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**DIRECTIVES AND GUIDELINES ON CPF ELECTIONS AT ANNUAL GENERAL  
MEETINGS (AGMs) FOR COMMUNITY POLICE FORUMS (CPFs) AND BOARD  
STRUCTURES, 2019-2020**

**1. INTRODUCTION**

The Uniform Constitution for Community Police Forums and Boards in the Western Cape: 2010 (the Uniform Constitution), provides that the Annual General Meetings (AGMs) of Community Police Forums (CPFs) must be convened between September and December of an election year. Following the National CPF Board's structure, a five (5) year term of office was adopted by the Western Cape Provincial CPF Board in 2012. The current five (5) year term ends in 2019. CPFs must, therefore, have elective AGMs from September to December 2019. Cluster structures must have their elective AGMs in January and February 2020, and the Provincial Board must have its elective AGM in March 2020.

The directives and guidelines set out in this document have been developed to guide the election process and to ensure that it is transparent, free and fair. The directives are being issued in terms of sections 19, 20 and 21 of the South African Police Service Act 68 of 1995, read with sections 3(f) and 5 of the Western Cape Community Safety Act 3 of 2013.

## **2. LEGISLATIVE AND POLICY FRAMEWORK**

- The Constitution of the Republic of South Africa of 1996 (the Constitution);
- The South African Police Services Act 68 of 1995 (the SAPS Act);
- Western Cape Government Strategic Objective 5 of 2011 (Strategic Objective 5);
- Western Cape Community Safety Act 3 of 2013 (the WCCSA);
- Uniform Constitution for community police forums and Boards in the Western Cape of 2010 (the Uniform Constitution);
- Civilian Secretariat for Police Service Act 2 of 2011 (the Secretariat Act);
- South African Police Service Interim Regulations for community police forums and Boards of 2001 (the Interim Regulations);
- White Paper on Policing, 2016.

## **3. MOTIVATION**

The objectives of community police forums and Boards are set out in the SAPS Act, section(s) 18(1), which states that: "The Service shall, in order to achieve the objectives contemplated in s 215 of the Constitution, liaise with the community through community police forums and area and provincial community police Boards, in accordance with sections (ss) 19, 20 and 21, with a view to:

- (a) establishing and maintaining a partnership between the community and the Service;
- (b) promoting communication between the Service and the community;
- (c) promoting co-operation between the Service and the community in fulfilling the needs of the community regarding policing;
- (d) improving the rendering of police services to the community at national, provincial, area and local levels;
- (e) improving transparency in the Service and accountability of the Service to the community; and

(f) promoting joint problem identification and problem-solving by the Service and the community.”

In terms of Strategic Objective 5: Increasing Safety, the Department of Community Safety (DoCS) emphasises its role in strengthening CPF structures in order to increase their efficiency and sustainability.

Section 206 of the Constitution gives certain oversight powers over policing to the Provincial Member of the Executive Council (MEC). To give effect to this section of the Constitution, the Western Cape Provincial Government facilitated the drafting of the WCCSA. The Act provides a regulatory framework as to how the Provincial Government will exercise its oversight function over the police in the province. This Act also makes provision for the following policy frameworks to strengthen the legal mandate of the Western Cape Provincial Government:

- Increased safety levels in communities through supporting partnership initiatives;
- Develop policing oversight models;
- Detect patterns and practices of police conduct;
- Identifying police system failures;
- Develop and establish oversight co-production systems with community police forums to effectively monitor the police;
- The establishment of a safety ombudsman;
- The establishment of a safety advisory board; and
- Develop a legal framework for neighbourhood watches.

The WCCSA covers the requirements for identifying relevant community organisations, institutions and interest groups to form part of a CPF or Board. Section 5 of the Act, states that: “In order to promote good relations between the South African Police Service and the community, the Provincial Minister may issue directives regarding the establishment of CPFs and Boards in terms of ss 19(1), 20(1) and 21(1) of the SAPS Act, including directives relating to –

- (a) the requirements for identifying relevant community organisations, institutions and interest groups to form part of a community police forum or Board;
- (b) the procedures for the establishment of a community police forum or Board;
- (c) the term of office of members of a community police forum or Board;
- (d) the adoption of a constitution for a community police forum or Board and the minimum content thereof;
- (e) dispute resolution procedures applicable to any dispute in respect of the establishment or functioning of a community police forums or Board."

The Department will facilitate CPF and Board elections to minimise disputes that arise as a result of flawed procedures before and at these elections.

The promotion of community police relations and the establishment of partnerships are echoed and reinforced in the Secretariat Act. Section 17(2)(b) of this Act states that Provincial Secretariats must:

- Promote community police relations;
- Establish and promote partnerships; and
- Manage the enhancement of community safety structures within the province.

The Constitution, the SAPS Act, the Secretariat Act all emphasise the principle that a partnership between the police and communities is essential to effective police service delivery. Therefore, the White Paper on Safety and Security (2016), as well as the Community Policing Policy, 2019, presents policy proposals intended to establish stable and effective governance institutions, both inside and outside of government, capable of fulfilling their safety mandate to the people of South Africa.

The aforementioned constitutional mandate and legal framework emphasise the role of communities through CPFs as vital to the prevention of crime and in

ensuring transparency and accountability of the police in law enforcement and service delivery.

Since 2004, CPFs in the Western Cape have adopted a Uniform Constitution to guide and advise on processes that will enable CPFs to run effective structures. It has been amended in 2010 to make provision for Cluster Board structures, which replaced the Area Board structures that were phased out from 2006.

DoCS usually receives numerous complaints after the CPFs have held their elective AGMs. Most complaints focus on the constitutionality of a meeting, and claim that certain procedures, as prescribed in the Uniform Constitution, were not followed. Upon investigation of most of these complaints, it was established that there were deficiencies as far as procedures are concerned. These deficiencies sometimes arise even before the AGM. If the deficiencies can be prevented, it will place the SAPS Station Commander in a better position to take appropriate steps, so that time and resources are not wasted. Instead, better planning can then be applied to organise a procedurally compliant AGM.

A checklist, for the run-up to and for conducting an AGM has been developed in order to provide more structure to this process. The checklist identifies the processes and tasks that should be undertaken before the AGM (mostly compliance issues); at the AGM (mostly operational issues); and after the AGM (monitoring and interventionist, if needed). It must be used to identify whether processes are in place to proceed with the conducting of the AGM, and also point out and identify possible shortcomings in the arrangements.

The Checklist proposes two reference documents, which can be used should additional information be required:

The Uniform Constitution – guides the procedures at AGMs so that issues, such as notices, timeframes, members whom are eligible to vote, quorums, etc. are addressed and guides the Constitutionality of the Election process;

The CPF Policy Guidelines for AGM elections – the development of a CPF policy for AGMs that will deal with procedural matters pertaining to the AGM checklist, where all the registers and documents that are not mentioned in the Uniform Constitution, but is of major importance for the smooth running of the AGM, are explained, e.g. the list (database) of member organisations, the registration process, the attendance registers and the invites to DoCS and the Cluster Chairperson, are key documents to ensure that the AGM runs procedurally and effectively.

## 4. DIRECTIVES AND GUIDELINES FOR AGM ELECTIONS

### A. COMMUNITY POLICE FORUM STRUCTURES

#### 4.1 Directives and guidelines for SAPS Station Commanders<sup>1</sup>

- 4.1.1 All SAPS Station Commanders, in consultation with CPF Executives, must convene elective AGMs between September and December 2019;
- 4.1.2 Organisations (existing and new) intending to vote at the AGM must register with the CPF and with DoCS on the prescribed form. An AGM cannot take place if fewer than fifteen (15) organisations are registered with the CPF;
- 4.1.3 The SAPS Station Commander and the CPF Executive are responsible to approve/ disapprove organisations applying for membership to the CPF, as directed by the criteria on the prescribed form – see *Appendix A*:
  - 4.1.3.1 Should an application be disapproved, it must be reported to the Department in writing, at least thirty (30) days before the AGM, and reasons for the decision must be provided;
  - 4.1.3.2 Should a dispute arise about the eligibility of an organisation, the issue will be referred to the MEC for Community Safety, whose decision on the matter will be final.
- 4.1.4 The SAPS Station Commander must provide DoCS with a copy of the database of all the CPF member organisations that applied to register with the Community Police Forum, at least thirty (30) days before the date of the AGM – see *Appendix B*;
- 4.1.5 The DoCS will compile the final list of organisations/ voters' roll, and send it to the SAPS Station Commander at least twenty-three (23) days before the AGM;

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<sup>1</sup> All functions assigned to Departments are assigned to the Head of Department or his or her nominee.

- 4.1.6 The SAPS Station Commander must forward the notice of the AGM, with the exact date, time and venue, to all member organisations, as well as to DoCS at least twenty-one (21) days before the AGM;
- 4.1.7 The SAPS Station Commander must forward a call for nominations for filling of the CPF Executive Committee positions with the notice of the meeting. Written nominations must close 72 hours before the AGM. Nominations must be on the prescribed nomination form – see *Appendix C*. However, nominations will be accepted at the meeting if a nomination form is filled in on registration, and duly signed by the nominator and the nominee;
- 4.1.8 The SAPS Station Commander must ensure that the designated Executive members are informed that they are to present their respective annual executive reports on the activities of the Community Police Forum, including the financial report, at the AGM;
- 4.1.9 The SAPS Station Commander and the CPF Executive members must ensure that all reports are finalised and submitted to the Station Commander at least seven (7) days before the AGM;
- 4.1.10 The SAPS Station Commander will distribute the reports electronically to all registered member organisations at least three (3) days before the AGM;
- 4.1.11 An attendance register must be signed by all present at the meeting;
- 4.1.12 The SAPS Station Commander must ensure that police officials man the registration desk on the day of the AGM, and take responsibility for the Minutes of the AGM;
- 4.1.13 A copy of the CPF membership organisation database must be available for the perusal of the DoCS official, Cluster Commander, SAPS Provincial Office and IEC official (if in attendance) on request;
- 4.1.14 Voting will be by means of a ballot;
- 4.1.15 No proxy votes will be allowed;

- 4.1.16 All SAPS officials will relinquish their vote to ensure good relations between the CPF structures and SAPS. In the event of two or more candidates receiving an equal number of votes, the result will be determined by lot;
- 4.1.17 The SAPS Station Commander must ensure that the persons elected to the Executive Committee are screened and vetted within seven (7) days after the candidate has submitted the necessary documentation. Screening and vetting must be completed before positions are confirmed, such confirmation is subject to 8.1.9 in the Uniform Constitution, which states that the Chairperson and Deputy Chairperson may not be eligible for re-election with regard to the same position after holding the said position for two consecutive terms;
- 4.1.18 The AGM checklist – see *Appendix D* – must be used to ensure that all prescribed processes and procedures are followed.

## **4.2 Guidelines for DoCS**

- 4.2.1 Statutory members (DoCS, Station Commander, SAPS Provincial Office and IEC official, if in attendance) present must declare that elections may proceed;
- 4.2.2 DoCS will facilitate the elections according to the relevant stipulations in these Directives, the Uniform Constitution and standard election practises;
- 4.2.3 Organisations that applied for CPF membership will not be Clustered for election purposes. Each organisation will have one (1) vote;
- 4.2.4 The waiting period of three (3) months for organisations that applied for membership to the CPF for the first time will be waived for voting purposes;
- 4.2.5 For purposes of the CPF elections, membership applications will close thirty (30) days before the specific CPF's election;
- 4.2.6 Each neighbourhood watch structure, which has been accredited in terms of s 6 of the WCCSA, will have one (1) vote; and must

- provide the SAPS Station Commander 30 days before the AGM, with the name(s) of the person(s) in writing whom are mandated to represent the neighbourhood watch structure at the AGM;
- 4.2.7 The DoCS official must compile a report on the election process, including the names of the new Executive members and their positions, within seven (7) days after the AGM. The report must be presented to the Station Commander for his/ her signature.
- 4.2.8 The Station Commander must confirm that the individuals elected at the AGM qualified for the positions in terms of the vetting according to 4.1.17 before SAPS and DoCS will issue a certificate, listing the names of those duly elected to the respective positions on the CPF's Executive Committee;
- 4.2.9 If the AGM did not take place/ was not successful, a report on the challenges must be forwarded to the DoCS and the SAPS Provincial Office to intervene.

## **B. CLUSTER BOARD STRUCTURE**

### **4.3 Directives and guidelines for SAPS Cluster Commanders**

- 4.3.1 All Cluster Commanders, in consultation with Cluster Executives, must convene elective AGMs in January or February 2020, after all CPFs within the Cluster have conducted elective AGMs;
- 4.3.2 If 80% of CPF AGMs was successfully concluded within the prescribed time frame, the Cluster Commander may proceed with the planning of the Cluster AGM, without representation of the CPF(s) that failed to have elections;
- 4.3.3 The Cluster Commander must forward the notice of the AGM, with the exact date, time and venue, to all the newly elected CPF Chairpersons of the Cluster, as well as to DoCS, at least twenty-one (21) days before the AGM;
- 4.3.4 The Cluster Commander must ensure that the designated Cluster Executive members are informed that they are to present their respective annual executive reports at the AGM;

- 4.3.5 The Cluster Commander and the Cluster Executive members must ensure that all reports are finalised and submitted to the Cluster Commander at least seven (7) days before the AGM;
- 4.3.6 The Cluster Commander will distribute the reports electronically to all newly-elected CPF Chairpersons at least three (3) days before the AGM;
- 4.3.7 The Cluster Chairperson may make him- or herself available for a Cluster Executive position, although such person may not be a newly elected CPF Chairperson. Such Cluster Chairperson will not be entitled to vote;
- 4.3.8 An attendance register must be signed by all present at the meeting;
- 4.3.9 The SAPS Cluster Commander must ensure that police officials man the registration desk on the day of the AGM, and take responsibility for the Minutes of the AGM;
- 4.3.10 All SAPS officials will relinquish their vote to ensure good relations between the CPF structures and SAPS. In the event of two or more candidates receiving an equal number of votes, the result will be determined by lot;
- 4.3.11 Upon the first Cluster AGM taking place, the Provincial Board dissolves automatically;
- 4.3.12 The newly elected Cluster Chairperson shall vacate his/ her position as CPF Chairperson, as stipulated in the Uniform Constitution.

#### **4.4 Guidelines for DoCS**

- 4.4.1 Statutory members (DoCS, Cluster Commander) present must declare that elections may proceed;
- 4.4.2 DoCS will facilitate the elections according to the relevant stipulations in these Directives, the Uniform Constitution and standard election practises;

- 4.4.3 The DoCS official must compile a report on the election process, including the names of the newly-elected Executive members and their positions, within seven (7) days of the AGM;
- 4.4.4 If the AGM did not take place/ was not successful, a report on the challenges must be forwarded to DoCS and the SAPS Provincial Office to intervene.

## **C. PROVINCIAL BOARD STRUCTURE**

### **4.5 Directives and guidelines for the SAPS Provincial Commissioner**

- 4.5.1 The Provincial Commissioner, in consultation with the Head of Department of the DoCS and the outgoing Provincial Board Executive, must convene an elective AGM in March 2020, after all Cluster Boards have conducted elective AGMs;
- 4.5.2 If 80% of Cluster Board AGMs was successfully concluded within the prescribed timeframe, the Provincial Commissioner may proceed with the planning of the Provincial Board AGM without representation of the Cluster Board(s) that failed to have elections;
- 4.5.3 The Provincial Commissioner must forward the notice of the AGM, with the exact date, time and venue, to all the newly elected Cluster Board Chairpersons, as well as to DoCS, at least twenty-one (21) days before the AGM;
- 4.5.4 The Provincial Commissioner must ensure that the designated Provincial CPF Board Executive members are informed that they are to present their respective annual executive reports at the AGM;
- 4.5.5 The designated Provincial Board Executive members must ensure that all reports are finalised and submitted to the Provincial Commissioner at least seven (7) days before the AGM;
- 4.5.6 The Provincial Commissioner will distribute the reports electronically to all Cluster Chairpersons at least three (3) days before the AGM;
- 4.5.7 An attendance register must be signed by all present at the meeting;

- 4.5.8 The Provincial Commissioner must ensure that police officials man the registration desk on the day of the AGM, and take responsibility for the Minutes of the AGM;
- 4.5.9 All SAPS officials will relinquish their vote to ensure good relations between the Provincial Board and SAPS. In the event of two or more candidates receiving an equal number of votes, the result will be determined by lot;
- 4.5.10 The newly elected Provincial CPF Board Chairperson shall vacate his/ her position as Cluster Board Chairperson.

#### **4.6 Guidelines for DoCS**

- 4.6.1 Statutory members (DoCS, SAPS Provincial Office, IEC official) present must declare that elections may proceed;
- 4.6.2 The DoCS will facilitate the elections according to the relevant stipulations in these Directives, the Uniform Constitution and standard election practises;
- 4.6.3 The DoCS official must compile a report on the election process, including the names of the newly-elected Executive members and their positions, within seven (7) days of the AGM;
- 4.6.4 If the AGM did not take place/ was not successful, a report on the challenges must be forwarded to the Head of the Department of Community Safety and the Provincial Commissioner for them to intervene.

### **5. CONSULTATION**

The following stakeholders and role-players will be consulted regarding the Community Police Forum and Board AGM election process:

- 5.1 The SAPS Provincial Office – for their support and input in the process, as the SAPS Station Commanders and Cluster Commanders will be key role players to conducting successful AGMs;

- 5.2 The Independent Electoral Commission (IEC) Provincial Office – the IEC, due to their expertise with election processes, to advise and guide DoCS on how to conduct and facilitate the AGMs effectively;
- 5.3 The Provincial CPF Board – consultations with the Board at its monthly meeting in June 2019.

## **6. RECOMMENDED**

- 6.1 The MEC for Community Safety, after consultation with the SAPS Provincial Commissioner, issues directives for community police forum structures in order to adhere to, and to reach the objectives contemplated in, sections 18 to 23 of the SAPS Act;
- 6.2 That the MEC for Community Safety do so in terms of sections 19, 20 and 21 of the South African Police Service Act 68 of 1995, read with sections 3(f) and 5 of the WCCSA.
- 6.3 That broad consultations take place, but within a timeframe, that allows for the timeframe as stipulated in this directive for CPF and Board elections, to be adhered to; and
- 6.4 That the CPF policy directives and guidelines, as set out in this document, be approved.

I concur with the above directives and guidelines for CPF elections. By signing this document, I confirm that they must be used as a tool to facilitate the election of new CPF structures for the 2019-2024 term.

**GIDEON MORRIS**  
**HEAD OF DEPARTMENT: COMMUNITY SAFETY**  
**WESTERN CAPE**  
**DATE:**

I approve the Directives and Guidelines for elections at AGMs of CPF structures in the Western Cape. They will assist my portfolio to achieve the aims and objectives of section 206(3) of the Constitution of the Republic of South Africa.

**MINISTER ALBERT FRITZ**  
**MEC FOR COMMUNITY SAFETY**  
**WESTERN CAPE**  
**DATE:**