

ERASMIA COMMUNITY POLICE FORUM

CONSTITUTION OF THE ERASMIA POLICE FORUM (ECPF)

AS AMENDED ON MONDAY 23 FEBRUARY 2015 AT
ERASMIA GAUTENG

CONSTITUTION OF THE ERASMIA COMMUNITY POLICE FORUM (ECPF)

AS AMENDED ON Monday, 23rd FEBRUARY AT ERASMIA

PREAMBLE

Be it therefore acknowledged that the Erasmia Community Police Forum (ECPF) Is established in terms of Chapter 7 of the South Africa Police Service Act, Act 68 of 1995 the principal Act, and as amended on the 28th October 1998 providing a framework for the establishment, functions and control of municipal police services and the South African Police Service Interim Regulations of Community Forum and Boards, 2001 (hereinafter referred to as the Interim Regulations 2001), with the aim of ensuring effective liaison between the South African Police Service (SAPS), Sector Community Police Forums and Sub Sector Forums in Erasmia precinct, as envisaged by section 18 of the principal Act.

It is recognised that all members of the South African Police Service and the Community share the responsibility and are interdependent on each other to ensure a safe and secure environment for all of the people in the Erasmia Precinct; and,

It is incumbent on every member of a Community Police Forum to ensure that the partnership between the Community and the Police is maintained in all the Sectors in the Erasmia Police Precinct and that all Community Safety – and Victim Support Structures are directed, monitored and guided to act within the Law.

INTRODUCTION

The Forum is established in terms of Chapter 7 of the South African Police Service Act, Act 68 of 1995 (the principal Act) and as amended on 28th October 1998 providing a framework for the establishment, functions and control of municipal police services and the South African Police Service Interim Regulations of Community Police Forums and Sub- Forums, 2001 (hereinafter referred to as the Interim Regulations, 2001), with the aim of ensuring effective liaison between the South African Police Service (SAPS), Community Police Forums and Community Sub- forums in Erasmia as envisaged by section 18 of the principal Act.

Due regard shall be taken of the implications of various legislations, regulations and government policies.

1. DEFINITIONS:

Unless the general context requires otherwise, the following words shall bear the corresponding meanings assigned to them:

“Act” shall mean the South African Police Services Act, Act 68 of 1995, as amended, read in conjunction with The Constitution of the Republic of South African, 1996;

“Annexure A” shall mean the annexure relating to the Code of Conduct

“Annexure B” shall mean the annexure relating to Misconduct

“Annexure C” shall mean the annexure relating to Disciplinary Procedures

“Annexure D” shall mean the election procedures and timelines for elections

“ECPF” shall mean the Erasmia Community Police Forum;

“Cluster Board” shall mean the replacement of the Area Board in terms of the Act, Section 18 to 23 of the same Act;

“Constitution” shall mean the ECPF Constitution, including Annexures A, B, C and D approved / adopted and or amended during a Special General Meeting of the ECPF;

“CPF” shall mean the Community Police Forum at the SAPS precinct / station level’

“CPSF” shall mean the Community Police Sub-forums subordinate to the CPF at the SAPS precinct / station level

“SSF” shall mean the Sector Sub-forums subordinate to the CPF at the SAPS precinct / station level

“CPS” shall mean Crime Prevention Strategy as required in terms of the National Crime Prevention Strategy Document of 22nd May 1996, as amended

“EXEC” shall mean the executive committee elected by the ECPF

“Financial Year” shall mean the annual period commencing on the 1st April until 31st March of the following year

“Guidelines” shall mean rules that govern all other procedures not included in the Constitution, ensuring compliance to all principles enshrined in this will be applicable to all sub-ordinate structures of the ECPF

“Interim Regulations” shall mean the Interim Regulations of 2001 as promulgated in terms of the Act

“MEC” shall mean the Member of the Executive Council responsible for policing in the province

“Membership” shall mean the members representing each Sector Police Forum

“Station Commander” shall mean the Station Commander appointed in term of the SAPS Act, Act 68 of 1995

“PSIRA” shall mean the Private Security Industry Regulatory Act of 2001

“Sector Forums” shall mean the Community Police Sector Forums at each SAPS precinct / station level in terms a SAPS National Instruction

“SAPS” shall mean the South African Police Services in terms of the SAPS Act, Act 69 of 1995, as amended, which includes the Municipal Police

“VEP” shall mean the Victim Empowerment Programme

“White Paper” shall mean the White Paper of Safety and Security of 1998

“Youth” shall mean the Youth Representative from the youth committee of the CPF constituting members up to the age of twenty-five years;

2. NAME AND LOGO:

- 2.1: The CPF will officially be known as the Erasmia Community Police Forum (ECPF), hereafter referred to as the CPF.
- 2.2: The logo and letterhead:
- 2.2.1: An Interim logo was approved in terms of a letter from the Divisional Commissioner; Visible Policing 26/3/5/2 dated 2009-04-28.
- 2.2.2: 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”repectively.
- 2.2.3: For the purpose of identification, the name of the Forum shall be above the Aloe, for example.

“ERASMIA COMMUNITY POLICE FORUM”:

in addition, shall be used on all correspondence of the Forums and Sector Forums.
- 2.2.4: The Logo shall be used for official Forum, Sub-Forum and Sector Sub-Forum activities and correspondence.

3. OBJECTIVES:

The objective of the CPF is as the following:

- 3.1: To establish, promote and maintain public participation and private partnership between the community and the SAPS.
- 3.2: To promote effective communication and co-operation between the SAPS, and the community in fulfilment of policing needs.
- 3.3: To improve the transparency and accountability of the SAPS to the Community.
- 3.4: To ensure joint problem identification and resolution by the SAPS and the Community.
- 3.5: To direct, support and develop projects, which shall improve the rendering of policing service to the community at station and sector levels.
- 3.6: To support and co-ordinate the programmes of Sector Community Police Forums, who shall support and co-ordinate the programmes of SSFs.
- 3.7: To consult with and advise the Station Commander, his, or her delegates about all matters pertaining to community policing.
- 3.8: The CPF shall function within the principles contained in the principal Act, Interim Regulations, 2001 and any other regulatory and /or policy framework mentioned in this Constitution.

4. FUNCTIONS:

The Functions of the CPF are as follows:

- 4.1: To promote the accountability of the SAPS to Communities and encourage co-operation between Communities and the Police Service.
- 4.2: To advise the Station Commander of his, or her delegates regarding policing priorities.
- 4.3: To report results of any evaluation regarding service delivery to the community and relevant managers within the service at station level.
- 4.4: To facilitate the resolution of concerns, problems and complaints from CPSFs and SSFs.
- 4.5: To inform CPSFs and SSF'S about activities of the CPF and engage them in these activities.
- 4.6: To promote and monitor the effective management of CPSFs and SSFs.

- 4.7: To monitor and request reports on activities of the CPSFs and SSFs and ensure/promote the sharing of good practices.
- 4.8: To co-ordinate and support the Station Commander, in establishing and sustaining functionally constituted Sector Police Forums and Sub-Sector Forums, and to ensure that their Constitutions are aligned to the CPF.
- 4.9: To receive and evaluate monthly reports from the Community Sector Police Forums and Sector Sub-Forums and provide and submit integrated monthly reports from the CPF to the Cluster Community Police Board.
- 4.10: To formalize community safety policies in line with the appropriate policies, the Community Safety Plans and to direct and evaluate the implementation thereof at all Community Sector Police Forums in the precinct.
- 4.11: In line with the hierarchical arrangements, the CPF shall function and liaise through the CPSFs, and CPSF's to Sub-Sector Forums as appropriately required.
- 4.12: To develop and approve Guidelines to regulate CPF Committees, CPSF's, Sub-Sector Forums and relevant community safety projects and programmes.

5. COMPOSITION OF THE ERASMIA CPF:

The ECPF shall consist of:

- 5.1: The Chairperson from each Sector Community Police Forum within the Precinct, elected by the Sector, or a person nominated by The Chairperson from that respective Executive Committee Sector Forum.

(Any member of the Sector Forum Executive Committee is eligible to be nominated for a position in the Executive of the Community Police Forum).
- 5.2: The Station Commander or a Deputy Station Commander designated by the Station Commander shall serve on the CPF as an Ex Officio member, with no voting rights, unless required to do so in Clause 12.7:
- 5.3: The Head or Deputy Head designated by the respective Municipal Councils, with no voting rights, unless required to do so, in Clause 12.7:
- 5.4: The CPF shall at its discretion invite and co-opt any Head of a Municipal Department or Deputy as designated by the Heads of Department to serve on the CPF as an ex-officio member, with no voting rights.
- 5.5: The CPF shall whenever it is deemed necessary, co-opt any other person(s) to serve on the CPF in an advisory capacity, with no voting rights.
- 5.6: During the AGM, the CPF shall further elect an agreed number of members to handle designated portfolios, as may be determined by the CPF with no voting rights: and

- 5.7: Heads of other Station SAPS units may be invited to participate with no voting rights....

6. ANNUAL GENERAL MEETING:

- 6.1: All Annual General Meetings shall be held each year within six months after the end of the financial year, with a view to approving the minutes of the preceding annual general meeting, the certified financial report and to consider the keynote address of the Chairperson and the annual report of the Secretary.
- 6.2: The Secretary, in writing, shall give notice to all members of an Annual General Meeting at least 21 days prior to the date of the meeting.

7. TERMS OF OFFICE:

The term of office for the CPF is determined as follows:

- 7.1: Elected Executive members and members of the CPF and all sub-ordinate hierarchical structures shall serve for a period of three years.
- 7.2: Any interim elected executive members shall serve for the remainder of the period up to the next elective AGM.

8. ELECTION OF THE EXECUTIVE COMMITTEE:

- 8.1: The CPF shall elect an Executive Committee during the elective AGM, which shall be overseen by the Station Commander of SAPS:
- 8.2: The Executive Committee of the CPF shall comprise the following office bearers:
- 8.2.1: Chairperson
- 8.2.2: Deputy Chairperson
- 8.2.3: Secretary
- 8.2.4: Deputy Secretary
- 8.2.5: Treasurer
- 8.2.6: Public Relations Officer
- 8.2.7: Co-opted members with dedicated tasks as and when required by the CPF with no voting rights.

- 8.2.8: Vacancies for the above shall be elected at a duly convened Special General Meeting.
- 8.3: Voting at Elective Annual General Meeting and Special General Meetings shall be by ballot paper, overseen by the Station Commander.
- 8.4: The electoral process for the CPF shall be sensitive towards gender representation. In the event that the democratic process does not result in the adequate representation of both genders, the CPF may co-opt members, without voting rights, to manage specific tasks, as approved by the CPF.

9. FUNCTIONING OF THE EXECUTIVE COMMITTEE:

9.1: **Administrative Support:**

The Executive Committee shall have the authority to manage and control the affairs of the CPF, including the authority to attend to any matter that could or might be attended to by the CPF, except where a matter is specifically reserved in this constitution to be dealt with by an Annual General Meeting or a Special General Meeting of the CPF.

An administrator, designated by the Station Commander of the SAPS, may assist the Executive Committee in the administrative management on the CPF.

9.2: **Committee Decisions:**

9.2.1: The Executive Committee shall report to the CPF on a quarterly basis;

9.2.2: The CPF shall have the power to convene an Extra-ordinary Special General Meeting in the event that it has lost confidence in the Executive Committee and requested by a minimum of fifty per cent of CPF Members plus one and supported by more than two thirds of the CPF Members in attendance, to elect new Executive members; and

9.2.3: The Executive Committee shall have the power to pass any resolution or take any decision, which may be necessary or expedient in order to achieve the objects of the CPF. The Executive Committee shall not pass a resolution or take a decision that is inconsistent with this constitution, or in conflict with any resolutions or decisions of a general meeting of the CPF taken prior to the date of resolution or decision by the Executive Committee and/or any decision that may have adverse financial implications to the CPF.

9.3: **Establishment of sub committees:**

The CPF shall form or appoint sub-committees for designed portfolios as it may be determined, e.g. youth, community patrollers, victim empowerment, crime, business, legal and constitutional crime prevention programmes, etc.

9.4: Financial Management and Income Tax Exemption

Pursuant to the requirements of Section 30 of the Income Tax Act and related Regulations thereto, as amended from time to time, and pursuant to the requirement for appropriate financial management of the affairs of the CPF, the Executive Committee shall:

- 9.4.1: At the conclusion of each financial year, provide all the financial records of the CPF to be certified in accordance with Generally Accepted Recordkeeping Practices and as a true reflection of the income, expenditure, assets and liabilities of the CPF as audited by duly appointed authorized Auditors or Accountants (as provided for in terms of such Auditors Act 2005 of 2004 and relevant Acts and Regulations). A copy of such Annual Audits shall be provided to the South African Revenue Service as soon as such audit report is completed and approved each year by the AGM or Special General Meeting.
- 9.4.2: At no time shall the financial affairs of the CPF be or be capable of being controlled by any one single person and the CPF shall ensure the compliance with all the Financial Management provisions of Clause 9.4.
- 9.4.3: Ensure that save for reasonable professional fees for bona fide services rendered to the CPF, members and/or their relatives do not derive any benefit from the funds of the CPF whatsoever, other than what has been formally approved by the CPF.
- 9.4.4: Ensure that all CPF property whether moveable or immovable is registered in the name of the Erasmia Community Policing Forum and is administered solely for the purpose and furtherance of its objectives and principles.
- 9.4.5: Under no circumstances, permit any or participate in any speculative financial transactions with CPF assets, without the approval of the CPF.
- 9.4.6: Institute, conduct, defend, oppose, settle or abandon any legal proceedings by or against the CPF or otherwise concerning the affairs of the CPF and also to settle and allow time for payment in satisfaction of any debt or obligation due and/or any claim and demands by or against the CPF.
- 9.4.7: Borrow monies from any registered Banking or Financial Institution and may secure such loans by the registration of mortgages or notarial bonds over any fixed or moveable property of the CPFs where necessary.
- 9.4.8: Invest, re-invest and deal with any monies of the CPF not immediately required for the purposes of the CPF, upon such securities and on such terms as the CPF may deem fit and from time to time vary such investment, provided that at all times funds available for investments shall be invested in registered financial institutions as defined in Section 1 of the Financial Institution (Protection of Fund Act 28 of 2001).
- 9.4.9: Sell, Lease, alienate or otherwise dispose of the movable or immovable property of the CPF, as it deems beneficial to the CPF and to apply the consideration arising therefrom pursuant to the objectives of the CPF.
- 9.4.10: Purchase, hire or take in exchange or otherwise acquire any moveable or immovable property or rights for or on behalf of the CPF.

- 9.4.11: Ensure at all times that, the assets of the CPF shall be registered in the name of the CPF and that the CPF assets shall not be held in any nominee capacity or in the name of any other individual or entity at any time.
- 9.4.12: Ensure that no more than five thousand Rends (R5 000.00) per annum shall be utilized or expected outside the borders of the Republic of South Africa without the prior written consent of the South African Revenue Services.
- 9.4.13: A copy of all future proposed amendments to this Constitution must be submitted to the South African Revenue Services for approval.
- 9.4.14: Any trading activities, which may be undertaken, shall not exceed Fifteen percent (15%) of the total income of the CPF in any one financial year.
- 9.4.15: Accept or make donations provided that in the acceptance or making of any donations, no conditions shall be imposed enabling the donor or any connected person to the donor, to receive or derive a direct or indirect benefit from such donation.
- 9.4.16: In the event of the dissolution or “winding up” of the Erasmia Community Police Forum, for any reason whatsoever, then all moveable and immoveable property registered in the name of the CPF, shall be given and transferred to another organization with the same or similar objectives within the Republic of South Africa, which itself is also qualified for exemption for payment of income and donations tax in terms of Section 30 of Income Tax Act.
- 9.4.17: Any expenditure or commitment that shall have financial implications not declared or authorized in the Approved Annual Budget shall be presented for approval to a Special General Meeting of the CPF.
- 9.5: **Removal from office:**
- 9.5.1: An Executive Committee member shall cease to hold office if he resigns his or her office by notice in writing to the CPF and upon acceptance thereof by the CPF and if the CPF is satisfied that all relevant information and responsibilities have been duly handed over to the CPF and / or successor;
- 9.5.2: Is convicted of a criminal offence while in office;
- 9.5.3: Is absent from three (3) consecutive meetings of the Executive Committee without just, or reasonable cause given to the Executive Committee;
- 9.5.4: The Executive Committee has the right to co-opt any member of the CPF into the Executive Committee for a period no longer than 90days. To fill the vacancy a special election must be held within 90days.
- 9.5.5: The CPF may, at a meeting specially convened for that purpose, remove any executive committee member from office before the expiry of his/her term of office and elect another members in his/her place; and

- 9.5.6: The removal of an Executive Committee member from office in terms of the above provisions (9.5.5) shall be possible only if at least two thirds of the members of the CPF in attendance vote in favour of it.

10. LEGAL STATUS AND ASSETS OF THE CPF:

- 10.1: The CPF is a distinct legal entity, in line with the appropriate Acts and regulations, with the power to acquire, to hold and to alienate property of every description whatsoever and with capacity to acquire rights and obligations and having perpetual succession.
- 10.2: The CPF is and will be a juristic person and can act and be acted against in its own name.
- 10.3: The property and funds of the CPF vest in the CPF as a juristic person and no member of the CPF will be liable for the debits of the CPF.
- 10.4: All assets of the CPF of whatsoever nature will be applied solely towards the promotion of its objectives, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, to the members of the CPF;
If nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any member for any service actually rendered to the CPF.
- 10.5: Any act or deed carried out by any member of the CPF or the Executive Committee pursuant to any power being conferred to such member by the CPF shall, once the same has been carried out pursuant thereto, not be invalidated by any subsequent meeting or decision of the CPF;
- 10.5.1: in a grossly negligent manner,
- 10.5.2: outside the power conferred upon such person or individual or body under the constitution, or,
- 10.5.3: outside of such power, as has been determined by the CPF either in a meeting of the Executive Committee, Annual General Meeting or Special General Meeting.

11. DUTIES OF OFFICE BEARERS:

- 11.1: The Chairperson must;**
- 11.1.1: presided over meetings of the CPF;
- 11.1.2: ensure the executive of all decisions of the Executive Committee and the CPF;
- 11.1.3: represent the CPF as and when it is necessary;

- 11.1.4: report regularly on the functioning of the CPF to the Station Commander and provide feedback and directives to the CPF;
- 11.1.5: submit reports reflective of the activities or the work of the CPF;
and;
- 11.1.6: supervise all work of the CPF in conformity with the constitution, the relevant legislation and procedures agree upon by the CPF.
- 11.2: **The Deputy Chairperson must:**
 - 11.2.1: In the absence of the Chairperson, act as the Chairperson;
 - 11.2.2: The Deputy Chairperson shall, in conjunction with the Treasurer, ensure that the funds of the CPF are administered in accordance with the policy of the CPF, prepare and circulate the annual report of the activities of the CPF which will include the audited finance report.
- 11.3: **The Secretary must:**
 - 11.3.1: take and compile the minutes in accordance with the provisions of this Constitution;
 - 11.3.2: receive and dispatch correspondence to and from the CPF;
 - 11.3.3: arrange all meetings in accordance with the meeting's procedure;
 - 11.3.4: keep originals of letters received and copies of letters dispatched and correspondence.
 - 11.3.5: perform official administrative functions normally associated with the office of the secretary; and,
 - 11.3.6: further the interests of the CPF, as directed by the Executive Committee.
- 11.4: **The Deputy Secretary must;**
 - 11.4.1: In the absence of the Secretary, act as the Secretary, and,
 - 11.4.2: together with the PRO develop and manage the public and manage the public relations of the CPF.
- 11.5: **The Treasurer must:**
 - 11.5.1: Be responsible for the finances of the CPF and ensure strict compliance with generally accepted accounting procedures in accordance with Clause 9.4:
 - 11.5.2: together with another designated member of the CPF, operate a banking account on behalf of the CPF;
 - 11.5.3: keep books of account and other records necessary to clearly reflect the financial position of the CPF, and,

- 11.5.4: table a financial report at every general meeting of the CPF and Annual Financial Report and Budget for the subsequent year at every Annual General Meeting.
- 11.6: **The Public Relations Officer must;**
- 11.6.1: Act as liaison between the CPF and the media;
- 11.6.2: promote co-operation between the CPF and the community; and,
- 11.6.3: promote awareness of community policing.

12. DECISION MAKING PROCEDURES:

- 12.1: Each member of the CPF shall be entitled to a single vote as stipulated in Section 5 of this Constitution.
- 12.2: The CPF shall, as far as reasonably possible, reach decisions by consensus. If consensus cannot be achieved, the CPF shall vote on the matter.
- 12.3: The Chairperson has a deliberative vote and shall cast a deciding vote when there is an equal number of votes on each side of the question.
- 12.4: Voting during Elective Annual General Meetings and Elective Special General Meetings shall be by ballot paper, overseen by the Station Commander
- 12.5: The outgoing Executive Committee shall have no voting rights at an Elective AGM or Special General Meeting unless they are representing a Sector CPF.
- 12.6: Voting at Annual General Meetings, Special General Meetings and CPF meetings shall be by a show of hands, unless requested by 20% of the members in attendance for a ballot paper.
- 12.7: In the event of an equal vote for the position of Chairperson of the CPF, at an Elective AGM or Special General Meeting, the members representing the Sector Police Forums, shall be requested by the electoral officer for a revote. In the event that the recount is still even between the candidates, then the Station Commander requested to arbitrate between the candidates and resolve the impasse in whichever way they consider.
- 12.8: In the event of an equal vote for other candidates of the Executive to be elected at an Elective AGM or an Elective Special General Meeting, the electoral officer shall request a revote and if the outcome continues to be even between the candidates, the newly elected Chairperson shall have the casting vote.

13. RECORD MANAGEMENT:

The Secretary shall cause:

- 13.1: A record to be kept of the members of the Executive Committee present at any meeting, and minutes to be kept of all resolutions and proceedings at such meetings;
- 13.2: Minutes to be kept of all resolutions taken by the CPF, which must be adopted by the CPF prior to the signatures of the chairperson and secretary, shall be prima facie evidence of the matters therein stated; and,
- 13.3: A resolution, in writing, which is signed by all the members of the Executive Committee and inserted in the minute book of the executive committee, shall be as valid and effective from the date signed by them, even though it could be approved, ex-post facto at the CPF's next meeting.

14. MEETINGS OF THE CPF:

- 14.1: The Executive Committee shall meet at least once a month.
- 14.2: The CPF shall meet once each quarter or as determined by the CPF.
- 14.3: The CPF shall determine its own procedures and shall conduct its meetings with equality of opportunity and fairness.
- 14.4: The members of the Executive Committee and CPSF Chairpersons must attend the CPF meetings.
- 14.5: Apart from the persons mentioned at sub-paragraph 14.4 above, the CPF may extend invitations to any internal or external role player to attend the annual general meeting.
- 14.6: The CPF may once a year convene a CPF meeting where the executive committees of all the Cluster Community Police Forum also attend.
- 14.7: The CPF may also once a year convene an extended broader CPF meeting where the chairpersons of all the Community Police Forums in the Cluster also attend.
- 14.8: Minutes and other documents of meetings must be distributed within 21 working days after the respective meeting.
- 14.9: A Year planner for all meetings should be presented, approved and circulated to all members of the CPF at the last meeting of the CPF of the preceding year.
- 14.10: The Executive Committee shall present an Integrated Strategic Plan for the CPF for adoption for the next financial year at the last meeting of the CPF of the preceding year.

- 14.11: When a newly elected Executive Committee succeeds, they shall be required to amend and or ratify the Strategic Plan at the first CPF Meeting after the Elective AGM or Special General Meeting.
- 14.12: The Chairperson of the CPF shall convene a special CPF meeting when requested by at least fifty per cent (50%) of the membership of the CPF and the notice for such meeting must include an agenda indicating the items to be discussed.

15. NOTICE OF MEETING:

- 15.1: The secretary shall, in writing, give notice to all members of Executive Committee at least 7 Days prior to the date of the meeting concerned as determined in the Year Planner for all meetings.
- 15.2: The secretary shall, in writing, give notice to all members, of a Special General Meeting at least 30 days prior to the date of the meeting. The notice shall include the agenda for such special meeting.
- 15.3: The Secretary shall in writing, give notice to all members, for a Special Meeting called for by the MEC and or Provincial Commissioner, at least 14 days prior to the date of the meeting. The notice shall include the agenda for such special meeting and the purpose.

16. QUORUM:

- 16.1: During all meetings of the CPF, a quorum will be proceeding with the meeting.

17. CORRESPONDENCE:

- 17.1: All documents and correspondence on behalf of the CPF shall be signed by the secretary or a person duly authorized by the CPF.
- 17.2: Notwithstanding the diversity of languages in the Republic of South Africa, English, where appropriate, shall be the medium of communication.

18. CODE OF CONDUCT AND DISCIPLINARY PROCEDURES:

- 18.1: The CPF shall adopt a code of conduct and disciplinary procedures, which shall become annexures to this Constitution.
- 18.2: All CPF members shall undergo a security clearance, which shall be carried out by the Local Criminal Records Centre (LCRC).

19. DISPUTE RESOLUTION:

- 19.1: The resolution of disputes relating to the CPF, which cannot be resolved by the Provincial Commissioner in consultation with the MEC, shall be dealt with in terms of paragraph 14 (3) of the Interim Regulations, 2001.

20. DISSOLUTION OF THE CPF:

- 20.1: The Provincial Commissioner shall, in consultation with the MEC, dissolve the CPF, with reason, and put in place an interim statutory structure. A special AGM must then be convened within ninety (90) days to elect a new CPF.
- 20.2: In the event of the CPF being dissolved in terms of clause 20.1, above, the statutory interim structure shall manage the assets and liabilities of the CPF.
- 20.3: Similarly, the dissolution of a Cluster CPF, CPF and or any other sub-forum shall be confirmed by the Provincial Commissioner in Consultation with the MEC or HOD for Community Safety and the relevant Cluster Commander or Station Commissioner and relevant superior Executive of the community police CPF or forum.

21. AMENDMENTS TO THE CONSTITUTION:

- 21.1: The constitution of the CPF can only be amended during an Annual General meeting or Special General Meeting;
- 21.2: Intention to amend the constitution, as well as the proposed amendments, must be circulated to all members of the CPF at least 21 days prior to the meeting; and,
- 21.3: The Constitution can only be amended by a two-thirds majority of the required quorum for an AGM.

22. ELIGIBILITY TO BE IN THE EXECUTIVE OF THE CPF:

- 22.1: All CPF members resident and/or employed and/or ratepayers in Erasmia Precinct and in good standing not specifically excluded in terms of this Constitution shall be eligible to be voted into the Executive of the CPF.
- 22.2: The following person shall not hold elected positions in the CPF:
- 22.2.1: Serving employees of SAPS, as regulated in the SAPS Act as Amended (including the employees of Metro Police Departments), employees of both the National and Provincial Secretariats for Police Services, employees of the Independent Police Investigative Department.

- 22.2.2: SAPS Reservists, unless required in an ex-officio capacity;
- 22.2.3: Persons with a criminal record, unless expunged in terms of the Criminal Procedures Act;
- 22.2.4: Owners and employees of private security companies as regulated by the PSIRA, unless required in an ex-officio capacity;
- 22.2.5: Persons who are not citizens of the Republic of South Africa;
- 22.2.6: Persons under the age of 18 Years, unless representing an elected CPF youth desk committee;
- 22.2.7: Persons holding elected political position in registered political parties with responsibilities in public office.
- 22.2.8: Any person that may have a direct conflict of interest with the operations and crime intelligence of SAPS, unless required in an ex-officio capacity.

23. APPROVAL OF THE CONSTITUTION

This Constitution including Annexures A.B.C.D. as amended is duly adopted at Erasmia on this, the 23rd day of February 2015.

CHAIRPERSON OF THE ECPF: ERASMIA GAUTENG

Date:

SECRETARY: _____

EXECUTIVE MEMBERS:

**WITNESS 1
SC. ERASMIA**

**WITNESS 2
VISPOL HEAD ERASMIA**

Date: _____

Date: _____

ANNEXURE A

CODE OF CONDUCT

- 1: Members of the CPF and all its structure shall not promote any party politics when dealing with CPF and respective CPF matters.
- 2: Members must not use any abusive language or make sexist or racist remarks.
- 3: No member shall utilize the CPF or SAPS logo or emblem for personal or private gain.
- 4: Members of the SAPS working with the CPF shall behave and act in a manner that promote community police relations and, if such members are expected to carry out duties, which will enable the CPF to perform its function, do so without fail.
- 5: Members of the CPF shall agree to have their fingerprints taken for the purpose of security clearance.
- 6: Members of the CPF must declare any conflict of interest and not participate on matters where there is a conflict of interest.
- 7: Members must behave in a diplomatic, professional, controlled and dignified manner when dealing with each other and with the general public.
- 8: CPF members shall not be actively involved in CPF matters whilst under the influence of liquor, drugs and all other illegal intoxicating substances.
- 9: Members of the CPF and Services shall not abuse their positions to bring the CPF and its sub structures into disrepute.
- 10: Members of the Executive must hand over all records and assets of the respective CPF or CPF to the incumbents within 30 days of leaving office.
- 11: Any member who contravenes the Code of Conduct and CPF constitution shall be dealt with in accordance with the disciplinary process referred to in annexure C and may be suspended pending a disciplinary hearing.

ANNEXURE B

MISCONDUCT

- 1: Misuse of property belonging to the ECPF.
- 2: Disclosing confidential information of the CPF to the public, individuals or institutions without the prior written consent of the Executive.
- 3: Refusal to carry out instructions of the CPF or any office bearer acting on behalf of the CPFs.
- 4: Drinking liquor and being under the influence of liquor or any intoxicating substance whilst performing duties of the CPF.
- 5: Acting in a manner that exposes the CPF members to a dangerous environment, and or criminals.
- 6: Intentionally disregarding the constitution and direction provided by leadership of the CPF.
- 7: Acts for other group and /or person who seek to disrupt the activities of the CPF/Forum or Prevent it from fulfilling its set Aims and Objectives.
- 8: Theft, fraud, insults or use of inappropriate language against members of the CPF and the Community.
- 9: Refusal to execute tasks enabling the CPF to function efficiently and effectively.
- 10: Acting in a manner that disrupts the activities, programmes and projects of the CPF.
- 11: Using the CPF to advance personal political interests.
- 12: Using membership of the CPF to promote personal financial gain.
- 13: Any member charged by SAPS for any serious crime shall be suspended until the outcome of the investigation and or court finding. Only the CPF shall have discretion if representation is made by the member accused of such serious crime.
- 14: Any adverse conduct, act or mission, any form of publication, utterances or any other matter which potentially has the effect to bring the CPF/Forum in to dispute, including but not restricted to political utterances or acts, disobedience to the law and incitement.
- 15: Inappropriate use of the logo and not in accordance with Clause 2.2 of the Constitution.

ANNEXURE C:

DISCIPLINARY PROCEDURE:

- 1: A disciplinary Committee shall be established to address a reported misconduct.
- 2: The accused person shall be afforded a fair hearing by being informed of charges against him/her and be afforded an opportunity to state his/her case and appoint a representative of his own choice within the CPF.
- 3: Outside or external legal representative shall not be allowed whilst the matter is being dealt with internally.
- 4: A disciplinary committee will consist of two executive committee members, one SAPS member, and one member of the forum or CPF who does not serve on the executive committee.
- 5: The disciplinary committee may hear and decide on the matter or refer the matter to the higher level if it is of the view that the matter is beyond its jurisdiction.
- 6: The DC may take the following decisions: reprimand the accused person, suspend, expel or order any of the penalties as stipulated under the penalties clause.
- 7: The accused person has the right to appeal to the next, higher level structure, and shall file a notice of appeal within five days after judgment.
- 8: The disciplinary hearing can take place in the absence of the accused person in the event that the DC is satisfied that the accused person was properly informed and no valid excuse for the absence was tendered.
- 9: Should a member of the SAPS commit any misconduct, the matter shall be dealt with through SAPS disciplinary procedure and the relevant Station or Area Commissioner shall institute such an action.

PENALTIES:

- 1: Warning (Verbal or Written)
- 2: Suspension
- 3: Expulsion
- 4: Refund or Payback (in cases of theft or fraud)
- 5: Laying of a criminal charge against the accused member
- 6: Instituting a civil claim against the accused member
- 7: Some of the penalties may be imposed simultaneously

ANNEXURE D

ELECTION PROCEDURE AND TIMELINES FOR ELECTIONS

SUB-SECTOR FORUM

1. The SSF elections shall be aligned to Clauses 5, Clauses 6, Clause 7, Clause 8 and Clause 9 of the Constitution of the CPF.
2. The Elections shall be held before the end of March in the year, coinciding with the end of the term of office of the Provincial CPF.
3. Elections at SSF level will be directed on behalf of the Provincial Commissioner, by the Station Commander or the Deputy of the Station Commander as nominated by the Station Commander and a representative of the CPF.
4. At SSF level, the Station Commander, a member of the CPF, as appointed by the Executive CPF, will oversee the elections.
5. The membership that can participate at elections at SSF level are the Community Members of the Sub-Sector or a duly authorized member of the respective Sub-Sector as appointed by a respective member.
6. Each SSF member shall have one single vote.
7. Nominations for all positions shall be requested by the presiding officer.
8. Nominees shall be resident, own property or employed in the Sub-Sector and shall have the responsibility to provide a security clearance at the elections, taking due cognizance of Clause 22 of the Constitution of the CPF.
9. Each nominee shall have a proposer and a seconder. The Nominee shall declare his or her acceptance in writing for the position nominated.
10. The membership shall cast their vote by show of hands.
11. The presiding officer and CPF member shall announce the appointees with the highest vote.
12. The SSF will meet every month or whenever required to do so.

ELECTION PROCEDURE AND TIMELINES FOR ELECTIONS

COMMUNITY POLICE SECTOR-FORUM:

1. The Sector Forum elections shall be aligned to Clauses 5, Clause 6, Clause 7, Clause 8 and Clause 9 of the Constitution of the CPF.
2. The Elections shall be held before the end of March in the year, coinciding with the end of the term of office of the Provincial CPF.
3. The Station Commander will direct elections at Sector level on behalf of the Provincial Commissioner.
4. At Sector level, the Station Commander and representative of the respective CPF will oversee the elections.
5. Members of the community in the sector of the precinct of the respective police station can participate at the elections at CPSF level. Each member over the age of 18 years has one single vote.
6. The meeting will elect the Executive Committee for the Sector.
7. Nominations for the Executive position for the Sector Forum shall be requested by the presiding officer, in writing by both a proposer and a seconder including a letter of acceptance by the nominated individual.
8. Nominees shall be resident, own property or employed in the sector of the precinct of the respective police station and shall have the responsibility to provide a security clearance at the elections, taking due cognizance of Clause 22 of the Constitution of the CPF.
9. Each nominee shall have a proposer and a seconder.
10. If more than the required number of additional members have been nominated the presiding officer shall prepare a ballot paper with the names of the members duly nominated.
11. The community members shall cast their votes. They will have one vote for each of the Executive positions.
12. The Station Commander and the representative of the CPF shall announce the appointees with the highest vote.
13. The Sector Executive will ensure that a secure community meeting will be held monthly to inform the community of the challenges and develop appropriate strategies in preventing crime.
14. The Sector Forum will be entitled to generate and raise funding for his or her own sector activities, with the proviso that a cost centre sub-account is managed by the treasurer of the CPF to ensure accountability at a CPF level.
15. Bank Charges will be equitably and proportionately charged to each sector.
16. The Community meeting will be adjourned.

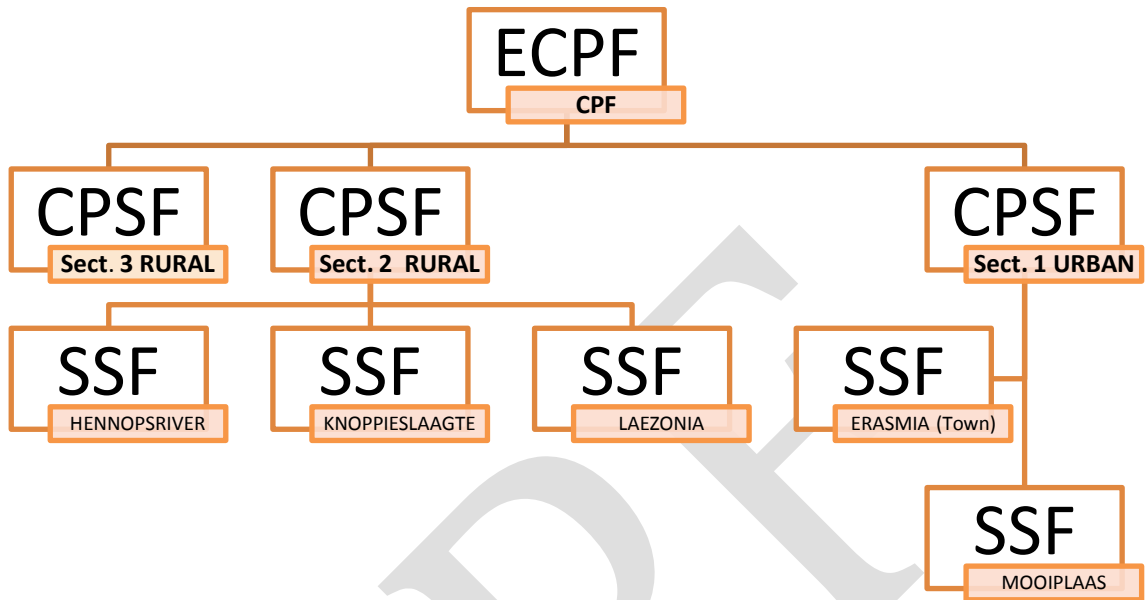
ELECTION PROCEDURE AND TIMELINES FOR ELECTIONS

COMMUNITY POLICING FORM

1. The CPF elections in terms of Clauses 5, Clauses 6, Clause 7, Clause 8 and Clause of the Constitution of the CPF shall be completed before the end of May at the end of the term of the Provincial CPFs.
2. The Station Commander, in terms of the SAPS ACT, ACT 68 of 1995, will direct elections at CPF level.
3. At CPF level, the Station Commander and a duly authorized member of the respective Cluster CPF will oversee the elections.
4. The memberships that can participate at elections at CPF Level are the Sector- and Sector Sub-Forum Chairpersons or a person duly authorised by them.
5. Each member shall have one single vote.
6. The presiding officer shall request nominations for all positions, which shall be submitted in writing by both a proposer and a seconder. The nominee shall declare his or her acceptance for the position nominated.
7. Nominees shall be resident in the Erasmia SAPS precinct and shall have the responsibility to provide a security clearance at the elections, taking due cognizance of Clause 22 of the Constitution of the CPF.
8. The membership shall cast their vote by ballot paper.
9. The presiding officers shall announce the appointees with the highest vote.
10. The newly elected Executive shall hold an Executive Meeting within the first 14 days to perform their duties and responsibilities in terms of Constitution, with special reference to Clauses 11, 12, 13, 14, and 15.
11. The CPF will ensure that all CPF Elections at precinct level shall be completed before the end of July in the same year before the end of term of the Provincial CPF.
12. The CPF's will ensure that all Sector and Sub-sector Forums at precinct level shall be completed before the end of March in the same year before the end of the term of the Provincial CPF.

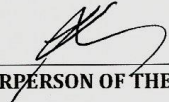
ANNEXURE E

ORGANOGRAM OF THE ECPF (EXAMPLE)




23. APPROVAL OF THE CONSTITUTION

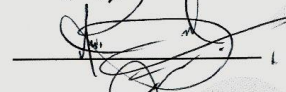


This Constitution including Annexures A.B.C.D. as amended is duly adopted at Erasmia on this, the 23rd day of February 2015.

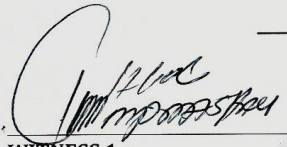

CHAIRPERSON OF THE ECPF: ERASMIA GAUTENG

23 February 2015
Date:

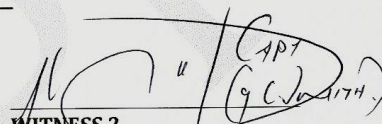
SECRETARY: 

EXECUTIVE MEMBERS: 


WITNESS 1
SC. ERASMIA

Date: 23 February 2015


WITNESS 2
VISPOL HEAD ERASMIA

Date: 23 February 2015