

# **DOMESTIC VIOLENCE ACT (DVA) MONITORING REPORT**

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Report on the status of DVA implementation and compliance by the SAPS  
from October 2019 to March 2020.



**civilian secretariat  
for police service**


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Department:  
Civilian Secretariat for Police Service  
**REPUBLIC OF SOUTH AFRICA**

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## TABLE OF ACRONYMS

ACRONYM	DESCRIPTION
CSC	Community Service Centre
CSPS	Civilian Secretariat for Police Service
DV	Domestic Violence
DVA	Domestic Violence Act 116 /1998
EHWP	Employee Health and Wellness Programme
NATIONAL INSTRUCTIONS	DVA National Instruction No 7 of 1999
OB	Occurrence Book
PS	Provincial Secretariats
SAPS	South African Police Service
SAPS 508	A form used to register DVA non-compliance complaints against members
VFR	Victim Friendly Room
<b>DISCIPLINARY CODES</b>	
DS1	Remedial steps after initial interview (not serious)
DS2	Verbal warning after initial interview (not serious)
DS3	Written warning (not serious)
DS4A	Departmental investigation (serious): still under investigation
DS4B	Departmental investigation (serious): guilty (state sentence)
DS4C	Departmental investigation (serious): not guilty
<b>PROVINCES</b>	
EC	Eastern Cape
FS	Free State
GP	Gauteng
KZN	KwaZulu-Natal
LP	Limpopo
MP	Mpumalanga
NC	Northern Cape
NW	North West
WC	Western Cape

## 1. INTRODUCTION

The Domestic Violence Act, 1998 (Act No.116 of 1998) herein referred to as DVA, is aimed at providing victims of domestic violence with the maximum protection from domestic abuse. A victim of domestic violence as defined in the DVA does not only refer to women or married people. The definition is extended to include any person who is in a domestic relationship with another through - marriage; a romantic or intimate relationship; sharing a place of residence; family ties; and parental responsibility, irrespective of gender and age.

In fulfilling its main objective, the DVA places a number of obligations on the South African Police Service (SAPS) and other state departments with regard to its implementation and specific services that should be rendered to victims of domestic violence. These obligations are accompanied by consequences should the SAPS members fail to implement them properly. Section 18(4)(a) of the DVA makes it a misconduct, as contemplated in the SAPS Act, for a SAPS member who fail to comply with the obligation of the DVA or the National Instruction. According to this section, all cases of identified non-compliance by SAPS members should be reported to the Civilian Secretariat for Police Service (CSPS).

The CSPS is mandated by the Civilian Secretariat for Police Service Act, 2011 (Act No. 2 of 2011) to monitor and evaluate the SAPS' compliance with the DVA, and make recommendations to the police service on disciplinary procedures and measures with regard to non-compliance with the DVA. Furthermore, in line with Sec 18(5)(c) of the DVA, the CSPS is obligated to submit reports to Parliament on SAPS non-compliance with the DVA every six months. In putting this mandate to effect, the CSPS in collaboration with the Provincial Secretariats (PS) conducts police station monitoring visits in order to assess the compliance and implementation of DVA by the SAPS at police station level. The scope of the monitoring visits is focused on looking at both regulatory compliance and execution of the DVA by police stations.

During the 2018-19 financial year, the CSPS conducted a police station Census project which entailed monitoring all police stations in the country. During this period 1143 police stations were visited with the purpose of monitoring DVA compliance and implementation by SAPS members. A comprehensive baseline on SAPS performance was therefore developed and the improvement of performance in SAPS

implementation and compliance with the DVA will be measured against this baseline going forward.

In order to effectively monitor implementation of recommendations and measure improvement of performance by police stations, each province is required to select 25% of their police stations every year in between the Censuses and conduct follow up visits with the aim of monitoring non-compliance and implementation of recommendations. As part of this process an Improvement Plan based on the Census report findings is developed for each police stations identified and continuous monitoring of implementation is done.

## **2. OBJECTIVE**

The objective of the report is to provide information on the status and management of non-compliance by the SAPS management and the findings on oversight visits conducted by the CSPS and PS to monitor implementation of census recommendations through development of improvement plans during the period October 2019 – March 2020.

## **3. SCOPE**

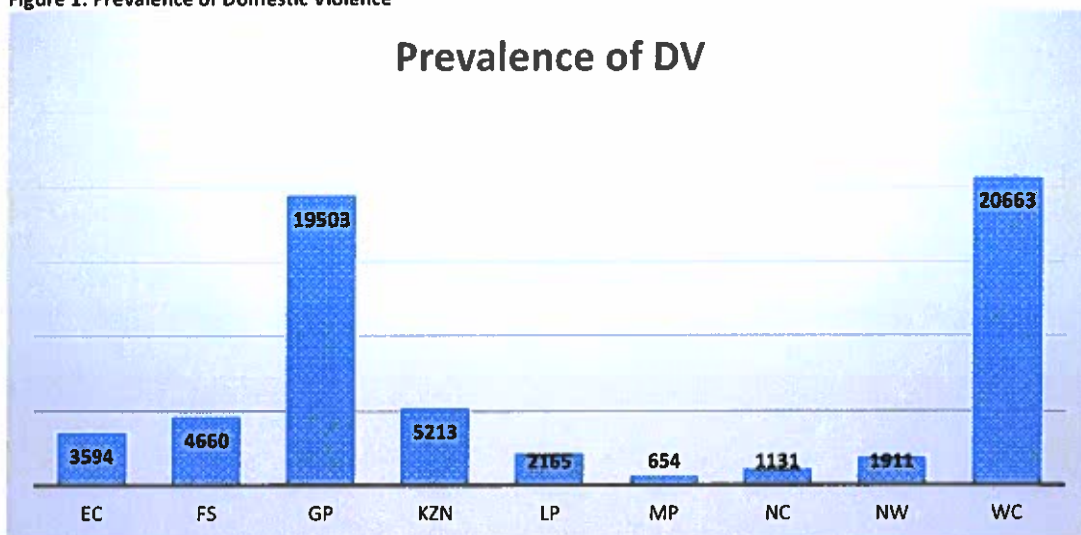
Information contained in this report is based on data received from the SAPS regarding the total number of domestic violence incidents reported countrywide; non-compliance by SAPS members; data on members that are offenders and those that have been recorded as victims of domestic violence and how all these matters have been managed by the SAPS. The reports further covers information based on findings from the 317 police stations (Annexure A) that were visited by the CSPS and PS between October 2019 and March 2020. The findings include data on non-compliance by SAPS members and how the SAPS management is managing non-compliance at police station level.

#### 4. PREVALENCE OF DOMESTIC VIOLENCE (DV)

The scourge of domestic violence (DV) continues to be amongst the highest contributors to contact crime in the country, even though various studies indicate that it is highly under reported due to its nature, i.e. a crime that mostly happens behind closed doors and between people that are closely related. The numbers of DV incidents reported to the police can be influenced by a number of issues which include; the prevalence of cases in a particular community, and the level of trust in the police by the community, among others. For instance when communities are not confident in the police response they tend not to report cases as they feel nothing would be done<sup>1</sup>.

According to SAPS reports, there were 59 494 cases of domestic violence reported across the country between October 2019 and March 2020.

Figure 1: Prevalence of Domestic Violence



The province that reported the highest number of cases as reflected in figure 1 above is WC with 20 663 followed by GP with 19 503 and KZN coming third with 5 213. MP was the province with the least number of cases reported with 654 cases. Looking at these figures, it can be deduced that an average of 9915 DV cases were reported in South Africa on a monthly basis during this six month period. Considering the noted concept of under reporting, the actual numbers of people exposed to DV might be much higher than those reflected above, which is a very concerning issue. This calls

<sup>1</sup>Statistics South Africa, 2018 - In depth analysis of Victims of Crime Data Survey: Crimes against women in South Africa



for strengthening of the collaborative multi-disciplinary approach to fighting the scourge of DV; police alone cannot do it without the support and partnership of other role players, in particular members of the community.

This trend can also be likened to the number of SAPS top 30 identified police stations that reported high DV incidents during this period. WC has the highest number of police stations in the top 30 with 16 stations followed by GP with eight (8) police stations. Both the EC and FS have two (2) stations in the list and KZN and NW each have one (1) police station appearing in the top 30.

## **5. NON COMPLIANCE BY SAPS MEMBERS**

According to section 18(4) (a) and (b) of the DVA, failure by SAPS members to comply with the duties or any obligations as imposed in the DVA and National Instruction constitutes misconduct. The Station Commander is expected to institute disciplinary action against such a member unless an exemption has been granted by the CSPA<sup>2</sup>.

In measuring the level of non-compliance by SAPS members, an analysis of records from the SAPS will be done and this is followed by non-compliance according to findings from the police station oversight visits and complaints reported to the CSPA.

### **5.1. *Non- Compliance report based on SAPS records***

The SAPS has a responsibility to submit a consolidated return of non-compliance cases to the CSPA for submission to Parliament as required by section 18(5)(d) of the DVA. SAPS members can fail to comply by not fulfilling the administrative obligations (administrative non-compliance) as outlined in the National Instructions and in the DVA and also when a complaint from the public (operational non-compliance) is received when a member fails to provide the required service as prescribed by both the DVA and the National Instructions.

Over the years, the most commonly identified non-compliance has been administrative non-compliance. Table 1 below provides a summary of reported non-compliance against SAPS members according to information received from the SAPS National Office.

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<sup>2</sup> The DVA still refers to the ICD, however the mandate has been transferred to the CSPA in terms of the IPID Act (No 1 of 2011)

**Table 1: Summary of non-compliance based on SAPS records**

Categories	EC	FS	GP	KZN	LP	MP	NC	NW	WC	Total
Failure to complete SAPS 508(a) and 508(b)	0	27	0	0	37	0	0	1	51	116
Failure to record DV incidents in the Occurrence Book (OB) and in the Pocket book (SAPS 206)	0	6	0	0	0	0	0	0	0	6
Failure to conduct first level inspection	0	0	0	0	0	0	0	0	1	1
<b>Total number of complaints received</b>	<b>0</b>	<b>33</b>	<b>0</b>	<b>0</b>	<b>37</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>52</b>	<b>123</b>

As reflected in the above table, a total of 123 non-compliances were reported from four (4) provinces which are FS; LP; NW and WC. The other five (5) provinces which are, with EC, GP, KZN, MP and NC submitted a zero return on non-compliance. The highest number of non-compliances was reported in the WC with 52 cases followed by LP with 37 and FS with 33 cases.

Administrative non-compliance continues to be a serious challenge for the SAPS with all the 123 reported non-compliances relating to this nature. The administrative non-compliances involve 116 cases of failure to complete SAPS 508a and 508b; and failure to record DV incidents in the OB or Pocket Book with six (6) incidents. Failure to fully comply with the administrative obligations like proper recording and filling raises a question in terms of the ability to effectively provide services to the complainants. Proper recording of reported incidents assists in the safekeeping of information relating to the reported incident which can be used in the court of law should the need arise.

This weakness in the SAPS systems therefore can result in a compromised criminal justice process against the victim should the victim opt to open a criminal case. A domestic violence incident is not considered a criminal offence until there is a breach or violation of a Protection Order (in terms of Section 17 of the DVA) whereby a domestic violence case can be registered in the CAS. When a complainant opts to lay a criminal offence when reporting a domestic violence incident, it is captured on the CAS in terms of the actual incident, e.g. assault, murder or rape with a specification that it relates to domestic violence.

There was one (1) recorded case of the failure by either the CSC or VISPOL commander to carry out the first level inspection as prescribed. In order to ensure that members at the CSC are adhering to their obligations and are provided with proper guidance, first level inspections are crucial. Failure to conduct these deprives the frontline members of the opportunity to identify their mistakes, correct them and in the process learn from them so that they are not repeated.

Paragraph 13(1) of the National Instruction indicates that disciplinary proceedings must be instituted in line with the SAPS Discipline Regulations for any member who has failed to comply with any obligation as imposed in terms of the DVA or National Instructions. Should the Station Commander, after investigation, be convinced that the member involved should not be subjected to the disciplinary process, they need to submit an application for exemption to the Provincial Secretariats through the Provincial Commissioner's Office.

**Table 2: Departmental steps taken and outcomes**

<b>Categories</b>	<b>EC</b>	<b>FS</b>	<b>GP</b>	<b>KZN</b>	<b>LP</b>	<b>MP</b>	<b>NC</b>	<b>NW</b>	<b>WC</b>	<b>Total</b>
DS1: Remedial Steps (after initial interview – Not serious)	0	15	0	0	37	0	0	1	18	<b>71</b>
DS2: Verbal warning (after initial interview)- Not serious	0	9	0	0	0	0	0	0	16	<b>25</b>
DS3 Written warning (Not serious)	0	3	0	0	0	0	0	0	1	<b>4</b>
DS4A: Departmental Investigation (Serious) Under investigation	0	4	0	0	0	0	0	0	15	<b>19</b>
DS4B: Departmental Investigation (Serious) : Guilty State Sentence	0	0	0	0	0	0	0	0	2	<b>2</b>
<b>Total number of members</b>	<b>0</b>	<b>31</b>	<b>0</b>	<b>0</b>	<b>37</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>52</b>	<b>121</b>

Table 2 above shows the departmental steps taken by station commanders to address the above mentioned non-compliances. Out of the 123 non-compliances recorded, there were 121 members involved, which indicates that two (2) members in the FS had more than one incident against them. Disciplinary proceedings were initiated for all the 121 members with departmental steps taken and there were no applications for exemption made. There were 21 members that were subjected to DS4 A&B, which is a serious misconduct that requires departmental investigation. The outcome of these investigations are still pending. The remaining 102 incidents were considered non-

serious and steps taken ranged from remedial steps (DS1), verbal warning (DS2), and written warning (DS3) with 71, 25 and 4 members respectively.

## 5.2. Non-Compliance report based on police station visits

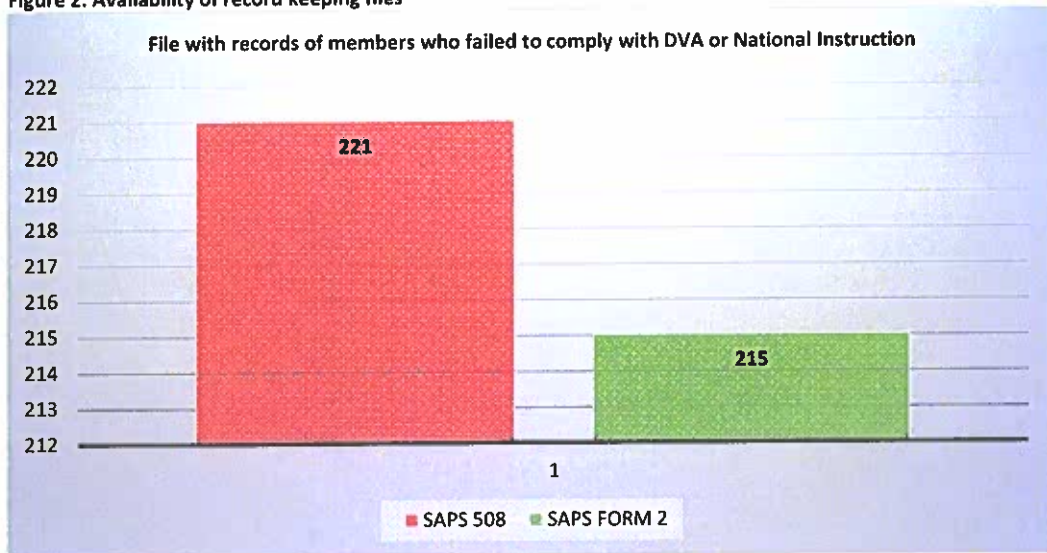
This section will discuss the level of non-compliances as found during police station oversight visits and how the police station management have managed these cases.

### 5.2.1. Record keeping of non-compliance information

In accordance with paragraph 14 of the National Instruction on Domestic Violence 07/1999 (National Instruction), the Station Commander is obliged to keep a record of the number of complaints received against members under his/her command for failing to comply with any of the obligations in terms of the DVA or the National Instruction. These records must be consolidated into a SAPS 508 form. In addition to the SAPS 508, the SAPS National Office developed a Form 2 which must be used to record the detailed information on the nature of non-compliance and steps taken per individual.

As depicted in figure 2 below, some of the police stations visited still do not keep the files with records of members that failed to comply with the DVA and National Instruction.

Figure 2: Availability of record keeping files



As reflected above, the SAPS 508 was found in 221 police stations and the Form 2 documents were found in 215 police stations. Despite having these record keeping documents in majority of the police stations, some were found to be without any

recorded information. It is however not clear if this is due to all members at the police stations fully complying with the DVA or whether it is an indication of poor managing of non-compliance by Station Commanders. The matter needs further exploration in order to draw conclusive findings.

### 5.2.2. Non-compliance by members

Table 3 below presents non-compliances as found in some of the police stations during oversight visits.

Table 3: Non-compliance by members

Province	Name of police station	Nature of non-compliance	No. of members	Outcome of Disciplinary proceedings
FS	Bainsvlei	Administrative non-compliance	2	Both members given written warnings
	Mangaung	Administrative non-compliance	1	Written warning
	Vanstadensrus	Administrative non-compliance	2	Both members given written warnings
	Virginia	Members failed to provide proper service to a DV complainant	2	Both matters still under investigation
LP	Lephalale	Administrative non-compliance	1	No disciplinary proceedings initiated
WC	Phillippi	Administrative non-compliance	12	5 cases – corrective counselling 3 cases – verbal warning 2 cases – no disciplinary steps taken 2 cases – records not found
	Hout Bay	Administrative non-compliance	2	Both matters still pending finalisation
	Knysna	Administrative non-compliance	2	No disciplinary steps taken
<b>TOTAL</b>	<b>8</b>	-	<b>24</b>	-

During this reporting period, a total of 24 non compliances were recorded of which 22 were administrative non-compliances and two (2) were operational non-compliances. Similar to what is reflected on the SAPS report, administrative non-compliance was identified as the most common non-compliance within the police stations visited. The administrative non-compliances were recorded by seven (7) police stations as follows: Phillippi (WC) 12 incidents; Hout Bay (WC) – two (2) incidents; Knysna (WC) – two (2) incidents; Bainsvlei and Vanstadensrus (FS) – both two (2) incidents each; Mangaung

(FS) – one (1) incident. Disciplinary proceedings were initiated in 18 of the 24 reported incidents and four (4) of these cases were not yet finalised.

All the non-compliances recorded above were found from the police station records, however they were never referred to the CSPA for recommendations on disciplinary processes to be initiated, nor were there any applications for exemption received. This is in contradiction with section 18(4)(c) of the DVA which requires the SAPS to report all non-compliance complaints to the CSPA in order for the CSPA to make recommendations on what steps to be taken.

The CSPA has had some reports of incidences of operational non-compliance through complaints lodged at the department, however these have been very few. The following were the cases reported to the CSPA during this period.

Table 4: Non-compliance reported at the CSPA

PROV	POLICE STATION	NATURE OF NON-COMPLIANCE	OUTCOME
GP	Sunnyside	Members failed or refused to open a criminal case for the victims based on a reported incident of assault and damage to property.	<ul style="list-style-type: none"> <li>Recommendation made to the station commander to institute disciplinary processes against the members involved</li> <li>Criminal case opened for the victim</li> <li>Disciplinary proceedings initiated and finalisation still pending</li> </ul>
WC	Khayelitsha	Poor handling of a 3 year old rape case by the police	<ul style="list-style-type: none"> <li>Matter was referred to the Provincial Secretariat and the WC Ombudsman carried out the investigations</li> <li>Recommendations for disciplinary proceedings against the members involved were made</li> <li>Outcome still pending</li> </ul>
	Not specified	Failure to arrest perpetrator on contravention of protection order Poor service by the police and the courts	<ul style="list-style-type: none"> <li>Matter referred for the Provincial Secretariat for further investigation</li> <li>SAPS (WC) contacted the complainant, however the investigation could not continue as the complainant moved to EC</li> <li>Complainant advised on how to carry the matter forward should she wish to do so</li> </ul>

Operational non-compliance cases reported at the police stations are hardly found during oversight visits. This low number of operational non-compliance complaints does not necessarily indicate high levels of satisfaction by community, on the contrary, it might be an indication that communities are not fully aware of the available opportunities for reporting police non-compliance.

This therefore puts responsibility on the CSPA to make the communities aware of available options, which include the Provincial Secretariat and the CSPA as the reporting channel for DV complaints against the police. The department needs to engage in an awareness campaign to educate the community on DVA and reporting poor service in response to reported DV incidents. This will assist in improving the compliance by the SAPS as they will be held accountable for poor service delivery to victims of domestic violence.

### **5.2.3. Management of non-compliance by Station commanders**

When a member has been identified to have failed to comply with the DVA and National Instruction, the relevant Station Commander has the responsibility to institute disciplinary proceedings against that particular member. The SAPS discipline regulations allows police management to use their discretion, "*in a responsible manner to ensure that instances of misconduct are appropriately addressed*<sup>3</sup>". This, therefore indicates that it becomes the prerogative of the station management, based on evidence presented to determine whether the nature of misconduct can be categorised as serious or non-serious.

Moreover, in terms of section 18(4)(c) of the DVA and section 6(1)(d) of the CSPA Act, the CSPA must make recommendations for disciplinary actions to be taken against each member reported to it by the SAPS to have failed to comply with the DVA. In an attempt to coordinate this reporting process, a Compliance Forum was established between the CSPA and the SAPS. The structure has not fully operated at the desired level, but has helped in improving communication channels regarding DVA monitoring and implementation between the CSPA and the SAPS. Once fully functional, the reporting of non-compliance will be seamless and proper management of non-compliance by members will be effectively implemented. This will entail ensuring that there are no repeat offenders for the same non-compliances.

The table below shows number of members that have been identified as repeat offenders of non-compliance within a one year period during this reporting phase.

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<sup>3</sup> SAPS Discipline Regulations, 2016



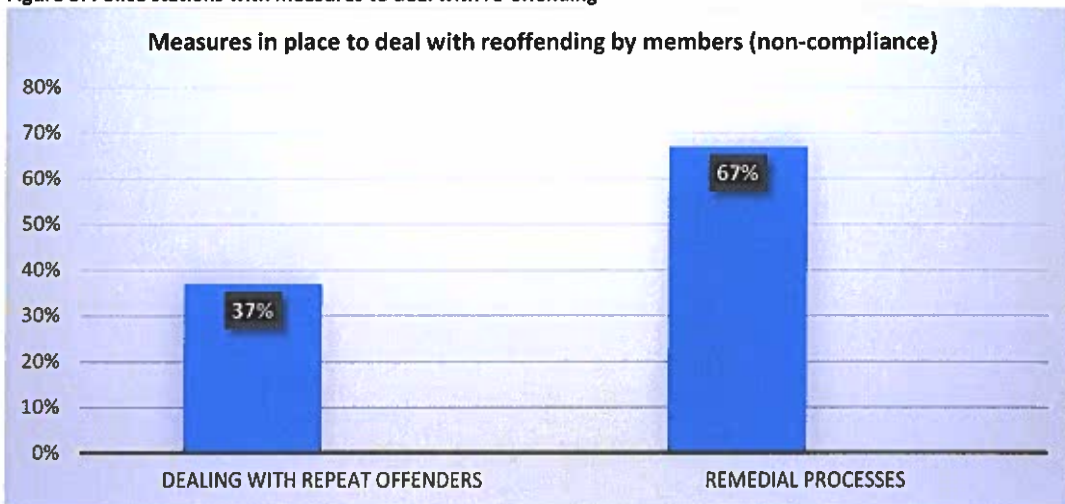
**Table 5: Repeat non-compliance offender within a 1 year period**

Province	Name of police station	Members who committed non-compliance more than once
FS	Bainsvlei	1
WC	Philippi	2

Amongst the police stations visited during this period, there were members identified to have committed non-compliance more than once in WC (2) and in FS (1) within a one-year period. In both stations disciplinary proceedings were initiated and “remedial steps” were indicated as outcomes taken to address these members. Considering that the members have re-offended, it is concerning that an outcome aligned to non-serious misconduct is given. This therefore goes against the principle of progressive or corrective discipline as outlined by the SAPS discipline regulations. This principle describes discipline as, “means for employees to know and understand what is required of them<sup>4</sup>”.

In assessing the management of non-compliance further, the monitoring process assessed whether police have measures in place to deal with reoffending and whether there are remedial processes in place to assist members who have committed administrative non-compliance. Figure 3 below shows the findings on availability of these measures.

**Figure 3: Police stations with measures to deal with re-offending**



<sup>4</sup> SAPS Discipline Regulations, 2016



There were 37% of the stations visited that indicated to have measures in place to curb repeat non-compliance by members and 67% of the police stations have remedial processes to assist members affected by non-compliance. These measures included conducting regular inspections and noting errors for corrections by the affected members; information sessions by VISPOL Commanders and in-service training by the DV Coordinator and the VISPOL Commanders. Furthermore, verbal warnings are issued on first transgression and the disciplinary process is outlined to the affected members.

In trying to eliminate the high rates of non-compliance by members, the SAPS national office have issued out numerous circulars aimed at ensuring that Station Commanders are held accountable for non-compliance in their stations. In one circular the following was stated, "Provinces are required to rigorously investigate all allegations of misconduct and ensure that disciplinary cases are finalised as soon as possible. Station Commanders are required to act swiftly in correcting any transgressions committed by members under their command". The paragraph continues further to state that disciplinary steps must be taken against all Station Commanders who fail to manage and monitor implementation of DVA within their precinct<sup>5</sup>.

## **6. MEMBERS AS OFFENDERS OF DOMESTIC VIOLENCE**

The main objective of the police service is to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law<sup>6</sup>. Despite having this responsibility to serve and protect, some SAPS members are found to be perpetrators of domestic violence. The DVA requires that a domestic violence offender should be subjected to the same process irrespective of whether they are a police official or not. The first part of the section will analyse information received through the SAPS records and the second part will present findings from police station oversight visits.

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<sup>5</sup> Paragraph 5; Circular 1/1/4/1 (1) Policing DVA: Improving service delivery to victims of crime: SAPS

<sup>6</sup> Constitution of the Republic of South Africa : Section 205 (3)

### 6.1. Members as offenders of domestic violence according to SAPS records

Table 6 below reflects the total number of members that were reported to have been offenders of domestic violence across all police stations during the reporting period.

Table 6: Number of members who are alleged DV offenders according to SAPS records

Prov	No of members who are identified as DV alleged perpetrators	Section 102 conducted	Disciplinary proceedings conducted	Outcome of the disciplinary process
EC	1	Yes	Yes	Written warning issued (Reg 7 (3))
FS	25	Yes = 16	Yes = 18	18 – Under investigation 1 – Member committed suicide 6 – No disciplinary processes
GP	34	Yes = 29	Yes = 29	20– Disciplinary processes still ongoing 5 - No disciplinary processes 5 – Finalized and 1 with written warning, the other with final written warning, and 1 not guilty 1 – Withdrawn and member referred to EHWP 1- Member on suspension 1- Member deceased 1- Member resigned
KZN	15	Yes = 10	Yes = 7	7 – No disciplinary process 6 – Withdrawn 1 – in progress, pending criminal case 1 – Member committed suicide
LP	3	Yes = 2	Yes = 2	1 – Member referred to EHWP 1 – Under investigation 1 – No disciplinary proceedings
MP	2	Yes = 1	Yes = 1	1 – Member resigned 1 – Written warning and corrective counselling
NC	1	0	Yes	In progress
NW	15	Yes = 15	Yes= 3	1 – Written warning 1- In progress 1- Finalized and no steps recommended 12 – No disciplinary process
WC	82	Yes = 77	Yes = 69	48 – Under investigation 13 – No disciplinary process 9 – finalized with 4 corrective counselling, 3 where no steps were taken, 1 not guilty and 1 verdict pending 4 – Written warning 4 – cases pending, still with the PC's office 3 - Verbal warning 1 – Final written warning
<b>Tot</b>	<b>178</b>	<b>151</b>	<b>131</b>	

There was a total of 178 members that were reported to be offenders of domestic violence with the highest number of reported members in WC (82), followed by GP

(34) and the lowest numbers were in EC and NC with one (1) member each. A total of 131 disciplinary proceedings were initiated in line with the SAPS Disciplinary regulation guidelines. An area of concern is the number of members that have committed suicide and those who have resigned whilst undergoing the disciplinary processes. Even though the number might seem small with two (2) members that have committed suicide and two (2) members that resigned, this might point to the underlying mental health issues affecting the members. It therefore becomes critical for the SAPS to enhance the provision of employee wellness services.

For instance, according to an article in *The Conversation: Africa*, "Between 2012 and 2013, 115 officers died by suicide compared to 29 officers murdered on duty, an alarming four to one ratio"<sup>7</sup>. The article further articulates findings that were presented in the Marikana Commission report which highlighted that there is a high prevalence of depression and post-traumatic stress, which are known as precursors to suicide, among the SAPS members. Police stress is not always unique nor obvious. What is unique is all the different stressors a police officer can experience in one job which often leads to chronic stress and ultimately depression, if left unattended

In line with the FCA, which requires section 102 inquiries for offenders of domestic violence who have firearms, table 7 reflects the total number of inquiries conducted, which is 151. Out of these 151 section 102 inquiries, there were only two (2) members that were declared unfit to possess the firearm. Some of the outcomes of the S102 inquiry are still pending finalisation and this puts the responsibility on the CSPA to follow up on the final outcomes.

## **6.2. *Members as offenders of domestic violence according to station visits***

Table 7 below reflects the number of members that were reported to have been offenders of domestic violence in the sampled stations.

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<sup>7</sup> Perkins, G (UCT); 2016: Shedding light on the hidden epidemic of police suicide in South Africa.

**Table 7: Number of members who are alleged DV offenders**

Prov	Police station	No. of offenders	Seizure of firearms	S102 inquiry conducted	Outcome of S102 Inquiry
FS	Zastron	1	No	No	According to the Station Commander the firearm was not involved
	Luckhoff	1	Yes	Yes	Pending
	Koffiefontein	1	No	No	The member does not carry a firearm
KZN	Newcastle	1	Yes	No	-
LP	Lephalale	3	No	No	-
WC	Lingelethu - West	1	Yes	Yes	Pending
	Elsies River	3	No	No	2 Members not in possession of SAP 108 firearm or private firearm and in 1 incident the firearm was not involved
	Oceanview	1	No	No	-
	Manenberg	1	No	No	Member not in possession of SAP 108 firearm or private firearm
	Ravensmead	1	Yes	Yes	Pending
	Knysna	1	Yes	Yes	Pending
	KwaNonqaba	1	No	No	Member not in possession of SAP 108 firearm or private firearm
<b>Total</b>	<b>12</b>	<b>16</b>	-	-	-

There were 16 members that were reported to be offenders of domestic violence and these members were based in 12 police stations. WC had the highest number of reported members with nine (9) from seven (7) police stations.

From the 16 members reported, five (5) firearms were seized and four (4) sec 102 inquiries were held with all of them still pending outcome. There were five (5) members who were reported as not carrying either state or private firearms, as a result no section 102 inquiries were conducted. The report further indicated that in two (2) incidents the firearms were not used. However, considering that these members might either have access or possess firearms, it would still be important to conduct an inquiry into their fitness to hold a firearm. According to the Firearms Control Act, 60 of 2000 (FCA), a person against which an incident of domestic violence has been reported, may be declared unfit to possess a firearm by the Registrar through the Sec 102 inquiry. This therefore implies that for every reported domestic violence incident, a

section 102 inquiry must be conducted to determine a person's fitness to possess a firearm.

## 7. MEMBERS AS VICTIMS OF DOMESTIC VIOLENCE

Domestic violence is a problem which does not affect the underprivileged, poor and unemployed only, but cuts across races and occupational classes. Police officers are not immune to the scourge. The report will provide figures of members who have been identified as victims of DV based on SAPS records and afterwards will provide information as found during oversight visits.

### 7.1. *Members as victims of domestic violence according to SAPS records*

Table 8 below reflects the number of members that were reported to be victims of domestic violence during the reporting period.

Table 8: Number of members who are victims of DV according to SAPS records

Provinces	No of members identified as victims of DV (Form 3)
Eastern Cape	0
Free State	5
Gauteng	2
KwaZulu-Natal	3
Limpopo	2
Mpumalanga	1
Northern Cape	0
North West	4
Western Cape	41
<b>Total</b>	<b>58</b>

In terms of members who have been reported as victims of domestic violence, there were 58 members from seven (7) provinces. Majority of the members were reported in the Western Cape with 41 members which was followed by the Free State with 5 members. EC and NC did not report any members as victims of domestic violence. This again points out to the need to strengthen and improve the provision of the psychosocial support for the members.

### 7.2. *Members as victims of domestic violence according to station visits*

Table 9 below reflects the number of members that have been reported to be victims of domestic violence during the reporting period.

Table 9: Number of members who are victims of DV according to station visits

Province	Station	No. of members	Males	Females
FS	Zastron	1	-	F
	Mangaung	1	-	F
KZN	Creighton	1	-	F
	Port Shepstone	1	-	F
	Ndumo	1	-	F
LP	Lephalale	1	-	F
WC	Elsies River	1	M	-
	Oceanview	1	-	F
<b>Total</b>	<b>8</b>	<b>8</b>	<b>1</b>	<b>7</b>

There were eight (8) members who were reported to have been victims of domestic violence between 01 October 2019 and 31 March 2020. In terms of gender, only one (1) was a male member and the other seven (7) were females. The incidents were recorded in FS (two cases), KZN (three cases), LP (1 case) and WC (two cases). All the members have been referred for EHWP services in order to assist in strengthening their coping mechanism.

## 8. REGULATORY COMPLIANCE

Regulatory compliance assesses the police station's ability to comply with obligations as set out in the National Instructions and other relevant SAPS policies. A number of recommendations were made in the Census report in order to improve compliance by the police stations and the findings in this report are an indication of implementation of those recommendations. In line with that, regulatory compliance in this report relates to compliance with the following:

- a) Inspection of registers;
- b) Availability of private interviewing space;
- c) Availability and inspection of pocket books and
- d) Availability of female members.

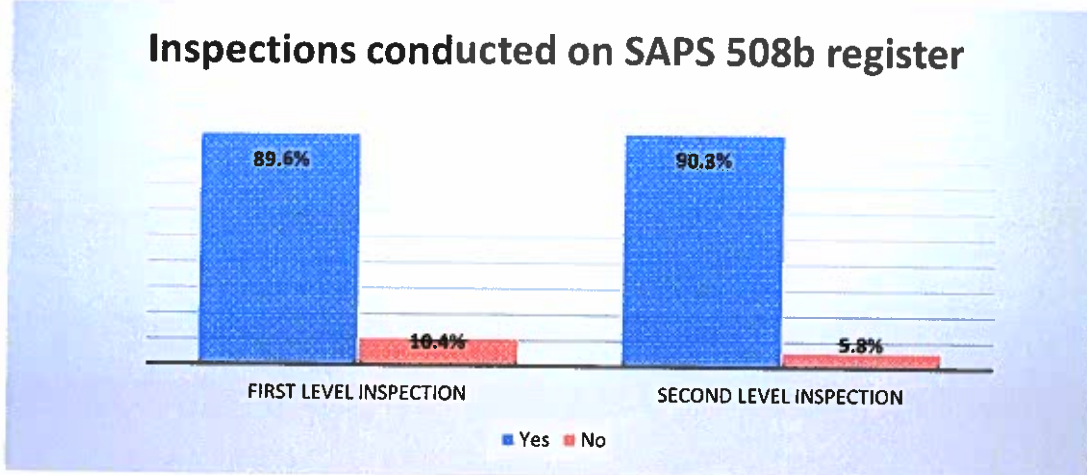
### 8.1. Inspections

The SAPS policies obligates police station management to regularly conduct two levels of inspections on all registers in the CSC and this includes the domestic violence registers. The first level of inspection should be conducted by the Relief Commander, as prescribed by the Standing Order 225. The Station Commander, or delegated Officer has to conduct second level inspection on all registers.

Additionally, Standing Order 301 clearly stipulates that, "At the completion of an inspection, the inspecting officer or member must make an entry in that regard in the Occurrence Book (SAPS 10). The entry must reflect all the mistakes identified in the inspected registers, as well as the particulars of the member(s) who must rectify each mistake. During each shift, the Relief Commanders must read the Occurrence Book from where he or she reported off duty from the previous shift and react on the entries as mentioned above. The member who rectifies the mistake(s), must make a counter entry in the Occurrence Book with regards to actions taken".

One of the recommendations from the Census report was on improvement of inspections with the aim to reduce non-compliance. Figure 4 below shows the level of inspection of registers at the visited police stations.

Figure 4: Inspection of registers

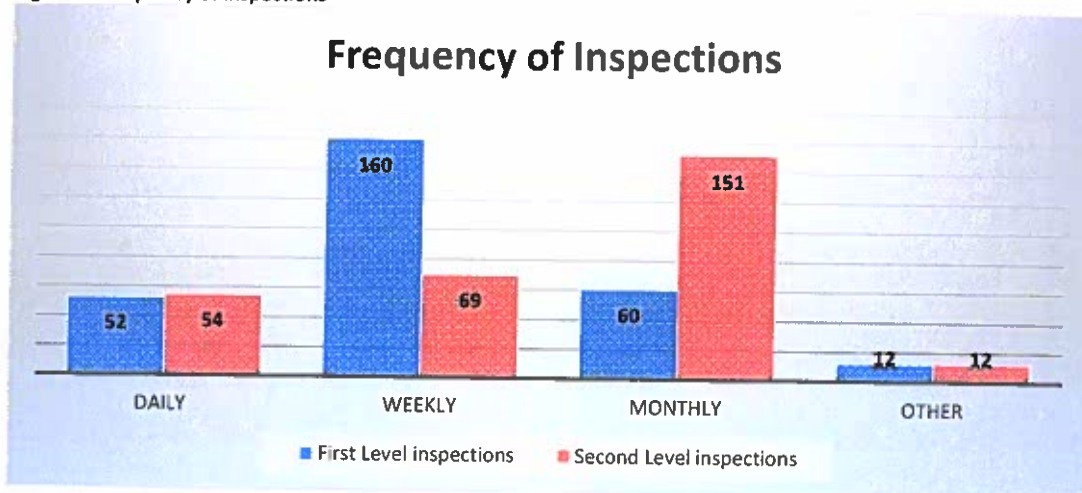


Lack of proper inspection of registers is one of the key findings identified in the Census report which contributed to administrative non-compliance. The figure above reflects that both first level and second level inspections are regularly conducted in majority of the police stations, with 89.6% and 90.3% respectively. Despite this good reflection it is still a concern that there is about 10% of police stations where first level inspections are not regularly conducted. In about 5.8% of stations, second level inspections were not conducted and in the remaining 4% there were no consistent records of second level inspection.

It should be noted that the assessment focused on the consistency of inspections over a period of time. As a result, police stations that do not consistently conduct inspections as prescribed in the SAPS regulations, fall within the 10% of stations

reflected as not conducting inspections. This therefore implies that in these identified police stations inspections were conducted on an ad hoc basis. Figure 5 below, shows the consistency of inspections in line with the prescripts.

Figure 5: Frequency of inspections



The DVA registers and files are mostly inspected by Relief and/or CSC Commanders on weekly basis, as reflected above with 160 police stations conducting weekly first level inspections. The second level inspection as conducted by Station Commanders or delegated Officers are mainly done on monthly basis with 151 second level inspection conducted by Station Commanders. In 12 police stations it was found that even though inspections have been conducted consistently over a period of time it could be more than once in a week or month but not on a daily or weekly basis.

Even though the consistency of inspections is good, it still appears to only be a matter of compliance rather than using inspection as a corrective tool.<sup>8</sup> This is based on the fact that registers are signed by Commanders, but mistakes are not identified. In instances where mistakes are identified and instructions given, there is no follow up to ensure implementation of those instructions. This results in the same mistakes being repeated by the same members throughout the register. There, generally seems to be lack of guidance and supervision in most stations which defeats the purpose of regular inspections and also leaves junior members exposed to non-compliance.

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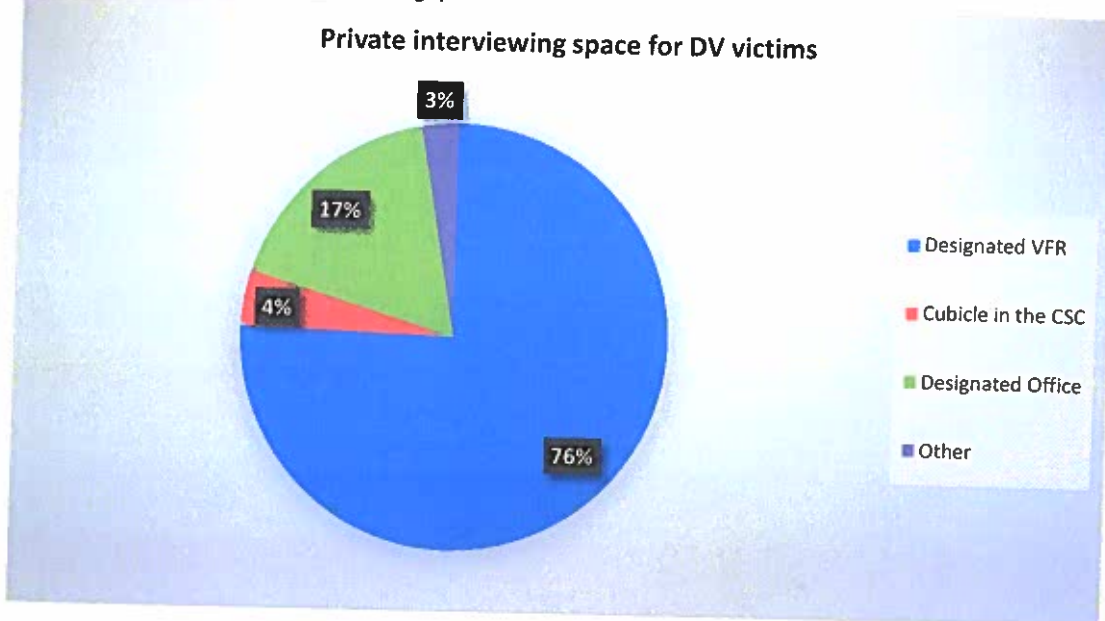
<sup>8</sup>Standing Order 225 (7)(5)  
Standing Order 301 (5)



## 8.2. Availability of private interviewing space

The Victim Empowerment National Instruction stipulates that every police station must have a Victim Friendly Room (VFR) to interview victims of crime in privacy. Should a police station not have a VFR, arrangements should be made to interview the victim in private, by using the interview cubicles or an available office<sup>9</sup>. This is part of the SAPS strategy to ensure provisions of a victim friendly service to all victims of gender based violence. The figure below shows the availability of private interviewing space in the 317 police stations visited.

Figure 6: Availability of private interviewing space



Majority of the police stations reported to have a private interviewing space as follows: 76% (242) had a designated VFR; 17% (54) were using an office which is specifically designated for private interviewing when there is a need; 4% (13) were utilising the cubicles at the CSC and the other 3% (10) would make means to ensure privacy when there is a need. There were 21 police stations (Annexure B), that indicated not to have any private space due to lack of office space.

According to SAPS data, there are 1090 of the 1153 policing sites that have a private interviewing space, either through a designated VFR (1001) or alternative room (89). All these private spaces are based in the following policing sites: police stations; satellite police stations; contact points; FCS units; and international airports with two,

<sup>9</sup> Section 8 (2&3) – Victim Empowerment National Instruction, No 2 of 2012

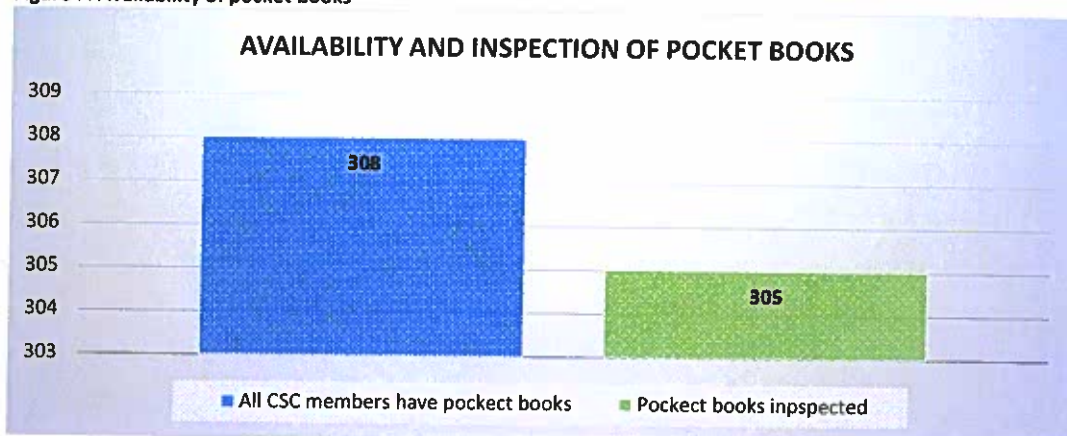
(2) which are based in KZN and WC. The availability of victim friendly facilities at airports is commendable as these are the ports of entry into the country. Expansion to other airports throughout the country would ensure easy access by all victims or potential victims of gender based violence.

### 8.3. Availability and inspection of pocket books

The National Instruction stipulates that any assistance rendered to the complainant in response to a domestic violence complaint must be recorded in detail. And if that response or assistance is provided at another place outside the CSC, it must be recorded on the pocket book of the member rendering the assistance<sup>10</sup>. Furthermore, in line with the prescripts regulating inspections within the SAPS, the pocket books must be regularly inspected by the Relief Commanders.

What this indicates is that all members of the SAPS, especially those placed at the CSC must always have pocket books in order to ensure that incidents of domestic violence are properly recorded even when a member is working outside the CSC. All information recorded in the pocket book must also appear in the domestic violence register and the SAPS 508a form. Figure 7 below shows the availability and inspection of pocket books in the 317 police stations visited.

Figure 7: Availability of pocket books



In 308 police stations, all members posted at the CSC had pocket books whilst in nine (9) police stations some members did not have pocket books (Annexure C). According to the members that did not have, they were still awaiting the issuing of the pocket

<sup>10</sup> Paragraph 7 (4)(b) – National Instruction 7/1999

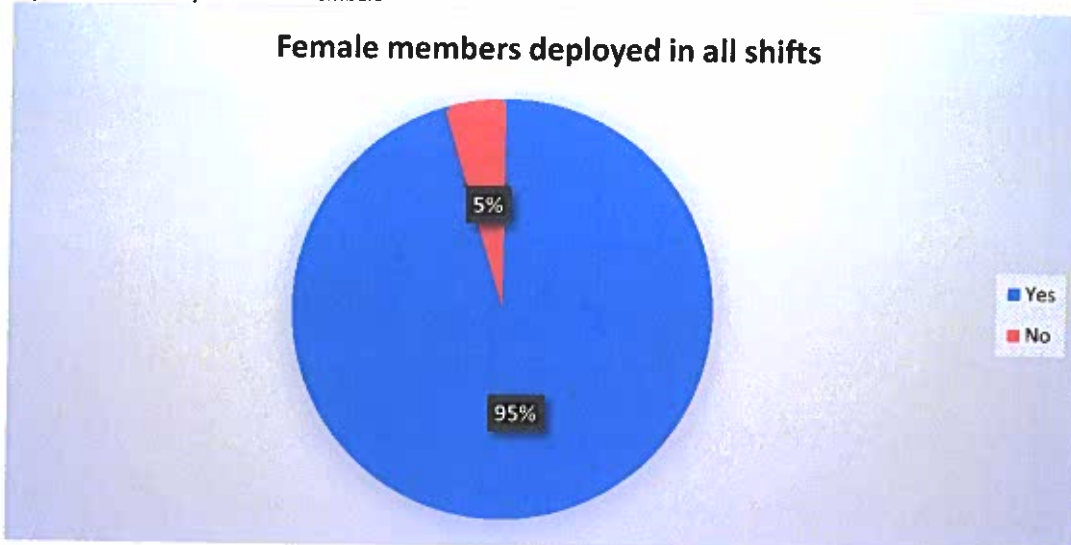
books form the SAPS Provincial Office as the requests had already been made. In 305 police stations, pocket books were consistently inspected on daily basis by the Relief Commanders.

#### **8.4. Availability of female members**

In an effort to enhance SAPS response to GBV related crime, the Minister of Police developed a Six Point Plan as a blueprint for police response. One of the 6 points entails ensuring that there is a female member posted in each shift to be able to assist victims who prefer to be assisted by a female person. This view is supported by a number of research studies which showed that a number of victims of gender based violence prefer to be served by a female as this is likely to reduce the risk of secondary traumatisation.

The availability of female members in each shift, therefore provides a complainant with an opportunity to choose an official they would feel more comfortable being serviced by considering the traumatic experience they may have encountered. Figure 8 below shows the availability of female members in the visited stations.

Figure 8: Availability of female members



The findings indicate that in 302 (95%) of the police stations visited there were female police members deployed in all shifts while in 15 (05%) of the police stations female members were deployed in some of the shifts but not in all the shifts due to shortages of female members. In these 15 police stations, there was mainly one shift (in 11 police

stations) that did not have a female member deployed. In the remaining police stations there were three (3) shifts in two (2) police stations and two (2) shifts in the other two (2) police stations that did not have any female member deployed (Annexure D).

This lack of deployment is due to the actual shortages of female members in these identified police stations which is something that the SAPS needs to take into consideration during their recruitment and deployment processes. As indicated earlier, the sufficient availability of female members in all police stations is critical to SAPS response to gender based violence related crimes.

## 9. SUPPORT SERVICES

The DVA places obligations in a number of government departments within the JCPS cluster and civil society. The ability or inability of these stakeholders to carry out their obligations impacts on SAPS response to reported incidents of domestic violence and other GBV related crimes. The SAPS is the first point of entry within the criminal justice system, however in order to be effective in rendering the required service, access to various psycho-social support services is important.

Amongst the support services looked at, the monitoring visits explored whether police stations have access to social workers, shelters, health facilities, courts and interpreters for sign language and foreign languages.

Figure 9: Access to psycho-social services

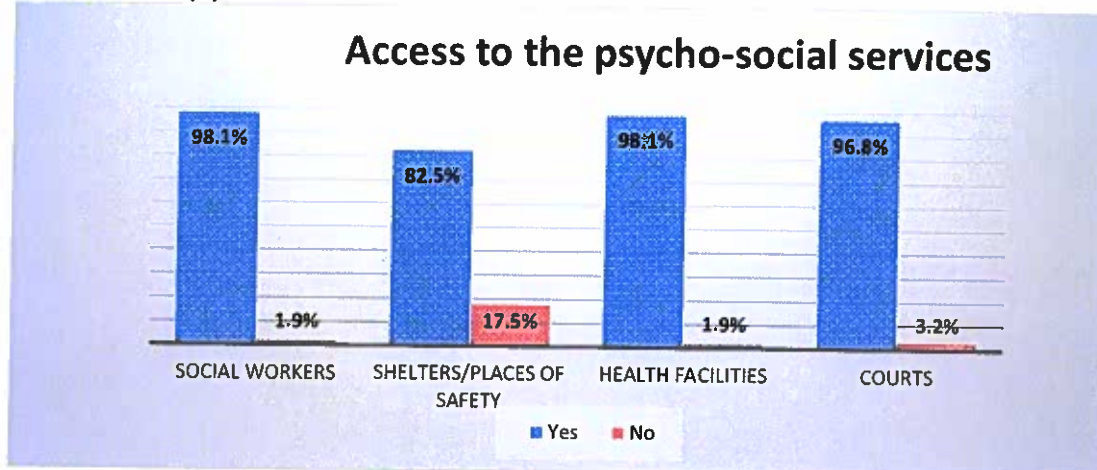


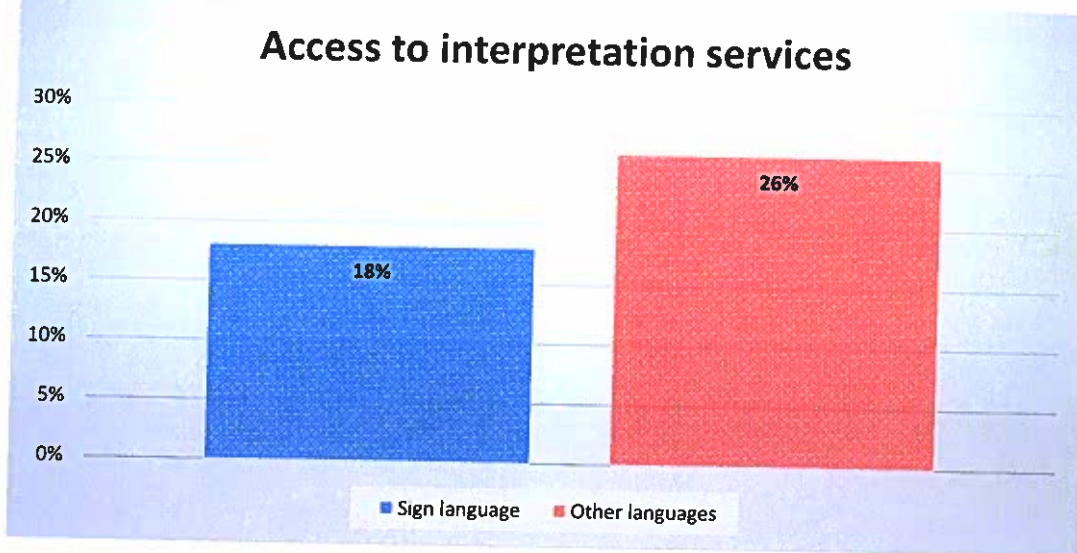
Figure 9 above indicates that majority of police stations visited have access to the basic support services required to assist the police in effectively implementing the

DVA. Police stations that do not have adequate access to services are mainly those that are more rural and the policing areas are less resourced than the more urban precincts.

The support services that appears to be mainly lacking is access to shelter/places of safety whereby 17.5% of police stations indicated not to have access to this service. This requires the strengthening of the multi-disciplinary working relations in order to ensure that victims who may require alternative accommodation are able to do so and do not find themselves forced to go back to the abusive environment.

Figure 10 below, shows police station's access to sign language and foreign language interpretation services.

Figure 10: Access to interpretation services



Access to interpretation services is still limited. There were only 18% police stations that had access to sign language interpretation services and 26% that had access to interpretation of languages other than the local languages of the policing precinct. Police stations mainly use relatives of the complainants for translations, however in some areas these services are accessible through the local courts. This is an area that needs to be capacitated as there is an increase of foreign nationals in all parts of the country and people who require sign language also fall victim to GBV incidents. The police need to be able to respond effectively and support all victims of crime within their policing precincts.



## 10. CONCLUSION

The CSPS together with the provinces conducted oversight visits to 317 police stations across the country to monitor implementation of recommendations and management of non-compliance by station commanders. Furthermore, the SAPS provided a national picture on the status of reported DV cases and non-compliance by all police stations throughout the country during the period October 2019 to March 2020. The prevalence of DV is a serious challenge, not only for the police, but for the country as a whole. A total of 59 494 incidents of DV reported within a six month period is alarming. South Africa is engulfed by high rates of gender based violence with regular reports of Femicide. It is time for the all entities of government, civil society and government to come work together in a coordinated manner in order to support and add value to the government efforts to end the scourge.

Administrative non-compliance remains a challenge, however there has been some noticeable improvements in certain areas that were identified during the Census project as some of the contributors to non-compliance, e.g. improved recording and availability of documents and improved inspection of domestic violence registers. Failure to properly carryout administrative responsibilities linked to DV response impact negatively on the operational response or direct service to the victims. In essence, even though this might appear to be a non-serious matter, it may have serious impact on the actual service provided to the complainants. This is an areas that the CSPS needs to strengthen in its role as an oversight body to the SAPS. The CSPS has a responsibility to make recommendations to the SAPS on disciplinary measures to be taken against members that fail to comply. Furthermore, the PS empowered by the Constitution of South Africa, have the responsibility to investigate complaints from the community against the police.

The number of members who have been identified as offenders of DV continue to rise with a total of 179 members reported during this period. The SAPS management should be commended for taking this matter seriously and ensuring that disciplinary processes and S102 inquiries are conducted against members reported as perpetrators. During this period, a total of 131 disciplinary proceedings were initiated against members. As much as this is a commendable effort, more needs to be done to ensure that bad apples within the SAPS are removed. Compulsory enrolment into

a psycho-social programme should form part of the disciplinary process for these members. The fact that there are members who have committed suicide (2 members) and some resigned whilst undergoing the disciplinary process points to serious mental health issues which cannot be left unattended. Additionally, attention needs to be given to members that are victims of DV, with a total of 58 having been identified during this period.

In order to enhance police performance and reduce non-compliance, proper and consistent inspections by police station management must be prioritised. Inspection, especially first level by relief commanders is improving with majority of police stations (160) conducting these on weekly basis. An area that needs to be enhanced is that fulfilling the purpose of inspections, which is to correct and guide. Currently this is lacking, even though inspection are conducted regularly.

Detailed recording of reported DV incidents, is central to provision of effective response. It is for this reason that all SAPS members must at all times have pocket books to record even when they are outside the CSC. The findings show that in 308 of the 317 police stations visited, all members had pocket books. Another important area central to effective response is the availability of female members. The findings showed that 95% of the police stations visited have female members posted in all shifts within a police station. The remaining 5% have females in some shifts but not in all due to shortage of female members in those police stations.

It is critical for the police to have access to support services in order to improve their response. Majority of police stations, especially those in urban areas have access to psych-social support services like social workers, health facilities and courts. The services that are limited in availability include shelters, sign language interpreters and foreign language translators.

The country is faced with serious challenge when it comes to GBV. There is a need for the SAPS to enhance their response, and at the same time there is a need for strengthened collaboration and support networks. The Compliance Forum is a good mechanism to strengthen good working relations between the SAPS and the Secretariats. It serves as an accountability structure for SAPS performance in relation to DVA implementation. It therefore needs to be strengthened in order to achieve its desired objectives.

## **11. RECOMMENDATIONS**

- 11.1. The SAPS should encourage local networks between police stations and local service providers. This could be done by allowing Memoranda of Understanding to be signed between police stations and local role players. The CSPA and PS can provide assistance to the SAPS by identifying and locating the required service that will add value to SAPS response to reported DV incidents.
- 11.2. The SAPS and CSPA through the Compliance Forum should hold awareness campaigns to enlighten the public on DVA reporting channels or opportunities for community members who are happy with service received from the SAPS in relation to reported DV cases.
- 11.3. The SAPS EHWP service should be enhanced to be able to effectively address mental health challenges experienced by the members.
- 11.4. Members that have been reported as perpetrators of DV must be obliged to attend an EHW programme as part of the disciplinary process.
- 11.5. A follow up should be made with police stations that have members without pocket books and the supply chain management processes be fast tracked to provide these.
- 11.6. Through SAPS recruitment processes, consideration should be given to appointment of more females in order to ensure sufficient deployment at police station level.
- 11.7. The SAPS should expand on the access of sign and other language interpretation, through training and partnership with other stakeholders.



## 12. ANNEXURES

### ANNEXURE A: LIST OF POLICE STATIONS VISITED

EC	GP		
Fort beaufort	Actonville	Florida	Norkem park
Indwe	Akasia	Foschville	Norwood
Joubertina	Alberton	Ga-rankuwa	Olievenhoutbosch
Klipplaat	Alexandra	Garsfontein	Olifantsfontein
Kolomana	Atteridgeville	Germiston	Orange farms
Komga	Bedfordview	Hammanskraal	Orlando
Lady frere	Bekkersdal	Heidelberg	Parkview
Mt fletcher	Benoni	Hekpoort	Pretoria central
Nemato	Boipatong	Hercules	Pretoria moot
Ngangelizwe	Boksburg	Hillbrow	Pretoria north
Ngqeleni	Boksburg north	Honeydew	Pretoria west
Rietbron	Booyens	Ivory park	Primrose
Somerset east	Boschkop	Jabulani	Protea glen
Walmer	Brackendowns	Jeppe	Putfontein
FS	Brakpan	Johannesburg central	Rabie ridge
Bainsvlei	Bramley	Kagiso	Randburg
Bothaville	Brixton	Kameeldrift	Randfontein
Cornelia	Bronkhorstspuit	Katlehong	Ratanda
Dewetsdorp	Brooklyn	Katlehong north	Reiger park
Edenville	Carletonville	Kempton park	Rietgat
Fouriesburg	Cleveland	Khutsong	Roodepoort
Goedemoed	Crystal park	Kliprivier	Rosebank
Hertzogville	Cullinan	Kliptown	Sandringham
Hoopstad	Daveyton	Krugersdorp	Sandton
Jacobsdal	Dawn park	Kwa thema	Sebenza
Koffiefontein	De deur	Langlaagte	Sebokeng
Lindley	Devon	Laudium	Sharpeville
Luckhoff	Diepkloof	Lenasia	Silverton
Mangaung	Diepsloot	Lenasia south	Sinoville
Meloding	Dobsonville	Linden	Sophiatown
Memel	Douglasdale	Loate	Soshanguve
Navalsig	Dube	Lyttelton	Springs
Odendaalsrus	Duduza	Mabopane	Sunnyside
Parys	Dunnottar	Magaliesburg	Tarlton
Rosendal	Edenpark	Mamelodi	Temba
Tumahole	Edenvale	Mamelodi east	Tembisa
Vanstadensrus	Eersterust	Meadowlands	The barrage
Ventersburg	Ekgangala	Meyerton	Thembisa south
Virginia	Eldorado park	Midrand	Tokoza
Vredefort	Elsburg	Moffatview	Tsakane
Wanda	Ennerdale	Mondeor	Vaal marina
Wepener	Erasmia	Moroka	Vanderbijlpark
Wesselsbron	Etwatwa	Muldersdrift	Vereeniging
Zastron	Evaton	Naledi	Villieria
	Fairlands	Nigel	Vosloorus

GP	KZN	LP	NW
Wedela	Isipingo	Apel	Ventersdorp
Welbekend	Ixopo	Lephalale	WC
Westonaria	Kranskop	Mahwelereng	Belhar
Wierdabrug	Kwadabeka	Marble hall	Elsies river
Wonderboom poort	Kwamsane	Modimolle	Hout bay
Yeoville	Kwandengezi	Nebo	Knysna
Zonkesizwe	Lamontville	Northam	Kwanongqaba
KZN	Madadeni	Rakgoadi	Lingeletu - west
Alexandra	Magudu saps	Rankinsspass	Manenberg
Amangwe	Mahlabathini saps	Roosenekal	Oceanview
Bayview	Malvern	Thabazimbi	Phillippi
Bhekithemba	Margate saps	Tinmyne	Ravensmead
Boston	Marrianhill	NC	Samora machel
Bulwer	Mehlomnyama	Batlharos	Steenberg
Camperdown	Montclair	Kagisho	
Colenso	Mpumalanga	Modderrivier	
Cramond	Msinsini	Nababeep	
Creighton	Mtubatuba	Nieuwoudtville	
Donnybrook	Ndumo	Pella	
Dududu	Newcastle	Sutherland	
Dundee	Ngome saps	Vioolsdrift	
Elandslaagte	Nhlanhleni	Williston	
Emtsheni	Nquthu	NW	
Estcourt	Nsuze	Amalia	
Ezibayeni	Pinetown	Bedwang	
Franklin	port shepstone	Biesiesvlei	
Gamalakhe	Prestburry	Cyferskuil	
Glencoe	Richmond	Delareyville	
Glendale	South port	Ganyesa	
Gowan lea	St faiths	Groot marico	
Greytown	Swartberg	Haterbeesfontein	
Hammarsdale	Taylors halt	Jericho	
Harburg	Townhil	Klerkskraal	
Harding saps	Umbumbulu	Leeudoringstad	
Hattingspruit	Umzimkhulu	Letlhabile	
Helpmekaar	Vryheid saps	Makapanstad	
Hibberdene	Weenen	Makgobistad	
Hilton police station	Wentworth	Makwassie	
Hlabisa	Westville	Mooifintein	
Hluhluwe	Winterton	Morokeng	
Howick		Nietvedind	
Ibisi		Phokeng	
Impendle		Piet plessis	
Ingwavuma		Reivilo	
Intsiken		Taung	

**ANNEXURE B: POLICE STATIONS WITHOUT PRIVATE INTERVIEWING SPACE**

FS	KZN	NC	NW	WC
Odendaalsrus	Bulwer	Sutherland	Biesiesvlei	Belhar
	Dududu		Cyferskuil	
	Glendale		Ganyesa	
	Hlabisa		Groot marico	
	Howick		Leeudoringstad	
	Ibisi		Makgobistad	
	Intsikeni		Reivilo	
	Ixopo			
	Kwandengezi			
	Nsuze			
	Swartberg			

**ANNEXURE C: POLICE STATIONS WITH SOME MEMBERS WITHOUT POCKET BOOKS**

EC	KZN	LP	NC
Fort Beaufort	Ibisi	Marble Hall	Kagisho
	Gamalakhe	Modderrivier	Roosenekal
		Nebo	Nababeep

**ANNEXURE D: POLICE STATIONS THAT DO NOT HAVE FEMALE MEMBERS IN ALL SHIFTS**

FS	KZN	LP	NC
Goedemoed	Emtsheni	Rankinpass	Nieuwoudtville
Hertzogville	Gamalakhe	Tinmyne	Pella
Hoopstad	Ixopo		Vioolsdrift
Vanstadensrus	Swartberg		Williston
	Winterton		