

FOREWORD



**FOREWORD BY
MINISTER LEONARD RAMATLAKANE**

After a series of consultative processes that involved thousands of hours and a series of meetings with our CPF members, we can now proudly pronounce that our Community-Policing Forum in the Western Cape, has laid the foundation for functional coherence in Community Policing.


This process starts with this most fundamental of documents that will serve as a legal and regulatory framework for the Community Policing Forum i.e. The Uniform Constitution.

This development undoubtedly is indicative of the fact that there is a resolve amongst our CPF members to work together in a synergised and synchronized manner to create a Safer Western Cape that is a Home for All it's people, in particular women and children.

This blueprint – a first in the country for Community Policing, therefore heralds a new chapter in the Community-Police relationships by creating uniformity of best practices and regulating bad practice.

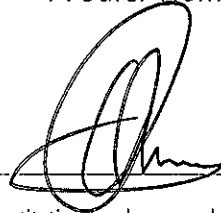
It is a document that is thus both restrictive yet at the same time enabling and developmental in its approach to creating safer communities.

I therefore welcome the unveiling of the Constitution for the Community Policing Forum.


LEONARD RAMATLAKANE
Minister for Community Safety
Western Cape

**Community Police Forum
UNIFORM CONSTITUTION
Western Cape**

"A Safer Home For All"


Provincial Comm
M. Petros

This Constitution has been produced by the Department of
Community Safety
Provincial Administration Western Cape

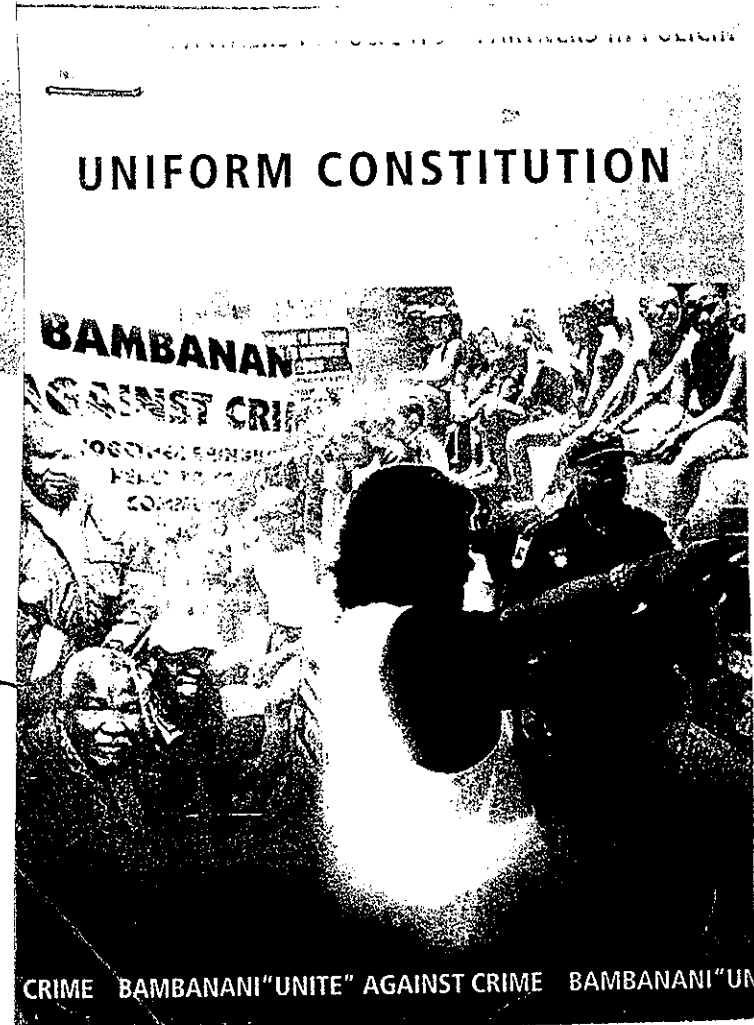


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PREAMBLE

1. PREAMBLE

Whereas the principle of community policing is enshrined in the most important document of our country and province, namely the National and Western Cape Constitutions;¹ and

Whereas it is recognised 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 of the Western Cape; and

Whereas it is incumbent on every member of a Community Police Forum to ensure that community policing is alive and working in the Province of the Western Cape;

Now, therefore, we adopt this Constitution.

¹ Act No 108 of 1996 (Sections 206, 208 & 215) See also: The Constitution of the Western Cape, 1997 (Sections 66-68)

DEFINITIONS

2. DEFINITIONS

In this document, the following words or phrases bear the meaning as indicated, except if the context indicates otherwise:

- 2.1 "Act" refers to the South African Police Service Act No 68 of 1995, including the regulations;
- 2.2 "Bona Fide" means acting in good faith;
- 2.3 "Days" excludes Saturdays, Sundays and Public Holidays;
- 2.4 "Department" means the Department of Community Safety in the Provincial Administration of the Western Cape;
- 2.5 "Designated member" means a person properly mandated by his or her organisation or institution to represent such an institution or organisation on the Forum;
- 2.6 "Forum" means the Community Police Forum, Area board or Provincial Board established in terms of sections 19, 20 and 21 of the Act;²
- 2.7 "Impartial person and/or organisation": Impartial means treating all sides equally; unprejudiced; fair. An impartial person and/or organisation specifically refer to and include officials from the Department appointed by the Minister and exclude the members of SAPS;
- 2.8 "Member" in terms of paragraph 7, means any organisation represented on the Forum whose application for membership is approved or renewed in terms of this Constitution, excluding individuals from the general public and including a designated member;
- 2.9 "Mero motu" literally means out of own conviction. In this context it refers to decision-making, without consultation as required and/or dictated by circumstances;

² Act No 68 of 1995

LEGAL STATUS

- 2.10 "Minister" means the Provincial Executive Authority responsible for policing (MEC: Member of the Executive Committee for Community Safety);
- 2.11 "Misconduct" constitutes a contravention of the Code of Conduct and/or Constitution of the Forum;
- 2.12 "Neighbourhood Watch" means all civilian structures operating as a Neighbourhood Watch and affiliated to the Forum;
- 2.13 "Office-bearer" means any member who is elected by the Forum to the office of Chairperson, Deputy-Chairperson, Secretary, Assistant Secretary, Treasurer, Project Co-ordinator, Public Relations Officer or elected additional members;
- 2.14 "Register" means to register the Forum in terms of paragraph 16 of this Constitution; and
- 2.15 "Statutory member" means a member of the Forum who is appointed as a member in terms of sections 19(3) 20(3) and 21(3) of the Act.

3. LEGAL STATUS

- 3.1 This document derives its legal mandate from:
 - 3.1.1 Section 23 of the Act³, read with regulations 6 and 7 of the regulations;⁴
 - 3.1.2 The CPF Provincial Conference Resolution, held on 28 and 29 March 2003⁵.

³ Section 23 deals with procedural matters of Forums: "Every provincial or area community police board and community police forum or sub forum shall determine its own procedure and cause minutes to be kept of its proceedings" Sec 23(c).

⁴ According to regulation 6(7), a community police forum, sub-forum or board must have a written Constitution which complies with the requirements set out in regulation 7 and function in accordance therewith. Regulation 7 deals with the requirements regarding the composition of the Constitution of Forums.

⁵ At this Conference a Resolution was taken that a Uniform Constitution be drafted to serve all Forums in the Western Cape. The Department was mandated to draft the Uniform Constitution for all Forums.

NAME AND LEGAL PERSONALITY

- 3.2 This Constitution will operate with retrospective effect from 1 July 2004 and is therefore binding on all Forums within the Western Cape.⁶

4. NAME AND LEGAL PERSONALITY

- 4.1 After establishment, each Community Police Forum will be named after the police station within which geographical service area it exists. In the case of a sub-forum, it will be named after the recognised geographical area it serves.
- 4.2 The name of the entity shall be Community Police Forum, Area Board or Provincial Board (hereinafter referred to as "the Forum").
- 4.3 This Forum is a non-profit, community-based, statutory entity, established in terms of sections 19, 20 and 21 of the Act.⁷
- 4.4 This Forum is a legal entity which:
 - 4.4.1 Exists as an entity, independently and distinct from its members, irrespective of any change in its members or management;
 - 4.4.2 May acquire rights and incur obligations for itself, without any liability for such rights and obligations for its members or the Department;
 - 4.4.3 May institute legal proceedings in its own name, and be cited in legal proceedings in its own name; and
 - 4.4.4 May not form a section 21 company.
- 4.5 Any movable and/or immovable property or registerable rights in immovable property, obtained by the Forum, are to be registered in the name of the Forum.

⁶ This Constitution was adopted by the CPF Provincial Board, SAPS and the Department at a Special Meeting, held on 30 June 2004.

⁷ See also regulation 12(4).

**GUIDING PRINCIPLES
AIMS AND OBJECTIVES**

- 4.6 All legal acts performed by the Forum are to be performed by its organs, officials and/or representatives, duly authorised thereto in terms of a resolution by the Forum.
- 4.7 All members, the Department and SAPS are indemnified against any claims against the Forum arising out of the performance of its functions and powers by the Forum.

GUIDING PRINCIPLES

- 5.1 The guiding principles are subject to the law and the Constitution of the Republic of South Africa.⁸
- 5.2 The Forum shall be non-sectarian, non-sexist, non-racial and non-party political.
- 5.3 The Forum shall, as far as is practically possible, be representative of the community it represents.

AIMS AND OBJECTIVES

- 6.1 The Forum shall aim to accomplish all the objectives as enumerated in section 18(1) of the Act and shall thus:⁹
- 6.1.1 Establish and maintain a partnership between the community and SAPS;
- 6.1.2 Promote communication between SAPS and the community;
- 6.1.3 Promote co-operation between SAPS and the community in fulfilling the needs of the community regarding policing;
- 6.1.4 Improve the rendering of police services to the community at National, Provincial, Area and Local levels;
- 6.1.5 Improve transparency in SAPS and accountability of the Service to the community; and

⁸ *Supra* note 1.
⁹ *Supra* note 2.

MEMBERSHIP

- 6.1.6 Promote joint problem-identification and problem-solving by SAPS and the community.
- 6.2 The Forum shall promote co-operation between the South African Police Service, the local community in general and other Law Enforcement Agencies in particular;¹⁰
- 6.3 The Forum shall encourage and promote objective and fair media coverage of policing activities;
- 6.4 The Forum shall promote respect for human rights within the ranks of the police service, all other Law Enforcement Agencies as well as Neighbourhood Watches;
- 6.5 The Forum shall negotiate and co-operate with any other institutions at local level, in promoting the interests of the Forum and its members;¹¹
- 6.6 The Forum shall mobilise the communities to join Neighbourhood Watches and ensure effective functioning of such bodies;¹² and
- 6.7 The Forum shall initiate and co-ordinate social crime prevention programmes in conjunction with SAPS.¹³

7. MEMBERSHIP

- 7.1 Membership of the Forum shall be open to community-based organisations or institutions in the community.
- 7.2 A body, organisation or institution must apply in writing for membership of the Forum, to the Station Commissioner and/or Area Commissioner and/or Provincial Commissioner or Forum describing:
- 7.2.1 Its management and other officials;
- 7.2.2 The number of members it represents;

¹⁰ *Supra* note 1 (Section 206 (3)(c)).
¹¹ The White Paper on Safety and Security, 1996: p 23.
¹² *Ibid*, p 21.
¹³ *Ibid*, p 27.

- 7.2.3 The aim and objectives of the entity; and
- 7.2.4 The designated person who is duly mandated in writing and who will represent and vote for the entity at the Forum's proceedings, should the application be approved.

- 7.3 All statutory members will be members of their respective Forums.
- 7.4 All persons, serving as members of the South African Police Service, at the Police Station, Area Board or Provincial Board, designated by the Station Commissioner or Area Commissioner or Provincial Commissioner to serve on the Forum, are collectively a single statutory member of the respective Forums.
- 7.5 All statutory members of the Forum are exempt from applying for membership to the Forum.
- 7.6 All applications for membership are to be considered and approved or rejected by the Executive Committee of the Forum.
- 7.7 The Forum may disqualify an organisation and/or the designated member of an organisation, due to involvement and/or alleged involvement in criminal activities and/or a criminal record/s and/or failure to comply with the Code of Conduct:
- 7.7.1 When considering disqualification in terms of this clause, a Forum must take the following factors into consideration:
- i) The seriousness of the offence/s and/or alleged offences involved;
 - ii) The number of convictions; and
 - iii) The time lapse since the last conviction.

RIGHTS, DUTIES AND OBLIGATIONS OF MEMBERS

- 7.8 An applicant may request reasons from the Executive Committee for the rejection of his or her application.
- 7.9 No membership fees shall be payable.
- 7.10 By applying for membership to the Forum, an applicant accepts all of the provisions of this Constitution and Code of Conduct to be binding on its members.
- 7.11 A Forum may co-opt an expert in an advisory capacity, in any particular field or area, as deemed necessary by the Forum.
- 7.12 Membership should be renewed annually, thirty (30) days prior to the Annual General Meeting by means of a written application and mandate.

RIGHTS, DUTIES AND OBLIGATIONS OF MEMBERS

- 8.1. Every designated member shall have the following rights:
 - 8.1.1 The right to participate in all activities of the Forum;
 - 8.1.2. The right to elect or be elected to any position in the Forum;
 - 8.1.3. The right of access to the records, books and minutes of all meetings of the Forum;
- 8.2 Every designated member shall have the following obligations:
 - 8.2.1 The obligation to realise the aims and objectives referred to in paragraph 5, *supra*;
 - 8.2.2 The obligation to encourage every member of the community and the police to participate in the activities of the Forum;
 - 8.2.3 The obligation to give input for formulation of policing policies, needs and priorities;
 - 8.2.4 The obligation to support the Provincial and National Policing Objectives and Priorities through projects and otherwise;

MANAGEMENT

- 8.2.5 The obligation to be accountable to their community;
- 8.2.6 The obligation to be transparent and accountable when dealing with money and relevant information;
- 8.2.7 The obligation to be punctual and to attend meetings regularly;
- 8.2.8 The obligation to comply with the general procedure for meetings; and
- 8.2.9 The obligation to comply with the provisions of this Constitution and the Code of Conduct.

MANAGEMENT

- 9.1 The Forum is managed by an Executive Committee, which is elected at the Annual General Meetings and which comprises of:
 - 9.1.1 The Chairperson ;
 - 9.1.2 The Deputy-Chairperson;
 - 9.1.3 The Secretary;
 - 9.1.4 The Assistant Secretary;
 - 9.1.5 The Treasurer;
 - 9.1.6 The Project Co-ordinator;
 - 9.1.7 The Public Relations Officer;
 - 9.1.8 The Station Commissioner, Area or Provincial Commissioner; and
 - 9.1.9 Any additional members, as decided by the Forum at an Annual General Meeting.
- 9.2 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.¹⁴ As an interim measure, the Executive Committee may co-opt a member to the Executive Committee, until such a vacancy is filled.

¹⁴ Otherwise refers to vacancies as a result of death, illness, etc.

- 9.3 The Executive Committee of the Forum shall, in executing its managerial functions, have the following powers and duties:
 - 9.3.1 To set up geographical sub-forums for the effective and efficient management of the Forum, which shall conduct its affairs in accordance with this Constitution;
 - 9.3.2 To appoint at its own discretion, committees and/or sub-committees and to direct issues and allocate tasks to these committees;
 - 9.3.3 To maintain and supervise efficient control over members and the administration of the Forum;
 - 9.3.4 To accept, investigate, consider and rule on grievances or conflicts received regarding the activities of the Forum; and
 - 9.3.5 To compile a Community Safety Plan for each financial year with reference to:¹⁵
 - 9.3.5.1 Action steps, programmes or projects for the next financial year;
 - 9.3.5.2 The estimated costs and proposed funding of such action steps, programmes or projects; and
 - 9.3.5.3 The manner in which such action steps, programmes or projects will achieve the objectives of the Forum.
- 9.4 The Executive Committee will oversee all projects, and may co-opt any persons needed to manage, execute and/or advise on the projects for proper functioning of the Forum:

¹⁵ Regulation 8 (2 a-d).

MEETINGS

- 9.5 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.
- 9.6 The Chairperson and Deputy-Chairperson will not be eligible for re-election with regard to the same position after holding the said position for four (4) consecutive years, unless otherwise determined by a two-thirds (2/3) majority of votes during the Annual General Meeting.
- 9.7 If any office-bearer of the Executive Committee is absent from three (3) consecutive meetings of the Executive Committee without a valid, written apology, the Executive Committee may expel such office-bearer from the Executive Committee.
- 9.8 An office bearer may vacate his/her position on the Forum at Station and/ or Area level, if elected to a position on Area and/or Provincial Board. Such a member must, however, maintain ordinary membership of his or her Forum at Station level.
- 9.9 The Executive Committee shall ensure that proper minutes and records are kept of all proceedings. Permanent records may be kept electronically with disc back-up.

10. MEETINGS

10.1. ANNUAL GENERAL MEETINGS

- 10.1.1 An Annual General Meeting, which may be attended by any member, members of the member-organisations, institutions or bodies and members of the community, will be convened between:
- i) October and December at local level;
 - ii) January and February on Sub-Area and Area level; and
 - iii) February and March for the Provincial Board.

- 10.1.2 Written notice of the Annual General Meeting will be given by the Secretary at least twenty-one (21) days in advance of the proposed meeting to all members of the Forum.
- 10.1.3 At an Annual General Meeting, the Forum shall:
- 10.1.3.1 Receive, discuss and adopt the Community Safety Plan;
 - 10.1.3.2 Consider and make proposals to the Area Community Police Board on aims and objectives of the Forum;
 - 10.1.3.3 Receive, discuss and adopt the Executive Committee's report on the work of the Forum, which will include the Chairperson's report, the Station Commissioner's report and the audited financial reports for the past year;
 - 10.1.3.4 Discuss local matters pertaining to overall policy objectives of community policing; and
 - 10.1.3.5 Elect the Executive Committee, if election of the Committee is due.
- 10.1.4 Fifty percent (50%) plus one (1) of the designated members of the Forum will constitute a quorum.
- 10.1.5 A written apology will not be accepted and included for purposes of a quorum.
- 10.1.6 If no quorum is attained at this meeting the meeting will be postponed for a period of fourteen (14) days.
- 10.1.7 Notices of the rescheduled meeting should be forwarded to all members at least seven (7) days prior to the said meeting.

- 10.1.8 If no quorum is attained at this meeting, the meeting shall continue with the attendees.
- 10.1.9 The following meeting procedures will be followed at an Annual General Meeting:
- 10.1.9.1 Reading of the notice and agenda according to which the meeting was convened;
 - 10.1.9.2 Reading and validation of the minutes of the previous Annual General Meeting and the minutes of Special General Meetings, if any such meetings were called since the convening of the previous Annual General Meeting;
 - 10.1.9.3 The discussion of any issues arising from minutes mentioned in paragraph 10.1.9.2;
 - 10.1.9.4 Reading and approval of the Chairperson's annual report as well as the financial and Station Commissioner's reports;
 - 10.1.9.5 In the absence of audited financial reports, the meeting can adopt a resolution that statistics be made available at the next general meeting of the Forum. In the event of fraud or theft, the meeting can adopt a resolution that an investigation be instituted.
 - 10.1.9.6 Election of the Executive Committee of the Forum, every second year;
 - 10.1.9.7 The election shall be chaired by an impartial organisation/person appointed

by the Provincial Commissioner after consultation with the Minister for Community Safety as the presiding officer; and

10.1.9.8 Discussion and consideration of the issues on the agenda for deliberation at the Annual General Meeting.

10.2. SPECIAL GENERAL MEETINGS

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

10.2.2 The Secretary shall, on written request from at least six (6) members of the Forum of which forty percent (40%) of the requests are to be received from non office-bearers, convene a Special General Meeting to discuss and rule on issues stated clearly in writing by the members concerned.

10.2.3 Requests for a Special General Meeting must reach the Secretary at least twenty-eight (28) days prior to the envisaged meeting.

10.2.4 The Secretary will then in writing notify all members of the Forum of such a meeting at least twenty-one (21) days in advance.

10.2.5 Notice of such a Special General Meeting will specify the purpose of the proposed matters to be dealt with at the meeting and may include notices for reviewing and revoking any of the resolutions passed at an Annual General Meeting or a Special General Meeting.

10.2.6 Only matters on the agenda may be considered.

10.2.7 No previous resolution or ruling pertaining to any of the matters referred to in paragraph 10.2.5 may be revoked or amended by such a Special General Meeting unless a two-thirds (2/3) majority is reached.

10.2.8 Fifty percent (50%) plus one (1) of the designated members of the Forum will constitute a quorum.

10.2.9 A written apology will not be accepted and included for purposes of a quorum.

10.3 GENERAL MEETINGS

10.3.1 General meetings of the Forum, consisting of members of the Forum, members of the member-organisations, institutions or bodies and members of the general public, shall meet at least every second month.

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

10.3.3 The date of the following General Meeting will be confirmed at every General Meeting and/or in writing.

10.4 EXECUTIVE COMMITTEE MEETINGS

10.4.1 The Executive Committee of the Forum will convene at least once a month, and more often if necessary, to discuss and rule on matters relating to the management of the Forum.

10.4.2 All resolutions will be passed by means of a fifty percent plus one (50% + 1) 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 decides on a Chairperson.

10.4.4 At least four (4) members of the Executive Committee, of which the Station Commissioner must form part, constitutes a quorum at an Executive Committee meeting.

10.4.5 SAPS representatives must attend all meetings.

10.5 GENERAL PROCEDURES FOR MEETINGS

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

10.5.2 Decisions will be taken by general consensus as far as possible.

10.5.3 Silence shall be kept during meetings and members may not leave their seats without the permission of the Chairperson.

10.5.4 Members should obtain permission from the Chairperson to speak, by putting up their hands.

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

10.5.6 Irrelevant matters should be avoided.

10.5.7 People in the meeting must be addressed appropriately.

10.5.8 When a member is found guilty of poor conduct, the Chairperson may instruct the guilty person to leave the meeting.

10.5.9 No unnecessary disturbances will be tolerated, but representatives may interrupt a speaker on a point of order.

10.5.10 With regard to a point of order, the Chairperson will make the final decision.

VOTING
FINANCIAL ADMINISTRATION

- 10.5.11 The Chairperson may with the permission of the meeting amend the agenda of the meeting. Additions and/or omissions may be made at the commencement of the meeting.
- 10.5.12 Representatives of the Department may attend all meetings as observers.

11. VOTING

- 11.1 Only one (1) designated member, inclusive of SAPS, may vote at any meeting of the Forum.
- 11.2 For election purposes, office bearers will be voted in by secret ballot.
- 11.3 A person co-opted to the Forum shall not be able to vote at any meeting of the Forum.
- 11.4 Voting by proxy is not allowed.

12. FINANCIAL ADMINISTRATION

- 12.1 The Forum shall manage its financial affairs in accordance with generally acceptable accounting practices applicable in the Republic of South Africa and an income and expenditure statement must be presented at each general meeting of the Forum.¹⁶
- 12.2 The financial affairs of a Forum should also be managed in compliance with any policy, and/or directives regarding financial administration issued by the Department.
- 12.3 No member of the Forum will have any claim against the Forum in respect of:
- 12.3.1 remuneration;¹⁷
- 12.3.2 any property acquired by the Forum; and/or
- 12.3.3 any profit coincidentally acquired by the Forum.

¹⁶ Regulation 12(1)
¹⁷ Regulation 12(4).

- 12.4 However, a member may claim expenses incurred for travelling, accommodation and meals relating to the activities of the Forum, with prior authorisation from the Forum.
- 12.5 The financial year of a Community Police Forum, Sub-forum or Board shall commence on 1 April of every year and shall end on 31 March of the next year.¹⁸
- 12.6 The Forum shall open an account at a registered financial institution in which all funds received by the Forum will be deposited.
- 12.7 The names of the persons or office-bearers who will be signatories to the account in the name of the Forum shall be recorded.
- 12.8 An acceptable set of financial books shall be maintained by a Treasurer and shall be available to any official of the Department as appointed by the Head of Department.
- 12.9 The Forum must keep an asset register in order to ensure that all property (movable and/or immovable) is accounted for.
- 12.10 A financial report shall be tabled at each General Meeting of the Forum.
- 12.11 All financial expenditure must be approved by the Executive Committee and recorded.
- 12.12 All financial records of the Forum shall be audited annually by an independent auditor.¹⁹
- 12.13 The Department may also request that the financial reports of a Forum be audited.
- 12.14 A Forum, may raise funds in order to support or perform its activities.²⁰

¹⁸ Regulation 12(7).
¹⁹ Regulation 12(3).
²⁰ Regulation 12(1).

DUTIES OF THE CHAIRPERSON
DUTIES OF THE DEPUTY-CHAIRPERSON

- 12.15 The Forum shall evaluate all its assets annually and such evaluation will be open for inspection by the Department.

13. DUTIES OF THE CHAIRPERSON*

- 13.1 The Chairperson may:
- 13.1.1 Preside over meetings of the Forum;
- 13.1.2 Be a representative of the Forum on the Area Community Police Board, except in the event of the area being operated by a system of sub-areas. In such case, the sub-areas will elect a representative/s to the Area Community Police Board;
- 13.1.3 Present reports on the Forum and its Constitution to the general meetings of the Forum;
- 13.1.4 Supervise all work of the Forum, in consultation with other executive members, in conformity with this Constitution and procedures agreed upon by the Forum; and
- 13.1.5 Report regularly to the Area Community Police Board and, when necessary, to the Provincial Community Police Board.
- 13.2 The Chairperson may attend management meetings of the Police Station as representative of the Forum.
- 13.3 No statutory member may serve in the office of Chairperson.

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.
- 14.2 The Deputy-Chairperson shall thus perform all functions, duties and responsibilities of the Chairperson as described in Section 13 of this Constitution.

DUTIES OF THE SECRETARY

- 14.3 The Deputy-Chairperson will perform any function, duty and responsibility in terms of Section 13 delegated to him/her by the Chairperson.
- 14.4 No statutory member may serve in the office of Deputy-Chairperson.

15. DUTIES OF THE SECRETARY

- 15.1 The Secretary shall:
- 15.1.1 Take minutes in accordance with the provisions of this Constitution;
 - 15.1.2 Receive all applications for membership, correspondence, requests and apologies directed to the Forum;
 - 15.1.3 Arrange all meetings as may be decided upon by the Executive Committee;
 - 15.1.4 Keep safe all official documents of the Forum other than financial records;
 - 15.1.5 Further the interests of the Forum as instructed by the Executive Committee; and
 - 15.1.6 Perform all other procedural and organisational duties, which are usually in the normal course of business, accepted as such duties.
- 15.2 The Secretary is by virtue of his/her office, a member of all committees and sub-committees of the Forum, whether such a committee is temporary or permanent, elected or nominated.
- 15.3 The appointment of a person, serving in the South African Police Service, designated by the Station Commissioner, Area or Provincial Commissioner to serve on the Forum, in the office of Secretary, will be subject to the approval of the Station Commissioner, Area or Provincial Commissioner.

DUTIES OF THE ASSISTANT SECRETARY DUTIES OF THE TREASURER

16. DUTIES OF THE ASSISTANT SECRETARY

- 16.1 The Assistant Secretary shall act as Secretary in the absence of the Secretary and perform all functions, duties, responsibilities and obligations of the Secretary as described in Section 15 of this Constitution.
- 16.2 The Assistant Secretary will perform any function, duty, responsibility and obligation in terms of Section 15 of this Constitution delegated to him/her by the Secretary.

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, together with two (2) appointed members of the Forum, operate a banking account on behalf of the Forum;
 - 17.1.2 Keep books of account and other records necessary, clearly to reflect on the financial position of the Forum; and
 - 17.1.3 Form part of the Financial and Project Committee, which shall, *inter alia*, be responsible for:
 - 17.1.3.1 Developing and executing projects for fundraising;
 - 17.1.3.2 Initiating, planning and co-ordination of all projects of the Forum;
 - 17.1.3.3 Preparing annual and other budgets; and
 - 17.1.3.4 Presenting monthly financial reports to the Forum.
- 17.2 The appointment of a person, serving in SAPS, designated by the Station Commissioner to serve on the Forum, in the office of Treasurer, will be subject to the approval of the Station Commissioner.

DUTIES OF THE PROJECT CO-ORDINATOR DUTIES OF THE PUBLIC RELATIONS OFFICER

- 17.3. The Treasurer must:
- 17.3.1 Hand over all financial documentation after vacating his or her office pertaining to the Forum, at the Annual General Meeting, if not re-elected.
 - 17.3.2 In case of resignation or expulsion, hand over all financial documentation to the Station Commissioner.

18. DUTIES OF THE PROJECT CO-ORDINATOR

- 18.1 The Project Co-ordinator will:
- 18.1.1 Be responsible for managing and implementing projects sanctioned by the Forum;
 - 18.1.2 Be the link between projects and the Forum;
 - 18.1.3 Regularly provide the Forum Executive with progress and impact evaluation reports of projects;
 - 18.1.4 Be accountable to the Forum Executive; and
 - 18.1.5 In the case of the Provincial Board, represent the Forum on the Departmental Funding Committee and other Departmental Project Committees.

19. DUTIES OF THE PUBLIC RELATIONS OFFICER

- 19.1. The Public Relations Officer will:
- 19.1.1 Be responsible for the publicity of the Forum activities;
 - 19.1.2 Facilitate the links between the media and the Forum;
 - 19.1.3 Ensure that a positive image is portrayed in the media;
 - 19.1.4 Be the driving force in ensuring that there is adequate community participation in Forum activities; and

REGISTRATION AND RE-REGISTRATION
CODE OF CONDUCT

19.1.5 Be responsible for the communication strategy of the Forum.

20. REGISTRATION AND RE-REGISTRATION

- 20.1 No Forum shall qualify for any benefits in terms of the policy of the Department if not registered and annually re-registered with the Department.²¹
- 20.2 The registration of a Forum in terms of the policy of the Department is subject to a recommendation by the Provincial Commissioner and the Board.²² However, for purposes of re-registration, no recommendation from the Provincial Commissioner and Board is required.
- 20.3 The application of the Forum to re-register has to be accompanied by:²³
- 20.3.1 A letter of application for re-registration by the Forum;
- 20.3.2 A copy of the Forum's financial reports; and
- 20.3.3 A copy of the minutes and attendance register of the Annual General Meeting.

21. CODE OF CONDUCT

- 21.1 All members of the Forum must conduct themselves in an ethical, fit and proper manner, when acting on behalf of, or in relation to, the Forum.
- 21.2 All members must exhibit mutual understanding on a cross-cultural level and, in its dealings with the police, act maturely, diplomatically and in a civilised way.
- 21.3 Members must refrain from promoting party politics when dealing with safety and security matters.

²¹ The Community Police Forum Policy, 2004: p 7-9

²² *Ibid*, p 9-10.

²³ *Ibid*, p 8.

DISPUTE RESOLUTION PROCEDURES

- 21.4 Members must behave in a controlled and dignified manner when dealing with each other.
- 21.5 Members must recognise the rank of South African Police Service members and Law Enforcement Agencies.
- 21.6 Members must refrain from using abusive, racist and/or sexist remarks.
- 21.7 No member shall misuse the resources of the Forum.
- 21.8 No member shall abuse their position or the name of the Forum for personal gain.
- 21.9 No member shall contravene the provisions of the Act.
- 21.10 No member shall be allowed to participate in the activities of the Forum if found to be under the influence of an illegal substance or alcohol, while performing a function of the Forum.
- 21.11 Any member alleged to have contravened the Constitution and/or the Code of Conduct will be dealt with in accordance with the disciplinary process and may be suspended pending a disciplinary hearing.
- 21.12 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. DISPUTE RESOLUTION PROCEDURES

- 22.1 The objectives of dispute resolution procedures are:
- 22.1.1 To address instances of unacceptable conduct by members of the Forum; and
- 22.1.2 To resolve and manage conflict and grievances in the Forums;
- 22.2 The Forum can elect to address unacceptable behaviour as well as misconduct in terms of disciplinary and dispute resolution procedures based on the seriousness of the conduct.

DISCIPLINARY PROCEDURES

- 22.3.1 Disputes arising at a Forum, that cannot be resolved at that level, must be referred to the Area Commissioner or the Area Community Police Board.²⁴
- 22.3.2 Disputes arising at an Area Community Police Board, or referred to it or to the Area Commissioner for resolution, that cannot be resolved within ninety (90) days at that level, must be referred to the Provincial Commissioner or Provincial Community Police Board.²⁵
- 22.3.3 If the Provincial Commissioner or Provincial Community Police Board cannot resolve an issue at that level, it must be referred to the National Commissioner, who may, subject to the directions of the Minister, take such steps as may be reasonably necessary to resolve the issue.²⁶
- 22.4 In the event of a dispute not being successfully resolved, the Forums reserve the right to institute formal disciplinary procedures regarding the matter. Evidence obtained during the mediation process may not be used during disciplinary proceedings.
- 22.5 No member may refer any dispute to a court unless all internal remedies have been exhausted.

23. DISCIPLINARY PROCEDURES

- 23.1 A Disciplinary Committee will be established to:
- 23.1.1 Address instances of misconduct;
- 23.1.2 Ensure that, before disciplinary steps are taken, the affected member has a reasonable opportunity to state his or her case, with or without representation; and

²⁴ Regulation 14(1).

²⁵ *Ibid*, 14(2).

²⁶ *Ibid*, 14(3).

- 23.1.3 Ensure that all relevant circumstances are fully and objectively considered before a decision is taken.
- 23.2 A Disciplinary Committee will consist of one (1) member of the Executive Committee, one (1) statutory member and one (1) member of the Forum, who does not serve on the Executive Committee or an impartial person or organisation. If the Disciplinary Committee is of the view that any matter is beyond their jurisdiction, they may refer the matter to a higher level.
- 23.3 The Disciplinary Committee may make the following orders after having taken into consideration all the facts of the matter including having heard submissions of the affected member:
- 23.3.1 Reprimand the member and/or designated member, and/or;
- 23.3.2 Suspend the member and/or designated member of membership; and/or
- 23.3.3 Expel from the Forum, a member and/or designated member from membership.
- 23.4 In the event that an affected member and/or designated member is not satisfied with the decision of the Disciplinary Committee, the member and/or designated member has the right to appeal to a higher level.
- 23.5 The affected member and/or designated member may make use of a representative at a Disciplinary Hearing.
- 23.6 A Disciplinary Hearing can also take place in the absence of the member and/or designated member in the event that the Committee is satisfied that the member and/or designated member was properly informed and no valid excuse for the absence was tendered.

MISCONDUCT

- 23.7 Appeal body: The higher-level Forum and the Department will be the appeal body.
- 23.8 Should a statutory member be accused of misconduct, the matter should be referred to the relevant Station Commissioner, Area or Provincial Commissioner to be dealt with in terms of SAPS disciplinary procedures, provided he or she is not the affected designated member.

24. MISCONDUCT

- 24.1 Any member and/or designated member who contravenes the provisions of this Constitution, including the Code of Conduct shall be guilty of misconduct.
- 24.2 The following conduct shall constitute misconduct:
- 24.2.1 Sabotaging the activities of the Forum;
- 24.2.2 Creating division within the ranks of the Forum;
- 24.2.3 Impeding the proper functioning of the Forum;
- 24.2.4 Committing any other act calculated to undermine its effectiveness as a Forum;
- 24.2.5 Acting for other organisation/s and/or group/s hostile to the Forum's policy and principles;
- 24.2.6 Acting for any group and/or person who wishes to destroy the Forum, or prevent it from fulfilling its set aims and objectives;
- 24.2.7 Acting in a way that exposes the members of the Forum and/or members of the public to serious danger, and/or physical harm, and/or death;
- 24.2.8 Behaving dishonestly in relation to the property of the organisation;
- 24.2.9 Passing on information carelessly that might be harmful to the activities of the Forum;

COMMUNICATION TO MEMBERS AND THE COMMUNITY

- 24.2.10 Abusing an office by using his or her position to obtain material or other undue advantages from members and/or designated members or others;
- 24.2.11 Fighting or behaving in a disorderly and unruly manner;
- 24.2.12 Committing a serious criminal act; and
- 24.2.13 Speaking to the media without having a proper mandate.

25. COMMUNICATION TO MEMBERS AND THE COMMUNITY

- 25.1 All communication between members and Forums shall be conducted as per Annexure A.
- 25.2 Subject to the provisions of paragraphs 10.1.2, 10.2.4, 10.3.3 and 26.1, all notices to members of the Forum will be in writing, except during meetings.
- 25.3 All notices to members of the general public may be verbally communicated or in writing.
- 25.4 Decisions taken at Forums must be conveyed by the Provincial-, Area- and Station Commissioners concerned to the members under their command.²⁷
- 25.5 Forums must continuously and timeously be informed of policy developments in SAPS with regard to community policing issues to enable them to submit their input with regard thereto.²⁸
- 25.6 Any unclassified circular, whether from national-, provincial-, area- or station level must, upon request, be made available to a Forum.²⁹
- 25.7 A member of a Forum may, for the duration of discussions relating to community policing issues, upon the invitation of

²⁷ Regulation 10.
²⁸ *Ibid.*
²⁹ *Ibid.*

AMENDING THE CONSTITUTION;
DISSOLUTION OF THE COMMUNITY POLICE FORUM

the relevant Commissioner, attend management meetings at the relevant level.³⁰

26. AMENDING THE CONSTITUTION

- 26.1 Proposed amendments must be circulated to members of the Forum in writing fourteen (14) days before the Annual General Meeting or a Special General Meeting of the Forum.
- 26.2 The proposed amendments must be forwarded to the Area Board for discussion and approval at the next Annual General Meeting of the Provincial Board.
- 26.3 Any amendment to the Constitution should be approved by a two-third (2/3) majority of the Provincial Board.

27. DISSOLUTION OF THE COMMUNITY POLICE FORUM

- 27.1 The Provincial Commissioner may dissolve a Forum on recommendation of the Area Commissioner, as well as the Area Community Police Board.³¹ He or she may, however, *mero motu* decide to dissolve the Forum, if there is an irretrievable breakdown of trust between the SAPS and the Forum, and/or if the Forum cannot function properly due to internal strife.
- 27.2 Before dissolving a Forum, the Provincial Commissioner must engage the dispute resolution mechanisms provided for in this Constitution in an attempt to resolve any conflict. In the event of the dispute resolution having failed, the Provincial Commissioner must consult with the interested parties i.e. the Station Commissioner, Area Commissioner and the Forum. He or she must also consult with the Minister of Community Safety before deciding to dissolve a Forum.³²

³⁰ *Ibid.*

³¹ Discussion document on CPF Uniform Constitution, prepared by SAPS: Legal Services (Western Cape) p 3. See also regulation 14 of the SAPS Interim Regulations.

³² *Ibid.*

- 27.3 The Provincial Commissioner must ensure that a new Forum is established within a reasonable time after having dissolved the Forum.
- 27.4 Upon the dissolution of the Forum all assets of the Forum should be handed to the relevant Station Commissioner to be managed in the interim, until the establishment of a new Forum.



J.J. MULLER

CHAIRPERSON: CPF PROVINCIAL BOARD - WESTERN CAPE

DATE: 22/09/2004



M. PETROS

PROVINCIAL COMMISSIONER: SAPS WESTERN CAPE

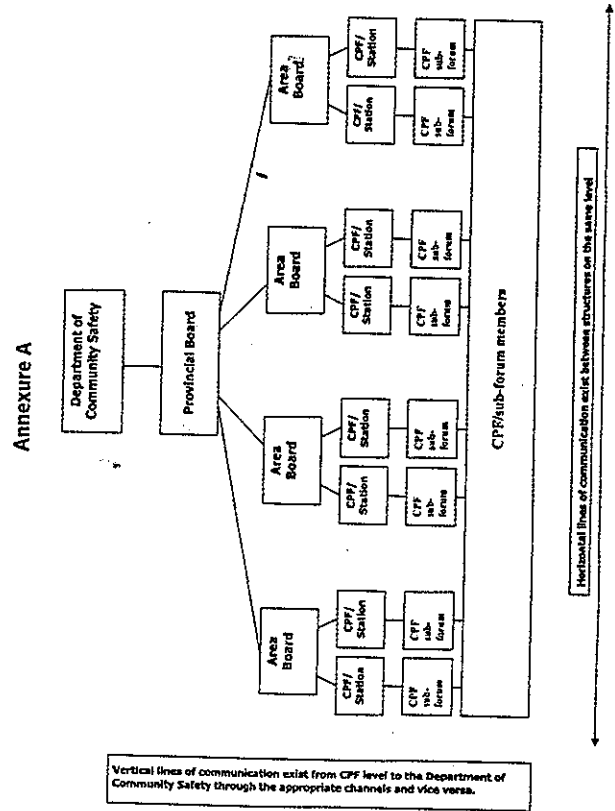
DATE: 19.10.2004



L. RAMATLAKANE

MINISTER OF COMMUNITY SAFETY: WESTERN CAPE

DATE: 24/10/04



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