

THE WESTERN CAPE UNIFORM CONSTITUTION FOR COMMUNITY POLICE FORUMS & BOARDS

03/2024



**civilian secretariat
for police**

Department:
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REPUBLIC OF SOUTH AFRICA



**Western Cape
Government**

FOR YOU

Police Oversight and
Community Safety



FOREWORD

The first Uniform Community Police Forums (CPF) and Boards Constitution for the Western Cape Province was adopted in October 2004 by the Provincial CPF Board, after a Provincial Community Police Forum (CPF) conference that was held in March 2003.

An amendment to the 2004 Uniform CPF Constitution was made in 2006 with the phasing out of the “SAPS Areas”, as it changed over to “Clusters”. Since there was no structure to elect the Western Cape Provincial CPF Board (the Provincial Board), Members and Executives of the Board served an extended term from 2005 until 2010.

In September 2007 a Provincial CPF conference was held with several hundred CPF and SAPS delegates at Sea Point (Cape Town). After the conference a series of Cluster workshops were held with all CPF’s in the Province where inputs were requested for amendments to the 2004 CPF Constitution and the Neighbourhood Watch Code of Conduct. The Provincial Board finalised these amendments at a work session in Stellenbosch in August 2008. Shortly afterwards, in 2008, the process was halted because SAPS Head Office (Pretoria) was considering a National CPF Board Structure and Constitution, which was later converted into a National Consultative Forum in the interim, pending amendments to the SAPS Act 68 of 1996, and SAPS directives and instructions on sector policing, clustering, rank-title changes from station commander to station commissioner, functioning of neighbourhood watch structures, and the like, to give further direction on the matter. The Uniform CPF Constitution was thus amended and adopted in March 2010.

In 2017 a task team was appointed to amend the 2010 Uniform CPF Constitution. The team held several meetings and workshops with the Provincial Board, the Western Cape Government: Department of Police Oversight and Community Safety (POCS), SAPS, CPF Cluster Chairpersons and also gathered feedback from complaints and issues dealt with by the partners in the preceding ten years. The 2017 task team’s activities were placed on-hold in 2018 due to changes pending in legislation affecting SAPS and CPFs. SAPS also initiated a national organisational change, moving from “Clusters” into “Districts”. The COVID19 pandemic period from March 2020 until about March 2022 also prevented further work on the amendments and updates to the CPF constitution.

After it’s re-establishment in 2022, the Provincial Board re-appointed the task team to amend and revise the March 2010 Uniform CPF Constitution in order to bring it into alignment with changes in national and provincial legislation, SAPS changes, directives and instructions, and much needed updates to the Uniform Constitution to enhance the governance, oversight, accountability, functionality and conduct of Community Police Forums and Boards in the Western Cape. During 2023 provincial CPF summits were held across the province with hundreds of delegates from CPFs, SAPS and POCS in attendance. Cluster workshops were also setup where input and feedback were solicited for consideration during the amendment and revision process, culminating in the officially amended and revised Uniform Constitution for Community Police Forums and Boards 03/2024.

The Western Cape Uniform Constitution for Community Police Forums and Boards 03/2024, is thus presented as follows:

PREAMBLE

WHEREAS the principle of Community Policing is enshrined in the Constitution of the Republic of South Africa, 1996, and the Constitution of the Western Cape, 1998, Chapter 7 of the South African Police Service Act 68 of 1995, the South African Interim Regulations for Community Police Forums and Boards, 2001, and the Western Cape Community Safety Act 3 of 2013;

AND WHEREAS it is recognised that all members of the South African Police Service and the community share the responsibility, although interdependent on each other, to ensure a safe and secure environment for all of the people in the Western Cape Province;

AND WHEREAS it is incumbent on every Member of a Community Police Forum and Board to ensure that the partnership between the Community and SAPS is maintained in all the South African Police Service precincts in the Western Cape Province and that all Community Safety and Support Structures are monitored and guided to act within the Law.

THE CONSTITUTION

The purpose of this Constitution is to –

- regulate the establishment, functioning and management of Community Police Forums and Boards;
- provide for the establishment of Community Safety and Support Structures and partnerships in collaboration with the Forums and Boards; and
- guide such Community Police Forums and Boards to operate as effective Community Structures through which SAPS shall liaise with the Community to achieve its objectives as mandated.

GUIDING PRINCIPLES

The following guiding principles shall determine the relationship between the relevant parties and this Constitution:

- The Forums and Boards shall be non-party political;
- The Forum shall, as far as is practically possible, be representative of the Community, Community-based Organisations, Community Safety and Support Structures in the Area;
- The Forum or Board meetings shall be held in a language which is understandable to all in the meeting; and
- It is advisable that Community Safety and Support Structures, and related Associations, are registered and shall then be accountable to the Forum or Sub-Forum of the area in which they operate.

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1. ABBREVIATIONS AND ACRONYMS

“AGM”	-	Annual General Meeting
“SGM”	-	Special General Meeting
“CIO”	-	Crime Information Office
“CPF	-	Community Police Forum
“CPB”	-	Community Police Board
“CPSF”	-	Community Police Sub-Forum
“SAPS”	-	South African Police Service
“NHW”	-	Neighbourhood Watch
“POCS”	-	Western Cape Government Department of Police Oversight and Community Safety
“WCCPB”	-	Western Cape Community Police Board
“WCUCCPFB03/2024”	-	Western Cape Uniform Constitution for Community Police Forums and Boards 3/2024

2. LEGISLATIVE PRINCIPLES

- 2.1 Constitution of the Republic of South Africa, 1996: Section 206(3)(c) provides that each Province is entitled to promote good relations between SAPS and the Community.
- 2.2 South African Police Service Act 68 of 1995: Section 10(1) provides that a Provincial Commissioner shall, subject to the direction of the Member of the Executive Council, be responsible for establishing Community Police Forums at the Stations in the Province.
- 2.3 South African Police Service Act 68 of 1995: Section 18 (1) states that the Service shall, in order to achieve the objects contemplated in Section 215 of the Constitution, liaise with the Community through Community Police Forums.
- 2.4 South African Police Service Act 68 of 1995: Section 64C(2)(f) provides that the Executive Head of the Municipal Police shall either personally, or through a member or members of the Municipal Police Service designated by him or her for that purpose, represent the Municipal Police Service on every Community Police Forum or Sub-Forum established in terms of section 19 within the area of jurisdiction of the municipality.
- 2.5 South African Police Service Interim Regulations for Community Police Forums and Boards: GN R384 in GG 22273 of 11 May 2001: regulation 5(1) provides for the Establishment of a Provincial Community Police Board, as soon as may be reasonably possible after the establishment of more than one District Community Police Board in a Province. Furthermore, that the Provincial Commissioner must invite the Executive Committee of every District Community Police Board established in the said Province, to a meeting with the purpose to establish a Provincial Community Police Board for that Province.
- 2.6 South African Police Service Interim Regulations for Community Police Forums and Boards: GN R384 in GG 22273 of 11 May 2001: Regulation 5(5) states that 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.
- 2.7 Western Cape Community Safety Act 3 of 2013 provides, inter alia, that –
- i. the Minister may issue directives regarding the establishment of CPFs;
 - ii. the Head of Department must evaluate the functionality of CPFs and Boards, attend CPF and Board Meetings and report to the Minister on the findings; and
 - iii. the Head of Department may assist CPFs and Boards by providing funding, training or resources;

3. DEFINITIONS

“**Act**” refers to the South African Police Service Act 68 of 1995;

“**Associations**” shall refer to all Community Safety Structures that choose to form formal or informal relationships whose purpose shall not be in conflict with the South African Police Service, the Community Police Forums and Boards and the Department. Associations may Register with the local Community Police Forum and they shall not have any voting related rights and they shall not represent individual Community Safety Structures as a collaborative at any level. An exception to this definition may apply to independent structures, as the context may indicate, and where their name contains the word ‘Association’;

“**Block Watch**” refers to a safety structure formed by residents, similar to a Neighbourhood Watch, but operating in a smaller specific geographic area, usually consisting of a few streets;

“**Board**” refers to Provincial Community Police Board, as well as the District and Sub-District Community Police Board, established in terms of sections 20 and 21 of the Act;

“**Community Safety Structure**” or “**Community Safety and Support Structure**” refers to an all-encompassing phrase and shall include individual Neighbourhood Watches, Sector Safety Forums and Sub-Forums, Community in Blue, Street Committees, Street Watches, Block Watches, Farm Watches, Flat Watches, Business Watch, Community Volunteers and any other structured community safety and support groups and activities deemed to be related to the definition as set out herein. Structures established exclusively by the Department and under the Department’s direct management and oversight, and whose functions do not contradict any part of this Constitution, such as accredited NHWs, shall be excluded from this definition. This definition should be read with the definition of Association;

“**Community in Blue**” or “**CIB**” refers to the initiative of establishing and functioning of community based voluntary patrollers, as defined by the ‘South African Police Service Community in Blue Concept’ document. CIB patrollers are directed by the SAPS during operations. CIB patrollers are selected, and may be deselected, by the local CPF and are also managed by, and accountable to, the local CPF. The local CPF should refrain from managing CIB patrollers during active operations while they are being directed by SAPS. Disputes and disciplinary actions should be addressed following this Constitution;

“**Community Policing**” refers to organisational strategies of SAPS and other law enforcement agencies, involving a proactive reliance on community resources that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime;

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

“**Community-based Organisations**” refers to Governmental and Non- Governmental Organization operating from the Jurisdiction of the Forum or Sub-Forum;

“Constitution” refers to this Western Cape Uniform Constitution for Community Police Forums and Boards 2024;

“Days” excludes Saturdays, Sundays and South African proclaimed public holidays, unless otherwise indicated;

“Department” refers to the Western Cape Government’s Department of Police Oversight and Community Safety;

“Designated Member” means a person properly mandated in writing by his or her organisation or institution to represent such an institution or organisation in the Forum or Sub-Forum;

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

“Ex-Officio Membership” “refers to membership held by a member of a Forum in the Forum after his or her election as a Chairperson of the District and to the Sub-District Board. Such membership also includes local Municipal Councilors, Ward and Proportional Representational (PR) Councilors. This definition should be read with paragraph 11 (Voting) and sub-paragraph 11.6.2 (voting) of this Constitution;

“Farm Watch” shall be considered similar to “Neighbourhood Watch” where two (2) or more farms are members. An individual farm shall be considered similar to a “Block Watch” as defined herein;

“Forum” refers to Community Police Forum and Sub-Forum established in terms of section 19 of the Act;

“Impartial Person” or **“Impartial Organisation”** refers to a person and/or organisation specifically referred to as such and includes designated officials of the Department and excludes members of the SAPS;

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

“Law Enforcement Agencies” refers to municipal law enforcement officials, traffic officials, traffic wardens, etc;

“Legal Official” refers to a legally qualified official of the Legal Services Component of the Service;

“Member” means any member of the Forum, Sub-Forum or Board, elected, co-opted and those whose application for membership of the Forum and Sub-Forum was approved or renewed in terms of this Constitution, excluding individuals from the general public, but including individuals holding Ex-Officio Membership and Statutory Members designated to the Forum, Sub-Forum or Board.

“Misconduct” means a contravention by a Member of any of the determinations of the Constitution and/or the Codes of Conduct of the different Forums or Boards;

“Municipal Police” or **“Municipal Police Service”** means a municipal police service established in the province in terms of section 64A of the Act;

“Neighbourhood Watch” or “NHW” refers to a safety structure formed by residents, businesses and other organisations, within a defined and specific geographic boundary, through a democratic election process. NHWs shall Register with their precinct Community Police Forum and subject themselves to vetting, screening and book-on and off processes as a condition of operation. Only one (1) accredited NHW structure may exist per area/geographic boundary as determined by the precinct Station Commander in conjunction with the CPF. This provision must be read with section 6 of the WCCSA;

“Non-Governmental Organisations” or “NGO” refers to independent organisations in the community not affiliated to Government such as civic organisations, NICRO, etc;

“Notice” refers to a written notice of which receipt can be acknowledged;

“Office-bearer” means any Member who is elected by the Forum, Sub-Forum or Board to the Office of the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Project Co-ordinator, Deputy Project Co-ordinator, Public Relations Officer and Deputy Public Relations Officer. This definition excludes additional Members, co-opted and individuals holding Ex-Officio Membership;

“Paragraph” refers to the numbered paragraphs of this document;

“Proxy” refers to a person properly mandated in writing to represent a designated representative of an organisation;

“Political Organisation” or similar reference, refers to a political party registered with the Electoral Commission of South Africa, and in a position to contest an election in the ward covering the policing precinct of the Forum or Sub-Forum;

“Register” means to register with a Forum or Sub-Forum;

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

“Screening” or “Screening Process” refers to the screening process where a person to be screened must reply to the questions on the prescribed form. As part of the screening, the Crime Information Office at the Station must attempt to confirm the applicants’ replies on the form and supply a comment and a recommendation for the purpose of considering the confirmation of membership of the Forum or Sub-Forum;

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

“Sub-Forum” refers to a sub-forum, established in terms of section 19(2) of the Act, for a Sector;

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

“the Service” refers to the South African Police Service;

“**Term of Office**” refers to the period for which an elected Executive Committee shall hold office, for both Forums and Boards, which be five (5) years; and

“**Victim Support Structures**” include structures such as victim friendly facilities, victim support volunteers, safe houses or centres, youth and elderly support programs, witness support and other similar structures; and

“**WCCSA**” refers to the Western Cape Community Safety Act 3 of 2013.

4. LEGAL STATUS

This document derives its mandate from:

- 4.1 Chapter 7 of the South African Police Act, Act 68 of 1995;
- 4.2 South African Police Interim Regulations for Community Police Forums and Boards, GN R384 in GG 22273 of 11 May 2001;
- 4.3 The CPF Provincial Conference Resolutions and Summits held in 2003 and 2023;
- 4.4 Community Police Forum Uniform Constitution Western Cape (2004);
- 4.5 National Instruction 3/2009: Sector Policing; and
- 4.6 National Circular 26/3/5/2: Dated 2009-04-28: Interim Logo for Community Police For a: from the Office of the Divisional Commissioner, Visible Policing.

5. LEGAL PERSONALITY AND RESPONSIBILITY

- 5.1 This Constitution shall be binding on all Forums and Boards in the Western Cape Province established in terms of the South African Police Service Act.
- 5.2 After establishment, each Community Police Forum must be named after SAPS Station it serves. District and Sub-District Community Police Boards must be named according to the area designation that it serves. In the case of a Sub-Forum, the naming must indicate the Community Police Forum it accounts to – (eg; Lentegeur CPF Sub-Forum, Sector 3, Mitchells Plain).
- 5.3 The Forums and Boards are non-profit, Community-based Organisations.
- 5.4 The Forums and Boards are entities (structures), as contemplated in Chapter 7 of the Act, which:
 - 5.4.1 Exist as such entities, independently and distinct from its Members, irrespective of any change in its membership or management;
 - 5.4.2 May acquire rights and obligations as determined by the relevant Acts, Regulations and Instructions;
 - 5.4.3 May institute legal proceedings in its own name, and be cited in legal proceedings in its own name; and

- 5.4.4 May not transform into section 21 companies.
- 5.5 Any immovable property or registerable rights in immovable property, obtained by the Forum or Board, are to be registered in the name of the Forum or Board.
- 5.6 All legal aspects to be performed by the Forums or Boards are to be performed by its structures, committees, officials and/ or representatives, duly authorised thereto in the execution of their duties as structures, committees, officials and / or representatives of the Forums or Boards;
- 5.7 No Member of the Forum or Board shall be liable for the debts of the Forum or Board which were duly incurred and authorised by the Forum or Board;
- 5.8 No Forum or Board shall purchase or authorise items be purchased on credit in the name of the Forum or Board.

6. NAME, LOGO AND LETTERHEAD

- 6.1 The name of the document shall be:
 - “THE WESTERN CAPE UNIFORM CONSTITUTION FOR COMMUNITY POLICE FORUMS AND BOARDS: 03/2024”**
- 6.1.1 Abbreviated as **“WCUCCPFB03/2024”**
- 6.2 The Logo and Letterhead:
 - 6.2.1 An Interim Logo has been approved in terms of a letter from the Divisional Commissioner, Visible Policing 26/3/5/2 dated 2009-04-28.
 - 6.2.2 The Logo shall be seen as:
 - “A handshake under the Aloe in a circle, and surrounded by the words ‘Community Police Forum’ and ‘Partners in Policing’ on the top and bottom”**
 - 6.2.3 For the purpose of identification, the name of the Forum or Board may be added above the aloe, and shall be used on all correspondence of the Forum, Sub-Forum or Board. For example:
 - 6.2.3.1 **“PAROW COMMUNITY POLICE FORUM”**
 - 6.2.3.2 **“WEST COAST COMMUNITY POLICE DISTRICT BOARD”**
 - 6.2.3.3 **“COCT CENTRAL SUB-DISTRICT COMMUNITY POLICE BOARD”**
 - 6.2.3.4 **“WESTERN CAPE COMMUNITY POLICE BOARD”**
- 6.3 The Logo should only be used for official Forum, Sub-Forum and Board activities and correspondence.

7. AIMS AND OBJECTIVES

The Forums and Boards shall:

- 7.1 Accomplish all the objectives set out in section 18(1) of the Act;
- 7.2 Establish and maintain a partnership between the community and SAPS;
- 7.3 Promote communication between SAPS and the community;
- 7.4 Promote co-operation between SAPS and the community in fulfilling the needs of the community regarding policing;
- 7.5 Improve the rendering of Services to the community at National, Provincial, District and Sub-District and Local levels;
- 7.6 Promote transparency and accountability of the Service to the community; and
- 7.7 Promote joint problem-identification and solving with the SAPS and the community;
- 7.8 Be subject to oversight and held accountable by its higher-level forum and board, and will exercise oversight and hold accountable forums and boards under its mandate;
- 7.9 Promote co-operation between the South African Police Service, the local community, other Law Enforcement Agencies, Community Safety Structures, Victim Support Structures, Community-based Organisations and Institutions and the Municipal Police Service;
- 7.10 Promote respect for human rights within the ranks of the SAPS, the local community, other Law Enforcement Agencies, Community Safety Structures, Victim Support Structures, Community-based Organisations and Institutions and the Municipal Police Service;
- 7.11 Negotiate and co-operate with other Institutions at Local, District, Sub-District, Provincial and National Level in order to promote the aims and objectives of the Forums and Boards;
- 7.12 Mobilise the community and organisations in the community to join the Forums, Sub-Forums, Community Safety Structures and Support Structures;
- 7.13 Assist with the initiation and co-ordination of social crime prevention programs and projects in conjunction with SAPS, other State Departments, Law Enforcement Agencies, Municipal Police Service and other CPF Structures;
- 7.14 Request the Service to account on the achievement of the objectives in terms of section 205(3) of the Constitution of the Republic of South Africa.

8. ESTABLISHMENT AND MANAGEMENT OF THE FORUMS AND BOARDS

8.1 Community Police Forum

- 8.1.1 A Station Commander must take reasonable steps to establish a Community Police Forum for the precinct;
- 8.1.2 The Station Commander shall, in order to establish a Community Police Forum, invite members of the community, including:
- 8.1.2.1 Representatives of Community-Based Organisations and Institutions;
 - 8.1.2.2 Representatives of Community Safety and Support Structures;
 - 8.1.2.3 Sector Commanders of the precinct;
 - 8.1.2.4 Statutory Members;
 - 8.1.2.5 Municipal Police Service and other Law Enforcement Agencies (where applicable);
 - 8.1.2.6 Members of the Department responsible for Police Oversight and Community Safety;
 - 8.1.2.7 Where a Station precinct (such as airports, harbours, business hubs, etc) does not have a service area community to draw members from, it shall use the following method for its establishment:
 - 8.1.2.7.1 The relevant Station Commander and District Board, together, shall invite the Department, Statutory Members, persons with a current and direct interest in the Station precinct (such as business owners and permanent employees), and the Forums in close proximity to the precinct or Station in question, to a Special or Annual General Meeting in order to nominate and elect Members to serve on the executive committee in the following capacities:
 - 8.1.2.7.2 a Chairperson and Deputy Chairperson;
 - 8.1.2.7.3 a Secretary and Deputy Secretary (optional) *[read with paragraphs 15.2, 15.3, 15.4];*
 - 8.1.2.7.3.1 Deputy Secretary may be a statutory appointment by the Station Commander *[read with paragraphs 15.2, 15.3, 15.4];*
 - 8.1.2.7.4 The Station Commander or his or her representative is a Statutory Member of the Executive Committee;
- 8.1.3 A Forum may co-opt an expert in the advisory capacity, in any particular field or area, as deemed necessary by the Forum. The co-opted member shall have no voting powers.
- 8.1.4 An Executive Committee shall be elected from the Community-based Organisations Registered with the Forum, and shall consist of:
- 8.1.4.1 a Chairperson and Deputy-Chairperson;
 - 8.1.4.2 a Secretary and Deputy Secretary (optional) *[read with paragraphs 15.2, 15.3, 15.4];*

- 8.1.4.2.1 Deputy Secretary may be a statutory appointment by the Station Commander *[read with paragraphs 15.2, 15.3, 15.4]*;
- 8.1.4.3 a Treasurer;
- 8.1.4.4 a Project Co-ordinator and Deputy Project Co-ordinator (optional);
- 8.1.4.5 a Public Relations Officer and Deputy Public Relations Officer (optional);
- 8.1.5 The Station Commander or his or her representative is a Statutory Member of the Executive Committee;
- 8.1.6 After the establishment of the Forum, such a notification with the names of the Executive Committee and the minutes of the meeting must be forwarded to the appropriate District or Sub-District Commissioner if the District and Sub-District Board has not yet been established or has to be re-established;
- 8.1.7 Any vacancies on the Executive Committee due to resignation, expulsion or otherwise, must be filled by means of an election at a Special General Meeting. As an interim measure, the Executive Committee of the Forum may co-opt individuals and decide who will perform the duties and the functions in the vacant position until a Special General Meeting is called within 90 days of the date when the position officially became vacant;
- 8.1.8 All the actions by the Executive Committee or any of its members in the *bona-fide* performance of their duties, shall be regarded as if performed by the Forum or Sub-Forum;
- 8.1.9 The Chairperson and Deputy-Chairperson may not be eligible for re-election with regard to the same position after holding the said position for two (2) consecutive terms of office, unless there is at least a seventy five percent (75%) majority vote in favour of, and there are no objections by the Department and the SAPS after having received an application as specified in paragraph 8.1.9.1;
- 8.1.9.1 Chairpersons and Deputy Chairpersons who plan to avail themselves for service, in the same position, beyond two (2) consecutive terms must send a written application to the Department, and the Station Commander, fourteen (14) days prior to the election meeting (AGM and SGM), in order to establish the applicant's eligibility using the following criteria as established here-in:
- 8.1.9.1.1 Adherence to the aims and objectives,
- 8.1.9.1.2 Compliance with the code of conduct, including a review of any Misconduct, suspensions and disciplinary actions,
- 8.1.9.1.3 Compliance with membership requirements,
- 8.1.9.1.4 Satisfactory performance of the duties of office,
- 8.1.9.1.5 In addition; should not have resigned from or abandoned office in the preceding two (2) terms,

- 8.1.9.1.6 Or any similar behaviour;
- 8.1.10 Members of the Executive Committee must, except with a valid written apology, attend all set Executive Committee Meetings;
- 8.1.11 Upon election to the Forum, the Chairperson and Deputy Chairperson of the Forum shall step down immediately from all previous Sub-Forums or structures under the oversight of the Forum, in order to hold office. Such members shall, however, maintain membership of his or her Sub-Forum or structure as an Ex-Officio Member;
- 8.1.12 The Executive Committee shall ensure that proper minutes and records are kept of all proceedings. Permanent records must be kept electronically with disc backup. The records must be kept for a period of at least Five (5) years;
- 8.1.13 The Station Commander and the Chairperson must ensure that the minutes of the meetings of the Forum and Sub-Forum are submitted to the Responsible Person at the Office of the Provincial Commissioner within seven (7) days after the meeting;
- 8.1.14 A new Executive Committee of the Forum must be elected at the end of the term of office.
- 8.2 Sub-Forum**
- 8.2.1 The Station Commander and the Forum of the precinct shall take reasonable steps to establish a Community Police Sub-Forums;
- 8.2.2 At a general meeting of the community in the Sector or precinct, the Executive Committee of the Sub-Forum must be elected and thereafter at an Election Annual General Meeting;
- 8.2.3 After establishing the Sub-Forum, such a notification with the names of the Executive Committee and the minutes of the meeting must be forwarded to the Forum of the precinct;
- 8.2.4 The Executive Committee shall comprise of:
- 8.2.4.1 a Chairperson and a Deputy Chairperson;
- 8.2.4.2 a Secretary, Treasurer and Project Co-ordinator;
- 8.2.4.3 Statutory Members;
- 8.2.5 A Sub-Forum may co-opt an expert in an advisory capacity, in any particular field or area, as deemed necessary by the Sub-Forum. The co-opted member shall have no voting powers;
- 8.2.6 A copy of the minutes of the meetings of the Sub-Forum must be handed to the precinct Forum and the Station Commander within seven (7) days after the meeting.

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

- 8.3.1 Membership shall, subject to paragraph **8.3.11** be open to the community residing or having business in the area of the Forum or Sub-Forum and all Governmental Organizations in the Jurisdiction of the Forums or Sub-Forums,
- 8.3.2 Membership is voluntary and no membership fees shall be payable for membership of the Forum or Sub-Forum;
- 8.3.3 Membership of the Executive of the Forum and Sub-Forum shall be limited to South African Citizens of the age of 18 years and above;
- 8.3.3.1 And shall not be directly employed in certain regulated industries, such as; taxi transport, liquor sales, tobacco sales, tow-truck operations, night-clubs, gambling, scrap dealers, firearm sales, private investigation and private security;
- 8.3.4 All members, employees of the Service and Municipal Police members, designated to the Forum or Sub-Forum, are collectively a single Statutory Member for the respective Forums or Sub-Forums;
- 8.3.5 Members of the Department should not be elected as executive members of the Forum or Sub-Forum;
- 8.3.6 Public Service Act members of the SAPS should not be members of the Executive of the Forum or Sub-Forum of the Station area in which they are stationed;
- 8.3.7 A body, organisation or institution must apply in writing for membership of the Forum or Sub-Forum to the Executive of the Forum or Sub-Forum on the prescribed form, and shall submit all required and requested documentation to establish the legitimacy of the organisation and its members and may include Screening and vetting requirements. The application shall include its:
- 8.3.7.1 Management and other officials;
- 8.3.7.2 The aims and objectives of the entity;
- 8.3.7.3 Constitution and code of conduct;
- 8.3.7.4 Minutes of the meeting regarding the election of executive members, with provision made for the omission of information deemed sensitive and confidential;
- 8.3.7.5 The person mandated to represent the entity, preferably the Chairperson or Deputy Chairperson;
- 8.3.8 A body, organisation or institution defined as a “Community Safety Structure”, or has similar functions, may apply in writing for membership of the Forum or Sub-Forum to the Executive of the Forum or Sub-Forum on the prescribed form, and shall submit all required and requested documentation to establish the legitimacy of the organisation and its members, and may include Screening and vetting requirements; The application shall include its:

- 8.3.8.1 Management and other officials;
- 8.3.8.2 The aims and objectives of the entity;
- 8.3.8.3 Constitution and code of conduct;
- 8.3.8.4 Attendance registers of the public meeting held during its formation;
- 8.3.8.5 Minutes of the meeting regarding the election of the executive members;
- 8.3.8.6 The person mandated to represent the entity, preferably the Chairperson or Deputy Chairperson;
- 8.3.9 All persons elected to the executive of the Forum or Sub-Forum shall be subjected to a Screening and vetting process, and this shall be dealt with in a professional and confidential manner;
- 8.3.10 Community Safety and Support Structures, may each have representation at Forum and Sub-Forum level subject to membership requirements and compliance;
- 8.3.11 The Forum or Sub-Forum may reject an application for membership or terminate membership due to:
 - 8.3.11.1 Involvement and/or alleged involvement in criminal activities;
 - 8.3.11.2 Serious criminal record;
 - 8.3.11.3 Failure to make a criminal record known at the time of applying for membership;
 - 8.3.11.4 Not being psychologically healthy, demonstrating patterns of irrational behaviour or showing exceptional disrespect towards colleagues and partners;
 - 8.3.11.5 Failure to subject self to the Screening process within seven (7) days after election as a member of the Forum or Sub-Forum;
 - 8.3.11.6 Without any reasonable explanation;
 - 8.3.11.6.1 Fails to attend, in person, at least three set meetings in a period of six (6) months;
 - 8.3.11.6.2 Showing a pattern of failure to attend set meetings in person, showing disregard for reasonable requests for feedback and information by the Forum, next higher-level Forum, Board or established commission, and failing to communicate and cascade relevant information to representative structures and sub-structures in a timely manner;
 - 8.3.11.6.3 Accepting and holding membership at other Community Safety Structures as defined here-in. Additionally, executive members of a Community Police Forum and Sub-Forum may not also hold executive membership in another Community Police Forum and Sub-Forum at the same time, except in the case of Ex-Officio Memberships and transitional arrangements approved by the District or Provincial Board;

- 8.3.11.6.4 Accepting appointment as a permanent member of the SAPS, SAPS Reservists, Municipal Police Service or the Department.
- 8.3.11.6.5 Any other similarly reasonable grounds;
- 8.3.11.7 When considering the rejection of an application or the termination of membership on the grounds of offences or alleged offences, the Forum or Sub-Forum must take the following factors into consideration;
- 8.3.11.7.1 The seriousness of the offence(s) and/or alleged offence(s) involved;
- 8.3.11.7.2 The number of convictions;
- 8.3.11.7.3 The time lapse since the last conviction, or the fact that the convictions were not made known at the time of applying for membership or appointment as a member of the Forum or Sub-Forum;
- 8.3.11.8 An applicant, organisation or a member of the Forum or Sub-Forum, whose application has been rejected or whose membership has been terminated, may request reasons for the rejection of the application for membership or the termination of membership. The applicant, member or organisation may, after receiving such a reply, appeal to the next higher Forum or Board within seven (7) days and a reply must be supplied within fourteen (14) days after the receipt of the appeal. If not satisfied with the decision of the higher Forum or Board, representations may be forwarded to the Provincial Board;
- 8.3.11.9 First-time and new applicants for membership of an established Sub-Forum and Forum, shall complete all application requirements at least twenty-one (21) days prior to the Elective Annual General Meeting. Applicants whose application for membership has been approved, will have voting rights in the meetings of the Forum or Sub-Forum;
- 8.3.11.10 Membership shall be renewed, every two (2) years, at least seven (7) days before the Elective Annual General Meeting by means of a written application to the Forum or Sub-Forum. Failure to renew a membership within the prescribed period, the membership shall lapse until the re-application is received and considered;
- 8.3.11.11 Municipal Councilors, Ward and PR Councilors, are Ex-Officio members of the Forums in their area.
- 8.4 **Powers and Functions: Forum and Sub-Forum**
- 8.4.1 To promote the aims and objectives of the Forums as determined in paragraph 7 of this Constitution;
- 8.4.2 To, at its own discretion appoint Committees and/or Sub-Committees and allocate tasks to these Committees;
- 8.4.3 To maintain efficient control over members and the administration of the Forums;

- 8.4.4 To receive, investigate, consider and rule on grievances or conflicts regarding the activities of the Forums and that of Community Safety and Support Structures. Complaints and grievances against the Executive of the Sub-Forum shall be dealt with by the Forum and complaints and grievances against the Executive of the Forum shall be dealt with by the District and Sub-District Community Police Board;
- 8.4.5 To compile a Community Safety Plan for each financial year. The plan must include the inputs of the Sub-Forums. The following process should be followed for the plan to be adopted at a Special Meeting;
- 8.4.5.1 A Police Priority Needs Meeting must be convened to identify the Police Priority Needs of the precinct. The meeting must be attended by all the role players in the precinct;
- 8.4.5.2 A report on what was achieved in terms of the previous Community Safety Plan must be supplied;
- 8.4.5.3 With the identified Police Priority Needs, the meeting must draft a Community Safety Plan for the new financial year;
- 8.4.5.4 The draft Community Safety Plan must be presented to; and adopted by the Forum at a Special or General Meeting;
- 8.4.6 To oversee all projects, and may co-opt a person(s) to manage, execute and/or advise on the projects;
- 8.4.7 Enforce and uphold the Code of Conduct for members of the Forum and Sub-Forums.
- 8.5 Responsibility of the Station and Sector Commander**
- 8.5.1 Assist with the establishment and management of the Forum and Sub-Forum;
- 8.5.2 Designate Statutory Members to the Forum and Sub-Forum;
- 8.5.3 The Station Commander, in conjunction with the Crime Information Office at the Station shall be responsible for the Screening of the members of the Forum and Sub-Forum, and;
- 8.5.3.1 The Crime Information Office must after the Screening, comment on the applicants' application for membership;
- 8.5.3.2 The Screening information of the different members of the Forum or Sub-Forum shall be kept by the Station Commander;
- 8.5.4 Allow reasonable access to the resources of the Station for the administration of the Forum and Sub-Forum;
- 8.5.5 Provide reasonable access to resources of the Station to members of the Forum or Sub-Forum to execute their functions in terms of this Constitution and any related official Memorandums of Understanding or Agreements;

- 8.5.6 Provide transport for members of the Forum, who are also members of the Boards, invited to attend Board meetings and workshops;
- 8.5.7 During meetings, provide the necessary feedback to the Forum or Sub-Forum;
- 8.5.8 Update the Forum or Sub-Forum in regard to new developments in Community Policing, Police/Community Relations and developments affecting the Forums and Structures;
- 8.5.9 Ensure that the decisions of the Forums or Sub-Forums are communicated to the members at the Station and contact point (where applicable);
- 8.5.10 Provide a Register/Occurrence Book at the Station or contact point for the Community Safety and Support Structures to register and log their duties and/or services.
- 8.6 Sub-District Community Police Boards (where applicable)**
- 8.6.1 Establishment and Management**
- 8.6.1.1 Where required, the Sub-District Commissioner shall, after the establishment of Forums at all the Stations in the Sub-District, in order to establish a Sub-District Community Police Board, invite the following persons:
- 8.6.1.1.1 The Chairpersons of the Forums in the Sub-District;
- 8.6.1.1.2 Station Commanders and relevant SAPS members in the Sub-District;
- 8.6.1.1.3 Any persons to be co-opted in an advisory or support capacity;
- 8.6.1.1.4 A designate of the Municipal Police Service, where applicable;
- 8.6.1.1.5 Members of the Department responsible for Police/Community Safety;
- 8.6.1.1.6 The chairperson or representative of the next level Board, if it is already established;
- 8.6.1.1.7 Optionally and only as observers, representatives of the Community Safety Structures in the Sub-District;
- 8.6.1.2 An Executive Committee must be elected from the Chairpersons of the Forums in the Sub-District, and the Committee shall consist of:
- 8.6.1.2.1 a Chairperson and a Deputy Chairperson;
- 8.6.1.2.2 a Deputy Secretary *[read with paragraphs 15.2, 15.3, 15.4]*;
- 8.6.1.2.3 a Treasurer;
- 8.6.1.2.4 a Project Co-ordinator and Deputy Project Co-ordinator (optional);
- 8.6.1.2.5 a Public Relations Officer and Deputy Public Relations Officer (optional);
- 8.6.1.2.6 the Sub-District Commissioner, and;

- 8.6.1.2.7 a Secretary, who shall be a Statutory Member appointed by the Sub-District Commissioner *[read with paragraphs 15.2, 15.3, 15.4]*;
- 8.6.1.3 After the election of the Executive Committee, the names of the office bearers and the minutes of the meeting must be reported to the District Community Police Board or the Office of the District Commissioner, if the District Community Police Board is not in place;
- 8.6.1.4 A new Executive Committee shall be elected at an Annual General Meeting at the end of the term of the office of the Board;
- 8.6.1.5 Any vacancies on the Executive Committee due to resignation, expulsion or otherwise, must be filled by means of an election at a Special General Meeting. As an interim measure, the Executive of the Board may co-opt and decide who will perform the duties and functions in the vacant position until a Special General Meeting is called within 90 days from the date that the position became vacant;
- 8.6.1.6 The Chairperson and Deputy-Chairperson may not be eligible for re-election with regard to the same position after holding the said position for two (2) consecutive terms of office, unless there is at least a seventy five percent (75%) majority vote in favour of, and there are no objections by the Department and the SAPS after having received an application as specified in paragraph 8.6.1.6.1;
- 8.6.1.6.1 Chairpersons and Deputy Chairpersons who plan to avail themselves for service, in the same position, beyond two (2) consecutive terms must send a written application to the Department, and the Sub-District Commissioner, fourteen (14) days prior to the election meeting (AGM and SGM), in order to establish the applicant's eligibility using the following criteria as established here-in:
- 8.6.1.6.1.1 Adherence to the aims and objectives,
- 8.6.1.6.1.2 Compliance with the code of conduct, including a review of any Misconduct, suspensions and disciplinary actions;
- 8.6.1.6.1.3 Compliance with membership requirements;
- 8.6.1.6.1.4 Satisfactory performance of the duties of office;
- 8.6.1.6.1.5 In addition; should not have resigned from or abandoned office in the preceding 2 (two) terms; or
- 8.6.1.6.1.6 Any similar behaviour;
- 8.6.1.7 The Sub-District Commissioner must ensure that the minutes of the meetings of the Board are submitted to the Responsible Person at the Office of the District Commissioner within seven (7) days after the meeting;
- 8.6.1.8 Upon election to the Sub-District Board, the Chairperson and Deputy Chairperson of the Board shall step down immediately from all previous Forums or structures under

the oversight of the Board, in order to hold office. Such members shall, however, maintain membership of his or her Forum or structure as an Ex-Officio member.

8.7 **District Community Police Boards**

8.7.1 **Establishment and Management**

8.7.1.1 The District Commissioner shall, after the establishment of either the Sub-District Boards, or Station Forums at all the Stations in the District, in order to establish a District Community Police Board, invite the following persons:

8.7.1.1.1 The Chairpersons of the Station Forums in the District or, the Chairpersons and Deputy Chairpersons of the Sub-District Boards if they have been established (where applicable);

8.7.1.1.2 Station Commanders and relevant SAPS members in the District and Sub-District or, the Sub-District Commissioners and relevant SAPS members in the District (where applicable);

8.7.1.1.3 Any persons to be co-opted in an advisory or support capacity;

8.7.1.1.4 A designate of the Municipal Police Service (where applicable);

8.7.1.1.5 Members of the Department responsible for Police/Community Safety;

8.7.1.1.6 The chairperson or representative of the next level Board, if it is already established;

8.7.1.1.7 Optionally and only as observers, representatives of the Community Safety Structures in the District;

8.7.1.2 An Executive Committee must be elected from the Chairpersons of the Station Forums in the District or, the Chairpersons and Deputy Chairpersons of the Sub-District Boards if they have been established (where applicable), and the Committee shall consist of;

8.7.1.2.1 a Chairperson and a Deputy Chairperson;

8.7.1.2.2 a Deputy Secretary *[read with paragraphs 15.2, 15.3, 15.4]*;

8.7.1.2.3 a Treasurer;

8.7.1.2.4 a Project Co-ordinator and Deputy Project Co-ordinator (optional);

8.7.1.2.5 a Public Relations Officer and Deputy Public Relations Officer (optional);

8.7.1.2.6 the District Commissioner, and;

8.7.1.2.7 a Secretary, who shall be a Statutory Member appointed by the District Commissioner *[read with paragraphs 15.2, 15.3, 15.4]*;

8.7.1.3 After the election of the Executive Committee, the names of the office bearers and the minutes of the meeting must be reported to the Provincial Community Police

Board or the Office of the Provincial Commissioner, if the Provincial Community Police Board is not in place;

- 8.7.1.4 A new Executive Committee shall be elected at an Annual General Meeting at the end of the term of the office of the Board;
- 8.7.1.5 Any vacancies on the Executive Committee due to resignation, expulsion or otherwise, must be filled by means of an election at a Special General Meeting. As an interim measure, the Executive of the Board may co-opt and decide who will perform the duties and functions in the vacant position until a Special General Meeting is called within ninety (90) days from the date that the position became vacant;
- 8.7.1.6 The Chairperson and Deputy-Chairperson may not be eligible for re-election with regard to the same position after holding the said position for two (2) consecutive terms of office, unless there is at least a seventy five percent (75%) majority vote in favour of, and there are no objections by the Department and the SAPS after having received an application as specified in paragraph 8.7.1.6.1;
- 8.7.1.6.1 Chairpersons and Deputy Chairpersons who plan to avail themselves for service, in the same position, beyond two (2) consecutive terms must send a written application to the Department, and the District Commissioner, fourteen (14) days prior to the election meeting (AGM and SGM), in order to establish the applicant's eligibility using the following criteria as established here-in:
- 8.7.1.6.1.1 Adherence to the aims and objectives
- 8.7.1.6.1.2 Compliance with the code of conduct, including a review of any Misconduct, suspensions and disciplinary actions;
- 8.7.1.6.1.3 Compliance with membership requirements;
- 8.7.1.6.1.4 Satisfactory performance of the duties of office;
- 8.7.1.6.1.5 In addition, should not have resigned from or abandoned office in the preceding 2 (two) terms;
- 8.7.1.6.1.6 Or any similar behaviour;
- 8.7.1.7 The District Commissioner must ensure that the minutes of the meetings of the Board are submitted to the Responsible Person at the Office of the Provincial Commissioner within seven (7) days after the meeting;
- 8.7.1.8 Upon election to the District Board, the Chairperson and Deputy Chairperson of the Board shall step down immediately from all previous Forums and Boards or structures under the oversight of the Board, in order to hold office. Such members shall, however, maintain membership of his or her Forum and Board or structure as an Ex-Officio member.

8.8 **Powers and Functions: District and Sub-District Community Police Board**

The powers and functions of the Boards shall, among others, be to:

- 8.8.1 Promote the aims and objectives of the Forums as determined in paragraph 7 of this Constitution at a District and Sub-District Level;
- 8.8.2 Assist with the Screening of the office bearers of the Forums and lower-level Boards on the request of the Station Commanders and District and Sub-District Commissioners;
- 8.8.3 Assist with the establishment of Sub-Forums and lower-level Boards, where required;
- 8.8.4 Assist with the elections of members of the Executive Committees of the Forums and lower-level Boards, in conjunction with the Department, where required;
- 8.8.5 Ensure that the Forums and lower-level Boards are operating in line with this Constitution;
- 8.8.6 Assist and support the Forums and lower-level Boards with, and during community projects;
- 8.8.7 Give guidance in regard to the efficient management of the Forums and lower-level Boards;
- 8.8.8 Assist the Forums, lower-level Boards and other structures in conflict management and Dispute Resolution;
- 8.8.9 Assist with the establishment and management of the Community Safety and Support Structures; and
- 8.8.10 Enforce and uphold the Code of Conduct for members of the Board.

8.8.11 **Responsibility of the District and Sub-District Commissioner**

- 8.8.12 Assist with the establishment and management of the Forums;
- 8.8.13 Designate members to the District and Sub-District Board and appoint a secretary;
- 8.8.14 Allow reasonable access to the resources of the District and Sub-District for the administration of the District and Sub-District Board;
- 8.8.15 Provide reasonable access to members of the Board to execute their functions in terms of this Constitution and any related official Memorandums of Understanding or Agreements;
- 8.8.16 Provide transport to members of the Board invited to attend Board meetings and workshops;

- 8.8.17 During meetings, provide the necessary feedback to the Board;
- 8.8.18 Update the Board in regard to new developments in Community Policing, Police/Community Relations and developments affecting the Forums, Sub-Forums, Boards and Structures; and
- 8.8.19 Keep a database, in the prescribed format, of functional and non-functional Forums in the District and Sub-District and steps taken to remedy, revive and remove non-functional Forums and Sub-Forums.
- 8.8.20 **Responsibility of the Chief of the Municipal Police Service (where applicable)**
- 8.8.21 To support the SAPS with the establishment of Forums and Boards in the areas of Jurisdiction;
- 8.8.22 To designate members to the Boards in the areas of Jurisdiction;
- 8.8.23 To, during meetings, provide the necessary feedback on service delivery by the Municipal Police to the Boards;
- 8.8.24 To update the Boards in regard to new developments in Community Policing, Police/Community Relations and Developments affecting the Forums, Boards and Safety Structures in terms of the Municipal Police Service; and
- 8.8.25 To convey the decisions of the Boards to members under his or her command;
- 8.9 **Provincial Community Police Board**
- 8.9.1 **Establishment and Management**
- 8.9.1.1 The Provincial Commissioner shall, after the establishment of District Community Police Boards in all the Districts in the Province, in order to establish a Provincial Community Police Board, invite the following persons:
- 8.9.1.1.1 The Chairpersons and Deputy Chairpersons of the District and Sub-District Community Police Boards;
- 8.9.1.1.2 District and Sub-District Commissioners, and relevant SAPS members in the province;
- 8.9.1.1.3 Any persons to be co-opted in an advisory or support capacity;
- 8.9.1.1.4 A designate of the Municipal Police Service, where applicable;
- 8.9.1.1.5 Members of the Department responsible for Police/Community Safety;
- 8.9.1.1.6 Optionally and only as observers, representatives of the Community Safety Structures in the Province;

- 8.9.1.2 The Executive Committee shall be elected from the Chairpersons and Deputy Chairpersons of the Districts and Sub-Districts;
- 8.9.1.3 The Executive Committee shall consist of:
- 8.9.1.3.1 a Chairperson and Deputy Chairperson;
- 8.9.1.3.2 a Secretary *[read with paragraphs 15.2, 15.3, 15.4]*;
- 8.9.1.3.3 a Treasurer;
- 8.9.1.3.4 a Project Co-ordinator and Deputy Project Co-ordinator (optional);
- 8.9.1.3.5 a Public Relations Officer and Deputy Public Relations Officer (optional);
- 8.9.1.3.6 The Provincial Commissioner, and;
- 8.9.1.3.7 a Deputy Secretary, who shall be a Statutory Member appointed by the Provincial Commissioner *[read with paragraphs 15.2, 15.3, 15.4]*;
- 8.9.1.4 After the election, the names of the office bearers must be reported to the Office of the National Commissioner with a copy of the adopted Constitution;
- 8.9.1.5 The Executive may, as the need arises, task the other members of the Forums and Boards to lead, execute or manage certain tasks, projects, committees, hearings or assignments;
- 8.9.1.6 A new Executive Committee shall be elected at an Annual General Meeting at the end of the term of the office of the Board;
- 8.9.1.7 Any vacancies on the Executive Committee due to resignation, expulsion or otherwise, must be filled by means of an election at a Special General Meeting. As an interim measure, the Executive of the Board may co-opt and decide who will perform the duties and functions in the vacant position until a Special General Meeting is called within ninety (90) days from the date that the position became vacant;
- 8.9.1.8 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 (2) consecutive terms of office, unless there is at least a seventy five percent (75%) majority vote in favour of, and there are no objections by the Department and the SAPS after having received an application as specified in paragraph 8.9.1.8.1;
- 8.9.1.8.1 Chairpersons and Deputy Chairpersons who plan to avail themselves for service, in the same position, beyond two (2) consecutive terms must send a written application to the Department, and the Provincial Commissioner, fourteen (14) days prior to the election meeting (AGM and SGM), in order to establish the applicant's eligibility using the following criteria as established here-in:
- 8.9.1.8.1.1 Adherence to the aims and objectives;

- 8.9.1.8.1.2 Compliance with the code of conduct, including a review of any Misconduct, suspensions and disciplinary actions;
- 8.9.1.8.1.3 Compliance with membership requirements;
- 8.9.1.8.1.4 Satisfactory performance of the duties of office;
- 8.9.1.8.1.5 In addition, should not have resigned from or abandoned office in the preceding two (2) terms; or
- 8.9.1.8.1.6 any similar behaviour.

8.9.2 **Powers and Functions: Provincial Community Police Board**

- 8.9.2.1 To promote the aims and objectives of the Forums and Boards as determined in paragraph 7 of this Constitution at a Provincial level;
- 8.9.2.2 To assist with the establishment of Sub-Forums, Forums and District and Sub-District Boards;
- 8.9.2.3 To ensure that the Sub-Forums, Forums, District and Sub-District Boards are operating in line with the Constitution;
- 8.9.2.4 Give guidance in regard to the efficient and effective management of the Sub-Forums, Forums, District and Sub-District Boards;
- 8.9.2.5 To assist the Forums, Boards and Structures with Dispute Resolution;
- 8.9.2.6 To assist and support the Forums with and during community projects;
- 8.9.2.7 To assist with the establishment and management of the Community Safety and Support Structures;
- 8.9.2.8 To enforce and uphold the Code of Conduct for members of the Board;
- 8.9.2.9 To establish and appoint special committees to research, investigate, analyse, preside-over and adjudicate matters of concern;
- 8.9.2.10 To establish and appoint special commissions of strategic value, with appointment terms that may extend beyond and may overlap the Board election cycles, to ensure succession and continuity, including, but not limited to the following commissions:
 - 8.9.2.10.1 a “Constitution and Policy Commission” as provincial custodian of The Western Cape Uniform Constitution for Community Police Forums and Boards. Comprising of members of the SAPS, the Department, the Boards and Co-opted individuals where needed. A leader to be appointed by the Board Executive;
 - 8.9.2.10.2 a “Dispute Resolution and Disciplinary Commission” as the top-level provincial structure to analyse and adjudicate disputes and conduct matters not resolved in the sub-structures. Comprising of members of the SAPS, the Department, the Boards and Co-opted individuals where needed. A leader to be appointed by the Board Executive;

- 8.9.2.10.3 a “Community Engagement and Partnership Commission” as the provincial structure tasked with analyzing total quality and effectiveness of community engagement and partnership engagement and to establish processes and recommend opportunities for growth, improvement, capacitation and training to the Board for action. Comprising of members of the SAPS, the Department, the Boards and Co-opted individuals where needed. A leader to be appointed by the Board Executive.

8.9.3 **Responsibility of the Provincial Commissioner**

- 8.9.3.1 To assist with the establishment and management of the Forums and Boards;
- 8.9.3.2 To designate members to the Provincial Board;
- 8.9.3.3 To allow reasonable access to the resources of the province for the administration of the Provincial Board;
- 8.9.3.4 To provide reasonable access to members of the Board in order to execute their functions in terms of this Constitution;
- 8.9.3.5 To provide transport to members of the Board invited to attend Board Meetings and Workshops;
- 8.9.3.6 To, during meetings, provide the necessary feedback;
- 8.9.3.7 Update the Board in regard to new developments in Community Policing, Police/Community Relations and developments affecting the Forums, Boards and Structures;
- 8.9.3.8 Convey the decisions of the Board to the members under his or her command;.

8.9.4 **Responsibility of the Department of Police Oversight and Community Safety**

The Department’s responsibilities are, in as far as budget and capacity allows, to:

- 8.9.4.1 Assist with the establishment of Forums, Boards, Community Safety- and Victim Support Structures;
- 8.9.4.2 Promote good relations between the community, the SAPS and the Municipal Police Service;
- 8.9.4.3 Assess and monitor the effectiveness of the Forums and Boards;
- 8.9.4.4 Provide the necessary financial support to the Forums, Boards, Community Safety and Support Structures and their community projects, according to the guidelines of the Department and subject to budget availability;
- 8.9.4.5 Act as an independent body during the elections of Executive Committees of Forums, Boards and Structures;
- 8.9.4.6 During meetings, provide the necessary feedback on the activities of the Department in the monitoring and support to the Forums, Boards and Structures;

- 8.9.4.7 Assist the Forums, Boards and Structures with Dispute Resolution;
- 8.9.4.8 Update the Forums, Boards and Structures in regard to initiatives from the Department to enhance Police/Community Relations and the encouragement of the communities to assist SAPS and civilian oversight responsibilities.

9. RIGHTS, DUTIES AND OBLIGATIONS OF MEMBERS

- 9.1 Every member of the Forum and Board shall have the following rights, duties and obligations:
 - 9.1.1 To participate in all activities of the Forum and Board and be accountable to the community;
 - 9.1.2 To elect or be elected to any position in the Forum or Board, subject to paragraph 8.3.3.1;
 - 9.1.3 To have access to the records, books and minutes of all meetings of the Forum or Board on reasonable grounds;
 - 9.1.4 To encourage members of the community, Community-based Organisations and Structures to participate in the activities of the Forum and Boards;
 - 9.1.5 To support the Provincial and Local Community Safety Plan and National Policing Objectives and Priorities through projects or otherwise;
 - 9.1.6 To be transparent and accountable when dealing with money, assets and information of the Forum or Board; and
 - 9.1.7 To regularly attend meetings, be punctual and comply with the general procedure for meetings.

10. MEETINGS

- 10.1 **Annual General Meetings: Forums and Boards**
 - 10.1.1 An Annual General Meeting may be attended by all the organisations and entities registered with the relevant Sub-Forum or Forum. Organisations and entities with mandates, directives and commissions recognised in this Constitution may also attend Annual General Meetings.
 - 10.1.1.1 Individual members of the community are welcome as observers at Forum and Sub-Forum level (no voting or nomination powers conferred);
 - 10.1.1.2 The Annual General Meeting must be convened during the following periods:
 - 10.1.1.2.1 Sub-Forums and Forums at Station level from September to December;
 - 10.1.1.2.2 Sub-Districts and Districts from January to February;

- 10.1.1.2.3 The Provincial Board shall have its Annual General Meeting in March;
- 10.1.2 Written notice of the Annual General Meeting must be forwarded by the Secretary at least twenty-one (21) days in advance of the proposed meeting to all members of the Forum, Sub-Forum, District and Sub-District Board, Provincial Board, the Service, the Department and the Municipal Police Service, where applicable;
- 10.1.3 At an Annual General Meeting the Forums and Boards shall:
 - 10.1.3.1 Review and discuss the Community Safety Plan and Projects;
 - 10.1.3.2 Receive, discuss and adopt the Executive Committee's Report on the work of the Forum or Board, which must include:
 - 10.1.3.2.1 The Chairperson's Report;
 - 10.1.3.2.2 The Station Commander's, District and Sub-District Commissioner's or Provincial Commissioner's Report;
 - 10.1.3.2.3 Report of the designate of the Municipal Police Service (where applicable);
 - 10.1.3.2.4 a Financial report for the past year;
 - 10.1.3.2.5 Report of the designate of the Department;
 - 10.1.3.3 Discuss matters pertaining to Policy Objectives of Community Policing;
 - 10.1.3.4 Elect the Executive Committee, if election of the Committee is due;
 - 10.1.3.5 Fifty percent (50%) plus one (1) of the Designated Members of the Sub-Forum, Forum or Board will constitute a quorum;
 - 10.1.3.6 A written apology will not be accepted and included for purposes of a quorum;
 - 10.1.3.7 A Proxy must be appointed in writing in the place of the absent Designated Member and this must be submitted to the Secretary at least five (5) days before the meeting;
 - 10.1.3.7.1 An individual holding a Proxy shall be a bona-fide member of the organisation being represented. Exceptions may be considered where an extreme hardship is placed on an organisation in terms of travel distance, safety and cost considerations";
 - 10.1.3.8 If no quorum is attained at this meeting, the meeting will be postponed for a period of fourteen (14) days;
 - 10.1.3.9 Notices of the rescheduled meeting should be forwarded to all members at least seven (7) days to the said meeting;
 - 10.1.3.10 If no quorum is attained at the rescheduled meeting, the meeting shall continue with the attendees who shall be deemed to be a quorum;
 - 10.1.3.11 The following meeting procedures will be followed at an Annual General Meeting:
 - 10.1.3.11.1 Reading of the notice and agenda according to which the meeting was convened;

- 10.1.3.11.2 Reading and validation of the minutes of the previous Annual General Meeting and the minutes of Special General Meetings;
- 10.1.3.11.3 The discussion of any issues arising from the minutes mentioned;
- 10.1.3.11.4 Reading and approval of the Chairperson's Annual Report as well as the financial and other reports;
- 10.1.3.11.5 Discussions and consideration of the issues on the agenda for deliberation at the meeting;
- 10.1.3.11.6 Election of the Executive Committee of the Forum and Board (if necessary); and
- 10.1.3.11.7 If the election of the Executive Committee is necessary, the election shall be officiated by an official from the Department, and if not available, an Impartial Organisation or person appointed by the Department after consultation with the Station Commander, District and Sub-District Commissioner or the Office of the Provincial Commissioner.

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

- 10.2.1 The Forum or Board may instruct the Secretary to convene a Special General Meeting to discuss and rule on special matters;
- 10.2.2 The Secretary shall, on a written request, convene a Special General Meeting to have the Executive rule on issues listed by the members in writing on the condition that the request is supported by forty percent (40%) of the total number of members of the Forum or Board;
- 10.2.3 Requests for a Special General Meeting must reach the Secretary at least thirty (30) days prior to the envisaged meeting. The Secretary must then, in writing, notify all members of the Forum of such a meeting at least fourteen (14) days in advance;
- 10.2.4 The notice of such a Special General Meeting must specify the purpose of the meeting and matters to be dealt with at the meeting and may include notices for reviewing any of the resolutions passed at an Annual General Meeting or a Special General Meeting;
- 10.2.5 No previous resolution or ruling pertaining to any of the matters may be revoked or amended by such a Special General Meeting unless a two-thirds ($\frac{2}{3}$) majority is reached.
- 10.2.6 Fifty percent (50%) plus one (1) of the Designated Members of the Forum or Board will constitute a quorum; and
- 10.2.7 A written apology will not be accepted and included for purposes of a quorum. In the absence of a quorum the procedure will be the same as in the case of the Annual General Meeting.

10.3 **General Meetings: Forums and Boards**

- 10.3.1 General Meetings of the Forum must consist of members of the Forum, Institutions or Bodies, members of the general public and Statutory Members and shall meet at least every second month to report on achievements, best practices, challenges and the way forward.
- 10.3.2 In the case of Boards, the meeting may also be attended by Municipal Police Service (where applicable), other Law Enforcement Agencies, Criminal Justice Cluster and members of the business fraternity.
- 10.3.3 A quorum of twenty five percent (25%) of Designated Members on the Forum or Board is necessary for a General Meeting.

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

- 10.4.1 The Executive Committee of the Forum or Board will convene at least once a month or more often, if necessary, to discuss and rule on matters relating to management and objective issues of the Forum or Board and request the necessary feedback and reports.
- 10.4.2 All resolutions must be passed by means of fifty percent plus one (50%+1) vote. In the event of a tie, the Chairperson will have a deciding vote.
- 10.4.3 In the event that the Chairperson is absent from an Executive Committee Meeting, the Deputy Chairperson will chair the meeting. In the absence of both, the meeting must decide on a suitable chairperson.
- 10.4.4 Sub-Forums and Forums at Station level shall constitute a quorum when fifty percent (50%+1) plus one (1) of the executive members are present including the Station Commander or Acting Station Commander, and the respective Forum Chairperson or Deputy Chairperson.
- 10.4.5 District and Sub-District Boards shall constitute a quorum when fifty percent (50%+1) plus one (1) of the executive members are present including the respective District or Sub-District Commissioner or designate, and the respective Board Chairperson or Deputy Chairperson.
- 10.4.6 The Provincial Board Executive shall constitute a quorum when fifty percent (50%+1) plus one (1) of the executive members are present including the Provincial or Deputy Provincial Commissioner or designate, and the respective Board Chairperson or Deputy Chairperson.
- 10.4.7 The Provincial Board (full Board) shall constitute a quorum when fifty percent (50%+1) plus one (1) of the voting eligible members are present including the Provincial or Deputy Provincial Commissioner or designate, and the respective Board Chairperson or Deputy Chairperson.

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

- 10.5.1 Meetings shall be conducted in terms of generally accepted procedures and practices;
- 10.5.2 Decisions will be taken by consensus as far as possible;
- 10.5.3 Members should obtain permission from the Chairperson to speak, by raising their hands;
- 10.5.4 Members should, at all times, when they have the floor, address the Chairperson;
- 10.5.5 Persons in the meeting must be addressed appropriately;
- 10.5.6 When a person is found to persist with poor conduct during the meeting, the Chairperson may instruct the person to leave the meeting;
- 10.5.7 No unnecessary disturbances will be tolerated, but representatives may interrupt a speaker on a point of order. With regard to a point of order, the Chairperson will make the final decision;
- 10.5.8 The Chairperson may, with the permission of the meeting, amend the agenda. Additions and/or omissions may be made at the commencement of the meeting;
- 10.5.9 Representatives of the Department may attend all meetings as observers.

11. **VOTING:**

- 11.1. Statutory Members shall not cast election votes during the establishment or re-establishment of executive Forums and Boards, and shall refrain from nominating executive members, first, during election processes, in order to prevent any bias. In all other instances where voting is required, the SAPS, the Municipal Police Service and related Statutory Members shall cast a single collective vote;
- 11.2. For election purposes, office bearers will be voted in by secret ballot or any other fair process agreed by the meeting;
- 11.3. A person co-opted to the Forum or Board shall not be allowed to vote at any meeting of the Forum or Board;
- 11.3.1. A person appointed to a Special Commission of the Board shall not be allowed to vote on general matters of the Board in the capacity of the Commission. However, the person may be eligible to vote by virtue of their elected capacity on the Forums or Boards – if no conflict of interest exists;
- 11.4. Voting by Proxy at any meeting is only allowed when the Proxy is properly mandated in writing;
- 11.4.1. An individual person shall not hold more than one Proxy at any time. Exceptions may be considered where an extreme hardship is placed on an organisation in terms of

travel distance, safety and cost considerations. *Read with paragraphs 10.1.4.7 and 10.1.4.7.1;*

- 11.4.2. All votes shall be cast in person or by valid Proxy.
- 11.5. Each registered member organisation and group, including political parties, will have one vote each during special and general elective meetings. The official leader or official deputy leader of the organisation or a properly mandated Proxy shall cast the vote on behalf of the organisation;
- 11.6. Except for voting eligible Neighbourhood Watches, Farm Watches and Political Organisations; organisations that have similar functions, aims or objectives and constitute thirty percent (30%) or more of the voting quorum, shall be clustered for voting purposes and shall have one vote each per cluster during special and general elective meetings;
 - 11.6.1. The relevant Station Commander or designate, together with the Department, may modify the cluster groupings where necessary, in the interest of community safety, inclusion and engagement;
 - 11.6.2. Ex-Officio Members of the Forum and Sub-Forum have no voting powers and shall not be elected to positions on the Forum and Sub-Forum in question;
- 11.7. In the case of a tie during any voting process of the Forum or Board, the Chairperson shall have a decisive vote.

12. FINANCIAL AND ASSET ADMINISTRATION

- 12.1. The Forum and Board shall manage its financial affairs and assets in accordance with generally acceptable practices;
- 12.2. The Forum and Board shall keep income and expenditure statements as well as an Asset Register;
- 12.3. The financial affairs of a Forum or Board should also be managed in compliance with any policy and/or directives regarding financial administration issued by the Department or the Service;
- 12.4. No Member of the Forum or Board will have any claim against the Forum or Board in respect of:
 - 12.4.1. Remuneration;
 - 12.4.2. Any property acquired by the Forum or Board;
 - 12.4.3. Any profit coincidentally acquired by the Forum or Board;
- 12.5. No member of the Forum or Board shall be allowed to do business with the Forum or Board or use the name of the Forum or Board to promote his or her own business or

that of relatives and friends. This includes making proposals to employ a certain supplier, giving quotes, invoices, tenders, etc;

- 12.6. A Member may claim reasonable and necessary expenses incurred for travelling, accommodation and meals relating to the activities of the Forum or Board, with prior written authorisation by the Executive Committee of the Forum or Board;
- 12.7. The financial year of a Community Police Forum or Board shall commence on 1 April of every year and shall end on 31 March of the next year;
- 12.8. The Forum or Board shall open an account at a registered financial institution in which all funds received by the Forum or Board will be deposited. The names of the nominated signatories must be recorded in the minutes of the meeting. A change of signatories must be done within fourteen (14) days after the status has been withdrawn or has lapsed;
- 12.9. A Forum or Board shall only have one bank account. A new bank account may only be opened when the old one has been closed;
- 12.10. The names of the persons or office-bearers who will be signatories to the account in the name of the Forum or Board shall be recorded;
- 12.11. An acceptable set of financial books and Asset Registers shall be maintained by the Treasurer and shall be available for inspection by the Responsible Persons. This inspection shall be conducted twice a year;
- 12.12. The Department or the Service may also request that the Financial Reports of a Forum or Board be audited at the cost of the Department or the Service;
- 12.13. The Forum or Board must keep an Asset Register in order to ensure that all property is accounted for;
- 12.14. A Financial Report and Asset Report shall be tabled at each General Meeting of the Forum or Board;
- 12.15. All financial expenditure, donations or sponsorship by the Forum or Board must be approved by the Executive Committee and be recorded accordingly;
- 12.16. A Forum or Board may raise funds and accept donations and sponsorships in order to achieve its objectives. Donations and sponsorships must only be received by the Treasurer on behalf of the Forum;
- 12.17. Funds received by the Forum or Board must be deposited into the bank account of the Forum or Board immediately or a day thereafter and assets received by the Forum or Board must be registered in the Asset Register within three (3) days;

13. DUTIES OF THE CHAIRPERSON: FORUMS AND BOARDS

- 13.1. The Chairperson shall:
- 13.1.1. Preside over meetings of the Forum or Board, and;
 - 13.1.1.1. Be a representative of the Forum or Board;
 - 13.1.1.2. Present reports on the activities of the Forum or Board to the meetings of the Forum or Board;
 - 13.1.1.3. Supervise all work of the Forum or Board, in consultation with other Executive members;
 - 13.1.1.4. Report regularly to the Forum or Board on instances where the Forum or Board was represented;
 - 13.1.1.5. As far as possible sign all outgoing correspondence of the Forum or Board;
 - 13.1.1.6. In conjunction with the Treasurer ensure that the funds of the Forum or Board are administered in accordance with the policy, plans and reason for the allocation;
 - 13.2. No Statutory Member may serve as a Chairperson of the Forum or Board except for the period that the Forum or Board has been dissolved and in order to re-activate the Forum or Board;

14. DUTIES OF THE DEPUTY CHAIRPERSON

- 14.1. The Deputy Chairperson shall act as Chairperson in the absence of the Chairperson at any proceedings of the Forum or Board and he or she shall perform all functions, duties and responsibilities of the Chairperson as described in this Constitution;
- 14.2. No Statutory Member may serve as a Deputy Chairperson;
- 14.3. In the absence of the Chairperson and the Deputy Chairperson of the Forum or a Board, the Executive Committee shall nominate a Chairperson for that purpose from members of the Executive Committee;

15. DUTIES OF THE SECRETARY

- 15.1. The Secretary shall:
- 15.1.1. Take minutes in accordance with set format and standard;
 - 15.1.2. Receive all correspondence directed to the Forum or Board;
 - 15.1.3. Arrange all meetings as may be decided upon by the Executive Committee;
 - 15.1.4. Keep all official documents of the Forum or Board other than financial records;

- 15.1.5. Perform all other procedural and organisational duties which relates to his or her duties as Secretary;
- 15.2. A Statutory Member may not be appointed as a Secretary for a Forum, but may be appointed as a Deputy Secretary, except during the period that the Forum has been dissolved and in order to re-activate the Forum or to act on legal obligations of the Forum;
- 15.3. A Statutory Member may be appointed as Secretary for a Sub-District and District Board, as discussed during the election AGM/SGM, and for the period that the Board has been dissolved and in order to re-activate the Board or to act on legal obligations of the Board;
- 15.4. A Statutory Member may be appointed as Secretary or Deputy Secretary for the Provincial Board as discussed during the election AGM/SGM, and for the period that the Board has been dissolved and in order to re-activate the Board or to act on legal obligations of the Board;

16. DUTIES OF THE DEPUTY SECRETARY

The Deputy Secretary shall:

- 16.1. Assist the Secretary in the execution of his or her functions, responsibility and obligations;
- 16.1.1. Act as Secretary in the absence of the Secretary and perform all functions, duties, responsibilities and obligations of the Secretary;
- 16.1.2. Perform any function, duty, responsibility and obligation delegated to him/her by the Secretary or the Executive;

17. DUTIES OF THE TREASURER

17.1. The Treasurer shall:

- 17.1.1. Be responsible for the finances as prescribed in this Constitution and shall, on the direction of the executive of the Forum or Board operate a banking account on behalf of the Forum or Board;
- 17.1.2. Keep books of account and other records necessary, to reflect on the financial position of the Forum or Board;
- 17.1.3. Form part of the Project Committees and;
 - 17.1.3.1. Assist with the development and execution of projects for fundraising;
 - 17.1.3.2. Assist with the preparation of Business Plans, and;

- 17.1.3.3. Present monthly Financial Reports to the Forum or Board;
- 17.2. No Statutory Member may be appointed as a Treasurer;
- 17.3. The Treasurer must hand over all financial documentation before vacating his or her office at the Annual General Meeting, if not re-elected;
- 17.4. The Treasurer must represent the Forum or Board on the Departmental and SAPS Funding and Project Committees;
- 17.5. In the case of a resignation or expulsion, the Treasurer must hand over all the bank accounts of the Forum or Board and all the related financial documentation to the Station Commander, District and Sub-District Commissioner or Responsible Person at the office of the Provincial Commissioner;
- 17.6. The Treasurer shall also keep and update the Asset Register of the Forum or Board;

18. DUTIES OF THE PROJECT CO-ORDINATOR

- 18.1. The Project Co-ordinator shall:
 - 18.1.1. Be responsible for managing and implementing projects sanctioned by the Forum or Board;
 - 18.1.2. Be the link between the projects and the Forum or Board;
 - 18.1.3. Regularly provide the Forum or Board with the progress and evaluation reports on the projects;

19. DUTIES OF THE PUBLIC RELATIONS OFFICER

- 19.1. The Public Relations Officer shall:
 - 19.1.1. Be responsible for the publicity of the Forum or Board, its activities and successes;
 - 19.1.2. Facilitate the communication between the media and the Forum or Board;
 - 19.1.3. Ensure that there is adequate community participation in activities of the Forum or Board;
 - 19.1.4. Be responsible for the communication strategy of the Forum or Board;
 - 19.1.5. Keep record of all media and community coverage;
 - 19.1.6. Liaise with the SAPS counterparts to keep each other informed of media statements and enquiries relating to the Forum or Board;
 - 19.1.7. Only communicate on behalf of the Forum or Board with the authority of the Executive;

- 19.2. No Statutory Member may be appointed as a Public Relations Officer for the Forum or the Board;

20. DISPUTE RESOLUTION PROCEDURES

- 20.1. The objectives of the Dispute Resolution Procedures are:
- 20.1.1. To resolve and manage issues, conflict and grievances in the Sub-Forums, Forums and Boards;
- 20.1.2. To address instances of unacceptable conduct by Members of the Sub-Forums, Forums and Boards;
- 20.1.3. In doing so, to promote the spirit of ubuntu, establishing peace, demonstrating respect and tolerance, building trust and social cohesion;
- 20.1.4. To direct complainants to first attempt to engage and resolve matters at the level at which the issue arose. If this attempt has not reached a satisfactory conclusion, then it may be escalated to the next higher-level Forum or Board for adjudication and pronouncement. Complainants not satisfied with the pronouncement may appeal such action to the next higher-level Forum or Board within fourteen (14) days. When a matter is escalated and reaches the provincial Board, the Board may attend to the matter directly, delegate the matter to the Dispute Resolution and Disciplinary Commission, or establish another method or process for handling the matter;
- 20.2. Forums, Sub-Districts and Districts may elect to address issues directly using their executive bodies. For more serious cases, they may establish committees to investigate, adjudicate and pronounce on issues, and also institute sanctions and disciplinary actions based on the outcomes;
- 20.3. Disputes arising at a Forum or Sub-Forum level that cannot be resolved at that level, must be referred or escalated to the next higher level Sub-District or District Board (where applicable). If it cannot be resolved there, then it should be referred or escalated to the Provincial Board;
- 20.3.1. The Executive Committee of the higher-level Forum or Board must review the appeal at the next scheduled meeting (if possible), and, within fourteen (14) days after reviewing the appeal, may:
- 20.3.1.1. Uphold the finding and sanction;
- 20.3.1.2. Vary the finding and sanction;
- 20.3.1.3. Set aside the finding and sanction;
- 20.3.1.4. Refer the matter for further investigation, or;
- 20.3.1.5. Finalize and close the matter;

- 20.4. Disputes which cannot be resolved by the Provincial Board and those which arise from the Provincial Board must be attended to by the Provincial Commissioner in conjunction with the Department. If the dispute can still not be solved, it should be referred to the office of the National Commissioner;
- 20.5. All appeals arising from any grievances, conduct, disputes, disciplinaries, sanctions, dismissals, suspensions or similar actions, shall not be allowed further appeal, if two (2) consecutive Boards uphold the same pronouncement. The matter shall be deemed final and closed at that point. *Read with 22.4.1.16;*
- 20.6. No Member may refer any dispute to a Court of Law unless all internal remedies have been exhausted.;

21. ESTABLISHMENT AND MANAGEMENT: COMMUNITY SAFETY AND SUPPORT STRUCTURES

21.1. The Forum or Sub-Forum may establish, direct the establishment, register and have oversight over the Community Safety and Support Structures as follows:

21.1.1. Establish Community Safety Structures:

- 21.1.1.1. Be visible and maintain visibility in the demarcated area for the purpose of deterring criminals or would be criminals and reporting criminal activities to SAPS;
- 21.1.1.2. Advise the community on safety hints, domestic violence related issues and how to safely secure themselves and their property;
- 21.1.1.3. Assist SAPS within the legal limits of citizen responsibility;
- 21.1.1.4. Be available and prepared to testify for the opposition of bail in serious cases;
- 21.1.1.5. Assist with the support to witnesses and victims of serious crimes;

21.1.2. Establish Support Structures:

- 21.1.2.1. Provide the necessary support to victims and witnesses of serious crime;
- 21.1.2.2. Assist with the provision of counseling for the victims of crime in conjunction with other State Departments and NGOs;
- 21.1.2.3. Assist SAPS within the legal limits of citizen responsibility;
- 21.1.2.4. Be available and prepared to testify for the opposition of bail in serious cases.

21.2. The Forum or Sub-Forum shall:

- 21.2.1. Be responsible for the activities of Community Safety and Support Structures, registered as contemplated in paragraph 21.1 above, and must determine Policy and Standards after consulting the Department and the SAPS;

- 21.2.2. Monitor the conduct of the Structures and oversee the effectiveness and efficiency and receive reports on their performance;
- 21.2.3. Register and request Screening of the Members of the Executive Committees of the Community Safety and Support Structures;
- 21.2.4. Ensure that a Register/Occurrence Book is provided at the Station or contact point for the Community Safety and Support Structures to book-on and off, register and log their duties and/or services, type of duties and the area in which they will be doing their duty and the contact number of the person in charge of the duties and the Members names and vehicle descriptions while on duty – where applicable;
- 21.2.5. Members of the Structures, while on duty, must supply regular situation reports to the responsible person in the Community Service Centre or contact point;
- 21.3. The CPF shall encourage the establishment and enable the functionality of Community Safety- and Victim Support Structures; and
- 21.4. The Community Safety and Support Structures, registered as contemplated in paragraph 21.1 above, shall report, be represented by and accountable to the Forums and Boards.

21.5. Representation of the Associations

- 21.5.1. The chairpersons of the different Community Safety Structures may form associations in order to promote communication, foster closer collaboration, facilitate cross-border operational support, establish leadership safety teams and groups and for any practical collaborative purpose not in conflict with the South African Police Service, the Community Police Forums and Boards, and the Department. *Read with section on Definitions;*
- 21.5.2. The associations shall supply reports and feedback to the Forums and Boards in regard to their functioning, administration and activities and successes in the Precinct, District and Sub-District and Province in the prescribed format;
- 21.5.3. The Associations shall indemnify the CPF, Boards, the Department and the SAPS from any unlawful and/or negligent actions of its Members;
- 21.5.4. Associations shall be given a name according to the naming convention as described herein. An Association shall also submit a document stating its aims, objectives, functions, structure, membership, meeting cadence, management and dissolution procedures. It shall not manage any financials or possess any assets. Associations shall adopt, and be compliant with this Uniform Constitution;
- 21.5.5. No Member of the Community Safety and Support Structures should be recruited or registered as an informer for the Service;

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

22.1. Code of Conduct

- 22.1.1. All Members of the Forum and Boards, including all affiliated organisations must conduct themselves in an ethical and proper manner;
- 22.1.2. All members must exhibit mutual understanding on a cross-cultural level and act maturely, diplomatically, respectfully and in a civilized way;
- 22.1.3. Members shall refrain from promoting party politics when dealing with Sub-Forum, Forum and Board matters. Members standing for municipal, local, provincial and national political office and contesting elections as independent or party affiliated candidates:
- 22.1.3.1. Shall formally recuse themselves from duty in writing to their respective executive body and the Provincial Board Secretary, thirty (30) days prior to starting their campaign. They shall also formally recuse themselves from duty in writing to their respective executive body and the Provincial Board Secretary, as soon as their political nomination is accepted. Failure to comply as required, may be considered as an act of Misconduct by impeding the proper functioning of the Forum, Sub-Forum and Board, and further as defined herein;
- 22.1.3.2. Shall not campaign against the Community Police Forums and Boards in any way. Shall not campaign in any way that may bring the Community Police Forums and Boards into disrepute. Shall not campaign in a manner that incites lawlessness, violence and destructive behaviour. Shall not behave dishonestly and campaign in a manner that is questionable in terms of common-sense ethics. Failure to comply with this requirement may be considered as an act of Misconduct by committing acts calculated to show hostility, disrupt or undermine the effectiveness of the Forums and Boards, and further as defined herein;
- 22.1.3.3. Shall formally resign from their respective Sub-Forum, Forum and Board immediately, in the event their campaign is successful. If a formal resignation is not received by their respective executive body and the Provincial Board Secretary within 72 hours of being elected to a political office, an implied resignation shall be declared and the public results of the election shall be used as confirmation. Failure to formally resign as required, may be considered as an act of Misconduct by impeding the proper functioning of the Forums and Boards, and further as defined herein;
- 22.1.3.4. Shall resume their duties following an unsuccessful campaign by submitting a formal request to their respective executive body and the Provincial Board Secretary within 72 hours following the official closing announcement of the election results. Failure to formally request the resumption of duties as required, shall be considered an act of Misconduct by impeding the proper functioning of the Forums and Boards, and further as defined herein;

- 22.1.3.4.1. The Provincial Board secretary shall notify the respective Board of the request to resume duties within fourteen (14) days of receipt of thereof;
- 22.1.3.4.2. Within thirty (30) days, the responsible Board shall engage the Members' respective executive body, and together, they shall review the resumption of duties request, the Members conduct, behavior and eligibility to serve, and will formally conclude by accepting or rejecting the request. The responsible Board designate shall communicate the decision to the Member and the Provincial Board secretary within three (3) days following the finalisation of the decision;
- 22.1.3.4.3. Where the Member in question is the Provincial Board Secretary, the Provincial Board Deputy Secretary will act as the designate. Where the Member in question is the Provincial Board Chairperson, the Provincial Board Deputy Chairperson will act as the designate;
- 22.1.4. Members of the Forum and Boards must address members of the South African Police Service, Metro Police Service and Law Enforcement Agencies according to their ranks;
- 22.1.5. Members must refrain from using abusive, racist and/or sexist remarks;
- 22.1.6. No member shall misuse the resources of the Forum or Board;
- 22.1.7. No Member shall participate in the activities of the Forum or Board if found to be under the influence of any illegal substance, drugs or alcohol. Members shall be expelled from the structures if found to be using illegal substances and drugs and abusing alcohol or found guilty, in court, of committing acts of Gender Based Violence;
- 22.1.8. All Members of the Forum must declare any conflict of interest and must recuse him or herself from any decision or vote in which there is a conflict of interest, financial or otherwise;
- 22.1.9. No Member shall engage in any conduct which may bring the Forum or Board into disrepute;
- 22.1.10. No Member of the Forum or Board must accept membership of the Community Safety Structures without informing the Forum or Board. *Read with paragraph 8.3;*
- 22.1.11. The Chairperson and all the other Members of the executive of the Forum or Board must report in writing on all their activities relating to the Forum or Board from the date of the last meeting;
- 22.1.12. No Member is allowed to be employed or act as an informer for the Service, and a Member should resign from the Forum or Board if he or she accepts such appointment as an informer;
- 22.1.13. Forums, Sub-Forums and Boards may not adopt their own Constitutions or Codes of Conduct. Any additional legislation applied outside this Uniform Constitution, shall not have determinations which are in conflict with this Constitution. Where a conflict,

ambiguity or uncertainty exists, this Uniform Constitution shall be considered binding and overriding;

22.2. Misconduct

A Member of the Forum or Board commits Misconduct if he or she, among others:

- 22.2.1. Contravenes the provisions of this Constitution;
- 22.2.2. Disrupts the activities of the Forum or Board;
- 22.2.3. Creates division within the ranks of the Forum or Board;
- 22.2.4. Impedes the proper functioning of the Forum or Board;
- 22.2.5. Acts for other organisations, groups and individuals, hostile to the Forum or Board's mission and purpose, Code of Conduct and this Constitution;
- 22.2.6. Acts for any group and/or person who seeks to disrupt the activities of the Forum or Board or prevents it from fulfilling its set aims and objectives;
- 22.2.7. Acts in a way that exposes the Members of the Forum or Board and/or members of the public to serious danger and/or physical harm, and/or death;
- 22.2.8. Behaves dishonestly in relation to the property of the Forum or Board;
- 22.2.9. Passes on confidential, classified and sensitive information that might be harmful to the functions and activities of the Forum or Board, the Service or the Department;
- 22.2.10. By using his or her position and membership of the Forum or Board to obtain material or other advantages and favours;
- 22.2.11. Assaults another Member, causes another Member to be assaulted, or behaves in an unruly manner during meetings;
- 22.2.12. Commits any Common Law or Statutory Offence (a Final Domestic Violence Protection Order may be taken into consideration);
- 22.2.13. Communicates with the media with regard to the activities of the Forum or Board without a proper mandate;
- 22.2.14. Commits an act of sexual harassment;
- 22.2.15. On acceptance to the membership of the Forum, fails to declare his or her previous involvement in crime;
- 22.2.16. By, after being elected as a Member of the Forum or Board, fails to avail self or the necessary information for Screening;
- 22.2.17. By accepting membership of the Community Safety and Support Structures without informing the Forum or Board. *Read with paragraph 8.3;*

- 22.2.18. By using the uniform, stationary, name and logo of the Forum or Board for purposes not related to the functions, aims and objectives of the Forum or Board;
- 22.2.19. Engage in the activities of the Forum or Board or allow him or herself to be employed for the activities of the Forum or the Board while:
 - 22.2.19.1. Suspended pending a Disciplinary Investigation, or;
 - 22.2.19.2. Suspended from the Forum or Board after having being found guilty of Misconduct;
- 22.2.20. By using his membership of the Forum or Board to do business with the Forum or Board or use the name of the Forum or Board to promote his or her own business interest or that of relatives or friends;
- 22.2.21. By committing any other act calculated to undermine the effectiveness of the Forum or Boards and its projects;

22.3. **Suspension**

22.3.1. **Guiding Principles:**

- 22.3.1.1. A Member alleged to have contravened the determinations of this Constitution, the Code of Conduct or has committed Misconduct must be dealt with in accordance with the Disciplinary Procedure and may be suspended pending or during a Misconduct Investigation, a Disciplinary Hearing, a Criminal Investigation and/or the finalisation of a Domestic Violence related complaint;
- 22.3.1.2. A fair process should be followed when considering the suspension of a Member of the Forum or Board;
- 22.3.1.3. A Member must be informed, in writing, of the intention to suspend him or her and must be heard before a decision to suspend him or her is considered;
- 22.3.1.4. When considering suspensions, the responsible person(s) should be assisted by a Legal Official;
- 22.3.1.5. A Member must, in writing, be informed of the suspension and reasons for suspension;
- 22.3.1.6. If a Member is suspended, the suspension will result in the automatic suspension of his or her membership, duties and position on the Forum and Boards;
- 22.3.1.7. The decision to suspend may be taken if:
 - 22.3.1.7.1. There is reasonable grounds to suspect that the Member contravened the determinations of the Constitution or Code of Conduct, has committed Misconduct, and;
 - 22.3.1.7.2. Circumstances are such that the Member should not be allowed to exercise his or her duties as a Member or Executive Committee Member of the Forum or Board;

- 22.3.1.8. The position of the suspended person in the Forum and Boards remains vacant until the finalisation of the matter against him or her or the lifting of the suspension for whatever reason by an authorised person;
- 22.3.1.9. A suspension ceases after the finalisation of the matter where the person is not expelled from the Forum or Board;
- 22.3.1.10. A suspension may be lifted by the District and Sub-District Commissioner, the Deputy Provincial Commissioner: Policing or the Provincial Commissioner, depending on the level at which the decision to suspend was taken.

22.3.2. Suspensions:

- 22.3.2.1. Suspension of Members of the Forum or Sub-Forum must be considered:
 - 22.3.2.1.1. By the Chairperson of the Forum in conjunction with the Station Commander;
 - 22.3.2.2. Suspension of Chairpersons of the Forums must be considered;
 - 22.3.2.2.1. By the Chairperson of the District and Sub-District Board, in conjunction with the Station Commander;
 - 22.3.2.3. Suspension of Members of the District and Sub-District Board must be considered;
 - 22.3.2.3.1. By the Chairperson of the District and Sub-District Board in conjunction with the District and Sub-District Commissioner;
 - 22.3.2.4. Suspension of the Chairpersons of the District and Sub-District Board must be considered;
 - 22.3.2.4.1. By the Chairperson of the Provincial Board in conjunction with the District and Sub-District Commissioner;
 - 22.3.2.5. Suspension of a Member of the Provincial Board must be considered;
 - 22.3.2.5.1. By the Chairperson of the Provincial Board in conjunction with the Deputy Provincial Commissioner: Policing;
 - 22.3.2.6. Suspension of the Chairperson of the Provincial Board must be considered;
 - 22.3.2.6.1. By the Provincial Commissioner, in conjunction with the Head of the Department;

22.4. Disciplinary Procedures

22.4.1. Guiding Principles:

- 22.4.1.1. The purpose of the procedures is to address instances of Misconduct;
- 22.4.1.2. Disciplinary steps taken shall be prompt and a fair process must be followed to finalise the matter;

- 22.4.1.2.1. Complaints and allegations must be submitted in writing and emailed to the relevant executive, or submitted for consideration, in person, at an executive meeting and recorded in the minutes as such;
- 22.4.1.2.2. The relevant executive shall consider the matter at the next possible meeting and respond within fourteen (14) days thereafter;
- 22.4.1.2.3. The relevant executive may adjudicate certain issues by themselves and issue a final outcome which is subject to appeal (upon formal request) to the next higher-level Board. The next higher-level Board may uphold the final outcome and close the matter or refer the matter for further investigation;
- 22.4.1.2.4. The relevant executive may refer issues not dealt with in paragraph 22.4.1.2.3 for further investigation by a Statutory Member appointed by the Service;
- 22.4.1.2.5. If, after the investigation of the allegations, it is decided to charge the person, a Presiding Official shall be appointed for the case by the Executive Committee of the Forum or the Board. The Executive Committee shall also request the Service to appoint a statutory Disciplinary Official for the case;
- 22.4.1.3. The Hearing should commence within thirty (30) days after the appointment of the Disciplinary- and the Presiding Official;
- 22.4.1.4. The person against whom the allegations were made must be given an opportunity to reply to the allegations in writing and a fair Hearing Process must be followed;
- 22.4.1.5. The affected Member, except the Chairperson of the Provincial Board, may be represented by a fellow civilian Member of the Forum or Board;
- 22.4.1.6. Only Members of the Forums or Boards shall be appointed Chairpersons to preside over Disciplinary Hearings;
- 22.4.1.6.1. Disrespecting the Presiding Official, failing to comply with reasonable rules established by the Presiding Official for the hearing, threatening witnesses and officials or intimidating behaviour beyond a reasonable legal defence, efforts to delay, frustrate or defeat the cause of the hearing, or similar behaviour, shall be seen as an act of contempt in which case the Presiding Official may sanction the offender, terminate the hearing and/or dismiss the case entirely.
- 22.4.1.7. Only Statutory Members shall be appointed to investigate allegations against Members of the Forums and Boards;
- 22.4.1.8. Statutory Members appointed to the investigation, shall report findings and make recommendations to the relevant Chairperson of the Forum, Board or Hearing upon completion of the investigation or upon request by the Chairperson, Presiding Official or Disciplinary Official, at any other reasonable time;
- 22.4.1.9. Only Statutory Members may be appointed as Disciplinary Officials for the Hearings;

- 22.4.1.10. A Disciplinary Hearing may proceed in the absence of the Member, in the event that the Chairperson of the Hearing is satisfied that the accused person was properly informed that he or she should be present at the Hearing and that no valid reason for his or her absence was tendered;
- 22.4.1.11. At the conclusion of the Disciplinary Hearing, the Presiding Official must submit his or her findings and recommendations to the Chairperson of the Forum or Board. The Chairperson, after receiving the findings and recommendations, may:
- 22.4.1.11.1. Reprimand the Member;
- 22.4.1.11.2. Suspend a Member for a period not exceeding six (6) months;
- 22.4.1.11.3. Expel the Member from the Forum or Board;
- 22.4.1.12. The Chairperson of the Forum or Board may confirm or vary the sanction but may not impose a more severe sanction than what was recommended by the presiding official;
- 22.4.1.13. A Member expelled from the Forum or Board may not be a Member of any Sub-Forum, Forum or Board in the Province for a period of five (5) years after his or her expulsion;
- 22.4.1.14. A Member found guilty and expelled from the Forum or Board may, in writing, lodge an appeal against the decision within ten (10) days after receiving the decision, to the next higher Forum or Board;
- 22.4.1.15. The Executive Committee of the higher Forum or Board must review the appeal at the next scheduled meeting (if possible), and, within fourteen (14) days after reviewing the appeal, may:
- 22.4.1.15.1. Uphold the finding and sanction;
- 22.4.1.15.2. Vary the finding and sanction;
- 22.4.1.15.3. Set aside the finding and sanction;
- 22.4.1.15.4. Refer the matter for further investigation, or;
- 22.4.1.15.5. Finalize and close the matter;
- 22.4.1.16. All appeals arising from any grievances, conduct, disputes, disciplinaries, sanctions, dismissals, suspensions or similar actions, shall not be allowed further appeal, if 2 (two) consecutive Boards uphold the same pronouncement. The matter shall be deemed final and closed at that point. *Read with 20.5;*
- 22.4.2. **Disciplinary Process**
- 22.4.2.1. **Members of the Forum or Sub-Forum**
- 22.4.2.1.1. After the allegations against a Member was received, the Member should be informed of the allegations against him or her in writing by the Chairperson of the

Forum and a Statutory Member should be appointed to investigate the matter and make recommendations;

22.4.2.2. The Chairperson of the Forum

22.4.2.2.1. After the allegation against the Chairperson of the Forum was received, he/she should be informed about the allegations against him or her by the Chairperson of the respective District and Sub-District Board;

22.4.2.3. Members of the District and Sub-District Board

22.4.2.3.1. After the allegation against the Member was received, the Member should be informed about the allegations against him or her by the Chairperson of the District and Sub-District Board;

22.4.2.4. The Chairperson of the District and Sub-District Board

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

22.4.2.5. Members of the Provincial Community Police Board

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

22.4.2.6. The Chairperson of the Provincial Board

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

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

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

- 22.4.2.6.2.1.1. Be reprimanded;
- 22.4.2.6.2.1.2. Be suspended for a period not exceeding six (6) months;
- 22.4.2.6.2.1.3. Be expelled as Chairperson of the Board;
- 22.4.2.6.2.1.3.1. The Deputy Provincial Commissioner: Policing, must, after receiving the recommendation of the Investigating Officer, request the Chairperson of the Provincial Board to make additional representations based on the recommendations of the Investigating Officer;
- 22.4.2.6.2.1.3.2. The Deputy Provincial Commissioner, may, after receiving and considering the representations of the Chairperson of the Provincial Board;
- 22.4.2.6.2.1.3.2.1. Reprimand him or her;
- 22.4.2.6.2.1.3.2.2. Suspend him or her from his or her position on the Board and as Member of the Forum for a period not exceeding six (6) months;
- 22.4.2.6.2.1.3.2.3. Expel him or her as the Chairperson of the Board and as a Member of the Forum;
- 22.4.2.6.3. In the case of unbecoming behavior or that the Chairperson of the Provincial Board is unfit to hold his or her position or execute his or her function as the Chairperson of the Provincial Board, the Investigating Officer may, after receiving the representations of the Chairperson of the Provincial Board, recommend that:
 - 22.4.2.6.3.1. The Chairperson be requested to step down from his or her position on the Board and as a Member of the Forum, or;
 - 22.4.2.6.3.2. Discharge him or her from his or her position on the Provincial Board and as a Member of the Forum;
- 22.4.2.6.4. The Deputy Provincial Commissioner: Policing must, after receiving the recommendation of the Investigating Officer, request the Chairperson of the Provincial Board to make additional representations based on the recommendations of the Investigating Officer;
- 22.4.2.6.5. The Deputy Provincial Commissioner may, after receiving and considering the representations of the Chairperson of the Provincial Board:
 - 22.4.2.6.5.1. Request the Chairperson of the Provincial Board to step down from his or her position on the Board and as a Member of the Forum, or;
 - 22.4.2.6.5.2. Discharge him or her from his or her position on the Provincial Board and as a Member of the Forum;

- 22.4.3. In the case of both the above-mentioned processes, the Chairperson of the Board may appeal against the decision of the Deputy Provincial Commissioner: Policing to the Provincial Commissioner within fourteen (14) days after receiving, in writing, the decision to:
- 22.4.3.1. Expel him or her from his or her position in the Provincial Board and as a Member of the Forum;
- 22.4.4. The Provincial Commissioner, in conjunction with the Head of the Department, may after considering the appeal:
- 22.4.4.1. Confirm and uphold the decision of the Deputy Provincial Commissioner: Policing, to expel the Chairperson of the Provincial Board from his or her position on the Provincial Board and as a Member of the Forum, or;
- 22.4.4.2. Set aside the decision of the Deputy Provincial Commissioner: Policing.

23. CODE FOR DONATIONS AND SPONSORSHIPS

Purpose: To prevent a situation where Sub-Forums, Forums and Boards may knowingly and unknowingly receive donations and sponsorships from organisations, persons and entities of which the association with may negatively affect the image of the Service, the Department and the Community Police Forums and Boards;

23.1. Guiding Principles

- 23.1.1. No Forum or Board Member shall approach any person or business for a donation or sponsorship without the necessary written authority from the Forum or Board;
- 23.1.2. When a Member of the Forum or Board is approached by a donor or sponsor, the Member shall not accept the sponsorship or donation before obtaining the necessary authority from the Forum or Board;
- 23.1.3. No Member of the Forum or Board shall individually accept a donation or sponsorship;
- 23.1.4. Authority to approach a business or a person for a donation or sponsorship and the authority to accept a donation or sponsorship must be directed to a Member of the Executive Committee of the Forum or Board in writing;
- 23.1.5. Donations and sponsorships on which conditions are attached must be referred to the Responsible Person in the Office of the Provincial Commissioner for a comment and a recommendation before the donation or sponsorship is accepted;
- 23.1.6. Applications for donations and sponsorship from the Provincial Board should be considered by the Provincial Commissioner in consultation with the Head of the Department;
- 23.1.7. For the purpose of an application to request and receive donations and sponsorships, the:

- 23.1.7.1. Sub-Forum must apply to the Forum;
- 23.1.7.2. Forum must apply to the District and Sub-District Board;
- 23.1.7.3. District and Sub-District Board must apply to the Provincial Board;
- 23.1.7.4. Provincial Board must apply to the Provincial Commissioner;
- 23.1.8. The donation or sponsorship must be used for the purpose for which it was requested, received and approved;
- 23.1.9. After the donations or sponsorships have been used for the purpose for which it was received, requested and approved, the remaining part of the financial and/or material items (if any) must be declared. The Provincial Board may decide to redistribute that to Boards and Forums who might need that for their projects and activities.

23.2. Donations and Sponsorships to Forums and Boards: Process

- 23.2.1. When a Forum or Board needs donations or sponsorships for a certain project or for whatever reason, it must apply for permission to approach possible donors or sponsors to the next higher Forum or Board;
- 23.2.2. After the permission is obtained, the Forum or Board must only approach the approved donors or sponsors;
- 23.2.3. The donors or sponsors to be approached must clearly indicate as to what they intend to donate or sponsor to the Forum or Board;
- 23.2.4. The Forum or Board intending to accept the donation or sponsorship, must in their application indicate as to what they intend using the donation or sponsor for;
- 23.2.5. After receiving the approved donations or sponsorships from the approved donors or sponsors, the receiving Forum or Board must declare the receipt of the donation or sponsorship to the relevant Forum or Board.

24. DISSOLUTION OF THE COMMUNITY POLICE FORUMS AND BOARDS

24.1. Guiding Principles

- 24.1.1. A Forum or Board may be dissolved:
 - 24.1.1.1. If it is dysfunctional, or;
 - 24.1.1.2. If the Forum or Board cannot function properly due to internal disputes and strife, or;
 - 24.1.1.3. If there is an irretrievable breakdown of trust between the SAPS and the Forum or Board, or;
 - 24.1.1.4. If it is confirmed that the internal strife or dispute is at a stage where the lives of Members of the Forum or Board is being threatened;

- 24.2. Before a Forum or Board is dissolved in terms of paragraph 24.1.1.1 and 24.1.1.2, attempts should first be made to address the dispute or strife through the Dispute Resolution Process;
- 24.3. After the dissolution of the Forum or Board, all the assets of the Forum or Board should be handed to the Station Commander, District and Sub-District Commissioner or the Provincial Commissioner, depending on the level of the Forum or Board;
- 24.4. **Dissolution of a Sub-Forum**
- 24.4.1. A Sub-Forum may be dissolved by the Station Commander in consultation with the District and Sub-District Commissioner and the Executive of the Local Forum;
- 24.5. **Dissolution of a Forum**
- 24.5.1. A Forum may be dissolved by the District and Sub-District Commissioner in consultation with the Deputy Provincial Commissioner: Policing and the Executive Committee of the District and Sub-District Board;
- 24.6. **Dissolution of a District and Sub-District Board**
- 24.6.1. A District and Sub-District Board may be dissolved by the Deputy Provincial Commissioner: Policing in consultation with the Head of the Department and the Executive Committee of the Provincial Board;
- 24.7. **Dissolution of the Provincial Board**
- 24.7.1. The Provincial Board may be dissolved by the Provincial Commissioner in consultation with the Head of the Department and the Office of the National Commissioner;
- 24.8. **Dissolution: Other Circumstances**
- 24.8.1. In exceptionally rare cases, on instruction by the President of South Africa in conjunction with the Minister of Police, the Provincial Commissioner, together with the Head of the Department, may dissolve or suspend the Forums and Boards temporarily. The dissolution and suspension shall not violate the legal establishment for Community Police Forums and Boards longer than necessary to address the reason or cause for the presidential and ministerial decree.
- 25. AMENDING THE UNIFORM CONSTITUTION**
- 25.1. Proposed amendments to the Constitution should be submitted in writing to the Provincial Board, the Provincial Commissioner and to the Head of the Department;
- 25.2. Proposed amendments must be discussed at a Special Meeting of the Board and if there is consensus that an amendment should be brought on the Constitution, the proposed amendment shall be drafted, analysed, comments sought and processed by the appointed Commission;

- 25.3. The relevant commission shall present the amendments to the Board Chairperson, Provincial Commissioner or designate and the Head of the Department or designate for further discussion and approval. The Provincial Commissioner shall issue a formal instruction to proceed with the amendment, reject it entirely, or request variations;
- 25.4. The Constitution may be amended only after receiving formal approval at a Provincial Board Meeting;

26. INTERPRETATION

This Constitution should be interpreted and read together with all the relevant legal precepts and annexures. In case a problem is encountered with the interpretation of a more or less similar paragraph of this Constitution and the annexures to the Constitution, the determination of this Constitution shall have precedence. Any omissions, conflicts or disputes arising out of, or in connection with, this Constitution, its amendments or any other related parts, shall be referred to the Provincial Board designate for interpretation followed by a recommendation to the Provincial Board Executive Body and the Department for direction and finalisation;

27. TRANSITIONAL PLAN AND ARRANGEMENTS

- 27.1. The current Provincial Board must meet to approve, adopt and enact this revised Uniform Constitution and its amendments. At the meeting, the Chairperson of the Board must propose the adoption of the revised Uniform Constitution.
- 27.2. During the transition, should the need arise, due to dysfunction or internal strife, the Provincial Commissioner or designate, in consultation with the Head of the Department, may appoint a Steering Committee consisting of Statutory Members and members of the Department to:
- 27.2.1. Manage the business of the Provincial Board;
- 27.2.2. Assist with the establishment of Forums and Sub-Forums and holding AGMs;
- 27.2.3. Assist with the establishment of District and Sub-District Community Police Boards and re-establish the Provincial Board;
- 27.3. During the inaugural rollout and establishment of the District Model, in addition to the adoption and rollout of the Revised Uniform Constitution and, while waiting for amendments to the SAPS and National Secretariate acts; the following plan is presented to facilitate the transition of the Community Police Forums and Boards in the Western Cape:
- 27.3.1. The Provincial Chairperson and the COCT District Commissioner together, shall invite Cluster Chairpersons in the City of Cape Town (COCT) District in order to elect a Chairperson and Deputy Chairperson for the COCT District Community Police Board;

- 27.3.1.1. Upon election, the Chairperson and Deputy Chairperson of the COCT District shall step down immediately from all previous Forums in order to hold office;
- 27.3.2. The Provincial Chairperson and All District (except the COCT District) and Sub-District Commissioners, in the province together, shall invite the Chairpersons of the Station Forums in the respective Districts and Sub-Districts in order to elect an Executive Committee to establish District and Sub-District Community Police Boards;
- 27.3.2.1. Upon election, the Chairperson and Deputy Chairperson of each District and Sub-District shall step down immediately from all previous Forums in order to hold office;
- 27.3.2.2. Current cluster chairpersons in the respective Districts and Sub-Districts are the only nominees eligible for election into the positions of Chairperson and Deputy Chairperson;
- 27.3.2.3. The remaining positions on the executive Boards may be filled by nominations and elections from the chairpersons of the respective Forums;
- 27.3.3. The COCT District Commissioner and the COCT District Chairperson shall invite the Chairpersons and Deputy Chairpersons of the COCT Sub-Districts, in order to elect an Executive Committee (of the remaining positions), to complete the establishment of the COCT District Community Police Board;
- 27.3.4. All Chairpersons and Deputy Chairpersons of the Districts and Sub-Districts, shall serve on the Provincial Board;
- 27.3.5. The Provincial Board may be required to re-elect certain positions due to changes resulting from this transition. The Provincial Chairperson shall remain in the current role;
- 27.3.6. The Provincial Chairperson and the Provincial Commissioner shall invite the Provincial Board Members in order to elect (where applicable) an Executive Committee to complete its establishment;
- 27.3.6.1. Upon election, the Chairperson and Deputy Chairperson of the Provincial Board shall step down immediately from all previous Forums and Boards in order to hold office;
- 27.4. Special Commissions previously appointed by the Provincial Board shall remain in their roles until a new Provincial Board is established and fully operational. This action will maintain strategic process continuity and ensure proper handover to the new executive. The newly established Provincial Board shall decide on the terms of continuity of the members of the special commissions;
- 27.5. The Provincial Board Executive is expected to review the effectiveness and efficiency of the transition plan at strategic points for the duration of the transition;
- 27.6. The Provincial Board Executive is expected to issue new guidance to adjust the transition plan and, any associated timing, as soon as the SAPS and National Secretariate acts are amended or, as a result of any other strategic imperatives; *[end]*

28. Signature Page

(a) Constitution amendments and revision submitted/presented by:

Mr. Rafique Foflonker : Team Leader, Constitution and Policy Commission for the Western Cape Provincial Community Police Board (WCPCPB), on the 24th of February 2024, at the SAPS Garden Route District Office in George - Western Cape, during a special meeting of the Provincial Board, wherein formal approval was granted.

With special acknowledgement and thanks to the-

- **Task Team:**

The late Mr. AG Tajoodien, Western Cape Provincial Community Police Board.
 The late - Colonel Sitzer, Legal Services – SAPS.
 Major General MEL Jojo, Provincial Head: Legal Services – SAPS.
 Colonel TE Paulse, Provincial Commander: Social Crime Prevention – SAPS.
 Captain NF Knoetzen, Provincial CPF coordinator: Western Cape – SAPS.
 Mr. Patrick Lucky Njozela, Deputy Director: Community Police Relations – POCS.
 Mr. Justin Lottring, Deputy Director: Community Police Relations – POCS.

- **Key Contributors:**

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 Heinrich Hartnick (Deputy Secretary WCPCPB).
 Shamila Nicholas (Treasurer WCPCPB).
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 Justin Kumlehn (Cape Town Cluster Chairperson).
 Gerhard Engelbrecht (Milnerton Cluster Chairperson).
 Adv Han-marié Marshall (Director - Community Police Relations - POCS).
 Forum participants in the 2023 provincial summits and cluster workshops.

(b) Constitution amendments and revision supported by:

 , on: 16/04/2024 , place: CAPE TOWN
 Minister of Police Oversight and Community Safety – Western Cape Government
Mr. Reagen Allen

(c) Constitution amendments and revision accepted by:

 , on: 2024-04-16 , place: CAPE TOWN
 Provincial Commissioner - South Africa Police Service – Western Cape
(Adv) Lt Gen TE Patekile

(d) Constitution amendments and revision, adopted by:

Hereby accept and adopt this “Western Cape Uniform Constitution for Community Police Forums and Boards 03/2024”.

 , on: 16/04/2024 , place: CAPE TOWN
 Chairperson - Provincial Community Police Board – Western Cape
Mrs. Fransina Lukas