.3** the person mandated to represent the entity.

**8.3.8** All persons elected to the executive of the Forum or Sub-Forum shall be subjected to a screening process and this shall be dealt with in a professional and confidential manner.

**8.3.9** During the process of applying for membership, organizations and groups (excluding Political parties), with more or less the same aims and objectives will be grouped by the Executive Committee into a Cluster for voting purposes (eg. Education-, Business-, Civic Organizations-, Victim Support Cluster, etc.)

**8.3.10** Community Safety- and Victim Support Structures, shall each have representation at Cluster and Provincial Board level.

**8.3.11** The Forum or Sub-Forum may reject an application for membership or terminate membership due to:

**8.3.11.1** involvement and/or alleged involvement in criminal activities;

**8.3.11.2** serious criminal record;

**8.3.11.3** failure to make a criminal record known at the time of applying for membership;

**8.3.11.4** not being psychologically healthy;

**8.3.11.5** Failure to subject self to the screening process within 30 days (thirty days) after election as a member of the Forum or Sub-Forum;

**8.3.11.6** without any reasonable explanation:

**8.3.11.6.1** fails to attend at least three set meetings in a period of six months;

**8.3.11.6.2** showing a pattern of failure to attend set meetings;

**8.3.11.6.3** accepting membership of Community Safety Structures;

**8.3.11.6.4** accepting appointment as a permanent member of the SAPS, SAPS Reservists, Municipal Police Service or the Department,

**8.3.11.6.5** any other similarly reasonable grounds;

**8.3.11.7** When considering the rejection of an application or the termination of membership on the grounds of offences or alleged offences, the Forum or Sub- Forum must take the following factors into consideration;

**8.3.11.7.1** the seriousness of the offence(s) and/or alleged offence(s) involved;

**8.3.11.7.2** the number of convictions;

**8.3.11.7.3** the time lapse since the last conviction; and

**8.3.11.7.4** the fact that the convictions were not made known at the time of applying for membership or appointment as a member of the Forum or Sub-Forum.

**8.3.11.8** An applicant, organization or a member of the Forum or Sub-Forum whose application has been rejected or whose membership has been terminated, may request reasons for the rejection of the application for membership or the termination of membership. The applicant, member or organization may, after receiving such a reply, appeal to the next higher Forum or Board within 7 days and a reply must be supplied within 14 days after the receipt of the appeal. If not satisfied with the decision of the higher Forum or Board, representations may be forwarded to the Deputy Provincial Commissioner, Policing.

**8.3.11.9** First applicants for membership of an established Forum, whose applications for membership has been approved, will from the time that the membership is approved and three(3) Months thereafter, have no voting rights in the meeting of the Forum or Sub-Forum

**8.3.11.10** Membership shall be renewed annually, thirty (30) days before the Annual General Meeting by means of a written application and mandate to the Forum or Sub-Forum. Failure to renew a membership within the prescribed period, the membership shall lapse until the re-application is received and considered.

**8.3.11.11** Ward Councilors are ex-officio members of the Forums in their area.

**8.3.11.12** Security service providers and related companies and employees of the Security Industry should not be elected as executive members of the Forum or Sub-Forum.

#### **8.4 Powers and Functions: Forum and Sub-Forum**

**8.4.1** to promote the aims and objectives of the Forums as determined in paragraph 7 of this Constitution;

**8.4.2** to, at its own discretion appoint Committees and/or Sub-Committees and allocate tasks to these Committees;

**8.4.3** to maintain efficient control over members and the administration of the Forums;

**8.4.4** to receive, investigate, consider and rule on grievances or conflicts regarding the activities of the Forums and that of Community Safety- and Victim Support Structures. Complaints and grievances against the Executive of the Sub-Forum shall be dealt with by the Forum and complaints and grievances against the Executive of the Forum shall be dealt with by the Cluster Community Police Board.

**8.4.5** to compile a Community Safety Plan for each financial year. The plan must include the inputs of the Sub-Forums. The following process should be followed for the plan to be adopted at a Special Meeting;

**8.4.5.1** a Police Priority Needs Meeting must be convened to identify the Police Priority Needs of the precinct. The meeting must be attended by all the role players in the precinct;

**8.4.5.2** a report on what was achieved in terms of the previous Community Safety Plan must be supplied;

**8.4.5.3** with the identified Police Priority Needs, the meeting must draft a Community Safety Plan for the new financial year;

**8.4.5.4** the Draft Community Safety Plan must be presented to an adopted by the Forum at a Special Meeting;

**8.4.6** to oversee all projects, and may co-opt a person(s) to manage, execute and/or advise on the projects;

**8.4.7** to adopt a Code of Conduct for members of the Forum and Sub-Forums;

#### **8.5. Responsibility of the Station and Sector Commander**

**8.5.1** Assist with the establishment and management of the Forum and Sub-Forum;

**8.5.2** Designate statutory members to the Forum and Sub-Forum;

**8.5.3** The Station Commander in conjunction with the Crime Information Office at the Station shall be responsible for the screening of the members of the Forum and Sub-Forum, and,

**8.5.3.1** the Crime Information Office must after the screening comment on the applicants' application for membership,

**8.5.3.2** the screening information of the different members of the Forum or Sub-Forum shall be kept by the Station Commander.

**8.5.4** Allow reasonable access to the resources of the Station for the administration of the Forum and Sub-Forum;

**8.5.5** provide reasonable access to resources of the Station to members of the Forum or Sub-Forum to execute their functions in terms of this Constitution;



- 8.5.6** Provide transport for members of the Forum, who are also members of the Boards, invited to attend Board Meetings and Workshops when there is no reasonable access to public transport;
- 8.5.7** During meetings, provide the necessary feedback to the Forum or Sub-Forum;
- 8.5.8** Update the Forum or Sub-Forum in regard to new developments in Community Policing, Police/Community Relations and developments affecting the Forums and Structures;
- 8.5.9** Ensure that the decisions of the Forums or Sub-Forums are communicated to the members at the Station and Contact Point (where applicable);
- 8.5.10** Provide a Register/Occurrence Book at the Station or Contact Point for the Community Safety- and Victim Support Structures to register their duties and/or Services.

### **8.6 Cluster Community Police Boards**

#### **8.6.1 Establishment and Management**

**8.6.1.1** The Cluster Commander shall, after the establishment of Forums at all the Stations in the Cluster, in order to establish a Cluster Community Police Board, invite the following persons:

- 8.6.1.1.1** the Chairpersons of the Forums in the Cluster;
- 8.6.1.1.2** representatives of the Community Safety Structures Association and Victim Support Association Structures in the Cluster;
- 8.6.1.1.3** Station Commanders in the Cluster;
- 8.6.1.1.4** any persons to be co-opted to the board in an advisory or support capacity;
- 8.6.1.1.5** a designate of the Municipal Police Service, where applicable;
- 8.6.1.1.6** members of the Department responsible for Police/ Community Relations;
- 8.6.1.2** An Executive Committee must be elected from the Chairpersons of the Forums in the Cluster and the Committee shall consist of:
  - 8.6.1.2.1** a Chairperson and a Deputy Chairperson;

- 8.6.1.2.2** the Cluster Commander, and
- 8.6.1.2.3** a Treasurer;
- 8.6.1.2.4** a Secretary must be appointed by the Cluster Commander;
- 8.6.1.3** After the election of the Executive Committee, the names of the office bearers and the minutes of the meeting must be reported to the Provincial Community Police Board or the Office of the Provincial Commissioner, if the Provincial Community Police Board is not in place;
- 8.6.1.4** A new Executive Committee shall be elected at an Annual General Meeting at the end of the term of the office of the Board;
- 8.6.1.5** Any vacancies on the Executive Committee due to resignation, expulsion or otherwise, must be filled by means of an Election at a Special General Meeting. As an interim measure, the Executive of the Board may decide who will perform the duties and functions in the vacant position until a Special General Meeting is called within 21 days from the date that the position became vacant;
- 8.6.1.6** The Chairperson and Deputy-Chairperson may not be eligible for re-election with regard to the same position after holding the said position for two consecutive terms of office;
- 8.6.1.7** The Cluster Commander must ensure that the minutes of the meetings of the Board are submitted to the responsible person at the Office of the Provincial Commissioner within 7 days after the meeting;
- 8.6.2** Powers and Functions: Cluster Community Police Board  
The powers and functions of the Board shall, among others; be to:
  - 8.6.2.1** promote the aims and objectives of the Forums as determined in paragraph 7 of this Constitution at a Cluster Level;
  - 8.6.2.2** assist with the screening of the office bearers of the Forum on the request of the Station Commissioners;
  - 8.6.2.3** assist with the establishment of Forums and Sub-Forums in the Cluster;
  - 8.6.2.4** assist with the elections of members of the Executive Committees of the Forums in conjunction with the Department;

- 8.6.2.5** ensure that the Forums are operating in line with this Constitution;
- 8.6.2.6** assist and support the Forums with and during Community Projects;
- 8.6.2.7** give guidance in regard to the efficient management of the Forums;
- 8.6.2.8** assist the Forums and Structures with Dispute Resolution in the Forums and Structures;
- 8.6.2.9** assist with the establishment and management of the Community Safety and Victim Support Structures;
- 8.6.2.10** adopt a Code of Conduct for members of the Board;
- 8.6.3** Responsibility of the Cluster Commander
  - 8.6.3.1** Assist with the establishment and management of the Forums;
  - 8.6.3.2** Designate members to the Cluster Board and appoint a Secretary;
  - 8.6.3.3** Allow reasonable access to the resources of the Cluster for the administration of the Cluster Board;
  - 8.6.3.4** Provide reasonable access to members of the Board to execute their functions in terms of this Constitution;
  - 8.6.3.5** Provide transport to members of the Board invited to attend Board Meetings and Workshops;
  - 8.6.3.6** During meetings, provide the necessary feedback to the Board;
  - 8.6.3.7** Update the Board in regard to new developments in Community Policing, Police/Community Relations and developments affecting the Forums, Sub-Forums, Boards and Structures;
  - 8.6.3.8** Keep a database of functional and non-functional Forums in the Cluster and steps to be taken to revive non-functional Forums and Sub-Forums;
- 8.6.4** Responsibility of the Chief of the Municipal Police Service (where applicable)
  - 8.6.4.1** To support the SAPS with the establishment of Forums and Boards in the areas of jurisdiction;

- 8.6.4.2** To designate members to the Sub-Forums, Forums and Boards in the areas of jurisdiction;
- 8.6.4.3** To, during meetings, provide the necessary feedback on service and delivery by Municipal Forum to the Board and forum;
- 8.6.4.4** To update the Board in regard to new developments in Community Policing, Police/Community Relations and Developments affecting the Forums, Boards and Structures from the side of the Municipal Police Service;
- 8.6.4.5** To convey the decisions of the Board to members under his or her command;

### **8.7 Provincial Community Police Board**

#### **8.7.1 Establishment and Management**

- 8.7.1.1** The Provincial Commissioner shall, after the establishment of Cluster Community Police Boards in all the Clusters in the Province, in order to establish a Provincial Community Police Board, invite the following persons:
- 8.7.1.1.1** the Chairpersons of the Cluster Community Police Boards;
  - 8.7.1.1.2** representatives of the Community Safety and Victim Support Structures Associations in the Province;
  - 8.7.1.1.3** any persons to be co-opted to the Board in an advisory or support capacity;
  - 8.7.1.1.4** the Head of the Department of Community Safety or a designate;
  - 8.7.1.1.5** officials of the Department of Community Safety responsible for Police/Community Relations;
  - 8.7.1.1.6** Cluster Commanders;
  - 8.7.1.2** The Executive Committee must be elected from the Cluster Chairpersons;
  - 8.7.1.3** The Executive Committee shall consist of:
    - 8.7.1.3.1** Chairperson and Deputy Chairperson;
    - 8.7.1.3.2** Secretary and Assistant Secretary;

- 8.7.1.3.3 Treasurer;
- 8.7.1.3.4 Statutory members;
- 8.7.1.3.5 Project Co-ordinator;

8.7.1.4 After the Election, the names of the office bearers must be reported to the Office of the National Commissioner with a copy of the adopted Constitution;

8.7.1.5 The Executive may as the need arises, task the other members of the Board to execute or manage certain tasks or projects;

8.7.1.6 Any vacancies on the Executive Committee due to resignation or expulsion and/or otherwise, must be filled by means of an election at a Special General Meeting. As an interim measure, the Executive of the Board may decide who will perform the duties and functions in the vacant position until a Special AGM is called within 21 days from the date that the post became vacant.

### **8.7.2 Powers and Functions: Provincial Community Police Board**

8.7.2.1 To promote the aims and objectives of the Forums and Boards as determined in paragraph 7 of this Constitution at a Provincial level;

8.7.2.2 To assist with the establishment of Sub-Forums, Forums and Cluster Boards;

8.7.2.3 To ensure that the Forums and Cluster Boards are operating in line with the Constitution;

8.7.2.4 Give guidance in regard to the efficient management of the Forums and Cluster Boards;

8.7.2.5 To assist the Forums, Boards and Structures with Dispute Resolution;

8.7.2.6 To assist and support the Forums with and during community projects;

8.7.2.7 To assist with the establishment and management of the Community Safety and Victim Support Structures and Associations;

8.7.2.8 To adopt a Code of Conduct for members of the Board;

### **8.7.3 Responsibility of the Provincial Commissioner**

8.7.3.1 To assist with the establishment and management of the Forums and Boards;

8.7.3.2 To designate members to the Provincial Board;

8.7.3.3 To allow reasonable access to the resources of the Province for the administration of the Provincial Board;

8.7.3.4 To provide reasonable access to members of the Board in order to execute their functions in terms of this Constitution;

8.7.3.5 To provide transport to members of the Board invited to attend Board Meetings and Workshops;

8.7.3.6 To, during meetings, provide the necessary feedback;

8.7.3.7 Update the Board in regard to new developments in Community Policing, Police/Community Relations and developments affecting the Forums, Boards and Structures;

8.7.3.8 Convey the decisions of the Board to the members under his or her command;

### **8.7.4 Responsibility of the Department of Community Safety**

8.7.4.1 To assist with the establishment of Forums, Boards, Community Safety- and Victim Support Structures;

8.7.4.2 To promote good relations between the community, the SAPS and the Municipal Police Service;

8.7.4.3 To assess and monitor the effectiveness of the Forums and Boards;

8.7.4.4 To provide the necessary financial support to the Forums, Boards, Community Safety- and Victim Support Structures and their community projects according to the guidelines of the Department;

8.7.4.5 To act as an independent body during the elections of Executive Committees of Forums, Boards and Structures;

8.7.4.6 To, during meetings, provide the necessary feedback on the activities of the Department in the monitoring and support to the Forums, Boards and Structures;

8.7.4.7 To assist the Forums, Boards and Structures with Dispute Resolution;

8.7.4.8 To update the Forums, Boards and Structures in regard to initiatives from the Department to enhance Police/Community Relations and the encouragement of the communities to assist the Police and civilian oversight responsibilities;

### **9. RIGHTS, DUTIES AND OBLIGATIONS OF MEMBERS**

9.1 Every member of the Forum and Board shall have the following rights duties and obligations;

9.1.1 to participate in all activities of the Forum and Board and be accountable to the community;

9.1.2 to elect or be elected to any position in the Forum or Board;

9.1.3 to have access to the records, books and minutes of all meetings of the Forum or Board on reasonable grounds;

9.1.4 to encourage members of the community, Community-based Organizations and Structures to participate in the activities of the Forum and Boards;

9.1.5 to support the Provincial and Local Community Safety Plan and National Policing Objectives and Priorities through projects or otherwise;

9.1.6 to be transparent and accountable when dealing with money, assets and information of the Forum or Board;

9.1.7 to regularly attend meetings, be punctual and comply with the general procedure for meetings.

### **10. MEETINGS**

10.1 Annual General Meetings: Forums and Boards

10.1.1 An Annual General Meeting, may be attended by Community-Based Organizations, Institutions, Bodies, Community Safety- and Victim Support Structures and who are registered members of the Forum or Board,

10.1.1.1 Individual members of the community are welcome as observers (no voting powers)

10.1.1.2 The Annual General Meeting must be convened between;

10.1.1.2.1 September to December at Station- and Sub-Forum Level;

10.1.1.2.2 January to February at Cluster Boards Level.

10.1.1.2.3 The Provincial Board must have its Annual General Meeting during March.

10.1.3 Written notice of the Annual General Meeting must be forwarded by the Secretary at least twenty-one (21) days in advance of the proposed meeting to all members of the Forum, Sub-Forum, Cluster Board, Provincial Board, the Department and the Municipal Police Service, where applicable.

10.1.4 At an Annual General Meeting the Forums and Boards shall:

10.1.4.1 receive, discuss and adopt the Community Safety Plan and Projects;

10.1.4.2 receive, discuss and adopt the Executive Committee's Report on the work of the Forum or Board, which must include:

10.1.4.2.1 the Chairperson's Report;

10.1.4.2.2 the Station Commissioner's, Cluster Commanders or Provincial Commissioner's Report;

10.1.4.2.3 report of the designate of the Municipal Police Service (where applicable);

10.1.4.2.4 a financial report for the past year;

10.1.4.2.5 report of the designate of the Department;

10.1.4.3 Discuss matters pertaining to Policy Objectives of Community Policing;

10.1.4.4 Elect the Executive Committee, if election of the Committee is due;

10.1.4.5 Fifty percent (50%) plus one (1) of the designated members of the Sub-Forum, Forum or Board will constitute a quorum;

10.1.4.6 A written apology will not be accepted and included for purposes of a quorum;

**10.1.4.7** A proxy must be appointed in writing in the place of the absent designated Member and this must be submitted to the Secretary at least 5 days before the meeting;

**10.1.4.8** If no quorum is attained at this meeting, the meeting will be postponed for a period of fourteen (14) days;

**10.1.4.9** Notices of the rescheduled meeting should be forwarded to all members at least seven (7) days to the said meeting;

**10.1.4.10** If no quorum is attained at the rescheduled meeting, the meeting shall continue with the attendees who shall be deemed to be a quorum;

**10.1.4.11** The following meeting procedures will be followed at an Annual General Meeting:

**10.1.4.11.1** reading of the notice and agenda according to which the meeting was convened;

**10.1.4.11.2** reading and validation of the minutes of the previous Annual General Meeting and the minutes of Special General Meetings;

**10.1.4.11.3** the discussion of any issues arising from the minutes mentioned;

**10.1.4.11.4** reading and approval of the Chairperson's Annual Report as well as the Financial and other Reports;

**10.1.4.11.5** election of the Executive Committee of the Forum and Board (if necessary);

**10.1.4.11.6** if the election of the Executive Committee is necessary, the election shall be officiated by an official of the Department, and if not available, an impartial organization or person appointed by the Department after consultation with the Station Commander, Cluster Commander or the office of the Provincial Commissioner, and;

**10.1.4.11.7** discussions and consideration of the issues on the agenda for deliberation at the meeting;

## **10.2 Special General Meetings: Forums and Boards**

**10.2.1** The Forum or Board may instruct the Secretary to convene a Special General Meeting to discuss and rule on special matters.

**10.2.2** The Secretary shall, on a written request, convene a Special General Meeting to have the Executive to rule on issues listed by the members in writing on the condition that the request is supported by forty percent (40%) of the total number of members of the Forum or Board.

**10.2.3** Requests for a Special General Meeting must reach the Secretary at least twenty-eight (28) days prior to the envisaged meeting. The Secretary must then, in writing, notify all members of the forum of such a meeting at least fourteen (14) days in advance.

**10.2.4** The notice of such a Special General Meeting must specify the purpose of the meeting and matters to be dealt with at the meeting and may include notices for reviewing any of the resolutions passed at an Annual General Meeting or a Special General Meeting.

**10.2.5** No previous resolution or ruling pertaining to any of the matters may be revoked or amended by such a Special General Meeting unless a two-thirds ( ) majority is reached.

**10.2.6** Fifty percent (50%) plus one (1) of the designated members of the Forum or Board will constitute a quorum.

**10.2.7** A written apology will not be accepted and included for purposes of a quorum. In the absence of a quorum the procedure will be the same as in the case of the Annual General Meeting;

## **10.3 General Meetings: Forums and Boards**

**10.3.1** General Meetings of the Forum must consist of members of the Forum, Institutions or Bodies, members of the general public and Statutory Members and shall meet at least every second month to report on achievements, best practices, challenges and the way forward.

**10.3.2** In the case of Boards, the meeting may also be attended by Municipal Police Service (where applicable), other Law Enforcement Agencies, Criminal Justice Cluster and members of the business fraternity.

**10.3.3** A quorum of twenty five percent (25%) of designated members on the Forum or Board is necessary for a General Meeting.

### **10.4 Executive Committee Meetings: Forums and Boards**

**10.4.1** The Executive Committee of the Forum or Board will convene at least once a month, and more often if necessary, to discuss and rule on matters relating to management and objective issues of the Forum or Board and request the necessary feedback and reports.

**10.4.2** All resolutions must be passed by means of fifty percent plus one (50% + 1) vote. In the event of a tie, the Chairperson will have a deciding vote.

**10.4.3** In the event that the Chairperson is absent from an Executive Committee Meeting, the Deputy Chairperson will chair the meeting. In the absence of both, the meeting must decide on a Chairperson.

**10.4.4** In the case of a Forum and the Provincial Board, at least four (4) members of the Executive Committee of which the Station Commander and the Provincial Commissioner or a Representative must be part of, constitutes a quorum at an Executive Committee Meeting.

**10.4.5** In the case of a Cluster Community Police Board, a quorum for the Executive Committee shall consist of the Chairperson and the Deputy Chairperson or the Treasurer and the Cluster Commander or his or her representative.

### **10.5 General Procedures for Meetings: Forums and Boards**

**10.5.1** Meetings shall be conducted in terms of generally accepted procedures and practices relating to meetings.

**10.5.2** Decisions will be taken by consensus as far as possible,

**10.5.3** Members should obtain permission from the Chairperson to speak, by raising their hands.

**10.5.4** Members should, at all times, when they have the floor, address the Chairperson.

**10.5.5** Persons in the meeting must be addressed appropriately,

**10.5.6** When a person is found to persist with poor conduct during the meeting, the Chairperson may instruct the person to leave the meeting.

**10.5.7** No unnecessary disturbances will be tolerated, but representatives may interrupt a speaker on a point of order. With regard to a point of order, the Chairperson will make the final decision.

**10.5.8** The Chairperson may, with the permission of the meeting, amend the agenda. Additions and/or omissions may be made at the commencement of the meeting,

**10.5.9** Representatives of the Department may attend all meetings as observers.

## **11. VOTING:**

**11.1** Only one (1) Statutory member must vote for the SAPS and Municipal Police Service at any meeting of the Forum or Board,

**11.2** For election purposes, office bearers will be voted in by secret ballot or any other fair process agreed by the meeting.

**11.3** A person co-opted to the Forum or Board shall not be allowed to vote at any meeting of the Forum or Board,

**11.4** Voting by proxy at any meeting is only allowed when the proxy is properly mandated in writing,

**11.5** Community Safety and Victim Support Structures / Associations will only have one vote each and must, after registration, designate one member to vote on their behalf.

**11.6** For the purpose of voting, Community-Based Organizations, Institutions, Bodies, except political parties, will as far as possible, be clustered according to their aims and objectives in terms of their sectors and the cluster must after clustering appoint a representative to vote on behalf of the cluster".

**11.7** In the case of a tie during any voting process of the Forum or Board, the Chairperson shall have a decisive vote.

## **12. FINANCIAL AND ASSET ADMINISTRATION: FORUMS**

**12.1** The Forum and Board shall manage its financial affairs and assets in accordance with generally acceptable practices.

**12.2** The Forum and Board shall keep income and expenditure statements as well as an Asset Register.

**12.3** The financial affairs of a Forum or Board should also be managed in compliance with any policy and/or directives regarding financial administration issued by the Department or the Service,

**12.4** No member of the Forum or Board will have any claim against the Forum or Board in respect of:

**12.4.1** remuneration;

**12.4.2** any property acquired by the Forum or Board;

**12.4.3** any profit coincidentally acquired by the Forum or Board;

**12.5** No member of the Forum or Board shall be allowed to do business with the Forum or Board or use the name of the Forum or Board to promote his or her own business or that of relatives and friends. This includes making proposals to employ a certain supplier, giving quotes, invoices, tenders, etc.

**12.6** A member may claim reasonable and necessary expenses incurred for traveling, accommodation and meals relating to the activities of the Forum or Board, with prior written authorization by the Executive Committee of the Forum or Board.

**12.7** The financial year of a Community Police Forum or Board shall commence on 1st of April of every year and shall end on 31st March of the next year.

**12.8** The Forum or Board shall open an account at a registered financial institution in which all funds received by the Forum or Board will be deposited. The names of the nominated signatories must be recorded in the minutes of the meeting. A change of signatories must be done within 14 days after the status has been withdrawn or has lapsed.

**12.9** A Forum or Board shall only have one bank account. A new bank account may only be opened when the old one has been closed.

**12.10** The names of the persons or office-bearers who will be signatories to the account in the name of the Forum or Board shall be recorded.

**12.11** An acceptable set of financial books and Asset Registers shall be maintained by the Treasurer and shall be available for inspection by the responsible persons. This inspection shall be conducted twice a year.

**12.12** The Department or the Service may also request that the Financial Reports of a Forum or Board be audited at the cost of the Department or the Service.

**12.13** The Forum or Board must keep an Asset Register in order to ensure that all property is accounted for.

**12.14** A Financial Report and Asset Report shall be tabled at each General Meeting of the Forum or Board.

**12.15** All financial expenditure, donations or sponsorship by the Forum or Board must be approved by the Executive Committee and be recorded accordingly.

**12.16** A Forum or Board may raise funds and accept donations and sponsorships in order to achieve its objectives. Donations and sponsorships must only be received by the Treasurer on behalf of the Forum.

**12.17** Funds received by the Forum or Board must be deposited into the bank account of the Forum or Board immediately or a day thereafter and assets received by the Forum or Board must be registered in the Asset Register as soon as possible.

## **13. DUTIES OF THE CHAIRPERSON: FORUMS AND BOARDS**

**13.1** The Chairperson shall:

**13.1.1** preside over meetings of the Forum or Board, and;

**13.1.1.1** be a representative of the Forum or Board;

**13.1.1.2** present reports on the activities of the Forum or Board to the meetings of the Forum or Board;

**13.1.1.3** supervise all work of the Forum or Board, in consultation with other Executive members.

**13.1.1.4** report regularly to the Forum or Board on instances where the Forum or Board was represented;

**13.1.1.5** as far as possible sign all outgoing correspondence of the Forum or Board;

**13.1.1.6** in conjunction with the Treasurer ensure that the funds of the Forum or Board are administered in accordance with the policy, plans and reason for the allocation.

**13.2** No statutory member may serve as a Chairperson of the Forum or Board except for the period that the Forum or Board has been dissolved and in order to re-activate the Forum or Board.

## **14. DUTIES OF THE DEPUTY CHAIRPERSON**

**14.1** The Deputy Chairperson shall act as Chairperson in the absence of the Chairperson at any proceedings of the Forum or Board and he or she shall perform all functions, duties and responsibilities of the Chairperson as described in this Constitution.

**14.2** No Statutory member may serve as a Deputy Chairperson.

**14.3** In the absence of the Chairperson and the Deputy Chairperson of the Forum or a Board, the Executive Committee shall nominate a Chairperson for that purpose from members of the Executive Committee.

## **15. DUTIES OF THE SECRETARY**

**15.1** The Secretary shall:

**15.1.1** take minutes in accordance with set format and standard;

**15.1.2** receive all correspondence directed to the Forum or Board;

**15.1.3** arrange all meetings as may be decided upon by the Executive Committee;

**15.1.4** keep all official documents of the Forum or Board other than financial records;

**15.1.6** perform all other procedural and organizational duties which relates to his or her duties as Secretary.

**15.2** A statutory member may not be appointed as a Secretary for the Forum or Board, but may be appointed as an Assistant Secretary, except in the case of a Cluster Board and for the period that the Forum or Board has been dissolved and in order to re-activate the Forum or Board.

## **16. DUTIES OF THE ASSISTANT SECRETARY**

**16.1** The Assistant Secretary shall:

**16.1.1** assist the Secretary in the execution of his or her functions, responsibility and obligations;

**16.1.2** act as Secretary in the absence of the Secretary and perform all functions, duties, responsibilities and obligations of the Secretary;

**16.2.2** perform any function, duty, responsibility and obligation delegated to him/her by the Secretary or the Executive;

## **17. DUTIES OF THE TREASURER**

**17.1** The Treasurer shall:

**17.1.1** be responsible for the finances as prescribed in this Constitution and shall, on the direction of the executive of the Forum or Board operate a banking account on behalf of the Forum or Board;

**17.1.2** keep books of account and other records necessary, to reflect on the financial position of the Forum or Board;

**17.1.3** form part of the Project Committees and;

**17.1.3.1** assist with the development and execution of projects for fundraising;

**17.1.3.2** assist with the preparation of Business Plans, and;

**17.1.3.4** present monthly Financial Reports to the Forum or Board;

**17.2** No statutory member may be appointed as a Treasurer;

**17.3** The Treasurer must hand over all financial documentation before vacating his or her office at the Annual General Meeting, if not re-elected.

**17.4** The Treasurer must represent the Forum or Board on the Departmental and SAPS Funding and Project Committees;

**17.5** In the case of a Resignation or Expulsion, the Treasurer must hand over all the bank accounts of the Forum or Board and all the related financial documentation to the Station Commander, Cluster Commander or responsible person at the office of the Provincial Commissioner;

**17.6** The Treasurer shall also keep and update the Asset Register of the Forum or Board;

### **18. DUTIES OF THE PROJECT CO-ORDINATOR**

**18.1** The Project Co-ordinator shall:

**18.1.1** be responsible for managing and implementing projects sanctioned by the Forum or Board;

**18.1.2** be the link between the projects and the Forum or Board;

**18.1.3** regularly provide the Forum or Board with the progress and evaluation reports on the projects;

### **19. DUTIES OF THE PUBLIC RELATIONS OFFICER**

**19.1** The Public Relations Officer shall:

**19.1.1** be responsible for the publicity of the Forum or Board, its activities and successes;

**19.1.2** facilitate the communication between the media and the Forum or Board;

**19.1.3** ensure that there is adequate community participation in activities of the Forum or Board;

**19.1.4** be responsible for the communication strategy of the Forum or Board;

**19.1.5** keep record of all media and community coverage;

**19.1.6** liaise with the SAPS counterparts to keep each other informed of media statements and enquiries relating to the Forum or Board;

**19.1.7** only communicate on behalf of the Forum or Board with the authority of the Executive;

**19.2** No statutory member may be appointed as a Public Relations Officer for the Forum or the Board;

### **20. DISPUTE RESOLUTION PROCEDURES**

**20.1** The objectives of the Dispute Resolution Procedures are:

**20.1.1** to resolve and manage conflict and grievances in the Forum or Board;

**20.7.2** to address instances of unacceptable conduct by members of the Forum or Board;

**20.2** The Forum or Board may elect to address unacceptable behavior, depending on the seriousness of the behavior, in terms of the Dispute Resolution Procedures;

**20.3** Disputes arising at a Forum or Sub-Forum that cannot be resolved at that level, must be referred to the Cluster Board. If it cannot be resolved by the Cluster Board, it should be referred to the Provincial Board;

**20.4** Disputes which cannot be resolved by the Provincial Board and those which arise from the Provincial Board must be attended to by the Provincial Commissioner in conjunction with the Department. If the dispute can still not be solved, it should be referred to the office of the National Commissioner.

**20.5** No member may refer any dispute to a Court of Law unless all internal remedies have been exhausted.

### **21. ESTABLISHMENT AND MANAGEMENT: COMMUNITY**

#### **SAFETY- AND VICTIM SUPPORT STRUCTURES AND ASSOCIATIONS**

**21.1** The Forum or Sub-Forum may establish, direct the establishment, register and have oversight over the Community Safety- and Victim Support Structures to:

##### **21.1.1 Community Safety Structures;**

**21.1.1.1** be visible and maintain visibility in the demarcated area for the purpose of deterring criminals or would be criminals and reporting criminal activities to the police,

**21.1.1.2** advise the community on safety hints, domestic violence related issues and how to safely secure themselves and their property,

**21.1.1.3** assist the police within the legal limits of citizen responsibility,

**21.1.1.4** be available and prepared to testify for the opposition of bail in serious cases,

**21.1.1.5** assist with the support to witnesses and victims of serious crimes.

##### **21.1.2 Victims Support Structures;**

**21.1.1.1** provide the necessary support to victims and witnesses of serious crime,

**21.1.1.2** assist with the provision of counseling for the victims of crime in conjunction with other State Departments and NGO's,

**21.1.2.3** assist the police within the legal limits of citizen responsibility,

**21.1.2.4** be available and prepared to testify for the opposition of bail in serious cases.

**21.2** The Forum or Sub-Forum shall:

**21.2.1** be responsible for the activities of Community Safety- and Victim Support Structures and must determine Policy and Standards after consulting the Department and the SAPS;

**21.2.2** monitor the conduct of the Structures and oversee the effectiveness and efficiency of the Structures and receive reports on their performance;

**21.2.3** register and request for the screening of the members of the Executive Committees of the Community Safety- and Victim Support Structures;

**21.2.4** ensure that a Register/Occurrence Book is provided at the Station or Contact Point of the Sector in which Community Safety- and Victim Support Structures should report their duties, type of duties and the area in which they will be doing their duty and the contact number of the person in charge of the duties. In the case of Victim Support Structures, the purpose and duties for standby and the contact numbers should be supplied;

**21.2.5** Members of the Structures, while on duty, must supply regular situation reports to the responsible person in the Community Service Centre or Contact Point;

**21.3** The CPF shall encourage the establishment of Community Safety and Victim Support Structures.

**21.4** The Community Safety- and Victim Support Structures shall report and be represented and accountable to the Forums and Boards.

**21.5** In the case where there is more than one Community Safety and Victim Support Structure in the Station Precinct, a Local Community Safety Structure Association and Local Victim Support Structure Association must be established for the Station Precinct to represent the Structures on the Forum of the Precinct.

##### **21.6 Representation of the Associations;**

**21.6.1** The chairpersons of the different Community Safety- and Victim Support Structures in the precinct must each form a Local Structure Association and the Chairpersons of the Local Structures Associations must represent the Structures in the Forum;

**21.6.2** The chairpersons of the different Local Structures Associations in the Cluster must each form a Cluster Structure Association and elect a chairperson for the Associations to represent the Community Safety- and Victim Support Structures on the Cluster Community Police Board;

**21.6.3** The chairpersons of the different Cluster Community Safety- and Victim Support Structures in the Province must form a Provincial Structures Associations and elect a chairperson to represent the different structures on the Provincial Community Police Board.

**21.7** The Structures shall supply reports and feedbacks to Forums and Boards in regard to their functioning, administration and activities and successes in the Precinct, Cluster and Province,

**21.8** The Associations shall indemnify the CPF Boards, the Department and the SAPS from any unlawful and/or negligent actions of its members.

**21.9** A Uniform Constitution for Community Safety and Victim Support Structures shall be drafted for adoption and the Constitution must, among others, set out:

**21.9.1** name of the Structure;

**21.9.2** aims, objectives, powers and functions;

**21.9.3** Code of Conduct and Dispute Resolution;

**21.9.4** Membership requirements;

**21.9.5** Management of finances and assets;

**21.9.6** Procedure of dissolution of the Structure,

**21.10** No member of the Community Safety - and Victim Support Structures should be recruited or registered as an informer for the Service.

## **22. CODE OF CONDUCT, MISCONDUCT, SUSPENSION AND DISCIPLINARY PROCEDURES: FORUMS AND BOARDS**

### **22.1 Code of Conduct**

**22.1.1** All members of the Forum and Boards, including all affiliated organizations must conduct themselves in an ethical and proper manner;

**22.1.2 All members must exhibit mutual understanding on a cross-cultural level and act maturely, diplomatically and in a civilized way;**

**22.1.3** Members must refrain from promoting party politics when dealing with the Forum or Board matters;

**22.1.4** Members of the Forum and Boards must address members of the South African Police Service, Metro Police Service and Law Enforcement Agencies according to their ranks;

**22.1.5** Members must refrain from using abusive, racist and/or sexist remarks;

**22.1.6** No member shall misuse the resources of the Forum or Board;

**22.1.7** No member shall participate in the activities of the Forum or Board if found to be under the influence of any illegal substance, drugs or alcohol;

**22.1.8** All members of the Forum must declare any conflict of interest and must recuse him or herself from any decision or vote in which there is a conflict of interest, financial or otherwise;

**22.1.9** No member shall engage in any conduct which may bring the Forum or Board into disrepute;

**22.1.10** No member of the Forum or Board must accept membership of the Community Safety Structures without informing the Forum or Board;

**22.1.11** The Chairperson and all the other members of the executive of the Forum or Board must report in writing on all their activities relating to the Forum or Board from the date of the last meeting;

**22.1.12** No member of the Forum or Board should allow him- or herself to be recruited or be registered as an informer for the Service.

**22.1.12** Forums and Boards may adopt their own Codes of Conduct, but this should not have determinations which are in conflict with the determinations of this Constitution;

### **22.2 Misconduct**

A member of the Forum or Board commits misconduct if he or she, among others:

**22.2.1** Contravenes the provisions of this Constitution;

**22.2.2** Disrupts the activities of the Forum or Board;

**22.2.3** Creates division within the ranks of the Forum or Board;

**22.2.4** Impedes the proper functioning of the Forum or Board;

**22.2.5** Acts for other organizations/groups/individuals hostile to the Forum or Board's Code of Conduct and this Constitution;

**22.2.6** Acts for any group and/or person who seeks to disrupt the activities of the Forum or Board or prevents it from fulfilling its set aims and objectives;

**22.2.7** Acts in a way that exposes the members of the Forum or Board and/or members of the public to serious danger and/or physical harm, and/ or death;

**22.2.8** Behaves dishonestly in relation to the property of the Forum or Board;

**22.2.9** Passes on information that might be harmful to the functions and activities of the Forum or Board;

**22.2.10** By using his or her position and membership of the Forum or Board to obtain material or other advantages;

**22.2.11** Assaults another member or behaves in an unruly manner during meetings;

**22.2.12** Commits any Common Law or Statutory Offence; (a Final Domestic Violence Interdict should for this purpose be taken into consideration)

**22.2.13** Communicates with the media with regard to the activities of the Forum or Board without a proper mandate;

**22.2.14** Commits an act of sexual harassment;

**22.2.15** On acceptance of the membership of the Forum, fails to declare his or her previous involvement in crime;

**22.2.16** By, after being elected as a member of the Forum or Board, fails to avail self or the necessary information for screening;

**22.2.17** By accepting membership of the Community Safety- and Victim Support Structures without informing the Forum or Board;

**22.2.18** By using the name and logo of the Forum or Board for purposes not related to the functions, aims and objectives of the Forum or Board;

**22.2.19** Engage in the activities of the Forum or Board or allow him or herself to be employed for the activities of the Forum or the Board while:

**22.2.19.1** suspended pending a Disciplinary Investigation, or;

**22.2.19.2** suspended from the Forum or Board after having being found guilty of misconduct;

**22.2.20** By using his membership of the Forum or Board to do business with the Forum or Board or use the name of the Forum or Board to promote his or her own business interest or that of relatives or friends;

**22.2.21** By committing any other act calculated to undermine the effectiveness of the Forum or Boards and its projects;

### **22.3 Suspension**

#### **22.3.1 Guiding Principles:**

**22.3.1.1** A member alleged to have contravened the determinations of this Constitution, the Code of Conduct or has committed Misconduct must be dealt with in accordance with the Disciplinary Procedure and may be suspended pending or during a Misconduct Investigation, a Disciplinary Hearing, a Criminal Investigation and/or the finalization of a Domestic Violence related complaint;

**22.3.1.2** A fair process should be followed when considering the suspension of a member of the Forum or Board;

**22.3.1.3** A member must be informed, in writing, of the intention to suspend him or her and must be heard before a decision to suspend him or her is considered;

**22.3.1.4** When considering suspensions, the responsible person(s) should be assisted by a Legal Official;

**22.3.1.5** A member must, in writing, be informed of the suspension and reasons for suspension;

**22.3.1.6** If a member is suspended, the suspension will result in the automatic suspension of his or her membership, duties and position on the Forum and Boards;

**22.3.1.7** The decision to suspend may be taken if;

**22.3.1.7.1** there is reasonable grounds to suspect that the member contravened the determinations of the Constitution or Code of Conduct and has committed Misconduct, and;

**22.3.1.7.2** circumstances are such that the member should not be allowed to exercise his or her duties as a member or Executive Committee Member of the Forum or Board;

**22.3.1.8** The position of the suspended person in the Forum and Boards remains vacant until the finalization of the matter against him or her or the lifting of the suspension for whatever reason by an authorized person;

**22.3.1.9** A suspension ceases after the finalization of the matter where the person is not expelled from the Forum or Boards;

**22.3.1.10** A suspension may be lifted by the Cluster Commander, the Deputy Provincial Commissioner: Policing or the Provincial Commissioner, depending on what level the decision to suspend was taken.

### **22.3.2 Suspensions:**

**22.3.2.1** Suspension of members of the Forum or Sub-Forum must be considered;

**22.3.2.1.1** by the Chairperson of the Forum in conjunction with the Station Commander.

**22.3.2.2** Suspension of Chairpersons of the Forums must be considered;

**22.3.2.2.1** by the Chairperson of the Cluster Board, in conjunction with the Station Commander,

**22.3.2.3** Suspension of members of the Cluster Board must be considered;

**22.3.2.3.1** by the Chairperson of the Cluster Board in conjunction with the Cluster Commander,

**22.3.2.4** Suspension of the Chairpersons of the Cluster Board must be considered;

**22.3.2.4.1** by the Chairperson of the Provincial Board in conjunction with the Cluster Commander,

**22.3.2.5** Suspension of a member of the Provincial Board must be considered;

**22.3.2.5.1** by the Chairperson of the Provincial Board in conjunction with the Deputy Provincial Commissioner: Policing.

**22.3.2.6** Suspension of the Chairperson of the Provincial Board must be considered;

**22.3.2.6.1** by the Provincial Commissioner, in conjunction with the Head of the Department.

## **22.4 Disciplinary Procedures**

### **22.4.1 Guiding Principles:**

**22.4.1.1** The purpose of the procedures is to address instances of misconduct;

**22.4.1.2** Disciplinary steps must be taken promptly and a fair process must be followed to finalize the matter;

**22.4.1.3** The Hearing should commence within 14 days after the appointment of the Disciplinary- and the Presiding Official;

**22.4.1.4** The person against whom the allegations were made must be given an opportunity to reply on the allegations in writing and a fair Hearing Process must be followed;

**22.4.1.5** The affected member, except the Chairperson of the Provincial Board, may be represented by a fellow civilian member of the Forum or Board;

**22.4.1.6** Only members of the Forums or Boards must be appointed Chairpersons of Disciplinary Hearings;

**22.4.1.7** Only Statutory members must be appointed to investigate allegations against members of the Forums and Boards and they must, after the investigation, make recommendations to the relevant Chairperson of the Forum or Board;

**22.4.1.8** If, after the investigation of the allegation, it is decided to charge the person, a Presiding Official should be appointed for the case by the Executive Committee of the Forum or the Board. The Executive Committee must request the Station Commissioner, Cluster Commander or the Provincial Commissioner to appoint a Disciplinary Official for the case;

**22.4.1.9** Only Statutory members may be appointed as Disciplinary Officials for the Hearings;

**22.4.1.10** A Disciplinary Hearing may proceed in the absence of the member, in the event that the Chairperson of the Hearing is satisfied that the accused person was properly informed that he or she should be present at the Hearing and that no valid reason for his or her absence was tendered.

**22.4.1.11** At the conclusion of the Disciplinary Hearing, the Presiding Official must submit his or her findings and recommendations to the Chairperson of the Forum or Board, The Chairperson of the Forum or Board, after receiving the findings and recommendations, may:

**22.4.1.11.1** reprimand the member;

**22.4.1.11.2** suspend a member for a period not exceeding 6 months;

**22.4.1.11.3** expel the member from the Forum or Board.

**22.4.1.12 The Chairperson of the Forum or Board may confirm or vary the sanction but may not impose a more severe sanction than what was recommended by the presiding official.**

**22.4.1.13** A member expelled from the Forum or Board may not be a member of any Forum or Board in the Province for a period of two (2) years

after his or her expulsion.

**22.4.1.14** A member found guilty and expelled from the Forum or Board may, in writing, lodge an appeal against the decision of the Chairperson of the Forum or Board within 10 days after receiving the decision of the Chairperson of the Forum or Board to the Executive Committee of the next higher Forum or Board;

**22.4.1.15** The Executive Committee of the higher Forum or Board must, within 14 days after receiving the appeal:

**22.4.1.15.1** confirm the finding and sanction, or;

**22.4.1.15.2** vary the sanction of the Chairperson, or;

**22.4.1.15.3** set aside the finding and sanction.

### **22.4.2 Disciplinary Process**

#### **22.4.2.1 Members of the Forum or Sub-Forum**

**22.4.2.1.1** After the allegation against a member was received, the member should be informed of the allegations against him or her in writing

by the Chairperson of the Forum and a Statutory member should be appointed to investigate the matter and make recommendations;

#### **22.4.2.2 The Chairperson of the Forum**

**22.4.2.2.1** After the allegation against the Chairperson of the Forum was received, he/she should be informed about the allegations against him or her by the Chairperson of the Cluster Board;

#### **22.4.2.3 Members of the Cluster Community Police Board**

**22.4.2.3.1** After the allegation against the member was received, the member should be informed about the allegations against him or her by the Chairperson of the Cluster Board;

#### **22.4.2.4 The Chairperson of the Provincial Board**

**22.4.2.4.1** After the allegations against the Chairperson was received, he or she should be informed of the allegations against him or her by the Chairperson of the Provincial Board

;

#### **22.4.2.5 Members of the Provincial Community Police Board**

**22.4.2.5.1** After the allegations against the member was received, the member should be informed about the allegations against him or her by the Chairperson of the Provincial Board and a Statutory member should be appointed to investigate the matter and make recommendations;

#### **22.4.2.6 The Chairperson of the Provincial Board**

**22.4.2.6.1** In the case of allegations of Misconduct or unbecoming behavior against the Chairperson of the Provincial Board, he or she should be informed about the allegations against him or her by an Officer designated by the Deputy Provincial Commissioner: Policing. The Deputy Provincial Commissioner: Policing, in conjunction with the responsible Chief Director of the Department must appoint a Statutory member to investigate the allegation of Misconduct or due to the allegation of unbecoming behavior, inquire into the fitness of the Chairperson of the Provincial Board for his or her position and/or to execute his or her functions as the Chairperson of the Provincial Board;

**22.4.2.6.2** The officer appointed to investigate the allegation of Misconduct or to inquire into the fitness of the Chairperson of the Provincial Board for his or her position and/or to execute his or her functions as Chairperson of the Provincial Board, must, after the investigation or inquiry, and after having received representations from the Chairperson, make recommendations to the Deputy Provincial Commissioner: Policing;

**22.4.2.6.2.1** In the case of Misconduct, the Investigating Officer may recommend that the Chairperson:

**22.4.2.6.2.1.1** be reprimanded;

**22.4.2.6.2.1.2** be suspended for a period not exceeding six months;

**22.4.2.6.2.1.3** be expelled as Chairperson of the Board;

**22.4.2.6.2.1.3.1** The Deputy Provincial Commissioner, Policing, must, after receiving the recommendation of the Investigating Officer, request the Chairperson of the Provincial Board to make additional representations based on the recommendations of the Investigating Officer;

**22.4.2.6.2.1.3.2** The Deputy Provincial Commissioner, may, after receiving and considering the representations of the Chairperson of the Provincial Board;

**22.4.2.6.2.1.3.2.1** reprimand him or her;

**22.4.2.6.2.1.3.2.2** suspend him or her from his or her position on the Board and as member of the Forum for a period not exceeding six months;

**22.4.2.6.2.1.3.2.3** expel him or her as the Chairperson of the Board and a member of the Forum;

**22.4.2.6.3** In the case of unbecoming behavior or that the Chairperson of the Provincial Board is unfit to hold his or her position or execute his or her function as the Chairperson of the Provincial Board, the Investigating Officer may, after receiving the representations of the Chairperson of the Provincial Board, recommend that:

**22.4.2.6.3.1** the Chairperson be requested to step down from his or her position on the Board and as a member of the Forum; or;

**22.4.2.6.3.2** discharge him or her from his or her position on the Provincial Board and as a member of the Forum;

**22.4.2.6.4** The Deputy Provincial Commissioner: Policing must, after receiving the recommendation of the Investigating Officer, request the Chairperson of the Provincial Board to make additional representations based on the recommendations of the Investigating Officer;

**22.4.2.6.5** The Deputy Provincial Commissioner may, after receiving and considering the representations of the Chairperson of the Provincial Board:

**22.4.2.6.5.1** request the Chairperson of the Provincial Board to step down from his or her position on the Board and as a member of the Forum; or;

**22.4.2.6.5.2** discharge him or her from his or her position on the Provincial Board and as a member of the Forum;

**22.4.3** In the case of both the above-mentioned processes, the Chairperson of the Board may appeal against the decision of the Deputy Provincial Commissioner: Policing to the Provincial Commissioner within 14 days after receiving, in writing, the decision to:

**22.4.3.1** expel him or her from his or her position in the Provincial Board and as a member of the Forum;

**22.4.4** The Provincial Commissioner, in conjunction with the Head of the Department, may after considering the appeal:

**22.4.4.1** confirm the decision of the Deputy Provincial Commissioner: Policing, to expel the Chairperson of the Provincial Board from his or her position on the Provincial Board and as a member of the Forum, or;

**22.4.4.2** set aside the decision of the Deputy Provincial Commissioner: Policing;

**23. CODE FOR DONATIONS AND SPONSORSHIPS PURPOSE:**

**To prevent a situation where CPF's and Boards may unknowingly receive donations and sponsorships from persons and entities of which the association with may negatively affect the image of the Service and/or the Department.**

**23.1 Guiding Principles**

**23.1.1** No Forum or Board member shall approach any person or business for a donation or sponsorship without the necessary authority;

**23.1.2** When a member of the Forum or Board is approached by a donor

or sponsor, the member shall not accept the sponsorship or donation before obtaining the necessary authority from the Forum or Board;

**23.1.3** No member of the Forum or Board shall individually accept a donation or sponsorship;

**23.1.4** Authority to approach a business or a person for a donation or sponsorship and the authority to accept a donation or sponsorship must be directed to a member of the Executive Committee of the Forum or Board in writing;

**23.1.5** Donations and sponsorships on which conditions are attached must be referred to the responsible person in the Office of the Provincial Commissioner for a comment and a recommendation before the donation or sponsorship is accepted;

**23.1.6** Applications for donations and sponsorship from the Provincial Board should be considered by the Provincial Commissioner in consultation with the Head of the Department;

**23.1.7** For the purpose of an application to request and receive donations and sponsorships, the:

**23.1.7.1** Sub-Forum must apply to the Forum;

**23.1.7.2** Forum must apply to the Cluster Board;

**23.1.7.3** Cluster Board must apply to the Provincial Board;

**23.1.7.4** Provincial Board must apply to the Provincial Commissioner.

**23.1.8** The donation or sponsorship must be used for the purpose for which it was requested, received and approved,

**23.1.9** After the donations or sponsorships have been used for the purpose for which it was received, requested and approved, the remaining part of the financial and/or material items (if any) must be declared. The Provincial Board may decide to redistribute that to Boards and Forums who might need that for their projects and activities.

**23.2 Donations and Sponsorships to Forums and Boards: Process**

**23.2.1** When a Forum or Board needs donations or sponsorships for a certain project or for whatever reason, it must apply for permission to approach possible donors or sponsors to the next higher Forum or Board;

**23.2.2** After the permission is obtained, the Forum or Board must only approach the approved donors or sponsors;

**23.2.3** The donors or sponsors to be approached must clearly indicate as to what they intend to donate or sponsor to the Forum or Board;

**23.2.4** The Forum or Board intending to accept the donation or sponsorship, must in their application indicate as to what they intend using the donation or sponsor for;

**23.2.5** After receiving the approved donations or sponsorships from the approved donors or sponsors, the receiving Forum or Board must declare the receipt of the donation or sponsorship to the relevant Forum or Board;

**24. DISSOLUTION OF THE COMMUNITY POLICE FORUM AND BOARD**

**24.1 Guiding Principles**

**24.1.1** A Forum or Board may be dissolved:

**24.1.1.1** if it is dysfunctional, or;

**24.1.1.2** if the Forum or Board cannot function properly due to internal disputes and strife, or;

**24.1.1.3** if there is an irretrievable breakdown of trust between the SAPS and the Forum or Board, or;



**24.1.1.4** if it is confirmed that the internal strife or dispute is at a stage where the lives of members of the Forum or Board is being threatened;

**24.2** Before a Forum or Board is dissolved in terms of paragraph 24.111 and 241.1.2 attempts should first be made to address the dispute or strife through the Dispute Resolution Process;

**24.3** After the dissolution of the Forum or Board; all the assets of the Forum or Board should be handed to the Sector Commander, Station Commander, Cluster Commander or the Provincial Commissioner, depending on the level of the Forum or Board;

#### **24.4 Dissolution of a Sub-Forum**

**24.4.1** A Sub-Forum may be dissolved by the Station Commander in consultation with the Cluster Commander and the Executive of the Local Forum;

#### **24.5 Dissolution of a Forum**

**24.5.1** A Forum may be dissolved by the Cluster Commander in consultation with the Deputy Provincial Commissioner: Policing and the Executive Committee of the Cluster Board;

#### **24.6 Dissolution of a Cluster Board**

**24.6.1** A Cluster Board may be dissolved by the Deputy Provincial Commissioner: Policing in consultation with the Chief Director of the Department responsible for Community Policing and the Executive Committee of the Provincial Board.

#### **24.7 Dissolution of the Provincial Board**

**24.7.1** The Provincial Board may be dissolved by the Provincial Commissioner in consultation with the Head of the Department and the Office of the National Commissioner;

#### **24.8 Dissolution: other circumstances**

**24.8.1** The Provincial Commissioner, in conjunction with the Head of the Department, may dissolve the Boards for the purpose of restructuring in line with the Structure and new developments in the SAPS or amendments to the South African Police Service Act, Regulations and Instructions;

#### **25. AMENDING THE UNIFORM CONSTITUTION**

**25.1** Proposed amendments to the Constitution should be submitted in writing to the Provincial Board, the Provincial Commissioner or to the Head of the Department; .

**25.2** The proposed amendments must be discussed at a Special Meeting of the Board and if there is consensus that an amendment should be brought on the Constitution, the request for the amendment should be addressed to the Provincial Commissioner and the Head of the Department;

**25.3** The Provincial Commissioner, in conjunction with the Head of the Department, must, after receiving the request for an amendment, establish a Committee consisting of representatives of the SAPS, the Provincial Board, the Department and/or a designate from the Municipal Police Service to consider the proposals;

**25.4** The Committee may, after considering the request and proposals, recommend that:

**25.4.1** the request or proposal be addressed with a Departmental Instruction or Directive, or;

**25.4.2** that the Constitution may be amended;

**25.5** If it is recommended that the Constitution be amended, the Provincial Commissioner, in conjunction with the Head of the Department must instruct the Committee to make the necessary amendments to the Constitution and present the amended Constitution for adoption by the Provincial Board.

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#### **26. INTERPRETATION**

This Constitution should be read with and interpreted by taking the above-mentioned annexures into consideration.

In the case where a problem is encountered with the interpretation of a more or less similar paragraph of this Constitution and the annexure to the Constitution, the determination of this Constitution shall have precedence.

#### **27. TRANSITIONAL ARRANGEMENTS**

**27.1** The current Provincial Board must meet before the end of February 2010 to adopt the amended Constitution. At the meeting, the Chairperson of the Board must propose the adoption of the amended Constitution;

**27.2** After the adoption of the Constitution, the Provincial Board will cease to exist and the Provincial Commissioner must appoint a Steering Committee consisting of Statutory members and members of the Department to;

**27.2.1** manage the business of the Provincial Board;

**27.2.2** assist with the establishment of Forums and Sub-Forums and holding AGM' S;

**27.2.3** assist with the establishment of Cluster Community Police Boards;

**27.4** All Cluster Commanders in the Province must, within 30 days from the day that the Constitution was adopted, invite the Chairpersons of the main Forums in the Cluster in order to elect an Executive Committee and establish a Cluster Community Police Board;

**27.5** After the establishment of the Cluster Community Police Boards, the Steering Committee must invite the Chairpersons of the Cluster Community Police Boards in order to elect an Executive Committee and establish a Provincial Community Police Board;

**27.6** A Provincial Community Police Board must be established before the end of March 2010.


**27.7** All the Sub-Forums, Forums and Boards must have Election AGM's for the 2010/2011 financial year, as determined by this Constitution.

CONSTITUTION ADOPTED ON: 2010-02-18 AT CAPE TOWN

  
CHAIRPERSON: PROVINCIAL COMMUNITY POLICE BOARD  
R BAZIER


DATE: 13/02/2010

I concur with the contents of the adopted Constitution and also adopt it as a tool to facilitate the liaison with the Communities. Specific note has been taken of the role of the Municipal Police Service in Community Police Forums established in terms of Section 19 of the Police Act.

  
PROV COMM  
PROVINCIAL COMMISSIONER: WESTERN CAPE  
M PETROS

DATE: 22/03/10

I support the Uniform Constitution for Community Police Forums and Boards in the Western Cape. This Constitution and strong CPF's and Boards will assist my Portfolio in achieving the aims and objectives of Section 206(3) of the Constitution of the Republic of South Africa, Act 108 of 1996.

  
MEC  
MEMBER OF EXECUTIVE COUNCIL: COMMUNITY SAFETY: WESTERN CAPE  
L MAX

DATE: 23 March 2010

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