

KRUGERSDORP COMMUNITY POLICE SUB-FORUM



CONSTITUTION

CPSF SECTOR 3

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PREAMBLE

Be it therefore acknowledged that the Krugersdorp Community Police Forum (KDP CPF) AND Sub 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 Boards, 2001 (hereinafter referred to as the Interim Regulations 2001), with the aim of ensuring effective liaison between the South African Police Service (SAPS), Cluster Community Police Boards (CPB), Community Police Forums (CPF) and Community Police Sub-Forums (CPSF) in Gauteng as envisaged by section 18 of the principal Act.

Due regard shall be taken of the implications of various legislations, regulations and government policies, for example Section 30 of the Income Tax Act and related regulations, Regulations for Safety Measures at Public Schools of 10th November, 2006.

It is recognized 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 Krugersdorp 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 the Krugersdorp Police precinct, Gauteng Province and that all Community Safety- and Victim Support Structures are directed, monitored and guided to act within the Law.

INTRODUCTION

The Sub-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 Boards, 2001 (hereinafter referred to as the Interim Regulations, 2001), with the aim of ensuring effective liaison between the South African Police Service (SAPS), Cluster Community Police Boards, Community Police Forums and Community Police Sub- Forums in Gauteng as envisaged by section 18 of the principal Act.

Due regard shall be taken of the implications of various legislations, regulations and government policies, for example Section 30 of the Income Tax Act and related regulations, Regulations for Safety Measures at Public Schools of 10th November, 2006.

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 Service Act, Act 68 of 1995, as amended, read in conjunction with The Constitution of the Republic of South Africa, 1996;
- “Annexure A”** shall mean the annexure Regulatory Policy relating to Confidentiality;
- “Annexure B”** shall mean the description Area of Responsibility KDP CPSF Sector 3;
- “Annexure C”** shall mean the annexure relating to the Code of Conduct;
- “Annexure D”** shall mean the annexure relating to Misconduct;
- “Annexure E”** shall mean the annexure Regulatory Policy on Suspension;
- “Annexure F”** shall mean the annexure relating to Disciplinary Procedures;
- “Annexure G”** shall mean the annexure relating to Disciplinary Procedures Penalties;
- “Annexure H”** shall mean the Regulatory Directive for CPF Nomination and Election Process;
- “Annexure I”** shall mean the Regulatory Directive for CPSF Nomination and Election Process;
- “*Audi alteram Partem* (or *audiatur et altera pars*)”** is a Latin phrase meaning "listen to the other side", or "let the other side be heard as well". It is the principle that no person should be judged without a fair hearing in which each party is given the opportunity to respond to the evidence against them.
- “Board”** shall mean the Gauteng Provincial Community Police Board (GPCPB);
- “Cluster Board”** shall mean the replacement of the Area Board in terms of the Act, Section 18 to 23 of the same Act;
- “Confidential Information”** Confidential information is any information to which the common law ‘duty of confidence’ applies as described in “Annexure A” to this Constitution and also as applied in terms of the Protection of Personal Information Act, Act No 4 of 2013.
- “Conflict of Interest”** shall mean the presence of a conflict of interest is independent of the occurrence of impropriety. Therefore, a conflict of interest can be discovered and voluntarily defused before any corruption occurs. A widely used definition is: "A conflict of interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary interest."

Primary interest refers to the principal goals of the profession or activity, such as the protection of clients, the health of patients, the integrity of research, and the duties of public office. *Secondary interest* includes not only financial gain but also such motives as the desire for professional advancement and the wish to do favors for family and friends, but conflict of interest rules usually focus on financial relationships because they are relatively more objective, fungible, and quantifiable. The secondary interests are not treated as wrong in themselves, but become objectionable when they are believed to have greater weight than the primary interests. The *conflict* in a conflict of interest exists whether or not a particular individual is actually influenced by the secondary interest. It exists if the circumstances are reasonably believed (on the basis of past experience and objective evidence) to create a risk that decisions may be unduly influenced by secondary interests.

- “Constitution”** shall mean the Krugersdorp CPSF Constitution, including Annexures approved/adopted and or amended during an Annual General Meeting or Special General Meeting and or amended in terms of stipulated requirements in this constitution;
- “CPF”** shall mean the Community Police Forum at the SAPS precinct / station level’;
- “CPS”** shall mean the Crime Prevention Strategy;
- “CPSF”** shall mean the Community Police Sub-forum subordinate to the CPF at the SAPS precinct / station level;
- “Crime Prevention Strategy”** as required in terms of the National Crime Prevention Strategy Document of 22nd May 1996, as amended;
- “Day”** shall mean a calendar day;
- “Directive”** A **directive** is a constitutional act of the CPF/CPSF, which requires members to achieve a particular result without dictating the means of achieving that result. It can be distinguished from regulations which are self-executing and do not require any implementing measures. Directives normally leave members with a certain amount of leeway as to the exact rules to be adopted.
- “Enclosure”** shall mean a supporting document that is enclosed this constitution.
- “Executive Committee”** shall mean the executive committee elected by KDP CPF or KDP CPSF.
- “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

“HOD”	be applicable to all sub-ordinate structures of the GP CPB; shall mean the Head of Department of Community Safety in the province;
“Individual Membership”	Individual membership is via the CPSF and as qualification as described in this constitution.
“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 the KDP CPF and subordinate CPSF;
“Neighborhood Watches”	functioning subordinate to CPSF and in support of the CPSF safety initiatives. If not affiliated via CPSF, the “Neighborhood Watch” needs to be in compliance with PSIRA;
“Nepotism”	shall mean an occurrence within organizations, when a person is appointed or elected due to their familial ties. It is generally seen as unethical. Refrain from electing members from same family on the same committee and or executive.
“Provincial Commissioner”	shall mean the Provincial Commissioner appointed in term of the SAPS Act, Act 68 of 1995; “PSIRA” shall mean the Private Security Industry Regulatory Act of 2001 (as amended);
“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 Program;
“White Paper”	shall mean the White Paper of Safety and Security of 1998 as amended
“Youth”	shall mean the Youth Representative from the youth committee of the CPSF constituting members up to the age of twenty five years;
“Written Communication”	shall mean any document, letter, notice including electronic written notice(s).

1. NAME AND LOGO

1.1 The CPSF will officially be known as the Krugersdorp Community Police Sub Forum, KDP CPSF hereafter referred to as the CPSF and is subordinate to the Krugersdorp CPF (KDP CPF).

1.2 The Logo and Letterhead:

1.2.1 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" respectively.



1.2.2 For the purpose of identification, the name of the Forum or Sub Forum should be added above the Aloe, for example:

KRUGERSDORP COMMUNITY POLICE FORUM, abbreviated "KDP CPF"

KRUGERSDORP COMMUNITY POLICE SUB- FORUM SECTOR 3" abbreviated "KDP CPSF Sector 3"

and the full description shall be used on all correspondence of the Forum, and Sub-Forums/Sector Forums.

1.2.3 The Logo should only be used for official CPF, CPSF and Sector Forum activities and correspondence.

2. AREA OR RESPONSIBILITY

2.1. The Area of Responsibility is that of the SAPS Krugersdorp Precinct and as subdivided in terms of the SAPS National Instruction for Sector Policing providing Sector Areas and defined/demarcated in the Enclosures of this constitution as areas of responsibility to subordinate CPSF structures which may be adapted and realigned as the demarcation of the precinct may be adapted and or amended as circumstances may requires.

2.2. These effected regional amendments will require an AGM or Special General Meeting to affect amendment of "Annexure B". The CPSF areas are demarcated a follows:

2.2.1 CPSF SECTOR 3 – See "**Annexure B**" – Area of Responsibility KDP CPSF SECTOR 3;

3. OBJECTIVES

The Objectives of the CPSF are the following:

3.1 To establish, promote and maintain public participation and private partnership between the community and the SAPS in the fight against crime;

3.2 To promote effective communication and co-operation between the SAPS and the community in fulfillment 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 services to the community at station and sub-forum/sector levels;
- 3.6 To support and co-ordinate the programs of the Provincial CPB, Cluster Board and CPF, within the precinct and respective sector area;
- 3.7 To consult with and advise the Sector Commander or relieve commander with regards to all matters pertaining to community policing;
- 3.8 The CPSF shall function within the principles contained in the principal Act, Interim Regulations, 2001 and any other applicable Act, regulatory and/or policy framework, Strategies and SAPS National Instructions mentioned in this Constitution. A list with some of the relevant Acts, Regulations, Policies, Strategies and SAPS National Instructions for easy reference (which doesn't requires amendment of the constitution when reviewed and or amended) are read as per National Instruction 3 of 2013 on SECTOR POLICING and Rural Safety Strategy Implementation Guidelines 2014.

4. FUNCTIONS

The functions of the CPSF are as follows:

- 4.1 To promote the accountability of the SAPS to community and encourage co-operation between community and the Police Service;
- 4.2 To advise the Station Commissioner and the Department of Community Safety representative regarding local policing priorities;
- 4.3 To report results of any evaluation regarding service delivery to the community and relevant managers within the service at cluster level;
- 4.4 To facilitate the resolution of concerns, problems and complaints from CPSF;
- 4.5 To inform the CPSF about activities of the Provincial Board, Cluster Board, CPF and engage them in these activities;
- 4.6 To promote and monitor the effective management of CPSF;
- 4.7 To monitor and request reports on activities of the CPSF and ensure/promote the sharing of good practices;
- 4.8 To co-ordinate and support the Provincial Commissioner and Cluster Commissioner in establishing and sustaining functionally constituted CPF and CPSF and to ensure that the CPF and CPSF Constitutions are aligned to the Cluster Board and that of the Provincial CPB;
- 4.9 To receive and evaluate quarterly reports from CPSF and provide and submit integrated quarterly reports from the CPSF to the CPF;
- 4.10 To participate and inform the relevant provincial legislature committee and SAPS National/Provincial Inspectorate in their evaluation of the policing services in the precinct;
- 4.11 To formalize community safety policies in line with the CPS, appropriate policies, the Community Safety Plans and to direct and evaluate the implementation thereof at CPSF in

- the precinct (see Enclosure 7 for proposed proforma);
- 4.12 In line with the hierarchical arrangements, the CPSF shall function and liaise through the CPF to the Cluster Board to the Provincial CPB as appropriately required;
- 4.13 To develop, approve and implement Guidelines and measures to regulate the CPSF and Sector Forum and affect the relevant efficient execution of community safety projects and programs.

5. COMPOSITION OF THE CPSF 3

The CPSF shall consist of:

- 5.1 The Executive Management;
- 5.2 CPSF community with demarcated areas of responsibility see Section 2.1;
- 5.3 SAPS in Ex Officio Capacity, namely: The Station Commissioner or delegate; Detective delegate; Social Crime Coordinator or delegate and Sector Commander shall serve on the CPSF as Ex Officio members, with no voting rights, unless required to do so, in terms of Clause 12.7 of this Constitution;
- 5.4 The Sup designated by the respective Municipal Traffic Police Head from Mogale City Municipal Council, with no voting rights, unless required to do so, in terms of Clause 12.7;
- 5.5 Department Community Safety Liaison Official as Ex Officio Member without voting rights;
- 5.6 The CPF shall at its discretion invite and co-opt any official representative of a Provincial and or Municipal Department Office within the precinct to serve on the CPF as an ex-officio member, with no voting rights;
- 5.7 All elected Ward Councilors within the precinct as Ex Officio Members;
- 5.8 The CPSF may whenever it is deemed necessary, co-opt and elect at a Special General Meeting within 90 days any other person(s) to serve on the CPSF in an advisory capacity on 6 additional co-opt positions, with no voting rights;
- 5.9 During the CPSF AGM or Special General Meeting, the CPSF may further elect a number of 4 of the respective CPSF community members to represent together with the elected CPSF Executive Members as delegation with voting rights;
- 5.10 Heads of other Provincial SAPS units and Law Enforcement Agencies within the precinct shall be invited to participate, with no voting rights;
- 5.11 NGO's and other role players without voting rights;
- 5.12 Neighbourhood Watches functioning subordinate to CPSF and in support of the CPSF safety initiatives;
- 5.13 Rural Safety Managers appointed by SAPS Precincts considered having a rural Sector as well as other role players without voting rights, functioning subordinate to CPSF and in support of the CPSF safety initiatives and Rural Safety Plan as promulgated by the National Rural Strategy of 2010.

6. ANNUAL GENERAL MEETING, SPECIAL GENERAL MEETING, GENERAL MEETING

- 6.1 All Annual General Meetings shall be held each year within six months after the end of the financial year (excluding the Elective AGM which will be hosted according to the stipulations of this constitution), 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 A Special General Meeting shall be held to manage constitutional amendments, election of new executive members due to vacancies on the Executive Management Committee, to adopt and or amend the CPSF Safety Plan and or Budget.
- 6.3 The General Meeting shall be held frequently at least bi-monthly (rural areas quarterly) where the members and representatives indicated in Section 5 of the Constitution meet to be informed of tendencies, developments and progress and matters which may influence the CPSF, manage the plan, activities and way forward.
- 6.4 The Secretary shall, in writing, give notice (see Section 15) to all members of an Annual General Meeting or Special General Meeting and General Meeting at least 21 days prior to the date of the Meeting.
- 6.5 The quorum at all these meetings will be at least 75% attendance of the members of the Executive Management Committee and those members or representatives indicated in Section 5 in attendance to form a quorum.

7. TERMS OF OFFICE

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

- 7.1 Elected Executive members and members of the CPSF and all sub-ordinate hierarchical structures shall serve for a period of five years (with respect CPSF from May 2015);
- 7.2 Any interim elected executive members shall serve for the remainder of the period up to the next elective AGM.

8. COMPOSITION, ELECTION OF THE EXECUTIVE MANAGEMENT COMMITTEE

- 8.1 The CPSF shall elect an Executive Committee during the elective AGM, which shall be overseen by the Station Commissioner of Krugersdorp SAPS or appointed delegated, representative from the MEC or the HOD DCS or Chairperson or representative from the Cluster Board (interim ruling representatives from the GP CPB to oversee);
- 8.2 The Executive Committee of the CPSF shall comprise the following office bearers with voting rights elected in the following order:

- 8.2.1 Chairperson;
 - 8.2.2 Deputy Chairperson;
 - 8.2.3 Secretary;
 - 8.2.4 Deputy Secretary;
 - 8.2.5 Treasurer / Financial Manager;
 - 8.2.6 Public Relations Officer;
 - 8.2.7 Patrol Coordinator
 - 8.2.8 First Aider Coordinator
 - 8.2.9 Radio Coordinator
- 8.3 The following up to maximum of 6 additional positions may be elected to the Executive Committee in terms of provision Section 6.2 without voting rights as determined independently by each CPSF operational requirements:
- 8.3.1
 - 8.3.2
 - 8.3.3

Positions will be filled as and when required

 - 8.3.4
 - 8.3.5
 - 8.3.6
- 8.4 Vacancies for any of the above section 8.2 shall be elected at a duly convened AGM or Special General Meeting within a period of ninety days after the portfolio became vacant.
- 8.5 Voting at Elective Annual General Meetings and Special General Meetings shall be by ballot paper unless requested by more than 50% of the members in attendance for a show of Hands overseen by dignitaries indicated in Sec 8.1.
- 8.6 The electoral process for the CPSF shall be sensitive towards gender, race and demographic representation. In the event that the democratic process does not result in the adequate representation of both genders, the CPSF may co-opt and elect members, without voting rights, to manage specific tasks, as approved by the CPSF.
- 8.7 A Quorum will be constituted when 75% of the Executive Members representing the Executive Management and Community Members, are present.

9. FUNCTIONING OF THE EXECUTIVE MANAGEMENT COMMITTEE

9.1 Administrative Support

- 9.1.1 The Executive Management Committee shall have the authority to manage and control the affairs of the CPSF, including the authority to attend to any matter that could or might be attended to by the CPSF, 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 CPSF.

- 9.1.2 An officer, designated by the Station Commissioner of the SAPS, shall be appointed to assist the Executive Committee in the administrative management of the CPSF.
- 9.1.3 The designated officer as per section 9.1.2, Sector Manager, shall represent the Krugersdorp SAPS Station in all aspects as directed and required by the Station Commissioner and as per National Instruction 3 of 2013 on SECTOR POLICING and Rural Safety Strategy Implementation Guidelines 2014 (see section 3.8).

9.2 Committee Decisions

- 9.2.1 The Executive Committee shall report to the CPSF on minimum a bi-monthly basis;
- 9.2.2 The CPSF 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 the Community Membership Register and supported by more than two thirds of the CPSF 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, that may be necessary or expedient in order to achieve the objectives of the CPSF, provided that 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 CPSF taken prior to the date of the resolution or decision by the Executive Committee and/or any decision that may have adverse financial implications to the CPSF and or not included and approved in the budget of the CPSF.
- 9.2.4 All the decisions as determined in Clause 9.2.3 shall be presented at the subsequent CPSF meeting for ratification or to be condoned.

9.3 Establishment of Sub Committees

- 9.3.1 The CPSF shall form or appoint sub-committees for designated portfolios as it may be determined, e.g. youth, community patrollers, victim empowerment, business, legal and constitutional, crime prevention programs, etc subordinate to the CPF and CPSF with detail description of composition, mandate, functions, processes and procedures contained in an Enclosure or Annexure to this Constitution and in conformance to that of the CPF.
- 9.3.2 Guidelines to regulate all sub-committees established in terms of Clause 9.3.1 shall be promulgated by the CPSF in terms of Clause 4.13 of this Constitution.

9.4 Safety Plan

The CPSF shall annually review the safety strategy and plan, formulate before the end of the financial year a new annual safety plan with a program of action, a budget which is to be presented and approved during a Special General Meeting and integrated in the CPF Safety Plan where after integrated in the Cluster Safety Plan, and sustained and executed during the forthcoming financial year.

9.5 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 CPSF, the Executive Committee shall:

- 9.5.1 At the conclusion of each financial year, provide all the financial records of the CPSF to be certified in accordance with Generally Accepted Recordkeeping Practices and as a true reflection of the income, expenditure, assets and liabilities of the CPSF as audited by a duly appointed authorized Auditor or Accountant (as provided for in terms of the Auditors Act 25 of 2004 and relevant Acts and regulations). A copy of such Annual Audit 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.
- 9.5.2 At no time shall the financial affairs of the CPSF be or be capable of being controlled by any one single person and the CPSF shall ensure the compliance with all the Financial Management provisions of Clause 9.5.
- 9.5.3 Ensure that reasonable professional fees for bona fide services rendered to the CPSF, members and/or their relatives do not derive any benefit from the funds of the CPSF whatsoever, other than what has been formally approved by the CPSF.
- 9.5.4 Ensure that all CPSF property, whether moveable or immovable, is registered in the name of the Krugersdorp Community Police Sub Forum and is administered solely for the purpose and furtherance of its objectives and principles.
- 9.5.5 Under no circumstances, permit any or participate in any speculative financial transactions with CPSF assets, without the approval of the CPSF.
- 9.5.6 Institute, conduct, defend, oppose, settle or abandon any legal proceedings by or against the CPSF or otherwise concerning the affairs of the CPSF and also to settle and allow time for payment in satisfaction of any debt or obligations due and/or any claims and demands by or against the CPSF.
- 9.5.7 Invest, re invest and deal with any monies of the CPSF not immediately required for the purposes of the CPSF, upon such securities and on such terms as the CPSF may deem fit and from time to time vary such investments, provided that at all times funds available for investment shall only be invested in registered financial institutions as defined in Section 1 of the Financial Institutions (Protection of Funds, Act 28 of 2001).
- 9.5.8 Sell, lease, alienate or otherwise dispose of the moveable or immovable property of the CPSF, as it deems beneficial to the CPSF and to apply the consideration arising therefrom pursuant to the objectives of the CPSF.
- 9.5.9 Purchase, hire or take in exchange or otherwise acquire any moveable or immovable property or rights for or on behalf of the CPSF or otherwise deal with all or any of the assets of the CPSF.

- 9.5.10 Ensure at all times, that the assets of the CPSF shall be registered in the name of the CPSF and that CPSF assets shall not be held in any nominee capacity or in the name of any other individual or entity at any time.
- 9.5.11 Ensure that no more than five thousand Rand (R5000) per annum shall be utilized or expended outside the borders of the Republic of South Africa without the prior written consent of the South African Revenue Service.
- 9.5.12 Any trading activities which may be undertaken shall not exceed Fifteen Percent (15%) of the total income of the CPSF in any one financial year.
- 9.5.13 Accept or make donations provided that in the acceptance or making of any donation, 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.
- 9.5.14 In the event of the dissolution or winding up of the Krugersdorp Community Police Sub Forum, for any reason whatsoever, then all moveable and immoveable property registered in the name of the CPSF shall be given and transferred to the KDP CPF or similar 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 the Income Tax Act.
- 9.5.15 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 CPSF.
- 9.5.16 The CPSF may institute and register separate from the CPSF a Non-Profit Organization in order to create a Neighborhood Watch to control and deploy Patrollers that will report and present financial records to the CPSF Executive on a monthly basis. The CPSF will in turn present all financial and operational reports to the CPF on a monthly basis.

9.6 **Removal from office**

An Executive Committee member shall cease to hold office as such if he or she:

- 9.6.1 Resigns his or her office by notice in writing to and by acceptance by the CPSF and the CPSF is satisfied that all relevant information and responsibilities have been duly handed over to the CPSF and/or successor;
- 9.6.2 Is convicted of a criminal offence while in office;
- 9.6.3 Is absent from three (3) consecutive meetings of the Executive Committee without just, or reasonable cause given to the Executive Committee;
- 9.6.4 The Executive Committee shall have the right to co-opt any member of the CPSF (without voting rights) into the Executive Committee for a period not longer than 90 days to fill the vacancy (a special election shall be held within 90 days to fill the vacancy);
- 9.6.5 The CPSF may, at a meeting of the CPSF specifically convened for that purpose (AGM or Special AGM), remove any executive committee member from office before

- the expiry of his/her term of office and elect another member in his/her place; and
- 9.6.6 The removal of an Executive Committee member from office in terms of the above provision (9.6.5) shall be possible only if at least two thirds of the members of the CPSF in attendance vote in favor of it.

10 LEGAL STATUS AND ASSETS OF THE CPSF

- 10.1 The CPSF is a distinct legal entity (subordinate to the CPF), in line with the SAPS Act and regulations, with the power to acquire, to hold and to alienate property of every description whatsoever and with the capacity to acquire rights and obligations and having perpetual succession.
- 10.2 The CPSF 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 CPSF vest in the CPSF as a juristic person and no member of the CPSF will be liable for the debts of the CPSF.
- 10.4 All assets of the CPSF 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 CPSF; Provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any member for any service actually rendered to the CPSF.
- 10.5 Any act or deed carried out by any member of the CPSF or the Executive Committee pursuant to any power being conferred to such member by the CPSF shall, once the same has been carried out pursuant thereto, not be invalidated by any subsequent meeting or decision of the CPSF; Provided that the CPSF in its sole and absolute discretion, is satisfied that any act or deed was not performed:
- 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 powers, as has been determined by the CPSF either in a meeting of the Executive Committee, Annual General Meeting or Special General Meeting.
- 10.6 The CPSF functions subordinate to the CPF and to the CPF constitution and shall any section and or policy and or regulation and or rule to this constitution be in conflict with that of the CPF, the CPF section and or policy and or regulation and or rule will be dominant and supersedes that of the CPSF.

11 DUTIES OF OFFICE BEARERS (Subject to change)

- 11.1 The Chairperson must:
- 11.1.1 Preside over meetings of the CPSF;
- 11.1.2 Ensure the execution of all decisions of the Executive Committee, the CPSF, AGM

and Special AGM;

- 11.1.3 Represent the CPSF as and when it is necessary;
 - 11.1.4 Report regularly on the functioning of the CPSF to the Station Commissioner and the DCS representative and provide feedback on directives to the CPF and CPSF;
 - 11.1.5 Submit reports reflective of the activities or the work of the CPSF; and,
 - 11.1.6 Supervise all work of the CPSF in conformity and compliance with the constitution, the relevant legislation, regulations, policies and procedures agreed upon by the CPF or CPSF, inclusive of the efficient achievement and sustainment of the objectives and functions of the CPSF, inclusive of adherence, compilation, update/review and execution of the annual Safety Plan with supporting budget.
- 11.2 The Deputy Chairperson must:
- 11.2.1. In the absence of the Chairperson, act as the chairperson;
 - 11.2.2. Deputy Chairperson to be appointed as disciplinary process coordinator;
 - 11.2.3. Deputy Chairperson shall, in conjunction with the Treasurer / Financial Manager, ensure that the funds of the CPSF are administered in accordance with the policy of the CPF/CPSF, prepare and circulate the budget as well as the annual report of the activities of the CPSF which will include the audited financial report (latter if funds are managed under the auspices of the CPSF).
 - 11.2.4. Manage and execute additional tasks defined by the CPSF Executive Management.
- 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 CPSF;
 - 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 CPSF, as directed by the Executive Committee.
 - 11.3.7. Integrate, compose and finalise the CPSF Plan, Program of Action, Annual Calendar (inclusive of meetings, scheduled training for the next financial Year).
 - 11.3.8. Manage and execute additional tasks defined by the CPSF Executive Management.
- 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 relations of the CPSF.
 - 11.4.3. Manage and execute additional tasks defined by the CPSF Executive Management.
- 11.5 The Treasurer / Financial Manager must
- 11.5.1. Be responsible for the finances of the CPSF and ensure strict compliance with generally accepted accounting procedures in accordance with Clause 9.4 of this Constitution;

- 11.5.2. Keep books of account and other records necessary to clearly reflect the financial position of the CPSF monthly, quarterly and annually at all CPSF meetings (as appropriate); and,
 - 11.5.3. Table a financial report at every general meeting of the CPSF and Annual Financial Report and Budget for the subsequent year at every Annual General Meeting / Special General Meeting.
 - 11.5.4. Manage the CPSF budget and coordinate availability of funds and priorities of projects.
 - 11.5.5. Manage and execute additional tasks defined by the CPSF Executive Management.
 - 11.5.7 Request and present any NPO financial records, books and any other financial information necessary to clearly reflect the financial position of the NPO and on a monthly, quarterly and annually basis and present the same at all CPSF meetings (as appropriate).
 - 11.5.8 Submit the same records as referred to in section (11.5.7) to the CPF on a monthly basis.
- 11.6 The Public Relations officer must:
- 11.6.1. Act as liaison between the CPSF via CPF to the media;
 - 11.6.2. Promote co-operation between the CPSF and the community; and,
 - 11.6.3. Promote awareness of community policing.
 - 11.6.4. Manage and execute additional tasks defined by the CPSF Executive Management.
- 11.7 CPSF Executive Position with operational duties to be formulated by each CPSF;
- 11.7.1 Manage and execute additional tasks defined by the CPSF Executive Management;
 - 11.7.2 Each CPSF Executive may formulate the position and role and appoint the additional Executive Member on requirement of the CPSF at the time.
- 11.8 CPSF Executive Position with operational duties to be formulated by each CPSF,
- 11.8.1 Manage and execute additional tasks defined by the CPSF Executive Management;
 - 11.8.2 Each CPSF Executive may formulate the position and role and appoint the additional Executive Member on requirement of the CPSF at the time.
- 11.9 CPSF Executive Position with operational duties to be formulated by each CPSF,
- 11.9.1 Manage and execute additional tasks defined by the CPSF Executive Management;
 - 11.9.2 Each CPSF Executive may formulate the position and role and appoint the additional Executive Member on requirement of the CPSF at the time.
- 11.10 CPSF Executive position with operational duties to be formulated by each CPSF,
- 11.10.1 Manage and execute additional tasks defined by the CPSF Executive Management;
 - 11.10.2 Each CPSF Executive may formulate the position and role and appoint the additional Executive Member on requirement of the CPSF at the time.

12 DECISION MAKING PROCEDURES

- 12.1 Each member of the CPSF shall be entitled to a single vote as stipulated of this Constitution and no proxy votes allowed.
- 12.2 The CPSF shall, as far as reasonably possible, reach decisions by consensus. If consensus cannot be achieved, the CPSF shall vote on the matter.
- 12.3 The chairperson has a deliberative vote and shall cast a deciding vote, when there are 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, unless requested by more than 50% of the members in attendance for a show of Hands which shall be overseen by the Station Commissioner of Krugersdorp SAPS or appointed delegated, representative from the MEC or the HOD DCS and Chairperson or representative from the CPF (interim ruling representatives from the GP CPB to oversee);
- 12.5 The outgoing Executive Committee shall have voting rights at an Elective AGM or Special General Meeting.
- 12.6 Voting at Annual General Meetings, Special General Meetings and CPSF meetings shall be by ballot paper, unless requested by more than 50% of the members in attendance for a show of Hands.
- 12.7 In the event of an equal vote for the position of Chairperson of the CPSF, at an Elective AGM or Special General Meeting, the members representing the CPSF, shall be requested by the electoral officer for a re-vote. In the event that the recount is still even between the candidates, then the Station Commissioner and MEC or the HOD representative shall be 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 re-vote and if the outcome continues to be even between the candidates, then 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 CPSF, which must be adopted by the CPSF 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 CPSF's next meeting.

- 13.4 Record needs to be maintained and archived (electronically and with backup) to keep record for a period of 10 years.
- 13.5 Management of the database to be managed aligned to the requirements of the appropriate acts inclusive of Act for Protection of Personal Information and the Financial Management Act.

14 MEETINGS OF THE CPF AND CPSF

- 14.1 The Executive Committee shall meet at least once a month which may be inclusive of the CPSF meeting.
- 14.2 The CPSF shall meet at least once bi-monthly and in the case of Rural Sectors quarterly.
- 14.3 The CPSF 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 delegates must attend the CPF and CPSF meetings.
- 14.5 Apart from the persons mentioned at sub-paragraph 14.4 above, the CPSF may extend invitations to any internal or external role player to attend the annual general meeting.
- 14.6 Minutes and other documents of meetings must be distributed within 21 working days after the respective meeting.
- 14.7 A Year planner for all meetings should be presented, approved and circulated to all Members of the CPSF at the last meeting of the CPSF of the preceding year.
- 14.8 The Executive Committee shall present an integrated Strategic, Operational Plan and Budget for the CPSF for adoption for the next financial year at Special General Meeting scheduled for this purpose before the end of Financial Year of the CPSF of the preceding year.
- 14.9 When a newly elected Executive Committee succeeds they shall be required to amend and or ratify the Strategic and Operational Plan at the first CPSF Meeting after the Elective AGM or Special General Meeting.
- 14.10 The Chairperson of the CPSF shall convene a Special General Meeting when requested by at least fifty per cent (50%) of the membership of the CPSF and the notice for such meeting must include an agenda indicating the items to be discussed.

15 NOTICE OF MEETINGS

- 15.1 The secretary shall, in writing, give notice electronically 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 electronically to all members, of an AGM, a Special General Meeting and or General Meeting at least 21 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 electronically by e-mail and other electronic media

to all members, for a Special Meeting called for by the MEC representative and or Station 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.

- 15.4 Notice to include: agenda, previous minutes; confirmation of venue, date and time, request for confirmation of attendance. Notice regarding date, time and venue also to be circulated on “WhatsApp or SMS and Radio”, and notice to be placed on Bill Boards at the Libraries, Local Municipality Offices and SAPS Station (CSC) within the Sector boundary.

16 QUORUM

- 16.1 During all meetings of the KDP CPSF, a quorum will be constituted 50% of the Executive Management Committee plus one,
- 16.2 Should the Executive Committee Members present at the meeting not form a quorum, the meeting shall be adjourned and reconvened within seven days and the members then present shall constitute a quorum to proceed with the meeting, provided that they have been duly informed in writing (including E-mail, SMS & Whatsapp).

17 CORRESPONDENCE

- 17.1 All documents and correspondence on behalf of the CPSF shall be signed by the secretary or deputy secretary or a person duly authorized by the CPSF, unless required to be signed by the Chairperson.
- 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 CPSF shall adopt a code of conduct and disciplinary procedures which shall become annexures to this Constitution.
- 18.2 All CPSF Executive members shall undergo a security clearance, which shall be carried out by the Local Criminal Records Centre (LCRC) at no cost.

19 DISPUTE RESOLUTION

- 19.1 The resolution of disputes relating to the CPSF, which cannot be resolved by the Station Commissioner and or CPF Chairperson in consultation with the DCS representative, shall be dealt with in terms of paragraph 14 (3) of the Interim Regulations, 2001.

20 DISSOLUTION OF THE CPSF

- 20.1 The Provincial Commissioner shall, in consultation with the MEC, dissolve the CPSF, with reasons, and put in place an interim statutory structure. A special AGM must then be convened within ninety (90) days to elect a new CPSF Executive Committee.

- 20.2 In the event of the CPSF being dissolved in terms of clause 20.1, above, the statutory interim structure shall manage the assets and liabilities of the CPSF.
- 20.3 Similarly, the dissolution of any other sub-fora 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 the relevant superior Executive of the community police board or forum.

21 AMENDMENTS TO THE CONSTITUTION

- 21.1 The constitution of the CPSF can only be amended during an Annual General Meeting or Special General Meeting;
- 21.2 This constitution recalls and or replaces any constitution with its enclosures and or annexures as a whole.
- 21.3 Intention to amend the constitution, as well as the proposed amendments, must be circulated to all members of the CPSF at least 21 days prior to the meeting; and,
- 21.4 The Constitution can only be amended by a two-thirds majority of the required quorum for an AGM and or Special General Meeting.

22 ELIGIBILITY TO BE IN THE EXECUTIVE OF THE CPSF

- 22.1 All CPSF community members' resident and/or property owners in the Krugersdorp CPSF precinct or responsibility area or demarcated Sector responsibility area and in good standing, not specifically excluded in terms of this Constitution, shall be eligible to be voted into the Executive of the CPSF.
- 22.2 The following persons shall not hold elected positions in the CPSF:**
- 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, after the 27th April 1994 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 CPSF youth desk committee;
 - 22.2.7. Persons holding elected political positions 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;

- 22.2.9. Any Executive Committee member may not hold any of the Executive Positions on any other CPSF or Neighbourhood Watch other than within their own sector boundary, as per section 2, of the CPSF Sector;
- 22.2.10. Any CPSF Executive Committee member may hold up to maximum two management positions (excluding one of the other 6 Executive Positions) within the CPSF Executive with only one combined vote for the two positions.

22.3 Removal of office bearers

An elected Executive Member will or may be removed from his or her position or portfolio, depending on circumstances, as follows:

22.3.1. Automatic Removal – when such member

- 22.3.1.1. Becomes or is elected as a political office bearer;
- 22.3.1.2. Has made a false declaration on his/her nomination and acceptance form;
- 22.3.1.3. Is convicted of an offence listed in Schedule 1 and 2 of the Criminal Procedure Act, Act 51 of 1997 (as amended) and has been sentenced to a period of one year or longer in prison without the option of a fine;
- 22.3.1.4. When a vote of no confidence according to the prescripts of this constitution against the relevant person has being accepted;
- 22.3.1.5. When a person after a due disciplinary hearing has being found guilty of a dismissible offence as per the Code of Conduct;
- 22.3.1.6. When a person ceases to be a registered member of a CPSF for whatever reason;
- 22.3.1.7. Resigns from the Executive Committee (written notice).

22.3.2. May be removed – when such member

- 22.3.2.1. If an elected Executive Management Member is absent without an acceptable apology from a CPSF meeting for three consecutive meetings, he/she may be removed from the portfolio;
- 22.3.2.2. If it appears that the Executive Management Member has no longer the capacity to fulfil his or her duties, example due to long term illness.

22.3.3. Section 22.3.2 applied in alignment to the stipulations of section 9.6.5 and 9.6.6.

23 APPROVAL OF THE CONSTITUTION

This Revised Constitution, including Annexures A, B, C, D, E, F, G, H and I as amended or notice taken if in development, is duly adopted at **Krugersdorp** on this, the **19 July 2017**



Date : 19 July 2017

**CHAIRPERSON
OF THE KRUGERSDORP CPSF SECTOR 3**

ANNEXURE A

CONFIDENTIALITY POLICY

This also needs to be read with Act No. 4 of 2013: Protection of Personal Information Act, 2013

What is confidential information?

Confidential information is any information to which the common law 'duty of confidence' applies. A duty of confidence is created when 'private' information has been passed on in such a way that the person receiving the information was aware, or should have been aware, that the information was being imparted on the basis of confidentiality. (The legal test is whether a 'reasonable' person would think the recipient ought to have known that the information was confidential).

Once you have obtained confidential information in this way, you are under a common law obligation not to disclose it or use it without the consent of the person who provided that information, except in very specific circumstances, as set out below.

In what circumstances might I come across confidential information at the CPSF?

The CPSF holds confidential information about individuals.

The CPSF routinely holds confidential personal information on its employees and its members. Much of this information will be held by the CPF or CPSF. All Executive Members who are authorised to access those records are under an obligation not to disclose inappropriately confidential information. Members should not normally have access to such records except their own records.

Members performing a supporting role in a professional capacity (e.g. medical staff, chaplains and counsellors) will be bound by their professional codes of practice in respect of the maintenance of confidentiality.

DISCLOSURE OF CONFIDENTIAL INFORMATION

Nature of the information

Occasionally you may be asked to keep something confidential that seems to you not to be truly confidential or very important. Unless the information is of a very trivial nature or has already been made public by the subject of that information, you should treat it as confidential and not disclose it inappropriately. There may be good reasons that you do not know about for the information to be kept confidential.

When can I disclose confidential information?

Confidential information can be discussed with those who are already party to it, and may also be disclosed where the person who provided the confidential information agrees to such a disclosure. If the person who provided the confidential information does not agree to the disclosure, a disclosure can still be made without consent under the following circumstances:

- when the vital interests of any person are threatened and the disclosure is made to a relevant, appropriate person;
- when it is in the public interest to do so and the disclosure is made to a relevant, appropriate person.

Whenever an obligation of confidence is to be broken without consent, the other party should be informed, unless the grounds are the protection of the other party's vital interests and this would further endanger them.

ANNEXURE B - KDP CPSF SECTOR 3 AREA OF RESPONSIBILITY

The geographical areas and boundaries of operation of Sector 3 are determined by the Krugersdorp Community Police Forum in consultation with the Krugersdorp SAPS from time to time.

The borders of Sector 3 are described as follows:

Quellerie Park

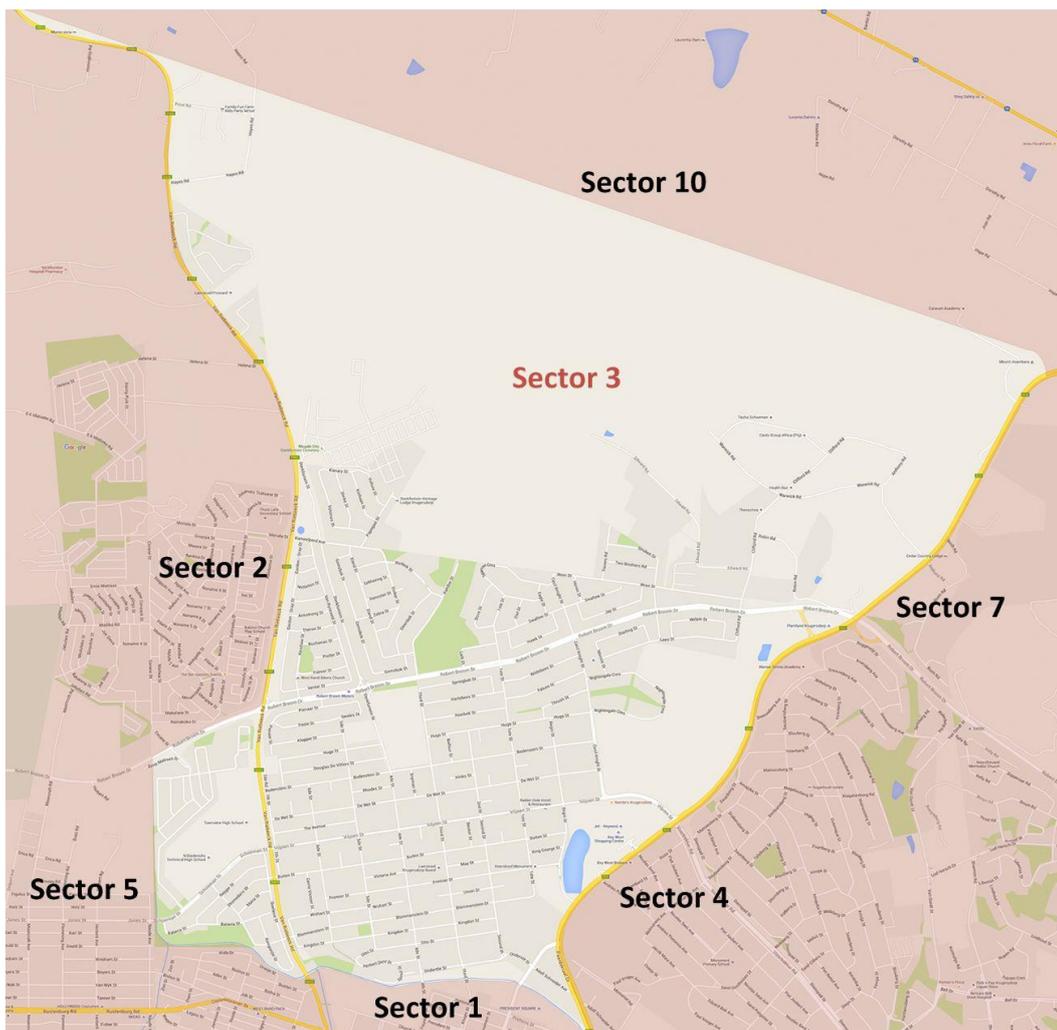
Dan Pienaarville

Krugersdorp North

Rant en Dal

Chancliff

Map



ANNEXURE C – CODE OF CONDUCT

1. Members of the CPSF and all its structures shall not promote any political party policies when dealing with respective CPSF matters at all levels mentioned in this Constitution.
2. Members shall not use any abusive language or make sexist or racist remarks.
3. Members shall refrain from gossiping and or slander.
4. No member shall utilize the CPSF or SAPS logo or emblem for personal or private gain.
5. Members of the SAPS working with the CPSF 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 CPSF to perform its function, do so without fail.
6. Designated members of the CPSF and Patrollers shall agree to have their fingerprints taken for the purpose of security clearance without any cost.
7. Members of the CPSF must declare any conflict of interest and not participate on matters where there is a conflict of interest.
8. Members must behave in a professional, controlled and dignified manner when dealing with each other and with the general public.
9. Community members and members of the Service shall not be actively involved in CPSF matters whilst under the influence of liquor, drugs and all other illegal intoxicating substances.
10. Members of the Community and or Service shall not abuse their positions to bring the CPSF and its sub structures into disrepute.
11. Members of the Community and or Service shall not harm the image of the CPSF by any negative act, gesture, written and or vocal announcement publicly.
12. Members of the CPSF shall comply with the Protection of Personal Information Act.
13. Members of the Executive must hand over all records and assets of the respective CPSF or to the incumbents within 30 days of leaving office.
14. All members transported in SAPS vehicles shall complete a formal indemnity form, which shall be valid for their term of office.
15. Any member who contravenes the Code of Conduct and or CPSF constitution shall be dealt with in accordance with the disciplinary process referred to in Annexure C of this Constitution and may be administratively suspended pending a disciplinary hearing after application of the Audi Alterem Partem Rule.
16. Grievances to be managed according to the CPSF Grievance Policy.

ANNEXURE D – MISCONDUCT

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

ANNEXURE E – SUSPENSION POLICY

ADMINISTRATIVE SUSPENSION POLICY

1. GENERAL

- 1.1 A decision to suspend should be taken with care and in the light of the circumstances involved.
- 1.2 Amongst others the essential aspects to consider when suspending a member shall be:
 - 1.2.1 Reasonable suspicion of misconduct.
 - 1.2.2 The seriousness of the alleged misconduct or transgression.
 - 1.2.3 The possibility of potential witnesses being intimidated should the person/s not be suspended; and
 - 1.2.4 The possibility that evidence may be lost or tampered with, should the person/s not be suspended.
 - 1.2.5 The possibility that the good name and standing of the Krugersdorp Community Police Forum, and or any of its members be jeopardized.
 - 1.2.6 Ideally, suspension should be reasonable and justifiable and for a period not longer than thirty (30) days, unless the circumstances of each case, determined on its own merits, suggests otherwise.
 - 1.2.7 In the event where a person is under suspension for a period longer than 30 (thirty) days, for whatever reason, such suspension shall automatically be reconsidered by the Executive Committee at each subsequent monthly Executive Committee meeting following the expiry of the initial 30 (thirty) days from date of suspension.
- 1.3 Any member of the Executive Committee or a member of any sub-Forum charged with a misconduct as defined in the Code of Conduct may voluntary step down from his / her position as a member of the Forum or sub-Forum and all other activities and structures of the Community Police Forum s/he serve in or represent until the disciplinary process had been completed, subject to paragraph 1.2.7
- 1.4 An Executive Committee member who voluntarily elect to step down must do so in writing and this notice must be handed to the Secretary of the Executive Committee before the Suspension Panel convene to hear the matter.
- 1.5 A Management Committee member of a sub-Forum who voluntarily elect to step down must do so in writing and this notice must be handed to the Chairperson of the Management Committee, or in the event of the Chairperson to the Secretary of the Forum electing to step down voluntarily, before the Suspension Panel convene to hear the matter.
- 1.6 In the event where a person refuses to step down voluntarily, s/he may be suspended by a Suspension Panel, but only after the due process as set out below

has been followed.

- 1.7 Once a written complaint for alleged misconduct had been received by the Secretary, the Secretary shall, within three (3) days forward such complaint to the Chairperson of the Executive Committee.

2. AUTOMATIC APPEARANCE BEFORE SUSPENSION PANEL

Where a criminal charge has been laid against any member of the Executive Committee or a member of any sub-Forum, including a management member, and such criminal charge comes to the attention of the Executive Committee, then such person shall be required to appear before the relevant Suspension Panel as set out in paragraph 3 below, provided that the Suspension Panel as set out in paragraph 3 below, must be convened within 72 hours after such criminal charge came to the attention of the Executive Committee.

3. SUSPENSION PANEL

- 3.1 In the event of a complaint against a member of the Executive Committee or a management member of any sub-Forum, the Suspension Panel shall consist of the Executive Committee.
- 3.2 In the event of a complaint against any other member of a sub-Forum, the suspension policy of such sub-Forum shall apply, and if the relevant sub-Forum does not have a suspension policy, this Suspension Policy shall apply and in such instance the Suspension Panel shall consist of:
- (i) Any two members of the Management of the relevant sub-Forum and
 - (ii) Any member of the Executive Committee appointed by the Executive Committee.
- 3.3 In the event of a Suspension Panel as per paragraph 3.2 the Chairperson of the Suspension panel shall be the member of the Executive Committee appointed by the Executive Committee.

4. NOTICE OF THE MEETING BY THE SUSPENSION PANEL

- 4.1 The member whose suspension is under consideration should be informed in writing of the following:
- 4.1.1 The date, time and venue of the meeting, provided that the member whose suspension is under consideration as well as the members of the Suspension Panel as set out above, shall be given at least 48 hours' notice of such meeting;
 - 4.1.2 The allegations that gave rise to the proposed action;
 - 4.1.3 That the member whose suspension is under consideration will be afforded the opportunity to make representations in respect as to his / her possible suspension, provided that such person may only make such representations in

person and will not be allowed any other person to assist him / her in making such representations.

- 4.2 Should the member whose suspension is under consideration fail to avail him / her of the opportunity to make representation at the hearing, the hearing can also take place in the absence of the member if the Suspension Panel is satisfied that the member was properly informed and no valid excuse for the absence was tendered.

5 MEETING OF THE SUSPENSION PANEL

- 5.1 During the meeting the person whose possible suspension is under consideration will have the right to make a presentation as set out above, as to why s/he should not be suspended.
- 5.2 The Suspension Panel should carefully consider the person whose possible suspension is under consideration to ensure there is sufficient evidence or legitimate reasons for the suspension, or otherwise.
- 5.3 Once a final decision has been made, the decision should be conveyed to the person in writing and the notice should contain the following:
- 5.3.1 The decision of the Suspension Panel, including the reason/s why the Suspension Panel saw it fit to suspend the member.
 - 5.3.3 That the suspension will only be uplifted once the Independent Investigator, as referred to in the Disciplinary Procedure or the Disciplinary Panel as referred to in the Disciplinary Procedure has exonerated the member or, if referred to a Disciplinary Panel, the Disciplinary Panel finds the person not guilty.

6. TERMINATION OF SUSPENSION

Should the investigation into the alleged misconduct find no reason for a charge of misconduct or if the member whose suspension is under consideration has been found not guilty at subsequent disciplinary processes, including an appeal, a written notice of termination of suspension, effective from a specified date, must be given to the accused member by the Chairperson of the Suspension Panel within 72 hours after such finding and the member must be reinstated to the same situation/post which prevailed before the suspension.

7. NO APPEAL AGAINST A SUSPENSION

A suspended member may not appeal against his / her suspension.

ANNEXURE F – DISCIPLINARY PRINCIPLES, PROCESSES AND PROCEDURES

DISCIPLINARY AND ADMINISTRATIVE PRINCIPLES

1. The common law requires all people accused of wrong doing to be heard before guilt and or administrative procedures is decided and or implemented.
2. **“Audi alteram Partem (or *audiatur et altera pars*)”** rule must be applied.
3. There may well be a very good explanation by the accused which must be aired before the decision on guilt is made (innocence, misunderstanding, self-defense – all of which determine not only whether he is guilty of the wrongdoing but also how he should be punished, if at all).
4. Like in all disputes there are always two sides to the story and one cannot get to the truth of the matter without hearing both sides. So not only is it a legal requirement but also as a matter of logic and for the feasibility of the end result of a disciplinary hearing, the accused’s version must be known to the person deciding his fate.
5. Inappropriate conduct or misconduct to be investigated independently.
6. A procedurally fair notice (10 days) with all evidence to be made available together with the charge sheet.
7. Trial to be composed of objective “Tribunal” – composed of appointed members from the other CPSF Executive Members than the CPSF of the accused member and or from other CPF’s.
8. Both the charge and disciplinary process needs to be elevated to the higher level if any member on the CPSF and or CPF Executive deciding on the matter may have a conflict of interest and or be biased e.g. if member to be heard is an Executive Member of a CPSF or the CPF respectively.
9. The functions of investigator, judge, jury and prosecutor must always be separated.
10. All disciplinary hearings shall be administratively reviewed, ratified or rejected by the higher level.

DISCIPLINARY PROCEDURE

11. This Disciplinary Proceedings is binding on all Krugersdorp CPSF members.
12. An investigation will be conducted with the application of the Audio Alteram Partem Rule to determine and recommend to the CPSF Disciplinary Management Committee (composed of a dedicated member from each CPSF 1 – 10 (preferably with legal background and

experience and not an Executive Member of the CPSF or any other Committee) whether the matter, allegation, act needs to be prosecuted and a Disciplinary Hearing to be conducted, a criminal charge to be registered/laid or a civil claim need to be processed.

13. The following are the underlying fundamentals of the disciplinary process:
 - a. The proceedings are formal in nature.
 - b. Each disciplinary matter shall be procedurally and substantially fair.
 - c. Any Member/individual subjected to the disciplinary process shall be presumed innocent until proven guilty.
 - d. Any person subjected to the disciplinary process shall have the right to defend himself or herself which shall include the right to be represented by a fellow member of a CPSF during the disciplinary process.
 - e. A Member or person subjected to a disciplinary hearing, has a right to appeal the outcome of a disciplinary hearing to a higher level as stipulated in this Constitution.
 - f. Reasons shall be given for any decision taken in respect of a disciplinary process.
 - g. Any person acting as a Chairperson or member of a Disciplinary Panel or Disciplinary Appeal Panel shall perform his / her duties in an objective and unbiased matter.
 - h. Where CPSF fails to act against any person, or fails to institute disciplinary proceedings against any of its members who contravene this Constitution and / or its Code of Conduct, the Forum shall have the right to institute disciplinary proceedings as provided for in this Constitution, against such person or persons.

The disciplinary process

14. Any complaint of alleged unacceptable behaviour must be made in writing to the appropriate CPSF Secretary setting out the name/s of the persons referred to in complaint, involved in the unacceptable behaviour as well as full details of such unacceptable behaviour with detail of witnesses.
15. The Secretary shall provide the complainant with a reference number for the complaint.
16. The Secretary shall, in the case of a person, excluding a Management Committee member, refer such complaint to the Management Committee of the CPSF forthwith.
17. Where the complaint is against a Management Committee member of the CPSF, the Secretary must elevate such complaint and refer the complaint to the Secretary of the CPSF forthwith.

Complaint against a person, excluding a Management Committee member

18. On receipt of the complaint from the Secretary, the Chairperson, together with the Vice-Chairperson and any other member of the Management Committee must, without having to convene a full management Committee meeting, appoint an objective person, who need not

- necessarily be a Management Committee member to investigate the complaint. Provided that the Chairperson shall inform all other Management Committee members of the decision to appoint such person forthwith.
19. The Chairperson, together with the Vice-Chairperson and any other member of the Management Committee as referred to in paragraph 17, may, without having to convene a full management Committee meeting, apply the process as indicated in Annexure I.
 20. The appointed investigator shall report back in writing on his findings to the Management Committee within 10 (ten) days.
 21. If the appointed investigator's report is not available within the initial 10 (ten) day period, the Chairperson, together with the Vice-Chairperson and the other member of the Management Committee as referred to in paragraph 7, may, without having to convene a full management Committee meeting, extend the period of the initial investigation for a further period not exceeding 10 days.
 22. After the initial 10 (ten) days and further extension thereof, if any, the appointed investigator shall report back in writing on his findings to the Management Committee.
 23. If the appointed investigator cannot, for whatever reason, report back in writing on his findings to the Management Committee within the initial 10 days and further extension, the Management Committee must refer the matter to the CPSF.
 24. The Management Committee will consider the findings of the appointed investigator and may thereupon perform the following:
 - 24.1 Dismiss the complaint; or
 - 24.2 Recommend that the matter be referred to a full disciplinary process.
 - 24.3 Where the Management Committee has dismissed the complaint, the Management Committee must provide reasons for dismissing the complaint and the complainant may then refer the matter to the CPSF.

Proceedings by and before the Disciplinary Panel

25. Where the Management Committee recommended that the matter be referred to a full disciplinary process the following process will apply.
26. The Management Committee shall appoint a Disciplinary Panel to hear the disciplinary matter.
27. The Disciplinary Panel shall consist of:
 - a. The Vice-Chairpersons of the three other CPSF, who shall elect a Chairperson between themselves of the Disciplinary Panel.
 - b. A person that was part of the Suspension Panel as per the Suspension Policy may not act as a member of the Disciplinary Panel in the disciplinary proceedings of the same member.

28. The Management Committee shall appoint a pro-forma prosecutor who shall be responsible to lay the complaint before the Disciplinary Panel.
 - 28.1 Such pro-forma prosecutor shall have the right to call any witness, including the complainant to come and testify before the Disciplinary Panel.
 - 28.2 The pro-forma prosecutor shall also have the right to place any evidence before the Disciplinary Panel, provided that such evidence was obtained in a lawful matter.
 - 28.3 No hearsay evidence will be permissible.
 - 28.4 The person brought before the Disciplinary Panel shall have the right to cross-examine any witness called to testify or to challenge the validity of the evidence presented.
 - 28.5 The pro-forma prosecutor shall declare his / her case closed where-after no further witnesses may be called or evidence presented.
 - 28.6 The person brought before the Disciplinary Panel shall then present his case, and shall have the right to call any witness, to come and testify before the Disciplinary Panel and also have the right to place any evidence before the Disciplinary Panel, provided that such evidence was obtained in a lawful manner.
 - 28.7 The pro-forma prosecutor shall have the right to cross-examine any witness called to testify for the person brought before the Disciplinary Panel or to challenge the validity of the evidence presented.
 - 28.8 After hearing both sides, the Disciplinary Panel will retire to consider the evidence presented.
 - 28.9 The members of the Disciplinary Panel may request such time necessary as to consider before announcing their decision.
 - 28.10 After consideration wrt the evidence presented, the Disciplinary Panel will return to the place where the hearing has taken place to announce their verdict or postpone the verdict to such date, time and place as they deem necessary.
 - 28.11 In the event of a finding of not-guilty the Chairperson of the Disciplinary Panel will convey the decision to the Secretary and the latter must minute such decision at the next Management Committee meeting.
 - 28.12 The Chairperson of the Disciplinary Panel shall give reasons for the decision of the Disciplinary Panel.
 - 28.13 In the event of a verdict of guilty, the pro-forma prosecutor shall have the right, but are not obliged, to address the Disciplinary Panel on aggravating circumstances.
 - 28.14 The pro-forma prosecutor may call any victim of the action / neglect for which the member was found guilty, to address the Disciplinary Panel on aggravating circumstances.
 - 28.15 The person found guilty will then have the right, but are not obliged, to address the Disciplinary Panel on mitigating circumstances.

- 28.16 The person found guilty may call any person to testify on mitigating circumstances on his behalf.
- 28.17 After having heard both the pro-forma prosecutor and the person found guilty as well as persons testifying in aggravation and mitigation, the Disciplinary Panel will apply its mind as to an appropriate sanction, taking into account:
- 28.17.1 the sanction/s prescribed by this Constitution for the offence of which the person was found guilty;
 - 28.17.2 Evidence presented in aggravation and mitigation.
- 28.18 The members of the Disciplinary Panel may request such time necessary as to consider an appropriate sanction before announcing their decision.
- 28.19 After consideration, the Disciplinary Panel will return to the place where the hearing has taken place or postpone it to such date, time and place as they deem necessary.
- 28.20 The Disciplinary Panel will then announce the sanction and will also provide reason for their findings.

Appeal process

29. Any person/s found guilty will have the right to appeal against both the verdict and sanction but must do so in writing within seven days of the announcement of the sanction.
30. The appeal must be lodged in writing to the Secretary of the CPSF and to the CPF Secretary within the seven day period.
31. The Disciplinary Appeal Panel as appointed as set out below will consider the appeal based on the evidence presented at the disciplinary hearing and no new evidence will be allowed, unless it can be proven by the person who had been found guilty that:
- 31.1. such evidence was not available at the time of his / her hearing, and
 - 31.2. that such new evidence may cause him / her likely to be found not guilty or
 - 31.3. May result in a lesser sentence being imposed.

Appeal body

32. In the event of an appeal a Disciplinary Appeal Panel will be appointed as Disciplinary Panel on the next hierarchical level namely Cluster CPB and thereafter GP CPB.
33. A person may also elect to take the decision of any body, including a Disciplinary Appeal Panel on review to a competent Court, provided that all internal avenues have been exhausted.

ANNEXURE G – PENALTIES

1. Warning (Verbal or Written) / Reprimand the individual.
2. Suspension for a period not exceeding six months withholding privileges not participating in any CPF/CPSF meeting.
3. Suspend such member's membership of that Forum for a period not exceeding six months and that during this period s/he may not be involved in any Forum activities whatsoever;
4. Give a final written warning that shall be valid for a period of six months since date of issue, provided that if the person is found guilty of the same or another offence as per the Code of Conduct within the six months, the Disciplinary Panel may impose any of the sanctions as set out above or below.
5. Withdraw, revoke, or cancel the membership of the member;
6. Terminate the member's position on the Management Committee with immediate effect, together with any of the sanctions mentioned above.
7. Provided that where an individual has been found guilty of any contravention of the Code of Conduct on three occasions, his CPSF membership shall be terminated with immediate effect for a period not exceeding 12 months.
8. In addition to the above-mentioned sanctions the CPF/CPSF has the right to pursue civil or criminal actions against the individual/s concerned.
9. Expulsion/suspension – not electable to any executive or committee for a period not more than 12 months.
10. Refund or Payback (in cases of theft or fraud) with permanent suspension not eligible for election to the CPSF Executive and or Committee in the precinct.

ANNEXURE H – GUIDELINES AND TIMELINES FOR THE CPF ELECTION

1. The CPF elections in terms of Clauses 5, Clause 6, Clause 7, Clause 8 and Clause 9 of the Constitution of the CPF shall be completed before the end of June at the end of the term of the CPF.
2. The Elections shall be held before the end of June in the year, at the end of the term of office of the Provincial Board.
3. Elections at CPF level shall be directed by the Provincial Commissioner, in terms of the SAPS Act, Act 68 of 1995.
4. At CPF level, the elections shall be overseen, by the Station Commissioner or delegated and the MEC or the H.O.D of Community Safety representative or Cluster CPB (Interim arrangement for Krugersdorp CPF overseen by the GP CPB).
5. The Executive Management members as stipulated in section 8.2.1 – 8.2.6 can participate at elections at CPF level.
6. Each CPSF member present shall have one single vote and no proxy votes will be allowed.
7. Nominations for all positions shall be requested by the presiding officer, and shall be submitted in writing with a copy of the nominees ID, proof of residence and both a proposer and a seconder signatures and contact details. The nominee shall declare his or her acceptance for the position nominated as well as confirm a clean record and acceptance to evacuate when information to the contrary became available.
8. Nominees shall be resident in the Krugersdorp SAPS precinct and shall have the responsibility to provide a security clearance before the elections, taking due cognizance of Clause 22 of the Constitution of the CPF.
9. The membership shall cast their vote by ballot paper.
10. The presiding officer with the assistance from the Station Commissioner or delegate and the MEC or H.O.D of Community Safety representative shall announce the appointees with the highest vote.
11. 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.
12. The CPF will ensure that all CPSF Elections at CPF level shall be completed before the end of May in the same year before the end of the term of the Provincial Board.

ANNEXURE I – GUIDELINES AND TIMELINES FOR THE CPSF ELECTION

REGULATORY GUIDELINES FOR ELECTION PROCEDURE AND TIMELINES FOR ELECTIONS

In terms of Clause 4.13 of the GPCPB Constitution for **CPSF / SECTOR FORUMS**

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 Board.
2. The Elections shall be held before the end of May in the year, coinciding with the end of the term of office of the Provincial Board. Special Elective Meetings may be called at any time provided that a 21 day notice period is given and as read with section 6.2 of the constitution.
3. Elections at Sector level shall be directed on behalf of the Provincial Commissioner, by the Station Commissioner & CPF Chairperson (interim arrangement GP CPB representatives).
4. At Sector level, the elections shall be overseen, by the Station Commissioner or a representative, and an Executive Committee Members of the respective CPF or the representative of the H.O.D of Community Safety,
5. Members of the community resident 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, South African Citizen has one single vote.
6. The meeting will elect the Executive Committee for the Sector.
7. Nominations for the Executive positions 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, ID and proof of residence by the nominated individual.
8. Nominees shall be resident, own property 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 Board.
9. Each nominee shall have a proposer and a seconder.
10. If more than the required number of additional members have been nominated than 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 presiding officer with the assistance from the Station Commissioner, the representative of the CPF and the representative of the H.O.D of Community Safety shall announce the appointees with the highest vote.
13. The presiding officer should only allow community members resident to the sector access to the elective meeting and may at any time request any of the voting community members to provide proof of residence.