

- (a) draft a constitution for the community police sub-forum which is to be established;
  - (b) take reasonable steps to make the date, time and venue of the meeting known to the organisations, institutions and groups, referred to in sub-regulation(3)(a), or the members of the relevant section of the community within the station area; and
  - (c) arrange the inaugural meeting.
- (5) At the inaugural meeting, the steering committee must present the draft constitution to those present and the meeting must-
- (a) by majority vote, adopt the constitution in its draft form or bring about the necessary amendments to the draft constitution and adopt it in its amended form; and
  - (b) elect a chairperson and an executive committee to manage the affairs of the community police sub-forum, in accordance with the procedure provided for in the constitution thus adopted.
- (6) The station commissioner must, within 30 days after the establishment of a community police sub-forum, submit a copy of the constitution of the community police sub-forum to the area commissioner.

#### **4. ESTABLISHMENT OF AN AREA COMMUNITY POLICE BOARD**

- (1) As soon as may be reasonably possible after the establishment of more than one community police forum in the area of jurisdiction of an area commissioner, such area commissioner must invite the executive committee of every community police forum established in the said area to a meeting to be held on a date and at a time and venue determined by the area commissioner with the purpose to establish an area community police board for that area.
- (2) At the meeting arranged in accordance with sub-regulation(1), the area commissioner must-
- (a) explain to those attending the said meeting what the objects of an area community police board are;
  - (b) invite nominations for a reasonable number of persons to serve on a steering committee, together with the area commissioner or a member designated by him or her, to establish an area community police board; and
  - (c) determine a date, time and venue for the next meeting.
- (3) The area commissioner must render all reasonable assistance to the steering committee to-
- (a) draft a constitution for the area community police board which is to be established;
  - (b) take reasonable steps to make the date, time and venue of the meeting known to any member of an executive committee of a community police forum in that area that did not attend the first meeting; and
  - (c) arrange the next meeting.
- (4) At the next meeting, the steering committee must present the draft constitution to those present at the meeting and the meeting must -
- (a) by majority vote, adopt the constitution in its draft form or bring about the necessary amendments to the draft constitution and adopt it in its amended form; and
  - (b) elect a chairperson and an executive committee to manage the affairs of the area community police board in accordance with the procedure provided for in the constitution thus adopted.
- (5) The area commissioner must, within 30 days after the establishment of an area community police board, submit a copy of the constitution of the area community police board to the provincial commissioner.

#### **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 to be held on a date and at a time and venue determined by the provincial commissioner with the purpose to establish a provincial community police board for that province.
- (2) At the meeting arranged in accordance with subregulation (1), the provincial commissioner must -
- (a) explain to those attending the said meeting what the objects of a provincial community police board are;
  - (b) invite nominations for a reasonable number of persons to serve on a steering committee, together with the provincial commissioner or a member designated by him or her, to establish a provincial community police board; and

- (c) determine a date, time and venue for the next meeting.
- (3) The provincial commissioner must render all reasonable assistance to the steering committee to-
  - (a) draft a constitution for the provincial community police board which is to be established;
  - (b) take reasonable steps to make the date, time and venue of the meeting known to any member of an executive committee of an area community police board in that province that did not attend the first meeting; and
  - (c) arrange the next meeting.
- (4) At the next meeting, the steering committee must present the draft constitution to those present at the meeting and the meeting must -
  - (a) by majority vote, adopt the constitution in its draft form or bring about the necessary amendments to the draft constitution and adopt it in its amended form; and
  - (b) elect a chairperson and an executive committee to manage the affairs of the provincial community police board in accordance with the procedure provided for in the constitution thus adopted.
- (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.

## **6. GENERAL PRINCIPLES RELATING TO THE FUNCTIONING OF A COMMUNITY POLICE FORUM OR BOARD**

- (1) A community police forum, sub-forum or board performs the functions set out in section 18 of this Act.
- (2) A community police forum, sub-forum or board has no power of command and control over the Service or any part or member thereof and the policing of the station area, area or province in respect of which a community police forum, sub-forum or board has been established, remains the responsibility of the Service.
- (3) Management of the Service at national-, provincial-, area- or station level is the responsibility of police management at the respective levels and a community police forum, sub-forum or board may not perform any function of the management of the Service at any level.
- (4) A community police forum, sub-forum or board is a non-political entity and no member of such a forum or board may -
  - (a) wear any insignia or identification mark in respect of any political party, organisation, movement or body while attending a meeting of a community police forum sub-forum or board; or
  - (b) utilize his or her membership of a community police forum, sub-forum or board to further or prejudice party-political interests.
- (5) A member of a community police forum, sub-forum or board is not entitled to have access to police registers or files without the approval of the provincial-, area- or station commissioner concerned and may only be allowed access to police dockets with the prior written approval of the relevant Director of Public Prosecutions.
- (6) A member of a community police forum, sub-forum or board may only use property belonging to or under the control of the Service with the prior written approval of the provincial-, area- or station commissioner concerned.
- (7) A community police forum, sub-forum or board must have written a constitution which complies with the requirements set out in regulation 7 and function in accordance therewith.

## **7. CONSTITUTION OF A COMMUNITY POLICE FORUM, SUB-FORUM OR BOARD**

The constitution of a community police forum, sub-forum or board must set out-

- (a) the name of the forum, sub-forum or board;
- (b) the aims and objectives of the forum, sub-forum or board, which must at least contain the objects set out in section 18 of this Act;
- (c) a code of conduct for members of the forum, sub-forum or board;
- (d) the membership requirements which may not be such that they have the effect of unfairly discriminating against any member of the community on any ground;
- (e) the composition, powers and functions of the executive committee of the forum, sub-forum or board which must provide that it shall at least consist of the chairperson, the vice-chairperson, a secretary and a person responsible to manage the financial affairs of the forum, sub-forum or board;

- (f) the election procedures for members of the executive committee;
- (g) the terms of office of members of the executive committee;
- (h) basic meeting procedures, including-
  - (i) what would constitute a quorum at a meeting;
  - (ii) how voting must take place at meetings;
  - (iii) that minutes of all meetings of the forum, sub-forum or board including meetings of its executive committee must be kept; and
  - (iv) how notice of meetings (including regular-, special- and annual general meetings) must be given to members;
- (i) how the forum, sub-forum or board will communicate with its members and the community concerned.
- (j) the procedure for amending the constitution;
- (k) the management and control of the financial affairs of the forum, sub-forum or board:
- (l)
  - (i) in the case of a community police sub-forum, how members will be designated to represent the sub-forum on the community police forum;
  - (ii) in the case of a community police forum, how members of the forum will be designated to represent the forum on the area community police board; and
  - (iii) in the case of an area community police board, how members of the board will be designated to represent the board at the provincial community police board;
- (m) dispute resolution procedures; and
- (n) the procedure for the dissolution of the forum, sub-forum or board.

## 8. COMMUNITY SAFETY PLAN

- (1) A community police forum must, after consultation with the station commissioner concerned, develop a community safety plan before the end of each financial year for the station area in respect of which it was established and submit such plan to the relevant area community police board.
- (2) A community safety plan contemplated in subregulation (1), must, as a minimum, **set out-**
  - (a) the action steps, programmes or projects which the community police forum plans for the next financial year in order to promote the achievement of the objects referred to in section 18(1) of this Act in that station area;
  - (b) how such action steps, programmes or projects will be funded; and
  - (c) how such action steps, programmes or projects will promote the achievement of the objects referred to in section 18(1) of this Act.
- (3) An area community police board must, **after** having considered the community safety plans of the community police forums within that area and after consultation with the area commissioner concerned, develop a community safety plan for the area concerned setting out the action steps, programmes or projects which the area community police board plans in order to coordinate and support the community safety plans of the community police forums in that area and submit such plan to the provincial community police board.
- (4) A provincial community police board may make recommendations to area community police boards in order to coordinate and support the implementation of area community safety plans.

## 9. SPECIALISED UNITS

- (1) To ensure closer co-operation between community police forums, sub-forums or boards, stations and specialized units of the Service, a provincial-, area- and station commissioner may request the commander of a specialized unit to designate one or more members of that unit to represent the unit, when requested thereto, at a meeting of a forum or board to address the forum, sub-forum or board on specific matters relating to the functions of such unit.
- (2) If a specialized unit performed activities in a specific station area, the commander of such a unit may be requested to submit a report on the performance of the said activities to the station-, area - or provincial commissioner when such a commissioner is called upon by the community police sub-forum, forum or board to account for the said activities of the unit.

## 10. COMMUNICATION

- (1) Decisions taken at community police forums, sub-forums and boards must be conveyed by the provincial-, area- and station commissioner concerned to the members under their command.
- (2) Community police forums and boards must continuously and timeously be informed of policy

developments in the Service with regard to community policing issues to enable them to submit their input with regard thereto.

- (3) Any unclassified circular, whether from national-, provincial-, area- or station level, must, upon request, be made available to a community police forum or board.
- (4) A member of a community police forum or board may, for the duration of discussions relating to community policing issues, upon the invitation of the relevant station-, area- or provincial commissioner, attend management meetings at such station-, area- or provincial level respectively.

#### **11. LOGISTICAL SUPPORT**

- (1) The Service is not obliged to provide office accommodation to a community police forum, sub-forum or board.
- (2) Notwithstanding the provisions of sub-regulation(1), a station commissioner may, in order to assist a community police forum to perform its functions, temporarily make available, for use by that forum, an office which is not immediately required by the Service for the performance of its functions: Provided that such forum does not have access to any other accommodation that may be utilised for this purpose.
- (3) A station commissioner may permit a member of a community police forum to use a telephone or facsimile under the control of the Service to make an official call or send an official fax, if he or she deems it necessary to enable the forum to perform its functions.
- (4) A station commissioner may instruct an employee of the Service to type the minutes of a meeting of a community police forum or its executive committee and official correspondence of the forum and to utilize equipment of the Service for that purpose, if such forum or its executive committee has no access to such equipment and may allow the use of stationery of the Service for that purpose if the forum has no stationery at its disposal.
- (5) No equipment or stores may be issued to a member of a community police forum, sub-forum or board and no such member may be allowed to utilize a police vehicle.
- (6) A member of a community police forum who is also a member of a community police board, may be transported by police vehicle to and from meetings and workshops of such board only in cases where he or she does not have reasonable access to private or public transport

#### **12. FINANCIAL PROCESS AND SYSTEM**

- (1) A community police forum, sub-forum or board may raise funds in order to support or perform its activities.
- (2) A community police forum, sub-forum or board must manage its financial affairs in accordance with generally acceptable accounting practices applicable in the Republic and an income and expenditure statement must be presented at each general meeting of the forum, sub-forum or board.
- (3) All financial records of a community police forum, sub-forum and board must be audited by an independent auditor on an annual basis.
- (4) Community police forums, sub-forums and boards are non-profit, community-spirited bodies that perform their functions in order to achieve the objects, set out in section 18 of this Act, in the interest of the communities in respect of which they were established and membership and participation in the activities of a community police forum, sub-forum or board by any member of a community is voluntary and no member of a forum, sub-forum or board, is entitled to any remuneration on account of his or her membership or participation in the activities of such forum, sub-forum or board.
- (5) A community police forum, sub-forum or board may not establish itself as a section 21 company. Any section 21 company established by a community police forum, sub-forum or board must function completely independent from such forum, sub-forum or board.
- (6) A member of the Service may not be a director of a section 21 company established by a community police forum, sub-forum or board.
- (7) The financial year of a community police forum, sub-forum and board shall commence on 1 April of every year and shall end on 31 March of the next year.

#### **13. EMPLOYEE ORGANISATIONS**

A representative of a labour union may only attend a meeting of a community police forum, sub-forum or board in his or her capacity as such representative when matters affecting labour relations are discussed. Any such representative who attends other meetings of a community police forum, sub-forum or board does so in his or her capacity as a member of the Service or of the community.

#### **14. DISPUTE RESOLUTION AND PROBLEM SOLVING**

- (1) Issues arising at a community police forum, that cannot be resolved at that level, must be referred to the area commissioner or the area community police board.
- (2) Issues arising at an area community police board or referred to it or to the area commissioner in terms of subregulation (1), that cannot be resolved within 90 days at that level, must be referred to the provincial commissioner or provincial community police board.
- (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 in order to resolve the issue.

#### **15. TRANSITIONAL ARRANGEMENTS**

- (1) Any community police forum, sub-forum or board established before the coming into operation of these Regulations, shall be deemed to have been established in terms of these Regulations: Provided that -
  - (a) such community police forum, sub-forum or board has not established itself as a section 21 company before the coming into operation of these Regulations;
  - (b) a community police forum, sub-forum or board which does not have a constitution that complies with the requirements set out in regulation 7, must, within 90 days after the coming into operation of these Regulations, or within such extended period as may be determined by the relevant provincial commissioner upon application by such forum, sub-forum or board, adopt a constitution that complies with these requirements; and
  - (c) a community police forum, sub-forum or board which does not have an executive committee as provided for in these Regulations, must within 120 days after the coming into operation of these Regulations, or within such extended period as may be determined by the relevant provincial commissioner upon application by such forum, sub-forum or board, from its members elect such an executive committee.
- (2) Anything done by a community police forum, sub-forum or board before the coming into operation of these Regulations and which may be done in terms of these Regulations, shall be deemed to have been done in terms of these Regulations.
- (3) The National Commissioner may determine such further transitional measures as may be reasonably necessary to ensure the effective and efficient implementation of these Regulations.
- (4) Any funds received before the coming into operation of these Regulations by a community police forum, sub-forum or board, which had not been established as a section 21 company, shall be deemed to have been administered in accordance with these Regulations: Provided that if the financial records of such forum, sub-forum or board had, in the past, not been audited by an independent auditor, the community police forum, sub-forum or board appoints an independent auditor to audit the records and provided further that, the community police forum, sub-forum or board concerned, upon receipt of the report of the auditor, adopts a resolution in which the administration of the funds is approved.
- (5) If the existing financial year of any community police forum, sub-forum or board, established before the coming into operation of these Regulations, differed from the financial year prescribed by regulation 12(6), the next financial year of such forum, sub-forum or board shall commence on 1 April 2002.

#### **16. SHORT TITLE**

These Regulations shall be called the South African Police Service Interim Regulations for Community Police Forums and Boards, 2001.



# *Appendix VII:*

## *The Draft Provincial Community Police Board Constitution*



### **1. NAME**

- 1.1 The Name of the Provincial Community Police Board shall be The [name of the province] Provincial Community Police Board (hereinafter referred to as "the Board"), established subject to the provisions of sections 18 - 23 of the South African Police Service Act, Act 68 of 1995.

### **2. BODY CORPORATE**

The Board shall:

- (a) Exist in its own right, separately from its members.
- (b) Continue to exist even when its membership and office bearers change
- (c) Be able to own property and other possessions.
- (d) Be able to sue and be sued in its own name.

### **3. OBJECTIVES**

The Board's objectives are to:

- 3.1 establish and maintain a partnership between communities and the police.
- 3.2 promote communication between communities and the police.
- 3.3 promote co-operation between communities and the police in fulfilling the needs of communities regarding policing.
- 3.4 facilitate improvements in the rendering of police services in the province.
- 3.5 improve the transparency and accountability of the police.
- 3.6 promote joint problem-identification and problem-solving by communities and the police.
- 3.7 monitor the effectiveness and efficiency of the police.
- 3.8 evaluate the provision of visible policing in the province.

### **4. RESPONSIBILITIES**

The Board's responsibilities are to:

- 4.1 advise the SAPS at provincial level regarding policing priorities.
- 4.2 facilitate in resolving concerns, problems and complaints from Area Boards and CPFs.
- 4.3 harmonise the relationships between the police and communities.
- 4.4 request the Provincial Commissioner to provide information on policing in the province on a quarterly basis.
- 4.5 obtain regular feedback from the Area Boards about the quality of police service-delivery
- 4.6 encourage and support community-based crime prevention projects.
- 4.7 inform Area Boards about the activities of the Provincial Board.
- 4.8 promote and monitor the effective management of CPF resources.
- 4.9 monitor and request reports on the activities of Area Boards and ensure the sharing of good practices.

### **5. CPF PARTICIPATION**

- 5.1 All members of Area Boards in the province may participate in the activities and attend annual and general meetings of the Provincial Board.

### **6. MEMBERSHIP**

- 6.1 Each Area Board shall be represented on the Board by three representatives.
- 6.2 The Provincial Local Government Association shall be an ex *officio* member of the Board.
- 6.3 The Provincial House of Traditional Leaders, where applicable, shall be an ex *officio* member of the Board.

- 6.4 The Board shall as far as practically possible be representative of the province.  
6.5 No membership fee shall be payable.

## **7. MANAGEMENT**

- 7.1 The Board shall be managed by an Executive Committee which shall be elected, and in the case of *ex officio* members, co-opted, at the Board's Annual General Meeting (AGM).  
7.2 Elected members of the Executive Committee shall serve for a maximum of two years. They may be re-elected or co-opted.  
7.3 The Executive Committee shall comprise of:  
(a) A Chairperson, who must be a civilian.  
(b) A Deputy Chairperson, who must be a civilian.  
(c) A Secretary.  
(d) A Treasurer.  
(e) An Administrator, who must be a member of the SAPS.  
(f) Three additional members.  
(g) The Provincial Commissioner, Provincial Head of Detectives and the Provincial Head of Crime Prevention shall be *ex officio* members of the Executive Committee.  
7.4 If an office bearer of the Executive Committee is absent without a valid apology for three consecutive meetings, the seat will automatically become vacant, and filled by following the usual election procedure.  
7.5 The Executive Committee has the right to co-opt persons to:  
(a) serve on a committee for such a period as the committee may determine;  
(b) attend a particular meeting of a committee, or  
(c) take part in the consideration by a committee or a particular issue.  
7.6 A person co-opted in terms of the above clause shall serve on the committee in question or attend meetings in an advisory capacity and shall not be entitled to vote.  
7.7 The Executive Committee shall ensure that proper minutes and records are kept of all meetings.  
7.8 The Executive Committee shall be responsible for the day-to-day running of the Board

## **8. ELECTION OF A PROVINCIAL BOARD EXECUTIVE COMMITTEE**

- 8.1 The Executive of a Board shall be elected at its AGM.  
8.2 The Provincial Commissioner shall request for nominations for the Board's Executive Committee from Area Boards at least one month before the AGM.  
8.3 Nominations shall close fourteen (14) days before the AGM.  
8.4 Area Boards in the province shall be notified of the nominees for each position by circular at least ten (10) days before the elections.  
8.5 The elections shall be held before the end of July of every second year.  
8.6 Nominees shall be members of Area Boards.  
8.7 The Provincial Commissioner shall be the Electoral Officer.  
8.8 The Provincial Secretariat for Safety and Security shall monitor the electoral process.

## **9. VOTING RIGHTS**

- 9.1 Each delegate representing an Area Board shall have one vote at all meetings.  
9.2 In the event of a deadlock, the Chairperson will have a casting vote.

## **10. VOTING PROCEDURE**

- 10.1 Voting in the general Board meetings shall be by a show of hands.  
10.2 Voting during the election of the Executive Committee shall be through secret ballot.  
10.3 Voting in the Executive Committee shall be by a show of hands.

## **11. MEETINGS**

### **11.1 Annual General Meeting (AGM)**

- 11.1.1 An Annual General Meeting shall be called before the 31st of July of every year to, amongst other business:

- (a) discuss the Annual Report presented by the Executive Committee,
  - (b) discuss and draft resolutions on matters pertaining to the objectives of community policing in the province, and
  - (c) every second year, elect an Executive Committee.
- 11.1.2 Area Boards shall be notified of the date, time, venue and agenda of an AGM at least one month prior to the meeting.
- 11.2 Special General Meetings**
- 11.2.1 The Executive Committee may instruct the Secretary to convene a special general meeting to discuss and rule on special matters.
- 11.2.2 The Secretary shall on written request from at least two thirds of the Area Boards in a province, call a special general meeting to discuss and resolve on issues stated clearly in writing by the members concerned. Notice of such a meeting shall be given to members at least fourteen days in advance.
- 11.3 General Provincial Community Police Board Meetings**
- 11.3.1 The Executive Committee shall convene meetings of all members of the Board on a half-yearly basis.
- 11.4 Executive Committee Meetings**
- 11.4.1 The Executive Committee shall convene meetings at least once every two months. In addition, they may convene meetings as and when they deem it necessary.

## **12. QUORUM**

### **12.1 Annual and General Meetings**

- 12.1.1 At least 50% plus one (1) of all members of the Board present at an AGM or general meeting shall constitute a quorum.
- 12.2.2 If a quorum is not attained at the convening of a scheduled AGM or general meeting, the meeting shall adjourn for at least thirty minutes, where after if the quorum is still not attained, the meeting shall be re-scheduled to a date not exceeding fourteen (14) days later.
- 12.2.3 The Notice of the re-scheduled meeting shall be issued by the Secretary of the Executive Committee within five (5) days from the date of the adjourned meeting.
- 12.2.4 At the re-scheduled meeting, if no quorum is present, the meeting shall continue provided a record of the Notice is presented by the Secretary and confirmed by the members present.

### **12.2 Executive Committee Meetings**

- 12.2.1 At least 50% plus one (1) of the Executive Committee members present at an Executive Committee meeting, shall constitute a quorum.
- 12.2.2 If a quorum is not attained at the convening of a scheduled Executive Committee meeting, the meeting shall adjourn for at least thirty minutes, where after if the quorum is still not attained, the meeting shall be re-scheduled to a date not exceeding seven (7) days later.
- 12.2.3 The Notice of the re-scheduled meeting shall be issued by the Secretary of the Executive Committee within two (2) days from the date of the adjourned meeting.
- 12.2.4 At the re-scheduled meeting, if no quorum is present, the meeting shall continue provided a record of the Notice is presented by the Secretary and confirmed by the members present.

## **13. FINANCIAL ADMINISTRATION**

- 13.1 The Board shall open and maintain a bank account in its name at a registered bank in which all funds received by the Board shall be deposited.
- 13.2 No person may keep funds received by the Board in his or her personal control.
- 13.3 Prior approval must be obtained from the Executive Committee for all expenditure.
- 13.4 Receipts must be obtained for all expenditure and timeously submitted to the Treasurer.
- 13.5 The Provincial Commissioner shall at all times be a signatory to any financial transaction.
- 13.6 An acceptable set of financial records shall be maintained by the designated person and shall be available to any member on request.
- 13.7 The Treasurer shall table a financial report at each Executive Committee meeting and at General Provincial Community Police Board Meetings.
- 13.8 The year-end financial statements of the Board shall be independently audited and shall form part of the annual report to be presented at the Boards' AGM.

## **14. DUTIES OF THE EXECUTIVE COMMITTEE**

- 14.1 To play a leading role in the promotion, development and implementation of community policing in the province.
- 14.2 To maintain efficient control over the Board and its members.
- 14.3 To appoint at its own discretion sub-committees, co-opt members to serve on these sub-committees, direct issues and allocate tasks to these sub-committees.

## **15. DUTIES OF OFFICE BEARERS**

### **15.1 Duties of the Chairperson**

- 15.1.1 Ensure execution of all decisions of the Executive Committee.
- 15.1.2 Preside over meetings of the Board.
- 15.1.3 Represent the provincial Board at relevant forums and events.
- 15.1.4 Report regularly on the functioning of the Provincial Board to the Provincial Secretariat for Safety and Security and provide feedback and directives received to the Provincial Community Police Board.
- 15.1.5 Present reports on the work of the Board at all meetings.
- 15.1.6 Supervise all work of the Board in conformity with this schedule, the relevant legislation and procedures agreed upon by the Board.
- 15.1.7 Be responsible for communication.

### **15.2 Duties of the Deputy Chairperson**

- 15.2.1 In the Chairperson's absence, the Deputy Chairperson shall assume all functions of the Chairperson.
- 15.2.2 In the absence of both the Chairperson and the Deputy Chairperson, the Executive Committee shall nominate one of their number to preside at such a meeting.

### **15.3 Duties of the Secretary**

- 15.3.1 Take minutes in accordance with the provisions of this constitution.
- 15.3.2 Receive and dispatch correspondence to and from the Board.
- 15.3.3 Arrange all meetings.
- 15.3.4 Ensure the safekeeping of all official documents of the Board other than financial records, unless the post of Secretary is combined with that of Administrator.
- 15.3.5 Perform all other duties usually associated with the office of a Secretary.
- 15.3.6 Further the interest of the Board as instructed by the Executive Committee.

### **15.4 Duties of the Treasurer**

- 15.4.1 Be responsible for the finances of the Board and ensure strict compliance with the relevant financial policies.
- 15.4.2 Together with another designated member of the Board and the Provincial Commissioner, operate a banking account on behalf of the Board.
- 15.4.3 Keep books of account and other records necessary to clearly reflect the financial position of the Board, which should include assets belonging to the Board.
- 15.4.4 Table a financial report at every General Board Meeting, and an annual financial report and a budget at every AGM.

### **15.5 Administrator**

- 15.5.1 Assist the Secretary in the execution of his/her duties.
- 15.5.2 Receive and dispatch information and correspondence to and from the Board.
- 15.5.3 Arrange all meetings as required by the Secretary.
- 15.5.4 Ensure the safekeeping of all official documents, financial records and assets of the Board.
- 15.5.5 Perform such administrative functions as may be determined by the Executive.

### **15.6 Additional Members**

- 15.6.1 The additional members shall perform such functions as the Executive may decide.

## **16. DISSOLUTION**

- 16.1 The Provincial MEC for Safety and Security may dissolve the Provincial Community Police Board after having consulted the Area Community Police Boards, the Provincial Community Police Board and all interest parties.

# *Appendix VIII: The Draft Constitution of the Area Community Police Board*

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## **1. NAME**

- 1.1 The name of the Area Community Police Board shall be The [name of police area] Area Community Police Board (hereinafter referred to as "the Board"), established subject to the provisions of sections 18-23 of the South African Police Service Act, Act 68 of 1995.

## **2. BODY CORPORATE**

The Board shall:

- (a) Exist in its own right, separately from its members.
- (b) Continue to exist even when its membership and office bearers change
- (c) Be able to own property and other possessions.
- (d) Be able to sue and be sued in its own name.

## **3. OBJECTIVES**

The Board's objectives are to:

- 3.1 establish and maintain a partnership between communities and the police.
- 3.2 promote communication between communities and the police.
- 3.3 promote co-operation between communities and the police in fulfilling the needs of communities regarding policing.
- 3.4 facilitate improvements in the rendering of police services in the area.
- 3.5 improve the transparency and accountability of the police.
- 3.6 promote joint problem-identification and problem-solving by communities and the police.
- 3.7 monitor the effectiveness and efficiency of the police
- 3.8 evaluate the provision of visible policing in the area.

## **4. RESPONSIBILITIES**

The Board's responsibilities are to:

- 4.1 advise the SAPS at area level regarding policing priorities.
- 4.2 facilitate in resolving concerns, problems and complaints from CPFs.
- 4.3 harmonise the relationships between the police and communities.
- 4.4 request the area commissioner to provide information on policing in the area on a quarterly basis.
- 4.5 obtain regular feedback from the CPFs about the quality of police service-delivery.
- 4.6 encourage and support community-based crime prevention projects.
- 4.7 inform CPFs about the activities of the Area Board.
- 4.8 promote the effective management of CPF resources.
- 4.9 monitor and request reports on the activities of the CPFs and ensure the sharing of good practices.

## **5. MEMBERSHIP**

- 5.1 All duly delegated members of CPFs in the area may participate in the activities and attend annual and general meetings of the Board.
- 5.2 No membership fee shall be payable.

## **6. CPF PARTICIPATION AT AREA LEVEL**

- 6.1 Each CPF shall be represented on the Board by the Chairperson and the Station Commissioner.
- 6.2 The District Municipality or Metropolitan Council shall be an ex officio member of the Board.
- 6.3 The Traditional Authority, where applicable, shall be an ex officio member of the Board.

6.4 The Board shall as far as practically possible be representative of the area.

## 7. MANAGEMENT

- 7.1 The Board shall be managed by an Executive Committee which shall be elected, and in the case of *ex officio* members, co-opted, at the Board's Annual General Meeting (AGM).
- 7.2 Elected members of the Executive Committee shall serve for a maximum of two years. They may be re-elected or co-opted.
- (a) Chairperson, who must be a civilian.
  - (b) A Deputy Chairperson, who must be a civilian.
  - (c) A Secretary.
  - (d) A Treasurer.
  - (e) An Administrator, who must be a member of the SAPS.
  - (f) Three additional members.
  - (g) The Area Commissioner, Area Head of Detectives and the Area Head of Crime Prevention. shall be *ex officio* members of the Executive Committee.
- 7.4 If an office bearer of the Executive Committee is absent without a valid apology for three consecutive meetings, the seat will automatically become vacant, and filled by following the usual election procedure.
- 7.5 The Executive Committee has the right to co-opt persons to:
- (a) serve on a committee for such a period as the committee may determine;
  - (b) attend a particular meeting of a committee, or
  - (c) take part in the consideration by a committee of a particular issue.
- 7.6 A person co-opted in terms of the above clause shall *serve* on the committee in question or attend meetings in an advisory capacity and shall not be entitled to vote.
- 7.7 The Executive Committee shall ensure that proper minutes and records are kept of all meetings.
- 7.8 The Executive Committee shall be responsible for the day-to-day running of the Board.

## 8. ELECTION OF AN AREA BOARD EXECUTIVE COMMITTEE

- 8.1 The Executive of a Board shall be elected at its AGM.
- 8.2 The Area Commissioner shall request for nominations for the Board's Executive Committee from CPFs at least one month before the AGM.
- 8.3 Nominations shall close fourteen days before the AGM.
- 8.4 CPFs in the area shall be notified of the nominees for each position at least ten days before the elections.
- 8.5 The elections shall be held before the end of May of every second year.
- 8.6 Nominations shall be members of CPFs.
- 8.7 The Area Commissioner shall be the Electoral Officer.
- 8.8 The relevant Provincial Community Police Board shall monitor the electoral process.

## 9. VOTING RIGHTS

- 9.1 Each member of the Area Board shall have one vote.
- 9.2 In the event of a deadlock, the Chairperson will have a casting vote.

## 10. VOTING PROCEDURE

- 10.1 Voting in the general Board meetings shall be by a show of hands.
- 10.2 Voting during the election of the Executive Committee shall be through secret ballot.
- 10.3 Voting in the Executive Committee shall **be** by a show of hands.

## 11. MEETINGS

### 11.1 Annual General Meeting (AGM)

- 11.1.1 An Annual General Meeting shall be called before the 31st of May of every year to, amongst other business:
- (a) discuss the Annual Report presented by the Executive Committee.
  - (b) **discuss** and **draft** resolutions on matters pertaining to the objectives of community policing, and

- (c) every second year, elect an Executive Committee
- 11.1.2 CPFs shall be notified of the date, time, venue and agenda of an AGM at least one month prior to the meeting.
- 11.2 Special General Meetings**
- 11.2.1 The Executive Committee may instruct the Secretary to convene a special general meeting to discuss and rule on special matters.
- 11.2.2 The Secretary shall on written request from at least two thirds of the CPFs in an area, call a special general meeting to discuss and resolve on issues stated clearly in writing by the members concerned. Notice of such a meeting shall be given to members at least fourteen (14) days in advance.
- 11.3 General Area Community Police Board Meetings**
- 11.3.1 The Executive Committee shall convene meetings of all members of the Board on a quarterly basis.
- 11.4 Executive Committee Meetings**
- 11.4.1 The Executive Committee shall convene monthly meetings. In addition, they may convene meetings as and when they deem it necessary

## **12. QUORUM**

### **12.1 Annual and General Meetings**

- 12.1.1 At least 50% plus one (1) of all members of the Board present at an AGM or general meeting shall constitute a quorum.
- 12.1.2 If a quorum is not attained at the convening of a scheduled AGM or general meeting, the meeting shall adjourn for at least thirty minutes, where after if the quorum is still not attained, the meeting shall be re-scheduled to a date not exceeding fourteen (14) days later.
- 12.1.3 The Notice of the re-scheduled meeting shall be issued by the Secretary of the Executive Committee within five (5) days from the date of the adjourned meeting.
- 12.1.4 At the re-scheduled meeting, if no quorum is present, the meeting shall continue provided a record of the Notice is presented by the Secretary and confirmed by the members present.

### **12.2 Executive Committee Meetings**

- 12.2.1 At least 50% plus one (1) of the Executive Committee members present at an Executive Committee meeting shall constitute a quorum.
- 12.2.2 If a quorum is not attained at the convening of a scheduled Executive Committee meeting, the meeting shall adjourn for at least thirty minutes, where after if the quorum is still not attained, the meeting shall be re-scheduled to a date not exceeding seven (7) days later.
- 12.2.3 The Notice of the re-scheduled meeting shall be issued by the Secretary of the Executive Committee within two (2) days from the date of the adjourned meeting.
- 12.2.4 At the re-scheduled meeting if no quorum is present, the meeting shall continue provided a record of the Notice is presented by the Secretary and confirmed by the members present.

## **13. FINANCIAL ADMINISTRATION**

- 13.1 The Board shall open and maintain a bank account in its name at a registered bank in which all funds received by the Board shall be deposited.
- 13.2 No person may keep funds received by the Board in his or her personal control.
- 13.3 Prior approval must be obtained from the Executive Committee for all expenditure.
- 13.4 Receipts must be obtained for all expenditure and timeously submitted to the Treasurer.
- 13.5 The Area Commissioner shall at all times be a signatory to any financial transaction.
- 13.6 An acceptable set of financial records shall be maintained by the designated person and shall be available to any member on request.
- 13.7 The Treasurer shall table a financial report at each monthly Executive Committee meeting and at General Area Community Police Board Meetings.
- 13.8 The year-end financial statements of the Board shall be independently audited and shall form part of the annual report to be presented at the Boards' AGM.

## **14. DUTIES OF THE EXECUTIVE COMMITTEE**

- 14.1 To play a leading role in the promotion, development and implementation of community policing in the area.
- 14.2 To maintain efficient control over the Board and its members.

- 14.3 To appoint at its own discretion sub-committees, co-opt members to serve on these sub-committees, direct issues and allocate tasks to these sub-committees.

## **15. DUTIES OF OFFICE BEARERS**

### **15.1 Duties of the Chairperson**

- 15.1.1 Ensure execution of all decisions of the Executive Committee.
- 15.1.2 Preside over meetings of the Board.
- 15.1.3 Serve as a member of the Provincial Community Police Board.
- 15.1.4 Report regularly on the functioning of the Area Board to the Provincial Community Police Board and provide feedback from the Provincial Community Police Board to the Area Board and CPFs.
- 15.1.5 Present reports on the work of the Board at all meetings.
- 15.1.6 Supervise all work of the Board in conformity with this constitution, the relevant legislation and procedures agreed upon by the Board.
- 15.1.7 Be responsible for communication.

### **15.2 Duties of the Deputy Chairperson**

- 15.2.1 In the Chairperson's absence, the Deputy Chairperson shall assume all functions of the chairperson.
- 15.2.2 In the absence of both the Chairperson and the Deputy Chairperson, the Executive Committee shall nominate one of their number to preside at such a meeting.

### **15.3 Duties of the Secretary**

- 15.3.1 Take minutes in accordance with the provisions of this constitution.
- 15.3.2 Receive and dispatch correspondence to and from the Board.
- 15.3.3 Arrange all meetings.
- 15.3.4 Ensure the safekeeping of all official documents of the Board other than financial records, unless the post of Secretary is combined with that of Administrator.
- 15.3.5 Perform all other duties usually associated with the office of a Secretary.
- 15.3.6 Further the interest of the Board as instructed by the Executive Committee.

### **15.4 Duties of the Treasurer**

- 15.4.1 Be responsible for the finances of the Board and ensure strict compliance with the relevant financial policies.
- 15.4.2 Together with another designated member of the Board and the Area Commissioner, operate a banking account on behalf of the Board.
- 15.4.3 Keep books of account and other records necessary to clearly reflect the financial position of the Board, which should include assets belonging to the Board.
- 15.4.4 Table a financial report at every General Board Meeting, and an annual financial report and a budget at every AGM.

### **15.5 Administrator**

- 15.5.1 Assist the Secretary in the execution of his/her duties.
- 15.5.2 Receive and dispatch information and correspondence to and from the Board.
- 15.5.3 Arrange all meetings as required by the Secretary
- 15.5.4 Ensure the safekeeping of all official documents, financial records and assets of the Board.
- 15.5.5 Perform such administrative functions as may be determined by the Executive.

### **15.6 Additional Members**

- 15.6.1 The additional members shall perform functions as the Executive may decide.

## **16. DISSOLUTION**

- 16.1 The Provincial MEC for Safety and Security may dissolve the Area Community Police Board after having consulted the Community Police Forums in the respective area, the Area Board, the Provincial Community Police Board and interest parties.

# Appendix IX: Sample Community Police Forum Constitution for the Western Cape



## 1. PREAMBLE

Community policing is a philosophy, or an approach, which recognises the interdependence and sharing of responsibility of all members of the SA Police Service and the community in ensuring a safe and secure environment for all the people of the Western Cape. The principle of community policing is enshrined in the most important document of our country and province, namely the South African and Western Cape constitutions. It is therefore incumbent upon us to make sure the concept is alive and working in our province.

## 2. NAME AND LEGAL PERSONALITY

- 2.1 The name of the structure shall be ..... Community Police Forum. Herein referred to as the Forum. (After establishment, every local community police forum shall have the right to choose its own name, which shall reflect the name of the police station it serves).
- 2.2 The Forum is a legal structure without profit aim which, notwithstanding any change of its members or management, will exist as a voluntary organisation, thus a legal entity which independently of its members, owns assets, incurs losses and liabilities and institutes legal proceedings.
- 2.3 Immovable property or registerable rights in immovable property obtained by the Forum are registered in the name of the Forum, and all legal acts performed by the Forum are by its organs, officials and/or representatives.
- 2.4 Members have as such no claim to any property or coincidental profit of the Forum.
- 2.5 Indemnity for individual members against legal action arising out of Forum activity.

## 3. AIMS AND OBJECTIVES

The Forum shall-

- 3.1 promote, in a non-party-political way, co-operation between the SA Police Service and local community in general;
- 3.2 establish and maintain a partnership between the police and the community i.r.o. crime prevention;
- 3.3 jointly with SA Police Service identify, prioritise and solve problems related to crime, disorder, fears, and poor police/community relations and service delivery;
- 3.4 promote police/community relations by addressing factors both in the community and SA Police Service that are causing dysfunctional perceptions and attitudes;
- 3.5 promote communication between the police and the local community;
- 3.6 develop in conjunction with SAPS ways and means to promote police transparency and accountability;
- 3.7 encourage and promote objectives and fair media coverage of policing activities;
- 3.8 promote respect for human rights within the ranks of the police service;
- 3.9 negotiate and co-operate with any other institutions at local level, in promoting the interest of the Forum and its members;
- 3.10 monitor the police service which include-
  - \* the procurement, positioning and staffing of police stations;
  - the receiving and processing of complaints and charges;
  - the provision of protection service at gatherings;
  - the patrolling of residential and business areas, and
  - the prosecution of offenders;
- 3.11 develop mutual understanding on a cross-cultural level, and
- 3.12 in its dealings with the police act maturely, diplomatically and in a civilized way.

#### **4. MEMBERSHIP**

- 4.1 Membership of the Forum shall be open to organisations and institutions of the community within the geographical serving area of the ..... Police Station.
- 4.2 Organisations must apply for membership of the Forum. Organisations which are members of the Forum and which have similar objectives or spheres of activity, shall be grouped together in a sub-structure which will nominate a representative and secundus, one of whom shall have a vote at all Forum meetings, including the AGM. Examples of such organisations, youth groups, bodies involved in welfare/social activities etc. The grouping together of organisations into sub-structures shall at all times be the prerogative of the Forum Executive.
- 4.3 In terms of section 19(3) of the SA Police Service Act, Act 68 of 1995, the Station Commissioner and all members designated (to a maximum of 5 members) by the Station Commissioner shall be a member of the Community Police Forum.
- 4.4 The Forum shall as far as practically possible be representative of the precinct. The predominance of one political party or group is to be avoided.
- 4.5 No membership fees shall be payable.
- 4.6 An organisation whose application for membership of the Forum has been approved in writing, shall be eligible to vote at Forum/Sub-structure meetings only after being a member for at least six (6) months during which time the representative of that organisation has attended at least four (4) monthly general meetings of the Forum.

#### **5. RIGHTS**

Every member shall have the right-

- 5.1 to take part in all activities of the Forum;
- 5.2 to elect or be elected to any position in the Forum, only registered principal organisations can exercise the right to vote, and  
(Registered Principal Organisation - the mother body of organisations operating in the area i.e. unions, sports clubs, ministers fraternal, etc. would be regarded as the mother body. All other affiliated unions will not be allowed to vote, however may partake in the activities of the Forum.)
- 5.3 to have access to the records, books and minutes of all meetings.

*Note: Voting rights at all Forum meetings, including the AGM, vest only in the designated representative of affiliated organisations/institutions/sub-structures.*

#### **6. DUTIES, OBLIGATIONS AND FUNCTIONS OF MEMBERS**

The duties and functions of the Forum and its members shall be-

- 6.1 to perform such actions to realise the aims and objectives referred to in paragraph 3 here above;
- 6.2 to encourage every member of the community and the police to take part in activities of the Forum;
- 6.3 to give input for formulation of policing policies, needs and priorities;
- 6.4 to support the Provincial and National Policing Objectives and Priorities through projects and otherwise;
- 6.5 for the Chairperson or alternate to be invited by the Station Commissioner to sit in police management meetings;
- 6.6 to refrain from promoting secular views on party politics when dealing with safety and security matters;
- 6.7 to behave in a controlled and dignified manner when dealing with members of the Forum and SA Police Service;
- 6.8 to be accountable to their community;
- 6.9 to recognise the rank of SA Police Service members;
- 6.10 to be transparent and accountable when dealing with money;
- 6.11 to be punctual and attend meetings regularly;
- 6.12. to comply with normal meeting procedures, and
- 6.13 to refrain from using abusive language and passing racist or sexist remarks.

#### **7. MANAGEMENT**

- 7.1 The Forum is managed by an Executive Committee, which is elected at Annual General

Meetings and comprised of:

- 7.1.1 A chairperson who is a civilian (not SAPS).
  - 7.1.2 A deputy-chairperson or co-chairperson/s (not SAPS).
  - 7.1.3 A secretary, who must preferably be a member of the SA Police Service.
  - 7.1.4 A treasurer (optional).
  - 7.1.5 additional members as decided by the forums at an annual general meeting or on an ad hoc basis.
- 7.2 If an office-bearer of the Executive Committee is absent without a valid/written apology from 3 consecutive meetings, the seat will automatically become vacant and filled by following the usual election procedure.
- 7.3 The Executive Committee has the right to co-opt person to -
- 7.3.1 serve on a committee for such period as the Committee may determine;
  - 7.3.2 attend a particular meeting of a committee, or
  - 7.3.3 take part in the consideration by a committee of a particular matter at a particular meeting of the committee;

*Note: A person co-opted in terms of this clause shall serve on the committee in question or attend the relevant meeting of the committee, as the case may be, in an advisory capacity, and shall not be entitled to vote at any meeting of that committee.*

- 7.4 The Executive Committee shall ensure that proper minutes and records are kept of all meetings.

## **8. MANAGEMENT COMMITTEE (OPTIONAL)**

- 8.1 The Executive Committee may institute a Management Committee responsible for day-to-day running of the Forum consisting of the Station Commissioner, the chairperson or deputy, the secretary and the treasurer members.
- 8.2 The Management Committee may, at their discretion, co-opt members of the Forum.

## **9.**

### **MEETINGS**

#### **9.1 ANNUAL GENERAL MEETINGS**

9.1.1 An Annual General Meeting, which may be attended by any member of the Forum and other interest groups will be convened annually during October-November of each year. Written notice of at least twenty-one (21) days is to be given by the secretary.

9.1.2 Annual General Meetings shall-

- \* consider and make proposals to the Area Board on aims and objectives of Community Police Forums;
- receive, discuss and adopt the Executive Committee's report on the work of the Forum, which will include the chairperson's report and the financial reports;
- discuss and draft resolutions on local matters pertaining to overall policy objectives of community policing, and
- elect the Executive Committee as set out in paragraph 7.1 here above.

#### **9.2 SPECIAL GENERAL MEETING**

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

9.2.2 The secretary shall on written request from at least ten (10) members of the Forum of which at least 50% have to be non-office bearers, convene a Special General Meeting to discuss and rule on issues stated clearly in writing by the members concerned.

9.2.3 Requests for a Special General Meeting must reach the secretary at least one (1) month prior to the envisaged meeting. The secretary will then in writing notify members of the Forum of such a meeting at least twenty-one (21) days in advance. 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. Only matters included on the agenda may be considered.

9.2.4 No previous resolution or ruling mentioned in paragraph 9.2.3 can be revoked or amended by such a Special General Meeting unless 2/3 majority is reached.

#### **9.3 MEETINGS OF THE FORUM**

The Forum general meeting consisting of designated representatives from the local community or organisations shall be held at least twice per quarter to-

- 9.3.1 adopt campaigns and programs for the Forums;

- 9.3.2 receive and consider reports from the Executive Committee;
  - 9.3.3 consider and implement directives and feedback from the Area Board;
  - 9.3.4 make submissions and give input to the Area Board, and
  - 9.3.5 receive reports on the state of policing and crime within the area of the ... Station.
- 9.4 EXECUTIVE COMMITTEE MEETING
- 9.4.1 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 and to prepare an Agenda for the following general meeting.
  - 9.4.2 All resolutions passed by means of 50% + 1 vote.
  - 9.4.3 In the event that the chairperson is absent for whatever reason from an Executive Committee Meeting, the deputy-chairperson will chair the meeting.

## 10. QUORUM

### 10.1 ANNUAL GENERAL MEETING AND SPECIAL MEETING

- 10.1.1 At least 50% of all registered organisations of the Forum will constitute a quorum.
- 10.1.2 If a quorum is not attained at the convening of a scheduled meeting, the meeting will adjourn for at least fifteen (15) minutes whereafter at the discretion of the members present, the meeting may continue. However, the said AGM may only continue provided a minimum of 33% of registered members are present.

### 10.2 EXECUTIVE COMMITTEE MEETINGS

- 10.2.1 At least four (4) members of the Executive Committee, including the secretary and the chairperson or vice-chairperson constitute a quorum at an Executive Management meeting.

## 11. MEETING PROCEDURES

### 11.1 ANNUAL GENERAL MEETINGS

The following procedure shall be adhered to at an Annual General Meeting:

- 11.1.1 Reading of the notice according to which the meeting was convened.
- 11.1.2 Reading and validation of the minutes of the previous Annual General Meeting and the minutes of Special General Meeting if any such meetings were called since the convening of the previous Annual General Meeting.
- 11.1.3 The discussion of any issues arising from minutes mentioned in clause 11.1.2.
- 11.1.4 Reading and consideration of the Chairperson's annual report as well as the financial report.
- 11.1.5 Election of the Executive Committee of the Forum.
- 11.1.6 Discussion and consideration of issues put on the agenda for deliberation of the Annual General Meeting as mentioned in paragraph 9.1.2.

### 11.2 GENERAL PROCEDURES

- 11.2.1 Meetings shall be conducted in terms of generally accepted procedures and practices relating to meetings in general.
- 11.2.2 Silence shall be kept during meetings and members may not leave their seats without the permission of the chairperson.
- 11.2.3 Members should obtain permission from the chairperson to speak, by putting up their hand.
- 11.2.4 Members should, at all times when they have the floor, address the chairperson. Irrelevant matters should be avoided, only the subject under consideration being spoken to.
- 11.2.5 When the meeting or people in the meeting are addressed, the formal form of address may be used e.g Mr. Mrs. etc.
- 11.2.6 When a member becomes guilty of poor conduct, the chairperson may excuse the guilty person from the meeting.
- 11.2.7 No unnecessary disturbances will be tolerated, but representatives may interrupt a speaker only on a point of order.
- 11.2.8 With regard to a point of order, the chairperson will make the final decision.
- 11.2.9 The chairperson may with the permission of the meeting amend the agenda of the meeting. Additions/omissions may be made at the commencement of the meeting.

## **12. FINANCIAL ADMINISTRATION**

- 12.1 The Forum shall open an account at a registered financial institution in which all funds received by the forum will be deposited
- 12.2 An acceptable set of financial books shall be maintained by the designated person and shall be available to any member on request.
- 12.3 A financial report shall be tabled at each (monthly) general meeting of the Forum.
- 12.4 An annual report, audited financial statements and a budget will be tabled at every Annual General Meeting.

## **13. POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE**

The Executive Committee of the Forum shall in executing its managerial functions have the following powers and duties:

- 13.1 At its discretion, 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.
- 13.2 To appoint at its own discretion, sub-committees, direct issues and allocate tasks to these committees and co-opt members from the Forum to serve on these bodies.
- 13.3 To maintain and supervise efficient control over members and the administration of the Forum.
- 13.4 To accept, investigate, consider and rule on grievances received regarding the activities of the Forum.
- 13.5 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 entire Forum.

## **14. DUTIES AND POWERS OF THE MANAGEMENT COMMITTEE**

The Management Committee shall on a day-to-day basis be empowered to make necessary urgent rulings, provided that no resolutions on policy matters may be adopted by the Management Committee, as such resolutions may only be adopted by the Executive Committee and ratified at a subsequent monthly meeting or AGM.

## **15. DUTIES OF THE CHAIRPERSON**

- 5.1 Shall preside over meetings of the Forum.
- 5.2 Shall be an *ex-officio* member of the Area Board, except in the event of the area being operated by a system of sub-areas/sectors. In this case, such sub-areas/sectors will elect a representative/s to the Area Board.
- 15.3 Shall present reports on the state of the Forum to the general meetings.
- 15.4 Shall supervise all work of the Forum in conformity with the constitution and rules of procedures agreed upon by the Forum.
- 15.5 Shall report regularly to the Area Board and in exceptional circumstances to the Provincial Board.

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

The secretary shall have the following duties:

- 16.1 To take minutes in accordance with the provisions of this constitution.
- 16.2 To receive and dispatch correspondence to and from the Forum.
- 16.3 To arrange all meetings.
- 16.4 To ~~safekeep~~ all official documents of the Forum other than financial records, unless this post is combined with that of the treasurer.
- 16.5 To further the interest of the Forum as instructed by the Executive Committee.
- 16.6 To perform all duties usually associated with the office of secretary.
- 16.7 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.

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

- 17.1 Shall be responsible for the finances of the Forum, and shall, together with two appointed members of the Forum, operate a banking account on behalf of the Forum.
- 17.2 Shall keep books of account and other records necessary to clearly reflect on the financial position of the Forum.

- 17.3 Shall head the Financial and Project Committee, which shall inter alia be responsible for
- working out and executing plans for fund-raising within the terms of the law:
  - initiating, planning and co-ordination of all projects of the Forum, and
  - preparing annual and other budgets.

## **18. REGISTRATION AND CERTIFICATION**

### **18.1 REGISTRATION**

All Forums shall be required to register for recognition through the Area Commissioner/Board to the Provincial Commissioner and MEC responsible for Safety and Security. To be registered, Forums must meet the requirements of the Constitution of the Provincial Police Board.

### **18.2 CERTIFICATION**

Upon registration, a Forum shall be presented with a certificate signed by Provincial Commissioner and MEC.

### **18.3 IDENTITY CARDS**

The Executive of a registered CPF shall be provided with an ID card.

18.3.1 Only an ID card bearing the signature of the Station Commissioner will be regarded as an official document.

18.3.2 The name of the executive member shall be reflected on the ID.

18.3.3 Official ID documentation will be properly registered in a register by virtue of minutes noted at a Forum meeting and simultaneously withdrawn at a similar meeting.

18.3.4 The Forum shall pay the cost of these ID cards.

## **19. FINANCIAL POLICY**

The MEC in consultation with the Provincial Commissioner shall outline the method of fund-raising, the utilisation and general disbursement of funds at local, area and provincial levels. This policy shall underline that proper financial records be kept and that all receipts and expenditure documents to be submitted on request, Regular evaluation must be made of all assets of the Forums.

## **20. CODE OF CONDUCT**

### **20.1 INTRODUCTION**

The Community Police Forum is an organisation of the community in partnership with the Police, which members voluntarily join and accept its common goal.

### **20.2 FUNDAMENTAL PRINCIPLES**

The objects of disciplinary proceedings are to-

- a) address instances of unacceptable conduct by members of the Forum;
- b) effectively manage conflict in the Forum;
- c) ensure that before disciplinary steps are taken-
  - i) a member has a reasonable opportunity to state his or her case, and
  - ii) all relevant circumstances are fully and objectively considered before a decision is taken.

### **20.3 CLASSIFICATION OF OFFENCES**

#### **20.3.1 Grave offences:**

20.3.1.1 Any offence aimed at damaging the integrity of the Forum and or destroying its property, shall be considered as a grave offence.

20.3.1.2 An offence shall be committed by a person who inter alia:

- a) intentionally destroys the integrity of the Forum, its personnel, or property by doing the following:
  - i) Sabotages the activities of the Forum.
  - ii) Creates division within its ranks.
  - iii) Impedes its proper functioning.
  - iv) Commits any other act calculated to undermine its effectiveness as a Forum.
  - v) Acts for other organisation(s) or groups hostile to the Forum policy and principles.
  - vi) Acts for any group or person who wishes to destroy the Forum or prevent it from fulfilling its set aims and objectives.

#### **20.3.2 Serious offences**

20.3.2.1 Any violation of the principles of the Forum and standards of behaviour expected of

members, which seriously threatens the safety, property or good name of the organisation, or which substantially impedes its effective functioning, or which creates or is calculated to create demoralisation amongst the members, shall be considered a serious offence.

- a) Acting in a way that exposes members to serious physical harm or death.
- b) Deliberately destroying the property of the organisation or recklessly exposing it to danger.
- c) Behaving dishonestly in relation to the property of the organisation.
- d) Carelessly passing on information that might be harmful to the working of the CPF.
- e) Abusing office by using one's position to obtain material or other undue advantages from members or others.
- f) Fighting or behaving in a grossly disorderly and unruly manner.
- g) Committing serious crimes as defined by the Criminal Justice system in South Africa.

#### 20.4 SCHEDULE OF PENALTIES

20.4.1 Reprimand

20.4.2 Suspension

20.4.3 Expulsion

#### 20.5 DISCIPLINARY PROCEDURES

20.5.1 Adjudicating bodies

Two Executive members of the Area Board plus two representatives from the Area Commissioner's Office shall be the adjudicating body in any disciplinary inquiry.

20.5.2 An accused in any disciplinary matter shall have the right to appeal to the executive of the Provincial Board.

#### 21. AMENDING THE CONSTITUTION

The Constitution can only be amended by:

- 21.1 The Provincial Commissioner, after consultation with Provincial Board and the MEC shall approve any amendments to the Constitution.

