

**UNIFORM CONSTITUTION**

**COMMUNITY POLICE FORUMS**

## **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 it's 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 The Forum is the advisory body to the Station Commissioner pertaining to Community Policing matters.**

- 2.4 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.
- 2.5 Members have as such no claim to any property or coincidental profit of the forum.
- 2.6 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 objective 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 institution 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, **may** 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. Example 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 **two (2)** general meetings of the Forum.
- 4.7. **In the light of the Departments' declared intention of establishing more CPF's in order to get greater community participation, the status of CPF's attached to satellite station be changed to fully fledged / independent CPF's.**
- 4.8. **When an organization applies to the CPF for membership, a copy of such application must simultaneously be forwarded to the secretary of the Area Board for control purposes.**

## 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 organizations can exercise the right to vote, and

(Registered Principal Organization – the mother body of organizations 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 **allowed** by the Station Commissioner to sit in on station 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 **may** be a member of the SA Police Service.
  - 7.1.4 A treasurer (optional **because it may be combined with that of the secretary**)
  - 7.1.5 additional members as decided by the forums at an annual general meeting or on an adhoc basis.
- 7.2 If an office – bearer of the Executive Committee is absent without a valid/written apology from 3 consecutive meetings, **the executive may suspend such member and the vacancy be 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 organizations, 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 where after 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 constitutes 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 general meeting of the Forum.
- 12.4. An annual report and **audited financial statements audited by SAPS financial officer at Area level (refer to Regulation 12.2)** will be tabled at every Annual General Meeting.
- 12.5. Should a CPF wish to raise funds from a source other than the Department of Community Safety for a specific project or purpose, a project-proposal needs to be submitted to the Area Board for comment and onward transmission to the DOCS within six (6) months of raising the necessary funds. A project report detailing how funds were spent must be submitted to Area Board and the DOCS on completion of the project.**
- 12.6. Sub-forums will be eligible or entitled to the same project funding as in the case of CPF's. (the same rules as in 12.5 will apply)**

## **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 it's 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**

- 15.1. Shall preside over meetings of the Forum.
- 15.2. 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 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 the 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 safe keep 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 the **Minister** responsible for Safety and Security. To be **re**-registered, Forums must meet the following requirements: 1. a Letter of application for re-registration signed by the Station Commissioner. 2. a copy of the audited financial reports. 3. a copy of the minutes of the Annual General meeting. And 4. a copy of the attendance register of the AGM.

### **(18.2. CERTIFICATION**

**Upon registration, a Forum shall be presented with a certificate signed by Provincial Commissioner and MEC.) THIS CLAUSE TO BE SCRAPPED IN ITS' TOTALITY.**

### **18.3. IDENTITY CARDS**

The Executive of a registered CPF **may** be provided with ID cards **which must be returned when the members' term of office expires.**

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 **Minister** in consultation with the Provincial Commissioner shall outline the method of fund raising, the utilization 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 it's 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 it's property, shall be considered as grave offences.

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

- a) intentionally destroys the integrity of the Forum, it's personnel, or property by doing the following:
  - i) Sabotages the activities of the Forum.
  - ii) Creates division within its ranks.
  - iii) Impedes it's proper functioning.
  - iv) Commits any other act calculated to undermine its effectiveness as a Forum.
  - v) Acts for other organization (s) or group 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 it's 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 demoralization 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 destroys the property of the organization or recklessly exposing it to danger.
- c) Behaving dishonestly in relation to the property of the organization.
- d) Careless 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 define by the Criminal Justice 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, two representatives from the Area Commissioner's Office **plus the Department of Community Safety** shall be the adjudicating body in any disciplinary inquiry.

**20.5.2. Issues arising in a Community Police Forum that cannot be resolved at that level, must be referred to the Area Community Police Board or to the Area Commissioner.**

**20.5.3. The Directorate: Civilian Oversight of the Department of Community Safety should / will be the last resort to handle all issues, after all avenues has been explored and / or exhausted.**

21. **AMENDING THE CONSTITUTION**

This Constitution can only be amended by:

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

22. DESOLUTION OF THE COMMUNITY POLICE FORUM

On the recommendation of the Area Board, and after thorough consultation with all interested parties, the Minister may dissolve a CPF.