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**CIVILIAN SECRETARIAT FOR THE POLICE SERVICE**

NO. 1389

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**CIVILIAN SECRETARIAT FOR POLICE SERVICE ACT, 2011  
(ACT NO. 2 OF 2011)****CIVILIAN SECRETARIAT FOR POLICE SERVICE REGULATIONS, 2016**

The Minister of Police has under section 33 of the Civilian Secretariat for Police Service Act, 2011 (Act No. 2 of 2011) made the regulations in the Schedule hereto.

Hon Mr N P T Nhleko, MP  
Minister of Police

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## **CHAPTER 1**

### **1. Definitions**

In these Regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned bears the same meaning in the Act, and -

“**Act**” means the Civilian Secretariat for Police Service Act, 2011 (Act No. 2 of 2011);

“**assessment**” means an assessment of the performance of the police service undertaken by the Civilian Secretariat or a Provincial Secretariat;

“**complainant**” means a person who has lodged a written complaint with the Civilian Secretariat or a Provincial Secretariat in terms of Chapter 5 of these regulations;

“**complaint**” means a complaint relating to poor service delivery by the police service that is lodged in terms of Chapter 5 of these regulations;

“**Consultative Forum**” means the Consultative Forum established in terms of section 15 of the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011);

“**classified information**” means any record that has been classified in terms of the Minimum Information Security Standards either by the Secretary, the Head of Provincial Secretariat or the National Commissioner;

“**document**” means any written record containing information relating to civilian oversight or policing in the possession or under the control of the Civilian Secretariat, a Provincial Secretariat or the South African Police Service;

**“IPID Act”** means the Independent Police Investigative Directorate Act, 2011 (Act No. 1 of 2011);

**“member of the Civilian Secretariat”** means a person appointed to the Civilian Secretariat in terms of the Act on a full-time or a contractual basis;

**“member of the Provincial Secretariat”** means a person appointed to the Provincial Secretariat in terms of the Act on a full-time or a contractual basis;

**“ministerial direction”** means a policy directive or instruction issued by the Minister;

**“monitor”** means to observe, examine, evaluate and assess police service conduct or its performance in terms of its compliance with the Constitution, applicable laws, relevant government policies and policy directives or instructions issued by the Minister;

**“National Commissioner”** means the National Commissioner of the South African Police Service appointed in terms of the Constitution of the Republic of South Africa;

**“oversight report”** means a document compiled by the Civilian Secretariat or a Provincial Secretariat containing information relating to a finding or opinion on the performance of the police service;

**“premises”** includes land, any building or structure under the control of the police service;

**‘priority’** means a goal, key objective or target set by the Minister or government;

**“Public Service Disciplinary Code”** means the Disciplinary Code and Procedures for the Public Service as contained in the Public Service Co-ordinating Bargaining Council Resolution 2 of 1999, as amended;

**“Report”** means a report compiled by the Civilian Secretariat or Provincial Secretariat on the performance and other activities of the police service;

**‘reporting period’** means, if not determined otherwise by the Minister, the period commencing on 1 April and ending on 31 March of the subsequent calendar year;

**“review”** means to recommend remedial or corrective measures regarding police service conduct or performance based on a monitoring activity of the Civilian Secretariat or a Provincial Secretariat;

**“South African Police Service Discipline Regulations”** means the regulations published under Government Notice No. R. 643 in Government Gazette 28985 of 3 July 2006 or as subsequently amended or replaced;

**“Station Commander”** means a member of the police service in charge of a police station;

**“these regulations”** means the regulations promulgated under the Act and any rules, directives or instructions made under the regulations; and

**“unclassified information”** means any information that has not been classified in terms of the Minimum Information Security Standards.

## **2. Scope of application**

These Regulations apply to members of the Civilian Secretariat and Provincial Secretariats established in terms of the Act and to the police service.

## **3. Values and core principles for the conduct of civilian oversight of the police service**

In fulfilling the functions contemplated in the Act, members appointed in terms of the Act shall-

- (a) produce oversight reports containing rational, reasonable and justifiable findings and recommendations which are objective, unbiased and impartial;
- (b) ensure that its findings are based on research and motivation and is evidence-based aimed at providing solutions for continuous improvement in the effectiveness of the police service while enhancing democratic accountability and transparency;
- (c) monitor the police service and undertake reviews with an independent perspective, without fear, favour, bias or prejudice;

- (d) follow a collaborative approach with the Independent Police Investigative Directorate , the police service and all other relevant stakeholders in pursuit of practical solutions and remedies in order to add value towards greater effectiveness in policing and safety and security;
- (e) contribute to the enhancement of democratic accountability and the effectiveness of the police service through constructive engagement;
- (f) serve with humanity, empathy, compassion, understanding and respect for human rights;
- (g) be accountable to the Minister and Parliament in the case of the Civilian Secretariat, and the provincial legislatures, the relevant MEC and the head of a provincial department in the case of a provincial secretariats;
- (h) conduct themselves with integrity, professionalism and honour in dealing with the public, clients and structures;
- (i) forge and maintain relevant and responsible partnerships with stakeholders characterised by respect, good faith, accessibility and transparency; and
- (j) be committed to service delivery and adhere to the *Batho Pele* principles.

## **CHAPTER 2**

### **CIVILIAN SECRETARIAT AND PROVINCIAL SECRETARIATS**

#### **4. Staffing of the Civilian Secretariat for Police**

- (1) The Secretary shall, in consultation with the Minister, appoint suitable persons to the Civilian Secretariat subject to the Public Service Act, Public Service Regulations and any other applicable prescripts.
- (2) The Secretary may, after consultation with the relevant head of provincial department and the head of the provincial secretariat, request the secondment of a member of that provincial secretariat to the Civilian Secretariat to assist with specified aligned plans of the provincial secretariat.
- (3) The head of a provincial secretariat may, in consultation with the Secretary of Police, request the secondment of a member of the Civilian Secretariat to assist the provincial secretariat with specific aligned plans.

- (4) The secondment of the member must be –
- (a) in terms of the laws regulating such secondment; and
  - (b) with the consent of the member concerned and of the Secretary or the head of the provincial secretariat, as the case may be.

## 5. Members of the Civilian Secretariat and provincial secretariats

- (1) Appointment certificates
- (a) The Secretary must issue a member of the Civilian Secretariat with a certificate of appointment either in a format substantively corresponding to Form A or Form B, with the member's photograph affixed thereto.
  - (b) The Secretary may issue a certificate of appointment corresponding to Form A where the member is required to perform core functions of the Civilian Secretariat and which requires access to classified information.
  - (c) The Secretary may issue a certificate of appointment corresponding to Form B where the member is required to perform administrative or support functions.
  - (d) Notwithstanding the provisions of sub-paragraphs (b) and (c), the Secretary has the discretion to issue a certificate corresponding to either Form A or Form B as he or she may consider appropriate.
  - (e) The Secretary must sign the certificate and certify that the member is appointed as a member of the Civilian Secretariat and such certificate shall be *prima facie* proof of such appointment. In the case of the Secretary, the Minister must sign the certificate.
  - (f) The head of a provincial secretariat must issue a member with a certificate of appointment in a format substantively corresponding to either Form C or Form D as he or she may consider appropriate, with the member's photograph affixed thereto.
  - (g) The head of the provincial secretariat must sign the certificate and certify that the member has been appointed as a member of the provincial secretariat and such certificate shall be *prima facie* proof of such appointment. In the case of the head of the provincial secretariat, the relevant MEC must sign the certificate.



- (h) A member of the Civilian Secretariat or provincial secretariat must, while performing monitoring and evaluation functions at premises of the police service, at all times be in possession of his or her appointment certificate.
- (i) If a member is alleged to have misused his or her appointment certificate, the certificate may be immediately withdrawn provisionally by the Secretary in the case of a member of the Civilian Secretariat, or by the head of provincial secretariat in the case of a member of the provincial secretariat, pending the outcome of a disciplinary process.
- (j) Where a member who is issued with an appointment certificate corresponding to either Form A or Form C is found guilty of misusing his or her appointment certificate following due process, the Secretary or the head of the provincial secretariat, as the case may be, may issue a new appointment certificate corresponding to either Form B or Form D: Provided that where a dismissal sanction is imposed, the appointment certificate must be permanently withdrawn.
- (k) Where a member who is issued with an appointment certificate corresponding to either Form B or Form D is found guilty of misusing his or her appointment certificate following due process, the Secretary or the head of the provincial secretariat, as the case may be, may restore the appointment certificate if no sanction of dismissal was imposed on the member.

(2) Security screening

Members of the Civilian Secretariat and the provincial secretariat must undergo a security screening conducted by State Security Agency in accordance with the provisions of section 2A of the National Strategic Intelligence Act, 1994 (Act No. 39 of 1994) on the category or level as determined by the Secretary, in the case of the Civilian Secretariat, or the head of a provincial secretariat, in the case of a provincial secretariat.

(3) Discipline

A disciplinary proceeding that is to be initiated against a member of the Civilian Secretariat or the provincial secretariat for alleged misconduct must be conducted in accordance with the Public Service Disciplinary Code.

**6. Roles and responsibilities of the Civilian Secretariat and provincial secretariats**

- (1) The Civilian Secretariat and provincial secretariats must conduct independent civilian oversight, as contemplated in section 5 of the Act, in respect of all policing aspects to ensure accountability and transparency by the police service.
- (2) In conducting independent civilian oversight of the police service, the Civilian Secretariat and provincial secretariats must ensure that the police service -
  - (a) conducts its activities within the parameters of all relevant legislation, policies, the rule of law and due process;
  - (b) has due regard to and respects the Bill of Rights in the execution of its mandate;
  - (c) adheres to and respects the oversight mandate of the Civilian Secretariat and provincial secretariats as contemplated in the Constitution and the Act;
  - (d) provides all the necessary support and cooperation in improving policing services to all the people in the Republic without any form of discrimination ; and
  - (e) is accountable for its actions and functions in accordance with its constitutional mandate.
- (3) The Civilian Secretariat and the provincial secretariats , through the Secretary or the respective head of provincial secretariats, as the case may be, must –
  - (a) regularly monitor police conduct and its performance to assess the level of service delivery in accordance with the rule of law, applicable policies, ministerial directives, service standards and norms;
  - (b) regularly review police conduct and its performance and activities against its mandate with regard to methods, results, relevance, adequacy, efficiency and effectiveness in meeting the needs of communities;
  - (c) receive, assess or evaluate complaints lodged by any member of the public, organisation, group or member of the police service or complaints referred by the Minister. Parliament, MEC, a provincial legislature, the Independent Police Investigative Directorate or any other organ of state;
  - (d) monitor the utilisation of the budget of the police service in respect of compliance with any policy directives or instructions of the Minister;

- (e) monitor and evaluate police service conduct and performance with regard to compliance by the police service with its obligations and responsibilities in terms of the Domestic Violence Act, 1998;
- (f) conduct on-going research into policing and develop or review policing policy;
- (g) implement and promote a partnership strategy to mobilise role-players and stakeholders to strengthen service delivery and safety and security; and
- (h) produce and deliver reports from time to time on the performance of the police and recommendations on its operational conduct.

#### **7. Disclosure of information under the control of the Civilian Secretariat and provincial secretariats**

- (1) No member of the Civilian Secretariat or provincial secretariat may disclose to any other person the contents of any classified information in the possession of the Civilian Secretariat relating to the work done by it without the written authority of the Secretary or the relevant head of the provincial secretariat, in the case of a provincial secretariat.
- (2) The Secretary, or the head of provincial secretariat, may grant authorisation to disclose such classified information if –
  - (a) it is necessary for the performance of the member's functions in terms of the Act and these Regulations; or
  - (b) such information has been requested and is cleared through the legislative and policy frameworks applicable to government information.
- (3) Any member who, without reasonable justification, contravenes any provision of these regulations shall be guilty of misconduct as defined under the Public Service Regulations and the member may, upon a finding of guilt, be subjected to any permissible sanction that may be imposed.

#### **8. Delegations**

- (1) The Secretary may grant a delegation or authority contemplated in section 10 of the Act in writing by setting terms and conditions of the performance of the

power or duty in writing.

- (2) Any authorisation to perform a duty in terms of these Regulations does not prevent the Secretary of Police from performing that duty himself or herself.

## **9. Directives**

- (1) The Minister may, from time to time issue directives to the Secretary on matters relating to civilian oversight or policing.
- (2) Any directive of the Minister must –
- (a) be aligned to the mandate of the Civilian Secretariat;
  - (b) contain a clear terms of reference; and
  - (c) result in the Secretary submitting a report to the Minister and, where necessary, to Parliament with the approval of the Minister.
- (3) This regulation is applicable to a provincial secretariat where the MEC issues such directives as he or she may be legally entitled to issue.
- (4) The Secretary or the head of a provincial secretariat must ensure that the directives of the Minister or an MEC are complied with within a reasonable period.

## **CHAPTER 3**

### **REPORTS**

## **10. Annual Report**

The annual report of the Civilian Secretariat contemplated in section 15 of the Act must include an overview of –

- (a) the administration of the Civilian Secretariat relating to its overall management and organisation;
- (b) the monitoring, evaluation and assessment of the performance of the police service;
- (c) the extent to which the police service complies with the Constitution, relevant laws, policies, service standards and norms and ministerial directives or instructions;

- (d) the ability of the police service to receive and deal with complaints against its members, including the outcome of an enquiry into complaints against police performance;
- (e) the outcome of research into policing conducted during the financial year under review;
- (f) any recommendations made relating to addressing any evaluated deficiencies in the police;
- (g) any function that is assigned to the Secretary by the Minister under section 8(3)(f) of the Act; and
- (h) any other matter falling within the functional areas contemplated in section 6 of the Act.

#### **11. Quarterly Reports of Civilian Secretariat**

- (1) Any quarterly report produced by the Civilian Secretariat in terms of section 13 of the Act must relate to all functional areas of the Civilian Secretariat and provincial secretariats in the conduct of its oversight functions.
- (2) The report relating to the monitoring and evaluation function must include -
  - (a) an assessment of the performance of the police;
  - (b) an opinion on the operational conduct of the police service;
  - (c) a report on the achievements of the targets contained in its annual performance plans;
  - (d) the budget expenditure linked to the annual performance plans;
  - (e) a report as contemplated in section 34(7) of the Act on the progress made on the composition of provincial secretariats until all provincial secretariats have been composed ;
  - (f) a report on implementation by provincial secretariats of plans and operations aligned to that of the Civilian Secretariat; and
  - (g) any recommendations that are made to the Minister.
- (3) The Secretary must ensure that a quarterly report of the Civilian Secretariat is compiled for submission to the Minister within one month after the end of the previous quarter for approval before it is submitted to Parliament.
- (4) The Secretary may, notwithstanding this regulation, be requested at any time by the Minister or Parliament to provide interim reports, either verbally or in writing.

## 12. Quarterly Reports of Provincial Secretariats

- (1) After the end of each quarter, a head of a provincial secretariat must compile and submit a written report contemplated in section 22 of the Act to the Secretary on the provincial secretariat's activities, including delivery on its aligned plans and operations, customised indicators, integration of its strategies and systems with that of the Civilian Secretariat and such duties and functions as may have been delegated or assigned in writing to the head of a provincial secretariat.
- (2) The date of submission of provincial reports must coincide with the dates on which provincial secretariats are required to submit their quarterly reports to the respective Provincial Treasuries or soon thereafter as may be determined by the Secretary.
- (3) A head of the provincial secretariat must also provide reports to the Secretary regarding matters relating to the carrying out of any function as may be agreed to in the Senior Management Forum.
- (4) A head of a provincial secretariat may, from time to time, make such other reports to the Secretary as it considers appropriate for the attention of the Secretary relating to specific matters which have been raised by the Minister, Parliament or any another institution.
- (5) The reports contemplated in sub-regulation (3) and (4) must contain such advice and recommendations as a head of provincial secretariat deems appropriate for the purpose of carrying out its function under these regulations and must include –
  - (a) an assessment of the performance of the police in the province;
  - (b) a report on the achievements on the targets contained in its annual performance plans aligned to the plans and operations of the Civilian Secretariat;
  - (c) recommendations made on policing priorities in the province; and
  - (d) any other matter contemplated in section 17 of the Act.
- (6) When the Secretary receives any report under this regulation, the Secretary must -
  - (a) in the case of quarterly reports under sub-regulation (1), and
  - (b) in the case of any other report, if and to the extent that the Secretary considers it appropriate to do so,

table through the Minister, a copy of the consolidated report with the Portfolio Committee on Police and submit a copy of the report to each MEC.

- (7) The Secretary may, with the prior approval of the Minister and MEC, forward a copy of the quarterly report under sub-paragraph (1) to the relevant Provincial Commissioner and the National Commissioner for comments or inputs.
- (8) The reports contemplated in this regulation may be submitted to the Civilian Secretariat by fax or electronic mail, post or hand-delivery within one month of the end of each quarter.
- (9) The Civilian Secretariat must, in writing, acknowledge receipt of the quarterly report from a provincial secretariat within ten days of receipt thereof.
- (10) Proof of the submission of the written report by fax, electronic mail, post or hand-delivery must be retained by the person who submitted such report to the Secretary.
- (11) Where the Secretary requires any clarification on the quarterly report of a provincial secretariat, such clarification must be submitted in electronic format within ten days of receipt of such request.

#### **CHAPTER 4**

### **ACCESS TO PREMISES AND INFORMATION UNDER CONTROL OF POLICE SERVICE**

#### **13. Access to premises and information**

- (1) The Secretary and a head of a provincial secretariat and any authorised member of the Civilian Secretariat or a provincial secretariat may, under section 9 of the Act, enter premises, inspect documentation and obtain information under the control of the police service that is necessary for the performance of the oversight mandate and matters related thereto.
- (2) The relevant members of the police service must provide full assistance and access to information and premises under the control of the police service: Provided that the Secretary or a head of a provincial secretariat, as the case may be, must-
  - (a) in the case of a classified document or information inform the National Commissioner or the Provincial Commissioner reasonably in advance of the request for such document or information; and

- (b) in the case of information not classified, be immediately provided access to the document or to the premises without prior notification.
- (3) Where the police service refuses access to policing information or access to premises under its control, the refusal may be referred to the Minister, or the relevant MEC in the case of a province, who shall intervene and give directives to the National Commissioner or Provincial Commissioner as he or she deems necessary and appropriate under the circumstances.
- (4) Any member of the police service who, without lawful justification, refuses to provide access or reasonable assistance to an authorised member of the Civilian or a provincial secretariat may be reported for misconduct.
- (5) Any authorised member of the Civilian Secretariat or provincial secretariat may enter any premises under the control of the police to inspect and request the production of any document on or in those premises which in his or her opinion is connected to, or required, in the execution of his or her functions.
- (6) Entering of premises to inspect or request the production of a document may only take place if -
- (a) the nature of the enquiry is for the purposes of performing an oversight function that the Civilian Secretariat or a provincial secretariat is required to perform;
  - (b) it is necessary to enter the premises and to inspect the premises for documentation; and
  - (c) there are reasonable grounds for believing that information is on or in such premises or suspected to be on or in such premises.
- (7) A duly authorised member of the Civilian Secretariat or a provincial secretariat may report any refusal of entry to any premises or any refusal to a request for any document to the Secretary or the head of a provincial secretariat, as the case may be, for assistance and intervention.
- (8) Any authorised member of the Civilian Secretariat or a provincial secretariat who requests entry to premises under the control of the police or requests documents necessary for the oversight function must –
- (a) identify himself or herself to the person in control of the premises;
  - (b) produce his or her appointment certificate; is so required; and
  - (c) provide such person at his or her request with particulars regarding his or her authority to enter premises and request any information.



#### **14. Interviewing of members of the police service**

- (1) In carrying out the mandate of the Civilian Secretariat or provincial secretariat, the Secretary or a head of provincial secretariat may, through the National or the Provincial Commissioner, request the presence of a member of the police service for an interview.
- (2) During the interview, the member of the police service must --
  - (a) provide such information, either in writing or orally, as may be required; and
  - (b) produce any document in his or her possession or under his or her control which the Secretary or head of provincial secretariat deems necessary:  
Provided that the information or document is necessary to enable the Civilian Secretariat or a provincial secretariat to compile an oversight report.
- (3) Any member of the police service who is required to attend an interview must, depending on the circumstances, be given reasonable notice either orally or in writing of the nature and purpose of the interview and the date, place and time thereof.
- (4) The Secretary or a head of a provincial secretariat may direct any member of the police service to provide required documentation at a determined place and time and the direction must also contain the nature of purpose and the document sought.
- (5) The Secretary or a head of a provincial secretariat shall be responsible for ensuring that any document received from the police are duly recorded and kept in safe custody.
- (6) Any refusal by a member of the police service to co-operate with the Civilian Secretariat or the provincial secretariat in terms of this regulation may be brought to the attention of the National Commissioner or Provincial Commissioner, as the case may be, for resolution.
- (7) In the event that the refusal referred to in sub-regulation (6) is not resolved by the National or Provincial Commissioner, the matter must be referred to the Minister or the MEC, as the case may be, in which case the decision of the Minister or the MEC shall be final and binding on the police service.
- (8) Any member of the police service who, without lawful justification, fails to comply with a request to be interviewed or to provide the required documentation, may be charged for misconduct.

## **15. Functional Directives**

The Secretary may, in consultation with a heads of provincial secretariats, issue such functional directives that will be appropriate for the efficient functioning and control of any matter regulated by this Regulation.

### **CHAPTER 5**

#### **COMPLAINTS**

##### **16. Receipt of Complaints**

- (1) The Secretary or a head of a provincial secretariat may receive complaints relating to poor performance by the police service from -
  - (a) the Minister or the relevant MEC;
  - (b) the national Portfolio Committee on Police or a provincial Standing Committee on Police;
  - (c) the Independent Police Investigative Directorate;
  - (d) the Office of the Judge for Complaints relating to the Directorate for Priority Crime Investigation;
  - (e) a member of the public, a group of persons, body or organisation ;
  - (f) any other organ of state; or
  - (g) a member of the police service.
- (2) Any complaint received must be dealt with in accordance with this Chapter.
- (3) The complaints include any service delivery complaints that may be referred to the Civilian Secretariat by the Independent Police Investigative Directorate in terms of section 35(6)(b) of the Independent Police Investigative Directorate Act, 2011 (Act No 1 of 2011).
- (4) The National Commissioner must ensure that any complaint, which was referred to him or her by the Secretary following the referral of a complaint by the Minister or a Committee of Parliament, is assessed and reported on within a reasonable period.
- (5) The Secretary may also cause individual complaints from members of the public relating to poor performance by the police service to be referred to the National Commissioner for attention.

- (6) The quarterly report of the Secretariat must include an assessment of the ability of the police service to receive and deal with complaints against its members.

### **17. Lodgement of a complaint**

- (1) A member of the public or a member of police service who wishes to lodge a complaint with the Secretary or a head of a provincial secretariat must do so in writing.
- (2) A member of the public or a member of the police may lodge a complaint on behalf of another person, provided that the person on whose behalf a complaint is lodged consents thereto in writing
- (3) The requirement of consent shall not apply if the person on whose behalf a complaint is lodged is for some reason of legal incapacity unable to do so, or where the Secretary or a head of a provincial secretariat has, in his or her sole discretion, authorised a deviation from this requirement.
- (4) A complaint must be signed by a person who is lodging a complaint and the complainant or his or her representative must -
- (a) provide his or her full name, identity number and contact details;
  - (b) specify the nature of the complaint and the basis for the allegation;
  - (c) provide relevant information on the complaint; and
  - (d) specify the nature of recourse sought by the complainant.
- (5) A written complaint must be lodged at the Office of the Secretary or at the office of the head of a provincial secretariat.
- (6) A written acknowledgement of receipt of the complaint must be issued within five working days from date of receipt of the complaint.

### **18. Complaints lodged anonymously**

- (1) A complaint, concern or allegation of police inefficiency or poor performance may not be lodged anonymously, unless exceptional circumstances require that this be done.
- (2) The complaint must be made through the formal channels by members of the public and the police service.

## **19. Receiving, Registering, Processing, Referring, and Disposing of Complaints**

- (1) A complaint which falls outside the mandate of the Civilian Secretariat or the provincial secretariat may be referred in writing, within seven days of receipt of the complaint, to an appropriate authority or institution that is competent to deal with such complaint.
- (2) Where a complaint has been referred in terms of sub-regulation (1), the complainant must be informed in writing of such referral within seven days of such referral.
- (3) A complaint which falls within the mandate of the Civilian Secretariat or a provincial secretariat must be registered in a computer-based register allocated for this purpose and the complainant must be informed in writing, within seven days of the receipt of the complaint by the Civilian Secretariat or a provincial secretariat, that his or her complaint has been received and referred to an identified member for attention and follow-up.
- (4) A complaint lodged with the Civilian Secretariat may be referred by the Secretary to a provincial secretariat for attention and follow-up, in which case the complainant must be notified within seven days in writing of such referral.
- (5) A complaint which has been registered in terms of this regulation must be disposed of within one month or such other period that the Secretary may authorise in writing.
- (6) The Secretary or the relevant head of a provincial secretariat, as the case may be, must designate a member to attend to and follow-up on a complaint referred to the Secretariat.
- (7) If the report contemplated in regulation 22 contains recommendations regarding disciplinary action against a member of the South African Police Service such report must be furnished to the National Commissioner or the Provincial Commissioner within ten days for compliance.
- (8) The National Commissioner must provide the Secretary with a written report within one month of receipt of the recommendations on steps taken on disciplinary action against the member concerned.

**20. Evaluation of a complaint**

- (1) In assessing whether a complaint may be dealt with, the Secretary or a Head of Provincial Secretariat may take into consideration the following factors -
- (a) whether the Secretariat or Provincial Secretariat is mandated to receive and investigate the complaint;
  - (b) whether the police service complained about is a police service as defined in the Act;
  - (c) whether the police has conducted or is conducting an investigation of its own;
  - (d) whether the complainant has exhausted the internal remedies available in the police service;
  - (e) whether the complainant has also exercised his or her right in a court of law or a competent tribunal;
  - (f) whether the complaint is not deemed to be trivial, frivolous, vexatious or in bad faith; and
  - (g) whether the complaint should be referred to an appropriate authority or institution that is competent to deal with such complaint.
- (2) Where the Secretary or a head of a provincial secretariat is of the opinion that additional information is required, he or she may request the information from the police service to inform his or her decision on whether a complaint should be investigated or not.
- (3) Where the Secretary or a head of a provincial secretariat, after considering all the relevant factors and available information, decides not to pursue the complaint, but that it should rather be referred to the police service or to the Independent Police Investigative Directorate, such decision must be communicated in writing within ten days to the complainant and with any other party that may be involved.
- (4) Where the Secretary or a head of a provincial secretariat has made a decision that the complaint should be pursued, he or she may appoint one or more member of the Civilian Secretariat or a provincial secretariat, as the case may be, to pursue the complaint.
- (5) Where a complaint is pursued, the police service must provide its full cooperation, assistance and support to the authorised member of the Civilian Secretariat or a provincial secretariat.

- (6) The findings and any recommendation relating to a pursued complaint may be communicated to the police and, where required, the police must give effect to such findings and any recommendations of the Civilian Secretariat or a provincial secretariat.
- (7) Where the police service refuses to implement a recommendation, the National Commissioner or Provincial Commissioner, as the case may be, must provide written reasons to the Secretary or the head of a provincial secretariat within ten days of receipt of the report and recommendations.
- (8) Where the Secretary or head of a provincial secretariat is not satisfied with the reasons, he or she may refer the report and recommendations to the Minister or MEC, as the case may be, to issue a directive to the police service.
- (9) The Secretary may, where he or she deems it necessary in the interests of a service delivery, proceed to resolve a complaint through an informal resolution or mediation process.
- (10) Where the informal resolution or mediation fails, the Secretary may refer the matter to the Minister for direction.

## **21. Assessing the ability of police service to deal with complaints**

- (1) The Secretary must ensure that an assessment into the ability of the police service to deal with all complaints made against the police service or members is conducted on a quarterly basis.
- (2) In conducting an assessment and monitoring of the ability of the police service to receive and deal with complaints against its members as contemplated in section 6(1)(j) of the Act, the Civilian Secretariat shall be furnished with the following information by the Head of Division: SAPS responsible for dealing with complaints –
- (a) access to systems that are in place to record, categorise and manage all complaints received;
  - (b) access to the police service complaints database;
  - (c) policies relating to the management of complaints;
  - (d) monthly reports on the management of complaints received;
  - (e) statistics relating to all complaints received, complaints disposed of and complaints that are pending;

- (f) reasons for any failure or delay in dealing with a complaint;
- (g) measures taken by the police service to institute measures to reduce or address the factors that give rise to a justified complaint; and
- (h) any other information that the Secretary may require.

(3) The Head of Division referred to in sub-regulation (2) must provide the information to the Secretary within ten days of being requested to do so.

(4) The Secretary must ensure that a report is compiled on the ability of the police service to deal with complaints including, but not limited to, any systemic matter that constitutes an abuse of power, impropriety or prejudice to any person or community that lodged a complaint.

(5) The report referred to sub-regulation (4) may recommend appropriate remedial action on any gaps or failures by the police service to deal with complaints.

(6) The Secretary must ensure that the report referred to sub-regulation (4) submitted to the Minister on a bi-annual basis.

## **22. Report on Referrals of complaints by the Minister or Parliament**

Where the Secretary has dealt with any complaint referred to the Civilian Secretariat by the Minister or the Portfolio Committee on Police, the Secretary must submit a report on any findings to the Minister or the Portfolio Committee on Police, within one month after the matter has been finalised.

## **23. Reports relating to service delivery complaints**

(1) The Secretary must submit the report referred to in regulation 22 to the Minister containing the following information-

- (a) the nature of the complaint;
- (b) the findings of the Secretariat;
- (c) a summary of the response to the complainant;
- (d) an indication of the nature and legality of the action complained about;

- (e) a determination on whether such action or omission by the police has had any adverse effect on the complainant;
  - (f) recommendation on how the police should redress the adverse effect to the complainant, if any; and
  - (g) the reasons for the conclusions and recommendations.
- (2) Any finding by the Secretary on the complaint may, at his or her sole discretion, or at the direction of the Minister, be provided to the National Commissioner and the Head of the relevant Division of the police service.

## **CHAPTER 6**

### **MONITORING AND EVALUATION**

#### **24. Monitoring and Evaluation Plan**

- (1) The head of a Unit of the Civilian Secretariat responsible for civilian oversight, monitoring and evaluation must, in order to execute the mandate of the Civilian Secretariat under section 6 of the Act, develop and implement an annual monitoring and evaluation plan on the performance of the police service.
- (2) The Secretary must establish regular co-operation with the senior management forum of the police service to discuss priorities of the Civilian Secretariat and matters of mutual interest relating to the plan.
- (3) The monitoring and evaluation of the police service must, at a minimum, be based on the approved Monitoring and Evaluation Tool of the Civilian Secretariat. The Civilian Secretariat is, however, not limited to the use of this tool.
- (4) The annual monitoring and evaluation plan of the Civilian Secretariat referred to in sub-regulation (1) must be used by every Provincial Secretariat to align its monitoring and evaluation plans in the respective provinces as contemplated in section 17 of the Act.



**25. Standard information required for monitoring, evaluation and reporting**

- (1) The National Commissioner must, upon a request by the Secretary, ensure that the information or access thereto relating to, at least, the following information is provided to the Civilian Secretariat-
- (a) strategic plans on the national, provincial, local and other priorities applicable to the police service;
  - (b) core business plans of the police service ;
  - (c) monthly and quarterly reports as required in terms of departmental regulations and directives;
  - (d) Information and records that provide an adequate overview of-
    - (i) operational priorities, objectives and target setting;
    - (ii) records relating to the implementation of the Domestic Violence Act;
    - (iii) the nature and extent of the implementation of policy directives of the Minister;
    - (iv) financial information and records relating to the expenditure of the allocated program budgets;
    - (v) the framework, systems and plans for dealing with complaints against the police;
    - (vi) the framework, plans and extent to which the recommendations of the Independent Police Investigative Directorate are implemented; and
  - (e) any other record or information which the Secretary may deem necessary to execute the functions of the Civilian Secretariat.

**26. Assessment and reporting process**

- (1) Upon receipt of the required information, records and other information from the police service, the Secretary must ensure that a preliminary assessment on compliance by the police service with its regulatory framework is conducted.

- (2) In conducting the preliminary assessment, the Secretary of Police may determine, identify and record -
- (a) concerns relating to non-compliance ;
  - (b) any inadequacy in control measures;
  - (c) areas of non-alignment between the activities of the police service and its mandate and priorities;
  - (d) any significant policing failures regarding service delivery;
  - (e) systemic gaps and weaknesses on implementation;
  - (f) unreasonable and unnecessary exercise of police powers;
  - (g) inadequate coordination of activities with other cluster departments relating to safety and security; and
  - (h) concerns relating to how the police service executes its mandate and how it implements national priorities.
- (3) Upon completion of the preliminary assessment contemplated in sub-regulation (1), the Secretary must , for the purposes of compiling a report, ensure that all recorded concerns are verified by implementing such verification techniques as may be appropriate, including but not limited to-
- (a) conducting desk-top or physical inspections at premises under the control of the police service;
  - (b) conducting face to face interviews with affected persons or communities;
  - (c) receiving briefings by the police service;
  - (d) utilising questionnaires;
  - (e) conducting exit interviews; and
  - (f) consulting with members of the police service.
- (4) After the verifications have been conducted, the Secretary must ensure that a draft monitoring and evaluation report on the police service with findings and recommendations is compiled and submitted to the National Commissioner and the relevant Head of Division of the police service for comment.

- (5) The National Commissioner or Head of Division must, within ten working days after receiving the report contemplated in sub-regulation (3), submit its comments to the Secretary of Police.
- (6) Upon completion of the final monitoring and evaluation report, the Secretary of Police must submit such report to the Minister.

## **27. Functional directives**

The Secretary, in consultation with the Heads of Provincial Secretariats, may issue such functional directives that will be appropriate for the efficient performance of and control over any matter regulated by this Regulation.

## **CHAPTER 7**

### **REPORTING STANDARDS AND PROCEDURES FOR CORE UNITS OF THE**

#### **CIVILIAN SECRETARIAT**

This Regulation serves to establish minimum requirements for the submission of Civilian Secretariat Unit reports to the Secretary, the Minister and Parliament.

## **28. Standards for reporting**

- (1) The Head of each core Unit in the Civilian Secretariat must submit quarterly activity reports of that Unit to the Secretary for consideration and approval.
- (2) The Secretary must, after consultation with the Heads of the relevant Units on its report, submit a consolidated report to the Minister for approval before it is submitted to Parliament.
- (3) The Secretary may, where he or she deems it necessary or appropriate, provide a copy of the consolidated report to the National Commissioner for comment before submission to the Minister.
- (4) The consolidated reports must focus on the following or, at a minimum, include detailed information on the following -

**(a) Monitoring and Evaluation**

- (i) an assessment into the performance of the police service and the extent to which its priorities cover the mandate of the police service, the extent of the implementation of the business plan of the police and its alignment with the national policing or safety and security priorities;
- (ii) the policing objectives on each priority;
- (iii) the adequacy and utilisation of the resources allocated to each priority, including the utilisation of the budget;
- (iv) compliance by the police service of the policy directives or instructions of the Minister;
- (v) compliance by the police with obligations and responsibilities under the Domestic Violence Act, 1998 with recommendations to the police service on disciplinary procedures and measures;
- (vi) an assessment of the police service's ability to receive and deal with complaints against its members;
- (vii) information on the nature and extent of disciplinary cases and grievances registered that are related to and have impact on the performance of policing activities;
- (viii) an indication of the mechanisms utilised to resolve disciplinary cases;
- (ix) an assessment on training institutions, training curriculum, training personnel and the extent to which training of members have contributed to improved service delivery by the police service;
- (x) the status of and functionality of sector policing; and
- (xi) any other information that the Minister or the Secretary may require to be included in the Report, including any other matter arising out of the monitoring and evaluation activities of the Unit.

**(b) Partnerships**

- (i) reports on liaison and communication with stakeholders;
- (ii) reports on Implementation of partnership strategies to mobilise role-players and stakeholders in the fight against crime;

- (iii) reports on co-ordination of transversal crime prevention partnerships and initiatives in national and provincial spheres;
- (iv) reports on facilitation and implementation of intergovernmental co-operation on safety; and
- (v) reports on guidance to community police fora and the status of their functionality in provinces.

**(c) Policy and Research**

- (i) reports on research conducted or being conducted into policing and crime prevention related matters;
- (ii) reports on policies drafted and policy advice prepared; and
- (iii). the extent to which policies have been approved and shaped the content of legislation.

**(d) Legislation**

- (i) reports on progress on Bills being drafted;
- (ii) processes followed in drafting Bills;
- (iii) research conducted in drafting Bills;
- (iv) opinions compiled;
- (iv) support provided to ensure Minister's statutory obligations are complied with; and
- (vi) any other legal matters.

**29. Reporting procedures**

- (1) The Secretary must submit the consolidated Report on the civilian oversight activities of the Civilian Secretariat and provincial secretariats to the Minister on a date as determined by the Minister and, where necessary, forward a copy thereof to the National Commissioner with the approval of the Minister.

- (2) Upon receipt of the Report of each core Unit of the Civilian Secretariat and the provincial secretariats, the Secretary must evaluate the information contained in the Report in consultation with the respective heads of provincial secretariats to determine and record the extent of compliance with reporting requirements provided for in terms of this Regulation.
- (3) The Secretary must ensure that the report and all information accumulated during the discharge of oversight functions during the period of reporting is collated and evaluated.
- (4) The Secretary may, during the process or upon completion of the evaluation of the Report, make enquiries with the National Commissioner or the Head of Division in the police service, as may be deemed necessary for clarification on any reporting items and may request additional information to substantiate assertions made in the report.

## **CHAPTER 8**

### **REFERENCE GROUPS**

#### **30. Reference Groups**

- (1) Civil Society Reference Groups contemplated in section 6(2) of the Act must be established by the Civilian Secretariat in the following focus areas:
  - (a) monitoring and evaluation
  - (b) partnerships
  - (c) policy and research
  - (d) Implementation of the Domestic Violence Act, 1998.
- (2) The Secretary appoints the members of a Civil Society Reference Group in consultation with head of the core Unit of the Civilian Secretariat responsible for the particular focus area.
- (3) A Reference Group established in terms of sub-regulation (1) may have the following objectives -
  - (a) to play an advisory role to the Secretariat with regard to policy formulation, implementation and compliance;

- (b) to identify policy gaps on policing and safety and security issues;
  - (c) to provide a forum for debate on policing and safety and security issues;
  - (d) to identify remedial measures to improve policing;
  - (e) to advise on good practices with regard to policing;
  - (f) to recommend innovative methodologies to monitor, assess and evaluate the police service as far as compliance with policing policy is concerned;
  - (g) to contribute to policy development within the safety and security cluster;
  - (h) to advise on developing partnerships and strategies to mobilise communities in the prevention of crime;
  - (i) to advise on matters relating to domestic violence
- (4) The specific terms of reference of an established Reference Group for a particular focus area must be developed by the Reference Group and submitted to the Secretary for approval.
- (5) A combination of identified policy makers, members of the academia, civil society groupings, non-governmental organisations and members of the business fraternity with a focus on policing and crime prevention may form part of a Reference Group.
- (6) Ahead of a provincial secretariat may be invited to nominate a member to become ex officio members of a particular Reference Group.
- (7) The Reference Group will be convened and chaired by the Head of the relevant Unit of the Civilian Secretariat.
- (8) The Reference Group must meet at least once per quarter.
- (9) The Civilian Secretariat will provide administrative support to a Reference Group, including -
- (a) taking and circulation of minutes within seven days after the meeting;
  - (b) the co-ordination of meetings;
  - (c) drafting and circulation of the agenda a week before the meeting to allow for additional points to be added by members;
  - (d) corresponding with members of the Reference Group; and

- (e) arranging flights and accommodation for members of the Reference Group as may be necessary.
- (10) Members of the Reference Group may not be remunerated.
- (12) Where a particular individual member or institution has a conflict of interest in respect of any matter under discussion by a Reference Group, the particular individual or the representative of the particular institution must recuse himself or herself from discussion of the particular agenda item.
- (13) A member of the Reference Group must uphold confidentiality at all times and is bound by the Civilian Secretariat's code of confidentiality.

## **CHAPTER 9**

### **CO-OPERATIVE FRAMEWORK**

#### **31. Composition of the Secretary and Heads of Provincial Departments Forum**

- (1) The permanent members of the Forum contemplated in section 23 of the Act are-
  - (a) The Secretary as Chairperson; and
  - (b) The heads of the provincial departments.
- (2) The Chairperson may invite any other person not mentioned in sub-paragraph (1) to attend the meeting of the Forum to make presentations or to act as observers.

#### **32. Objectives of the Forum**

The objectives of the Forum are to -

- (a) generally enhance civilian oversight over the police service;
- (b) provide technical support to the Ministerial Executive Committee; and
- (c) provide a liaison mechanism between the Civilian Secretariat and the provincial departments.



### 33. Functions of the Forum

- (1) The Forum will serve as a consultative forum for the Secretary and heads of provincial departments to provide technical support to the Ministerial Executive Committee contemplated in section 27 of the Act.
- (2) The Forum must seek to –
  - (a) promote uniform execution of the police civilian oversight mandate;
  - (b) promote the alignment of Civilian and provincial secretariats' Strategic and Annual Performance Plans;
  - (c) consider legislation relating to, and impacting upon, policing and safety and security and to make contributions towards the development of such legislation;
  - (d) ensure the implementation of any matter referred to it by the Minister, an MEC or the Ministerial Executive Committee;
  - (e) perform any other function necessary to give effect to its objectives and mandate;
  - (f) refer any items to the Ministerial Executive Committee for discussion and decision;
  - (g) raise matters of national interest impacting on safety and security with relevant provincial departments and to hear their views on those matters;
  - (h) consult relevant provincial departments on-
    - (i) the development of national policy;
    - (ii) matters affecting policing and safety and security;
    - (iii) the implementation of national policy with respect to policing and safety and security;
    - (iv) the coordination and alignment of strategic and performance plans and priorities, objectives and strategies across national, provincial and local governments; and
    - (v) any other matters of strategic importance that affect the interests of the Civilian Secretariat and provincial secretariats; and
  - (i) discuss performance in the provision of policing services in order to detect failures and to initiate preventive or corrective

action when necessary.

### **34. Functions of the Chairperson of the Forum**

- (1) The Chairperson of the Forum -
  - (a) convenes and presides over Forum meetings;
  - (b) determines the agenda for the Forum meetings after requesting provincial Heads of Departments to provide inputs for agenda items; and
  - (c) provides strategic direction to the Forum on national policing priorities, objectives and strategies as well as matters relating to alignment of plans and operations contemplated in section 17 of the Act.
- (2) The Chairperson may, in addition to the sub-regulation (1) -
  - (a) appoint a head of provincial department as the acting Chairperson of the Forum should any circumstance prevent the Chairperson from presiding at Forum meetings; and
  - (b) invite any other person to attend a Forum meeting.

### **35. Administrative Support to the Forum**

The Civilian Secretariat will be the administrative secretariat to provide administrative support to the Forum.

### **36. Role of the administrative secretariat**

The administrative secretariat, subject to the direction of the Secretary, will be responsible for -

- (a) preparing draft agendas for Forum meetings;
- (b) structuring the agenda in accordance with key priorities of the Civilian Secretariat and provincial secretariats;
- (c) ensuring that the agenda items, action item lists and documentation are compiled and distributed in terms of this Chapter;
- (d) Sending invitations and coordinating attendance of members of the Forum;
- (e) Making logistical arrangements for Forum meetings; and
- (f) Ensuring that processes relating to protocol and security are followed.

**37. Forum documentation**

- (1) The following criteria will apply for the submission of documentation to the Forum -
- (a) a notice of meeting accompanied by an agenda with an Action Item list must be distributed to members of the Forum at least 14 days prior to a meeting;
  - (b) where a supporting documentation that exceeds ten pages is submitted for discussion under an item, it must be accompanied by an executive summary that does not exceed two pages;
  - (c) a power-point presentation not exceeding ten slides may also accompany the written submission;
  - (d) the distribution of documentation during meetings will not be allowed without the permission of the Chairperson; and
  - (e) classification of Forum documents will be determined by Chairperson on the basis of the principles and requirements as contained in the Minimum Information Security Standards (MISS).
- (2) Any document or power-point presentation contemplated in this regulation must be delivered to the Chairperson at least seven days prior to a meeting for distribution to members of the Forum.

**38. Scheduling of Forum meetings**

The following criteria will apply with regard to the scheduling of Forum meetings-

- (a) a meeting of the Forum must be held at least once per quarter.
- (b) the Forum will determine a schedule containing dates for its meetings at the end of the preceding financial year;
- (c) the Forum meetings must take place as scheduled and may not be cancelled unless there are exceptional circumstances; and
- (d) only the Chairperson may cancel or postpone a meeting and If this situation arises, the meetings be reconvened within seven days of the scheduled date.

### **39. Implementation of Forum resolutions**

The following criteria will apply with regard to the implementation of the resolutions of the Forum -

- (a) The administrative secretariat will draft the Forum minutes and action item lists within five days after the meeting;
- (b) Copies of the draft minutes will be distributed to the members of the Forum within ten days after the meeting for comments or rectification;
- (c) A standard Action Item List reflecting decisions taken and the Forum member responsible for implementing a decision must accompany the minutes of meeting.
- (d) A one page progress report must be submitted to the Chairperson by the Forum member responsible for the implementation of the resolution of the Forum at least seven days before the next meeting of the Forum, or such earlier date as may be agreed upon.
- (e) A transcription of the minutes of the Forum meeting may, at the instance of the Chairperson, be compiled for purposes of enquiries related to resolutions taken. The transcribed version of the minutes will be regarded as confidential and will not be submitted to persons other than members of the Forum.

### **40. Evaluation of Forum meetings**

The following key performance indicators will be utilized to assess the effectiveness of the Forum meetings-

- (a) a strategic agenda;
- (b) 90% attendance rate at Forum meetings by members;
- (c) properly compiled documentation for decision-making;
- (d) effective processes to follow-up on implementation of decisions;

- (e) efficient logistical arrangements;
- (f) submission of reports by heads of provincial departments;
- (g) the extent to which members have implemented Forum decisions or resolutions.

#### **41. Composition of the Senior Management Forum**

- (1) Permanent members of the Senior Management Forum contemplated in section 24 of the Act are-
  - (a) The Secretary as Chairperson; and
  - (b) The heads of the provincial secretariats;
  - (c) Senior management staff from the Civilian Secretariat as determined by the Secretary; and
  - (d) Senior management staff from each provincial secretariat as determined by the respective heads of provincial secretariats.
- (2) The Chairperson may invite any other person not mentioned in sub-paragraph (1) to make presentations.

#### **42. Objectives of the Senior Management Forum**

The objective of the Senior Management Forum is to enhance civilian oversight over the police service.

#### **43. Functions of the Senior Management Forum**

- (1) The Senior Management Forum must contribute to the enhancement of civilian oversight over the police service by -
  - (a) aligning the plans and operations of the respective provincial secretariats with
    - 
    - (i) the annual and performance plans; and
    - (ii) the national priorities, objectives and strategies of the Civilian Secretariat.
  - (b) discussing and compiling reports on the activities of provincial secretariats aligned to that of the Civilian Secretariat as contemplated in section 17(1) of the Act
  - (c) facilitating and co-operation amongst the provincial secretariats;

- (d) identifying and finding ways of addressing common concerns or obstacles relating to the effective execution of the civilian oversight mandate;
- (e) developing strategies to improve interaction and communication amongst provincial secretariats;
- (f) promoting uniform norms and standards for the performance of aligned functions;
- (g) providing technical support to the Secretary and Heads of Provincial Departments Forum;
- (h) discussing and compiling reports on the policing needs and priorities of each province for the consideration of the Heads of Provincial Departments Forum;
- (i) discussing matters contemplated in section 17 of the Act and functions referred to in section 6 of the Act that require provincial alignment;
- (j) discussing any other matter of strategic importance that affects the interests of the Secretariats or matters that will contribute to the enhancement of civilian oversight over the police service; and.
- (k) performing any other function necessary to give effect to its objectives;

#### **44. Functions of the Chairperson of Senior Management Forum**

- (1) The Chairperson of the Senior Management Forum -
  - (a) convenes and presides over meetings of the Forum ;
  - (b) determines the agenda for the Forum meetings;
  - (c) provides strategic direction to the Forum on matters relating to civilian oversight over the police service; and
  - (d) determines who else may be invited to attend a meeting of the Forum.

#### **45. Administrative Support to the Senior Management Forum**

The Civilian Secretariat will be the administrative secretariat to provide administrative support to the Forum.

#### **46. Role of the administrative secretariat**

The administrative secretariat, subject to the direction of the Secretary, will be responsible for -

- (a) preparing draft agendas for meetings of the Senior Management Forum;
- (b) structuring the agenda in accordance with the aligned plans and operations of the Civilian Secretariat and provincial secretariats;
- (c) ensuring that the agenda items, action item lists and documentation are compiled and distributed in terms of this Chapter;
- (d) Sending invitations and coordinating attendance of members of the Senior Management Forum;
- (e) Making logistical arrangements for Senior Management Forum meetings; and
- (f) Ensuring that processes relating to protocol and security are followed.

#### **47. Senior Management Forum Documentation**

- (1) The following criteria will apply for the submission of documentation to the Senior Management Forum -
  - (a) a notice of meeting accompanied by an agenda with an Action Item list must be distributed to members of the Senior Management Forum at least 14 days prior to a meeting;
  - (a) where a supporting documentation that exceeds ten pages is submitted for discussion under an item, it must be accompanied by an executive summary that does not exceed two pages;
  - (b) a power-point presentation not exceeding ten slides may also accompany the written submission;
  - (c) the distribution of documentation during meetings will not be allowed without the permission of the Chairperson; and
  - (d) classification of Senior management Forum documents will be determined by Chairperson on the basis of the principles and requirements as contained in the Minimum Information Security Standards (MISS).
- (2) Any document or power-point presentation contemplated in this regulation must be delivered to the Chairperson at least seven days prior to a meeting for distribution to members of the Senior Management Forum.

**48. Scheduling of Senior Management Forum meetings**

The following criteria will apply with regard to the scheduling of Forum meetings-

- (a) a Forum must be held at least once every two months;
- (b) the Forum will determine a schedule containing dates for its meetings;
- (c) the Forum meetings must take place as scheduled and may not be cancelled, unless there are exceptional circumstances; and
- (d) only the chairperson may cancel or postpone a meeting and, if this situation arises, the meeting must be re-convened within seven days of the scheduled date.

**49. Implementation of Senior Management Forum resolutions**

The following criteria will apply with regard to the implementation of the resolutions of the Senior Management Forum -

- (a) The administrative secretariat will draft the Senior Management Forum minutes and action item lists within five days after the meeting;
- (b) Copies of the draft minutes will be distributed to the members of the Senior Management Forum within ten days after the meeting for comments or rectification;
- (c) A standard Action Item List reflecting decisions taken and the Senior Management Forum member responsible for implementing a decision must accompany the minutes of meeting.
- (d) A one page progress report must be submitted to the Chairperson by the Senior Management Forum member responsible for the implementation of the resolution of the this Forum at least seven days before the next meeting of the Senior Management Forum, or such earlier date as may be agreed upon.
- (e) A transcription of the minutes of the Senior Management Forum meeting may, at the instance of the Chairperson, be compiled for purposes of enquiries related to resolutions taken. The transcribed version of the minutes will be regarded as confidential



and may not be distributed to persons other than members of the Forum.

#### **50. Evaluation of Senior Management Forum meetings**

The following key performance indicators will be utilized to measure the effectiveness of the Forum meetings-

- (a) the strategic agenda;
- (b) 90% attendance rate at Forum meetings by members;
- (c) properly compiled documentation for decision-making;
- (d) effective processes to follow-up on implementation of decisions;
- (e) efficient logistical arrangements;
- (f) submission of reports by Heads of Provincial Secretariats; and
- (g) the extent to which members have implemented Forum decisions or resolutions.

#### **51. Co-operation with Independent Police Investigative Directorate**

(1) In order to perform the functions contemplated in section 31 of the Act, and to ensure the proper functioning of the Consultative Forum contemplated in Chapter 4 of the Independent Police Investigative Directorate Act, 2011 and established in terms of section 15 thereof, the Secretary must create mechanisms within the Civilian Secretariat to –

- (a) consider reports received from the Executive Director in terms of section 9 of the Independent Police Investigative Directorate Act, 2011;
- (b) monitor the implementation by the police service of the recommendations made by the Directorate;
- (c) provide the Minister with regular reports on steps taken by the Civilian Secretariat to ensure compliance;
- (d) submit a copy of the report on the steps taken to the Executive Director; and
- (e) discuss issues related to trends, recommendations and implementation of such recommendations.

(2) The Secretary must ensure that the reports from the Executive Director in terms of section 9 of the Independent Police Investigative Directorate Act are registered in a

dedicated register in the Office of the Secretary and submitted to the head of the Unit responsible for civilian oversight, monitoring and evaluation for consideration within ten days of receipt.

- (3) The head of the Unit responsible for civilian oversight, monitoring and evaluation must ensure that a senior management member of the Unit is delegated to –
- (a) analyse the Executive Director's report;
  - (b) prepare a plan to monitor the implementation by the police service of the recommendations of the Executive Director; and
  - (c) compile a report on steps taken to ensure compliance for the attention of the Minister.
- (4) The head of the Unit responsible for civilian oversight, monitoring and evaluation must submit the report contemplated in sub-regulation 3(c) within 30 days to the Secretary for approval and submission of the original to the Minister and a copy to the Executive Director.
- (5) The Secretary must submit a copy of the report contemplated in sub-regulation 3(c) to the Executive Director not later than seven days before the next scheduled meeting of the Consultative Forum.
- (6) The plan referred to sub-regulation 3(b) must contain the following –
- (a) the date of submission of the recommendation to the police service by the Executive Director;
  - (b) whether the police service has registered the complaint and, if registered, the date of registration;
  - (c) whether any steps were taken by the police service to initiate disciplinary proceedings and if initiated –
    - i. the date of initiation of each inquiry;
    - ii. a copy of each charge sheet;
    - iii. the details of the disciplinary officer and the presiding officer of the disciplinary inquiry.

- (d) if the recommendation was not registered or where no steps were taken to initiate disciplinary proceedings; the reasons for not registering the recommendation or not initiating disciplinary proceedings;
  - (e) where disciplinary proceedings were initiated, the status of the proceedings;
  - (f) where disciplinary steps are finalised, the sanction imposed; and
  - (g) any other steps that are necessary to be taken to ensure that the police service implements the recommendations of the Executive Director.
- (7) In order to ensure the necessary co-operation for the proper functioning of the Consultative Forum, as required by section 31(3) of the Act, the Secretary shall ensure that the agreed Terms of Reference for the Consultative Forum are complied with.

## **52. Co-operation with the police service**

- (1) A member of the Secretariat may require written reasons for failure by a member of the police service to comply with a request for cooperation regarding any matter contemplated in Act.
- (2) Every member of the police service must provide the Secretary, the head of a provincial secretariat or authorised member of the Civilian Secretariat or a provincial secretariat with all such assistance that is reasonably required for the purposes of, or in connection with, the carrying out its statutory mandate.
- (3) A member of the police service who wilfully refuses to provide reasonable information, documents, access or assistance to the Secretary, a head of provincial secretariat or authorised member of the Civilian or a provincial secretariat shall be subject to disciplinary proceedings in terms of the discipline regulations applicable to members of the police service.

## **53. Disciplinary recommendations in relation to members of the police service**

- (1) Disciplinary proceedings initiated against a member of the police service as a result of recommendations of the Secretary or a head of a provincial secretariat in terms of these regulations must be conducted in accordance with the South African Police Service Discipline Regulations.
- (2) The recommendations contemplated in sub-regulation (1) must be contained in a report submitted to the Minister, in the case of the Civilian Secretariat, or to the MEC

in the case of a provincial secretariat and a copy of such report must be submitted to the National Commissioner, and where appropriate, the relevant Provincial Commissioner, as soon as is practicably possible.

(3) The duty imposed upon the Secretary or a head of a provincial secretariat under sub-regulation (2) may be delegated, in writing, by the Secretary or a head of a provincial secretariat to a suitable member of the Civilian Secretariat or a provincial secretariat.

(4) The National Commissioner or Provincial Commissioner, as the case may be, must ensure that an acknowledge receipt, in writing, of the report referred to in sub-regulation (2) is provided to the secretary or the head of provincial secretariat, as the case may be, within seven days of receipt of such report.

**54. Short title and commencement**

These regulations are to be known as the Civilian Secretariat for Police Service Regulations, 2016, and will come into effect on the date of publication thereof in the Government Gazette.

**FORMS**

**FORM “A”**

<p>CIVILIAN SECRETARIAT FOR POLICE SERVICE</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; width: 60px; height: 60px; display: flex; align-items: center; justify-content: center;"> <p style="transform: rotate(-45deg); opacity: 0.5; font-weight: bold;">PHOTO</p> </div>  </div>	<p style="text-align: center; color: green; font-weight: bold;">APPOINTMENT CERTIFICATE</p> <p style="text-align: center;">It is hereby confirmed that:</p> <p>Name: ..... No: .....</p> <p>Level: .....</p> <p style="text-align: center;">ID <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p style="text-align: center;">has been appointed as a member of the Civilian Secretariat for Police Service</p> <p style="font-size: small; text-align: center;">In terms of the Civilian Secretariat for Police Service Act, 2011 (Act no 2 of 2011) the employee is empowered to request and obtain information and documents under the control of the South African Police Service, to enter any building or premises under the control of the Service and is entitled to all reasonable assistance by a member of the Service.</p> <p style="text-align: center;">                  Signed on ..... 2 Secretary for Police Service  <span style="display: block; text-align: right; font-size: x-small;">Secretary of Police</span> </p>														

**FORM "B"**

<p>CIVILIAN SECRETARIAT FOR POLICE SERVICE</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; width: 80px; height: 80px; display: flex; align-items: center; justify-content: center; font-size: 2em; opacity: 0.5;">PHOTO</div>  </div>	<p><b>APPOINTMENT CERTIFICATE</b></p> <p>It is hereby confirmed that:                  Name: ..... No: .....                  Level: .....</p> <p>ID <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>has been appointed as a member of the                  Civilian Secretariat for Police Service</p> <p>Signed on .....at Pretoria</p> <div style="text-align: right;">   <small>Secretary for Police Service</small> </div>
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**FORM "C"**

<p>PROVINCIAL SECRETARIAT FOR POLICE</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; width: 80px; height: 80px; display: flex; align-items: center; justify-content: center; font-size: 2em; opacity: 0.5;">PHOTO</div> <div style="text-align: center;"> <p>Provincial Logo</p> </div> </div>	<p><b>APPOINTMENT CERTIFICATE</b></p> <p>It is hereby confirmed that:                  Name: ..... No: .....                  Level: .....</p> <p>ID <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>has been appointed as a member of the                  .....</p> <p><small>In terms of the Civilian Secretariat for Police Service Act, 2011 (Act no 2 of 2011) the employee is empowered to request and obtain information and documents under the control of the South African Police Service, to enter any building or premises under the control of the Service and is entitled to all reasonable assistance by a member of the Service.</small></p> <p>Signed on .....at .....</p> <div style="text-align: right;">   <small>Head of Provincial Secretariat. Province:</small> </div>
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**FORM "D"**

<p>PROVINCIAL SECRETARIAT FOR POLICE</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="border: 1px solid black; width: 80px; height: 80px; display: flex; align-items: center; justify-content: center; font-size: 2em; opacity: 0.5;">PHOTO</div> <div style="text-align: center;"> <p>Provincial Logo</p> </div> </div>	<p><b>APPOINTMENT CERTIFICATE</b></p> <p>It is hereby confirmed that:                  Name: ..... No: .....                  Level: .....</p> <p>ID <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>has been appointed as a member of the                  ..... Provincial Secretariat.</p> <p>Signed on .....at .....</p> <div style="text-align: right;">   <small>Head of Provincial Secretariat. Province:</small> </div>
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