

(11 May 2001 – to date)

SOUTH AFRICAN POLICE SERVICE ACT 68 OF 1995

*Government Notice 1527 in Government Gazette 16731 dated 4 October 1995. Commencement date:
15 October 1995 [Proc. No. R.91 in Gazette No. 16758 dated 13 October 1995]*

SOUTH AFRICAN POLICE SERVICE INTERIM REGULATIONS FOR COMMUNITY POLICE FORUMS AND BOARDS, 2001

*Government Notice R384 in Government Gazette 22273 dated 11 May 2001.
Commencement date: 11 May 2001*

The Minister for Safety and Security has, under section 22(2) of the South African Police Service Act, 1995 (Act No. 68 of 1995) made the regulations contained in the Schedule hereto.

(Signed)

S V TSHWETE,

Minister for Safety and Security.

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Establishment of a Community Police Forum
3. Establishment of a Community Police Sub-forum
4. Establishment of an Area Community Police Board
5. Establishment of a Provincial Community Police Board
6. General Principles relating to the functioning of a Community Police Forum or Board
7. Constitution of a Community Police Forum, Sub-forum or Board
8. Community Safety Plan
9. Specialized Units
10. Communication
11. Logistical support
12. Financial Process and System
13. Employee Organisations
14. Dispute Resolution and Problem Solving
15. Transitional Arrangements
16. Short Title

SCHEDULE

1. DEFINITIONS

Prepared by:

In these Regulations, unless the context otherwise indicates, -

“executive committee” means the committee elected by a community police forum, sub-forum or board and which is responsible for the day to day running of the affairs of the forum, sub-forum or board;

“constitution” means a constitution complying with the requirements set out in regulation 7; and

“these Regulations” means the South African Police Service Interim Regulations for Community Police Forums and Boards, 2001.

2. ESTABLISHMENT OF A COMMUNITY POLICE FORUM

- (1) A station commissioner must, subject to the instructions of the Provincial Commissioner, take all reasonable steps to establish a community police forum which is broadly representative of the community in the station area under his or her jurisdiction.
- (2) In order to establish a community police forum, a station commissioner must –
 - (a) identify community based organisations, institutions and interest groups in the station area under his or her jurisdiction;
 - (b) determine a suitable date, time and venue for a meeting of all interested persons to establish a community police forum;
 - (c) take reasonable steps to make the date, time and venue of the meeting known to the organisations, institutions and groups, referred to in subparagraph (a), as well as to the general public in the station area;
 - (d) explain to those attending the said meeting what the objects of a community police forum are;
 - (e) invite nominations for a reasonable number of persons to serve on a steering committee, together with the station commissioner, to establish a community police forum; and
 - (f) determine a date, time and venue for an inaugural meeting.
- (3) The station commissioner must render all reasonable assistance to the steering committee to –
 - (a) draft a constitution for the community police forum which is to be established;

- (b) take reasonable steps to make the date, time and venue of the meeting known to the organisations, institutions and groups, referred to in subregulation (1)(a), as well as to the general public in the station area; and
 - (c) arrange the inaugural meeting.
- (4) At the inaugural meeting, the steering committee must present the draft constitution to those present and –
- (a) if the majority of those present at the meeting adopt the constitution in its draft or an amended form, the meeting must proceed to have a chairperson and an executive committee elected in accordance with the procedure provided for in the constitution to manage the affairs of the community police forum, or
 - (b) if the majority of those present at the meeting rejects the draft constitution, the meeting must, by majority vote, -
 - (i) elect a new steering committee to redraft a constitution for the community police forum and give such directions to the new steering committee concerning the contents of the constitution as the meeting may deem fit; and
 - (ii) determine a date, time and venue for the next meeting to consider the new draft constitution.
- (5) The station commissioner must render all reasonable assistance to the new steering committee to –
- (a) draft a constitution for the community police forum which is to be established;
 - (b) take reasonable steps to make the date, time and venue of the next meeting known to the organisations, institutions and groups, referred to in subregulation (1)(a), as well as to the general public in the station area; and
 - (c) arrange the next meeting.
- (6) At the next meeting, the new steering committee must present the draft constitution to those present at the meeting and the meeting must –
- (a) by majority vote, adopt the constitution in its draft form or bring about the necessary amendments to the draft constitution and adopt it in its amended form; and
 - (b) elect a chairperson and an executive committee to manage the affairs of the community police forum, in accordance with the procedure provided for in the constitution thus adopted.

- (7) The station commissioner must, within 30 days after the establishment of a community police forum, submit a copy of the constitution of the community police forum to the area commissioner.

3. ESTABLISHMENT OF A COMMUNITY POLICE SUB-FORUM

- (1) A community police sub-forum may be established –
- (a) in respect of any part of a station area; or
 - (b) to deal with policing matters mainly affecting the members of a significant section of the community within a station area.

- (2) A community police forum may, after having taken into account –
- (a) the size of the station area;
 - (b) the population density and population distribution within the station area;
 - (c) the degree of operational independence of satellite police stations, if any, in the station area;
 - (d) crime tendencies within the station area and how these tendencies influence a particular part of the station area or a particular section of the community within the station area; and
 - (e) any other factor relevant to the improvement of service delivery by the Service within the station area,

establish a community police sub-forum which is broadly representative of the relevant section of the community in the station area concerned.

- (3) In order to establish a community police sub-forum, a community police forum must-
- (a) identify relevant community based organisations, institutions and interest groups in the relevant part of the station area or the members of the relevant section of the community within the station area concerned;
 - (b) determine a suitable date, time and venue for a meeting of all relevant interested persons to establish a community police sub-forum;
 - (c) take reasonable steps to make the date, time and venue of the meeting known to the organisations, institutions and groups, referred to in subparagraph (a), as well as to the general public in the relevant part of the station area;

- (d) explain to those attending the said meeting what the objects of a community police sub-forum are;
 - (e) invite nominations for a reasonable number of persons to serve on a steering committee, together with the executive committee of the community police forum concerned, to establish a community police sub-forum; and
 - (f) determine a date, time and venue for an inaugural meeting.
- (4) The community police forum must render all reasonable assistance to the steering committee to –
- (a) draft a constitution for the community police sub-forum which is to be established;
 - (b) take reasonable steps to make the date, time and venue of the meeting known to the organisations, institutions and groups, referred to in subregulation (3)(a), or the members of the relevant section of the community within the station area; and
 - (c) arrange the inaugural meeting.
- (5) At the inaugural meeting, the steering committee must present the draft constitution to those present and the meeting must –
- (a) by majority vote, adopt the constitution in its draft form or bring about the necessary amendments to the draft constitution and adopt it in its amended form; and
 - (b) elect a chairperson and an executive committee to manage the affairs of the community police sub-forum, in accordance with the procedure provided for in the constitution thus adopted.
- (6) The station commissioner must, within 30 days after the establishment of a community police sub-forum, submit a copy of the constitution of the community police sub-forum to the area commissioner.

4. ESTABLISHMENT OF AN AREA COMMUNITY POLICE BOARD

- (1) As soon as may be reasonably possible after the establishment of more than one community police forum in the area of jurisdiction of an area commissioner, such area commissioner must invite the executive committee of every community police forum established in the said area to a meeting to be held on a date and at a time and venue determined by the area commissioner with the purpose to establish an area community police board for that area.
- (2) At the meeting, arranged in accordance with subregulation (1), the area commissioner must –

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

5. ESTABLISHMENT OF A PROVINCIAL COMMUNITY POLICE BOARD

- (1) As soon as may be reasonably possible after the establishment of more than one area community police board in a province, the provincial commissioner must invite the executive committee of every area community police board established in the said province to a meeting to be held on a date and at a time and venue determined by the provincial commissioner with the purpose to establish a provincial community police board for that province.
- (2) At the meeting arranged in accordance with subregulation (1), the provincial commissioner must –

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

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

- (1) A community police forum, sub-forum or board performs the functions set out in section 18 of this Act.
- (2) A community police forum, sub-forum or board has no power of command and control over the Service or any part or member thereof and the policing of the station area, area or province in respect of which a community police forum, sub-forum or board has been established, remains the responsibility of the Service.

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

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

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

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

secretary and a person responsible to manage the financial affairs of the forum, sub-forum or board;

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

8. COMMUNITY SAFETY PLAN

Prepared by:

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

9. SPECIALIZED UNITS

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

10. COMMUNICATION

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

- (2) Community police forums and boards must continuously and timeously be informed of policy developments in the Service with regard to community policing issues to enable them to submit their input with regard thereto.
- (3) Any unclassified circular, whether from national -, provincial -, area - or station level, must, upon request, be made available to a community police forum or board.
- (4) A member of a community police forum or board may, for the duration of discussions relating to community policing issues, upon the invitation of the relevant station -, area -, or provincial commissioner, attend management meetings at such station -, area - or provincial level respectively.

11. LOGISTICAL SUPPORT

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

12. FINANCIAL PROCESS AND SYSTEM

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

13. EMPLOYEE ORGANISATIONS

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

14. DISPUTE RESOLUTION AND PROBLEM SOLVING

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

- (3) If the provincial commissioner or provincial community police board cannot resolve an issue at that level, it must be referred to the National Commissioner, who may, subject to the directions of the Minister, take such steps as may be reasonably necessary in order to resolve the issue.

15. TRANSITIONAL ARRANGEMENTS

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

- (5) If the existing financial year of any community police forum, sub-forum or board, established before the coming into operation of these Regulations, differed from the financial year prescribed by regulation 12(6), the next financial year of such forum, sub-forum or board shall commence on 1 April 2002.

16. SHORT TITLE

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