

DOMESTIC VIOLENCE ACT (DVA) MONITORING REPORT

**Report on the status of DVA implementation and compliance by the SAPS
from October 2022 to March 2023.**




**civilian secretariat
for police service**

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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
GBV	Gender Based Violence
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
DISCIPLINARY CODES	
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
PROVINCES	
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

On 28 January 2022, the Domestic Violence Amendment Act 14 of 2021 (hereinafter referred to as the Act) was signed into law by the president of the Republic. The Act presents significant changes as compared to the Principal Act, the Domestic Violence Act 116 of 1998 (hereinafter referred to as the DVA). The Act broadens the existing definition of Domestic Violence to include spiritual abuse, elder abuse, and coercive and controlling behaviour. Another noteworthy amendment is that; victims of domestic violence can now apply for protection orders electronically.

In light of the above, the Domestic Violence Amendment Act can certainly be seen as a right step towards the alleviation of gender-based violence scourge in the country. The amendments also afford victims of domestic violence greater protection, as well as speedy and greater access to justice. However, the information in this report is based on the assessment of compliance and implementation of the Principal Act as SAPS was not implementing the Act during the period under review.

In ensuring maximum protection of victims, 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 have 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 fails to comply with the obligations placed by the DVA or the National Instruction on Domestic Violence. 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. 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) conduct police station monitoring visits in order to assess the compliance to and implementation of DVA by the SAPS at police station level. The

focus of the monitoring visits is on both regulatory compliance and execution of the DVA by sampled police stations.

2. OBJECTIVE

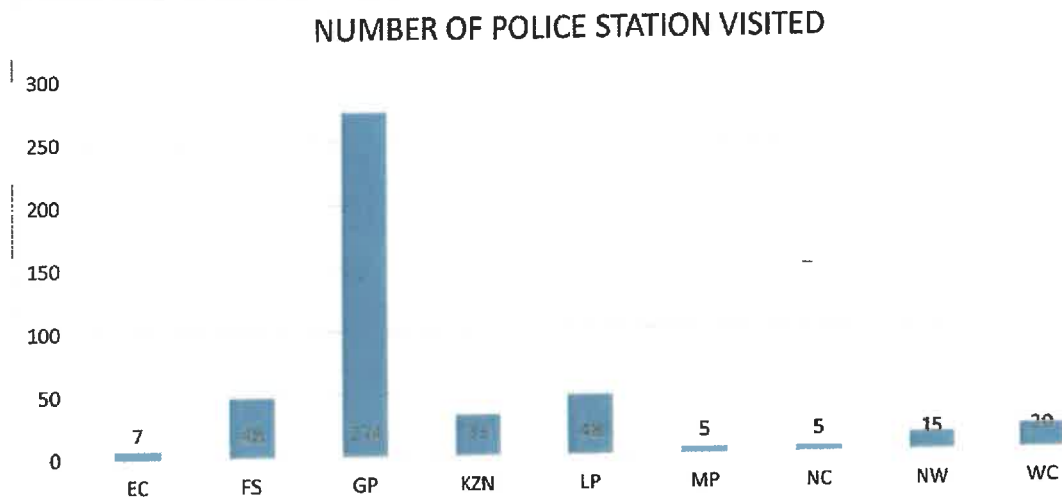
The objective of the report is to provide information on the status and management of non-compliance by the SAPS management and the findings on oversight visits conducted by the CSPS and PS to monitor implementation and compliance with the DVA.

3. SCOPE

This report focuses on monitoring the implementation of the DVA between October 2022 and March 2023. During the period under review, the CSPS together with PS conducted 455 police station oversight visits with special focus on police stations that are located in areas that are in the national and provincial top 30 police stations with high Gender Based Violence (GBV) related crimes. It should be noted that Gauteng Province (GP) covered more police stations while Eastern Cape (EC) followed by Mpumalanga (MP) and Northern Cape (NC) covered fewer police stations. Despite the low number of stations visited by other provinces, GP and WC consistently have the highest domestic violence rate in the country, this is also confirmed by SAPS crime statistics.

The oversight process entailed administering police station specific improvement plans to track progress, to effectively monitor implementation of recommendations and measure improvement of performance by police stations. In addition to the oversight visits, information on the management of non-compliance was received from SAPS and assessed. A break-down of number of the police stations visited is illustrated in figure 1 below.

Figure 1: Number of police station visited



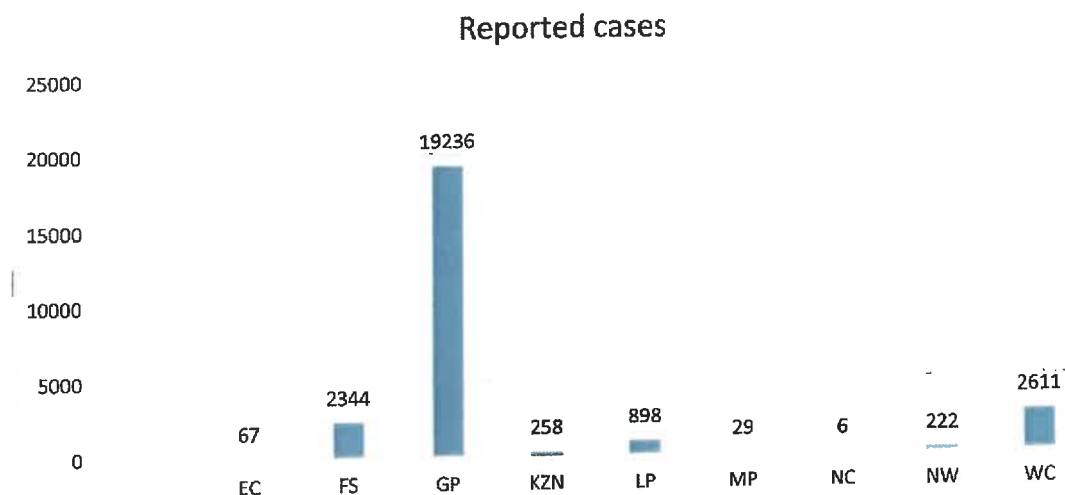
4. PREVALENCE OF DOMESTIC VIOLENCE (DV)

Ballard Brief Publication, 2020 noted that South Africa has one of the highest rates of GBV globally, which includes rape, femicide, and domestic violence. The publication further cites that this type of violence stems from the historical violent background of apartheid era that was marked by vast disparities. Various studies indicate that GBV associated crime is highly under reported due to its nature, as it is a crime that mostly happens behind closed doors and between people that are closely related. The reporting of domestic violence incidents to the police can be influenced by a number of factors which include financial dependency of the victim to the perpetrator and the level of trust in the police by the community. For instance when communities are not confident in the police response they tend not to report cases as they feel nothing would be done; equally, financial dependent victims tend not to report domestic violence due to fear of losing financial support¹.

During the reporting period, SAPS recorded 25 671 cases of domestic violence in the 455 visited police stations.

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

Figure 2: Reported cases



The provinces that have reported the highest number of cases as reflected in figure 2 above are GP with 19236, Western Cape (WC) with 2611 followed by Free State (FS) 2344. Northern Cape (NC) was the province that had the least number with six (6) cases reported. Based on the number of cases reported, an inference can be drawn that an average of 3206 DV cases were reported in GP alone on a monthly basis during this six-month period. Seeing that there is generally under reporting of DVA², the actual numbers of people exposed to domestic violence might be much higher than those reflected above, which is concerning. Moreover, it was found that the percentage and total number of cases closed as undetected continue to rise.

Table 1 below depicts that, out of the 25 671 reported cases at the 455 police stations; 3 075 (12%) of the cases were closed as undetected, which are cases that could not be resolved due to suspects not found. This is of concern as domestic violence is a crime that occur within a domestic relationship and the perpetrator is always known to the victim, meaning “undetected” is not the most suitable reason for closing domestic violence cases. Withdrawal of cases is another challenge that always seem to undermine police efforts in successfully dealing with domestic violence. During the period under review, a total of 6 297 (24.5%) cases were withdrawn. Victims withdraw charges for multiple reasons, including financial dependency on the perpetrator. Furthermore, 262 (1%) were closed as unfounded (false reporting of cases). These

² Statistics South Africa, 2018 - In depth analysis of Victims of Crime Data Survey: Crimes against women in South Africa

are false allegations made by victims who have no interest in pursuing charges after the lie has served its purpose. However, these cases should be looked into in order determine whether there are sufficient grounds to close them as unfunded.

Table 1: Status of reported cases

Province	Withdrawals at Court	Closed as Undetected	Closed as Unfunded	Arrests	Convictions Secured
Eastern Cape	7	0	1	38	6
Free State	527	112	12	995	60
Gauteng	4 807	2 573	239	10 386	859
KwaZulu- Natal	56	5	0	194	4
Limpopo	239	32	7	434	74
Mpumalanga	2	0	0	8	1
Northern Cape	4	0	0	0	0
North West	55	11	0	38	0
Western Cape	600	342	3	1240	55
Grand Total	6 297	3075	262	13 333	1059

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 CSPS³. The first form of non-compliance is when SAPS members fail to comply with the DVA by not fulfilling the administrative obligations (administrative non-compliance) as outlined in the National Instructions and in the DVA. The second form of non-compliance is 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.

³ The DVA still refers to the ICD, however the mandate has been transferred to the CSPS in terms of the IPID Act (No 1 of 2011)

The CSPA measures the level of non-compliance by SAPS through non-compliance cases reported to the CSPA and Provincial Secretariats, analysis of consolidated return of non-compliance cases, and findings from police station oversight visits.

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. Table 2 below provides a summary of reported non-compliance against SAPS members according to information received from the SAPS National Office.

Table 2: Number of members who failed to comply with the DVA

Province	Number of complaints
Eastern Cape	0
Free State	3
Gauteng	2
KwaZulu- Natal	2
Limpopo	3
Mpumalanga	0
Northern Cape	0
North West	1
Western Cape	40
Total	51

As per the illustration in Table 2 above, a total of 51 members failed to comply with the DVA and National Instructions during the period October 2022 – March 2023. These members were reported from six (6) provinces namely: FS; GP, KZN, LP; NW and WC. The other three (3) provinces which are, EC, MP, and NC submitted a zero (nil) return on non-compliance. The highest number of non-compliances was reported in WC with 40 members, followed by FS and LP with three (3) members each, KZN and GP had two (2) members while NW reported one (1) member.

It has to be noted that in provinces where non-compliance was reported, it does not mean that there is proper implementation or compliance with the DVA National Instruction. This has been observed over the years that there is no direct correlation

between a police station with high number of non-compliance and poor implementation. Similarly, the number of operational non-compliance reported appear to be very low nationwide and that does not mean satisfactory services to the victims. This could suggest that community members are generally not aware of available complaints mechanism at police station level and other avenues; which could be the main reasons for the low number or absence of non-compliance complaints. This means that more vigorous public education and awareness campaigns should be continuously conducted on the role of the CSPS and the responsibilities of SAPS as enshrined in the DVA.

It is evident that there are still gaps in the implementation of the DVA at police station level as shown by the high number of administrative non-compliances as reflected in the table 3 below.

Table 3 Summary of non-compliance based on SAPS records

Categories	Type of non-compliance	Total
Failure to complete SAPS 508(a) and 508(b)	Administrative	48
Failure to record DV incidents in the Occurrence Book or Pocket Book	Administrative	1
Failure to file/ register Protection Order	Administrative	0
Failure to arrest the perpetrator	Operational	0
Failure to assist a complainant to open a case	Operational	0
Failure to serve a protection Order	Operational	1
Failed to submit pocket book entry and endorse case number	Administrative	0
Failure to confiscate a fire arm of a perpetrator	Operational	1
Failure to do 1 st level inspection	Administrative	0
Failure to render a satisfactory service to the victim	Operational	0
Total number of complaints received		51

Administrative non-compliance continues to be the most reported type of non-compliance within SAPS with 49 reported non-compliance incidents. The administrative non-compliance incidents involve 48 cases of failure to complete SAPS

508a and 508b and one (1) case of failure to record DV incidents in the OB or Pocket Book.

Failure to fully comply with the administrative obligations like proper recording and filing, 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 a court of law should the need arise.

In addition to administrative non-compliance, operational non-compliance (when a complaint from the public is received due to failure by a member to provide the required service as prescribed by both the DVA and the National Instructions), should also be captured in the consolidated report by SAPS. During the period under review, SAPS recorded two (2) incidents of operational non-compliance, where one (1) incident fell under the category of failure to serve a protection order and the other one (1) was an incident where a member failed to confiscate a firearm.

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 Secretariat through the Provincial Commissioner's Office.

Table 4: Departmental steps taken and outcomes

Categories	Number of actions taken
DS1: Remedial Steps (after initial interview – Not serious)	20
DS2: Verbal warning (after initial interview)- Not serious	6
DS3 Written warning (Not serious)	3
DS3A Final Written warning	1
DS4A: Departmental Investigation (Serious) : still under investigation	21
DS4B: Departmental Investigation (serious): guilty (state sentence)	0
DS4C Departmental investigation (serious): not guilty	0
Application for exemption	0
Exemption granted: Failure to complete SAPS 508(a) and 508(b)	0
Total number of complaints received	51

Table 4 above shows the departmental steps taken by Station Commanders to address the above mentioned non-compliances. Out of the 51 non-compliances recorded, there were 51 members involved, which indicates that there are no members who committed more than one offence. Disciplinary proceedings were initiated for all the 51 members and there were no applications for exemption submitted. There were 21 members that were subjected to DS4 A, which is a serious misconduct that requires departmental investigation. The outcome of these investigations are still pending. The remaining 30 incidents were considered non-serious and steps taken range from remedial steps (DS1) with twenty 20, verbal warning (DS2) with six (6), and written warning (DS3) with three (3), and one (1) final written warning.

Despite DVA implementation challenges, the SAPS is however effective in dealing and management of disciplinary proceedings on members that are failing to comply with the DVA and National Instructions during this review period. Similarly, in the previous reporting period, SAPS received 70 non-compliance complaints and on all the complaints received, disciplinary steps were initiated. This is a positive step and an indication that the SAPS management takes non-compliance seriously. Previously, disciplinary steps would not be taken in all reported complaints and applications for exemption not received on complaints without disciplinary action.

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

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

5.1.1. Regulatory compliance levels

Regulatory compliance assesses the police station's level of compliance as set out in the DVA National Instruction. These include the following:

- a) Checking whether inspections are conducted and frequency therefore
- b) Checking the availability of documents in the Community Service Centre (CSC)
- c) Checking record keeping with specific focus on the maintenance of registers and proper filling of documents (DV forms and protection orders)
- d) Checking accessibility and functionality of VFR or designated facility.

Regulatory compliance is then distributed in the following four (4) levels:

Figure 3: Compliance level

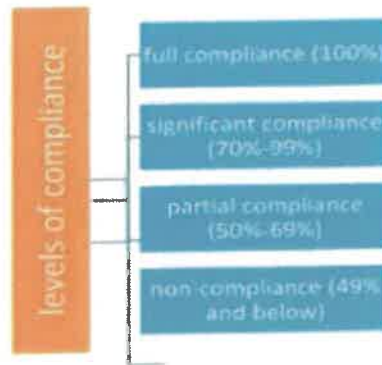


Table 5 : Break down of compliance levels

Province	No. of stations visited	Non Compliance	Partial Compliance	Significant Compliance	Full Compliance
Eastern Cape	7	0	7	0	0
Free State	48	2	16	30	0
Gauteng	274	5	126	142	0
KwaZulu-Natal	33	5	18	10	0
Limpopo	48	21	21	6	0
Mpumalanga	5	2	2	1	0
Northern Cape	5	1	3	1	0
North West	15	1	13	1	0
Western Cape	20	0	17	3	0
Grand Total	455	37	223	194	0

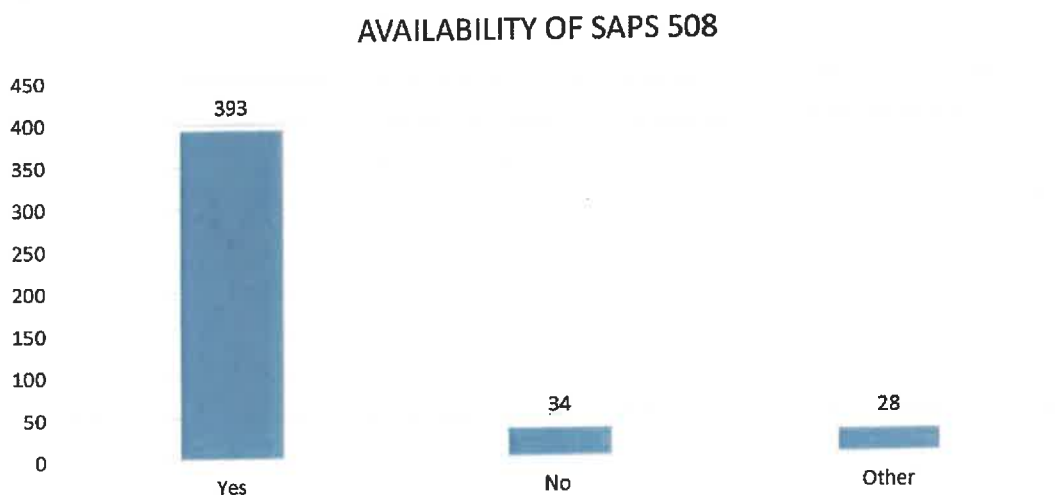
Table 5 above depicts a picture of provincial compliance with the DVA where only one (1) police station in GP was found to be fully compliant. The observation is that there is no improvement in this area as none of the police stations were fully complying in the previous report. The majority (223) of police stations achieved partial compliance, followed by 194 police stations with significant compliance level, lastly, 37 police stations were under non-compliance category. The 37 police stations that achieved non-compliance status are located in all other provinces except EC and WC. These are police stations that are not well conversant with the administrative provisions of the DVA National Instructions.

6 Record keeping of non-compliance information

In accordance with paragraph 17(4)(5) of the National Instruction on Domestic Violence 07/1999 (National Instruction), the Station Commander is obliged to keep SAPS 508 forms to record 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.

As depicted in figure 4 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 4: Availability of SAPS 508



As reflected above, the SAPS 508 form was found in 393 (86%) of the police stations and 28 (6%) police stations use other document(s) to list members who failed to comply with DVA. The 508 form was found in majority of the police stations, which is a step in positive direction. This is an indication of improvement in the management of non-compliance by Station Commanders.

6.1 Non-compliance by members through oversight visits

Table 6 : Non-compliance by members

Province	Police station	Number of members	Nature of compliance	Non-508B	Disciplinary steps taken	Outcomes
Gauteng	Mamelodi East	2	Administrative (Incomplete register)		Yes	Corrective counselling
			Administrative (Failure to complete form 5089a)		Yes	Corrective counselling
	Meyerton	4	Administrative Failed to complete 508(a) and (b)		Yes	Pending
			Administrative (ailed to complete 508(a) and (b)		Yes	Pending
			Administrative Failed to complete 508(a) and (b)		Yes	Pending
			Administrative (Failed to complete 508(a) and (b)		Yes	Pending
	Edenvale	1	Administrative (Member failed to fully complete SAPS 508(b), no brief description on the SAPS 508(a) and it is not signed)		No	
KwaZulu - Natal	Phoenix	1	Operational (Failure to seize a firearm the resulted in death of the victim)		Yes	The member was suspended without pay

Table 6 above, depicts a total of eight (8) non-compliance incidents during this reporting period. Out of the eighty (8), seven (7) were administrative non-compliances and one (1) was an operational non-compliance. Likewise, SAPS report also indicated a high number of administrative non-compliances. Administrative non-compliances were recorded by four (4) police stations as follows: Mamelodi East (GP) with two (2) incidents, Meyerton (GP) with four (4) incidents and Edenvale (GP) with one (1). The Operational non-compliance incident was recorded by one (1) police station, namely, phoenix (KZN). Disciplinary proceedings were initiated in seven (7) of the eight (8) reported incidents and all the cases have been finalised.

All the non-compliance incidents recorded above, were found from the police station records, however they were never referred to the CSPS for recommendations on disciplinary processes to be initiated nor were there any applications for exemption received. This is in contradiction with section 18(4)(b) 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 incidents of operational non-compliance through complaints lodged at the department, however these have been very few. Only one (1) case of operational non-compliance was reported to the CSPA during the period under review. This is a case that occurred in Phoenix Police station in KZN, where a member failed to seize a firearm that was later used to murder the victim. The CSPA recommended disciplinary actions against the member and the member was suspended without pay.

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"*⁴. 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.

The operational non-compliance complaints indicate levels of dissatisfaction by community members. This therefore puts responsibility on the CSPA to continue to make communities aware of available options for reporting domestic violence non-compliance complaints against the police and further hold SAPS accountable for poor service.

7 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 law⁵. Despite having this responsibility to serve and protect, some SAPS members are found to be perpetrators of domestic

⁴ SAPS Discipline Regulations, 2016

⁵ Constitution of the Republic of South Africa: Section 205 (3)

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 of the report will analyse information received through the SAPS records and the second part will present findings from police station oversight visits. It should be noted that figures reported by the SAPS provides a national picture whereas those obtained through police stations visits are limited to the 455 police stations visited, therefore a comparison cannot be made.

7.1 Members as offenders of domestic violence according to SAPS records

Table 7 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 7: Number of members who are alleged DV offenders according to SAPS records

Province	No of DV perpetrators	Number of firearm seized
Eastern Cape	9	5
Free State	23	12
Gauteng	49	25
KwaZulu -Natal	7	5
Limpopo	10	7
Mpumalanga	4	4
Northern Cape	4	3
North West	3	2
Western Cape	77	21
Total	186	85

There was a total of 186 members that were reported to be offenders of domestic violence with the highest number of reported members in WC (77), followed by GP (49), FS with (23), LP with (10), EC with nine (9), and KZN with seven (7) members. Provinces that reported the least members are NW with three (3) members, NC and MP with four (4) members each. The records do not indicate whether disciplinary proceedings were initiated in line with the SAPS Disciplinary Regulations.

Furthermore, in dealing with members that are perpetrators of DV; the Firearms Control Act (FCA) 60 of 2000 requires a Section 102 inquiry to be held to determine the fitness of a domestic violence offender to carry a firearm. It is not clear whether the Section 102 enquiry has been conducted on the 186 cases of SAPS members that

carry firearms while carrying out their duties. Table 7 above also illustrates a total number of 85 official firearms that were seized from 186 members who are offenders. The remaining 101 firearms that were not seized, are members who were not issued with official firearms. It is the view of the CSPS that in order to ensure that the members are fit to carry a firearm, these members should not be allowed to book firearms pending the outcome of the section 102.

7.2 Members as offenders of domestic violence according to station visits

Table 8 below reflects the number of members that were reported to have been offenders of domestic violence in the sampled stations.

Table 8: Number of members who are alleged DV offenders

Province	Police station	No. of offenders	Seizure of firearm(s)		S102 Inquiry conducted		Outcome of S102 Inquiry	
			Yes	No	Yes	No	Pending	Finalised
Free State	Seloshesha	2	1	1	1	0	1	0
	Botshabelo	1	0	1	0	0	0	0
	Bulfontein	2	1	1	1	0	0	1
	Bothaville	3	0	3	0	0	0	0
KwaZulu-Natal	Southport	1	1	0	1	0	1	0
Gauteng	Zonkizizwe	1	1	0	1	0	0	1
	Olifantsfontein	1	0	1	0	1	0	0
	Krugersdorp	1	0	1	0	1	0	0
	Primrose	1	1	1	1	0	1	0
	Sebenza	1	0	0	0	0	0	0
	Daveyton	1	1	0	0	0	0	0
	Tembisa	2	1	1	1	1	1	0
Limpopo	Westernburg	1	0	0	0	0	0	0
	Letsitele	2	2	0	2	0	2	0
North West	Klerksdorp	1	0	0	0	0	0	0
Total	15	21	9	10	8	3	6	2

There were 21 members who were reported to be offenders of domestic violence and these members were based in 15 police stations. GP and FS had the highest number of reported members with eight (8) members respectively from four (4) police stations in FS and in seven (7) police station in GP.

Of the 21 members reported, nine (9) firearms were seized and eight (8) Sec 102 inquiries were held for, and outcome of the six (6) are still pending while the other two (2) were finalised. Reasons given for not conducting Section 102 enquiry on seized

firearms ranged from members who brought the firearm for safekeeping prior to the reporting to members not having personal firearms or state firearms issued to them. However, considering that these members might have access to firearms, it would still be important to conduct an inquiry into their fitness to hold a firearm. According to the FCA, a person against whom 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.

8 MEMBERS AS VICTIMS OF DOMESTIC VIOLENCE ACCORDING TO STATION VISITS

Domestic violence is a problem which does not affect the underprivileged, poor and unemployed only, but cuts across race 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 domestic violence based on SAPS records and afterwards will provide information as found during oversight visits. It should be noted that figures reported by the SAPS provides a national picture whereas those obtained through police stations visits are limited to the 460 police stations visited, therefore a comparison cannot be made

8.1 Members as victims of domestic violence according to SAPS records.

During the reporting period, SAPS indicated that 73 members were reported to be victims of domestic violence nationally as reflected in Figure 5 below.

Figure 5: Members as victims of domestic violence (based on data reported by SAPS)

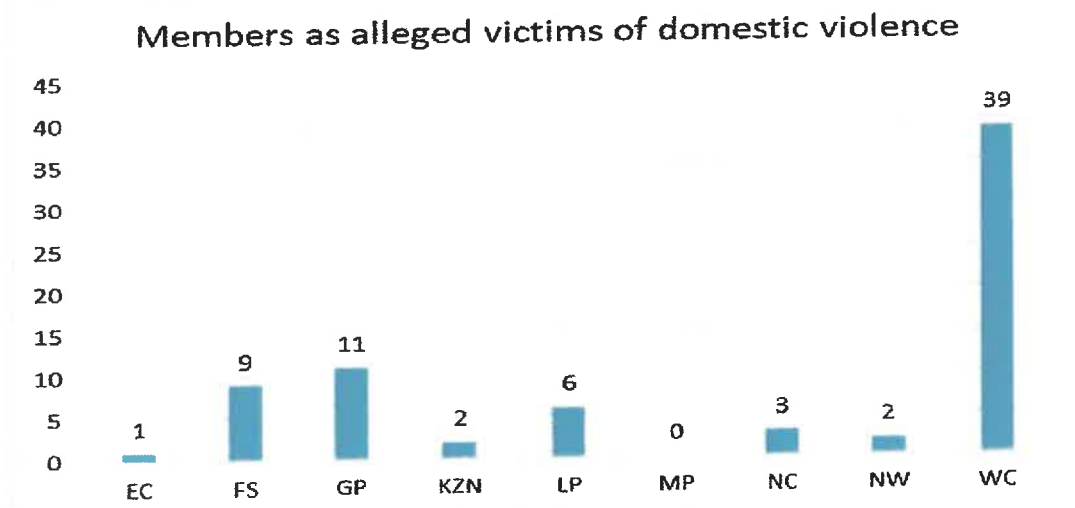


Figure 5 indicates that the province with the most members identified as victims of domestic violence is WC with 39 followed by GP with 11 members. The least number of members were reported in EC and NC with 2 members each. This is an indication that there is a need to increase the provision of psychosocial support within SAPS as the police are not immune to societal problems. Members who are perpetrators of domestic violence can be more detrimental as compared to civilians if they are left unassisted psychologically.

8.2 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.

Table9: Number of members who are victims of DV according to station visits

Name of province	Police station	Number of members	Gender of the member (F-Female & M-Male)
Free State	Thaba- Nchu	1	M
	Selosesha	1	F
	Wepener	1	M
	Memel	1	F
	Bothaville	2	M=1; F=1
	Meloding	1	F
Gauteng	Daveyton	3	M=2; F=1
	Etwatwa	1	F
	Carletonville	1	M
	Orange Farms	1	F
	Tembisa	1	M
Limpopo	Matlala	1	M
	Letsitele	2	F=1; M=1
Total	13	17	M=9; F=7

There were 17 members who were reported to have been victims of domestic violence between October 2022 and March 2023. When the data is disaggregated by gender, nine (9) were male members and the others were females seven (7). The most incidents were recorded in GP and FS with seven (7) incidents respectively. All the members have been referred for EHWP services in order to provide them with psychosocial support.

9 DVA IMPLEMENTATION AND COMPLIANCE

This section assesses the police station's compliance to obligations as set out in the National Instructions and other relevant SAPS policies (Regulatory compliance). A number of recommendations were made in the Police Station Census report in order to improve compliance by police stations and the findings in this section 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.

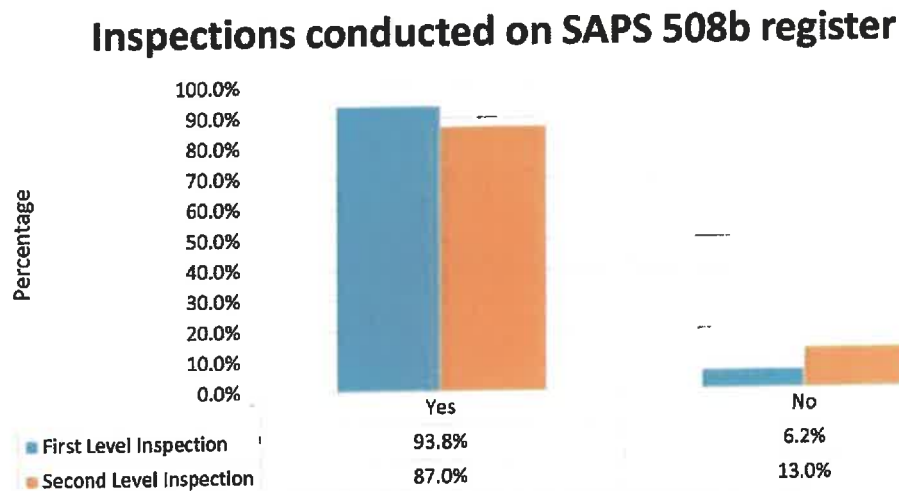
9.1 Inspections

The SAPS policies obligate police station management to regularly conduct two (2) 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 in line with NI 13/2016.

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, 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".

The figure 6 below shows the level of inspection of registers at the visited police stations

Figure 6: Inspection conducted on SAPS 508b register



In order to ensure that members at the CSC are adhering to their obligations and are provided with proper guidance, both first and second 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 so that the mistakes are not repeated.

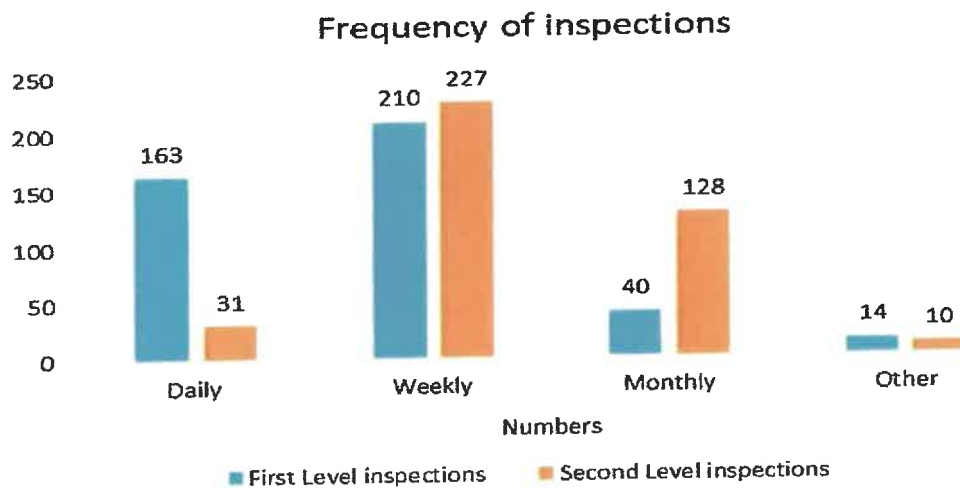
The figure above reflects that both first level and second level inspections are regularly conducted at the majority of police stations (93.7%), and (96.3%) respectively.

Despite consistency in inspections, it still appears that it is only a matter of compliance rather than using inspections as a corrective and management tool. 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. There is a general observation of poor guidance and supervision in most police stations which defeats the purpose of regular inspections and also leaves junior members exposed to administrative non-compliance.

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 stations reflected as not conducting inspections. This therefore implies that in these identified police stations, inspections were conducted on an ad hoc basis. Figure 6 below, shows the consistency of inspections in line with the prescripts.

Figure 7: Frequency of inspections



The DVA registers and files are mostly inspected by Relief and/or CSC Commanders on weekly basis, as reflected above with 210 police stations conducting weekly first level inspections. The second level inspection as conducted by Station Commanders or delegated Officers are to be done on monthly basis, however Station Commanders at majority of police stations (227) conduct weekly inspections. This is commendable as it is mandatory in terms of SO (G) 252, 256, 301 to conduct daily (Relief Commander) and weekly (CSC Commander) first level inspections and NI 2/2015 and N1 13/2016 prescribes that second level inspection should be done monthly.

9.2 Availability of private Interviewing space

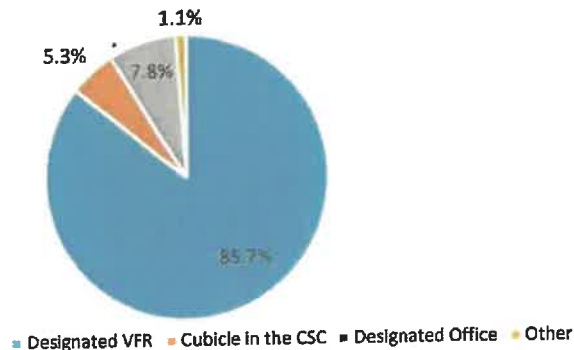
The Victim Empowerment National Instruction stipulates that every police station must have a Victim Friendly Room (VFR) to interview victims of crime in privacy. Should a police station not have a VFR, arrangements should be made to interview the victim in private by using the interview cubicles or an available office⁶. This is part of the SAPS strategy to ensure provision of a victim friendly service to all victims of gender

⁶ Section 8 (2&3) – Victim Empowerment National Instruction, No 2 of 2012

based violence. The figure below shows the availability of private interviewing space in the 455 police stations visited.

Figure 8: Private interviewing space for DV victims

Private interviewing space for DV victims



Majority of the police stations reported to have a private interviewing space, of which 85.7% reported to have a designated VFR, while 7.8% were using an office which is specifically designated for private interviewing when there is a need, 5.3% were utilising the cubicles at the CSC and 1.1% of the police stations use other forms of private interviewing space. That is the 1.1% would make means to ensure privacy when there is a need including utilising the station commander's office or the police station boardroom.

9.3 Availability of female members

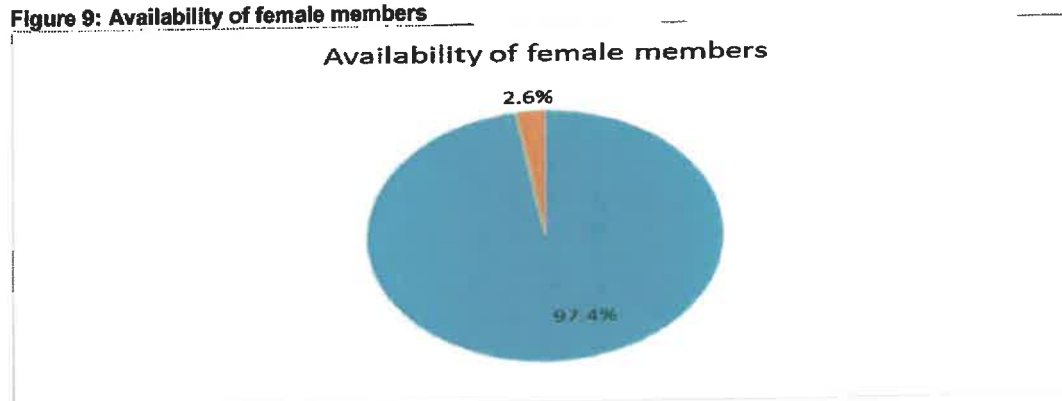
In an effort to enhance SAPS response to GBV related crimes, the Minister of Police developed a 6-point plan as a blueprint for police response. One of the 6 points entails ensuring that there is a female member posted in each shift to be able to assist victims who prefer to be assisted by a female person. This view is supported by a number of research studies which showed that a number of victims of GBV prefer to be served by a female as this is likely to reduce the risk of secondary traumatisation⁷.

The availability of female members in each shift, therefore provides the complainant with an opportunity to choose an official they would feel more comfortable with. Figure

⁷ Health Care Women Int. 2018.

8 below shows the availability of female members in each shift at the visited police stations.

Figure 9: Availability of female members



The findings indicate that in 443 (97,4%) of the police stations visited there were female police members deployed in all shifts while in 12 (2,6%) 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.

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 GBV related crimes and shows compliance to the Ministerial 6-point plan that urges all police stations to have a female member deployed in all the shifts.

10 SUPPORT SERVICES

The DVA places obligations in a number of government departments within the Justice, Crime Prevention and Security (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 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 10: Access to support services

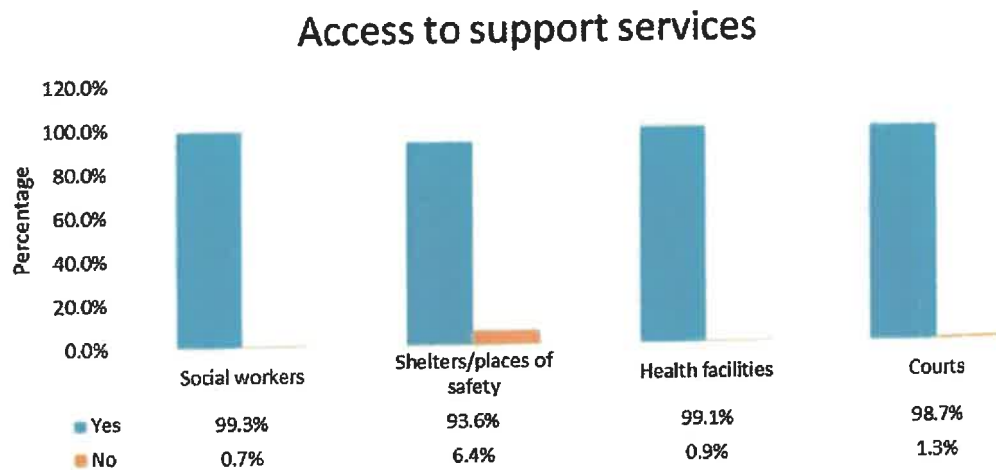


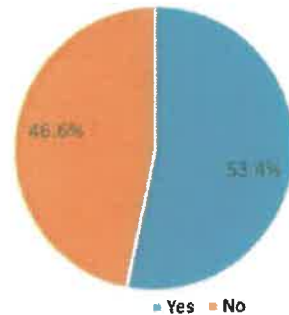
Figure 10 above indicates that majority of police stations visited have access to the basic support services required to assist the police in effectively implementing the DVA. Police stations that do not have adequate access to services are mainly those that are in rural areas and are less resourced as compared to those in urban areas.

The support services that appears to be mainly lacking is access to shelters or place of safety for victims of DV whereby 29 (6%) of the police stations indicated not to have access to this service. This requires the strengthening of the multi-disciplinary and referral service that are in place as most of the victims of domestic violence share a home with the perpetrator and becomes difficult to go back to the same space upon reporting a case or an incident.

Figure 11 below, shows police station's access to sign language and foreign language interpretation services.

Figure 11: Access to sign language interpreters

Access to sign language interpreters



As depicted in the figure above, 53,4% of police stations visited had access to sign language interpretation services. There were 309 police stations that had access to interpretation of languages other than the local languages predominant in the policing precinct. Police stations mainly use relatives of complainants or local foreign nationals' forums for translation, however in some areas these services are accessible through the local courts. Sign language interpretation also needs to be enhanced as people who use sign language also fall prey to GBV incidents. The police need to be able to respond effectively and support all victims of crime within their policing precincts.

11 CONCLUSION

It is notable that SAPS is making positive strides in managing non-compliance, this is evident by instituting disciplinary actions against all the members who failed to comply with DVA. Withdrawal of cases continues to pose a challenge in successfully dealing with the cases of domestic violence. Of more concern, is the increasing number of cases closed as undetected while perpetrators are always known to victims.

In spite of the positive strides, it is evident that there are still gaps in the implementation of DVA at police station level. This is shown by the high number of administrative non-compliances. Having perpetrators of domestic violence within SAPS suggest that

psychosocial support within SAPS should be strengthened in order curb the perpetration of domestic violence.

The SAPS management is complying with FCA as all firearms of members involved were seized. However, it is not clear whether the Sec 102 inquiries were conducted for members whose firearms were seized. There are members who are not issued with firearms on their personal inventory (SAPS 108), however, they are allowed to book a firearm when conducting operations irrespective of domestic violence incidents reported against them.

It is evident in this report that some commanders within police stations are not fully conversant with the contents of the DVA hence in some instances inspections are conducted yet mistakes are not identified for corrections. This further calls for refresher training to be provided for commanders.

12 RECOMMENDATIONS

Based on the above mentioned findings, the following are recommended for implementation

- 12.1 Access to sign language interpretation services at the police stations should be enhanced.
- 12.2 SAPS should conduct an audit on cases closed as undetected and unfounded in order to determine whether there are sufficient reasons to close the cases. Furthermore, a suitable category should be added for cases where suspects are untraceable instead of closing them as undetected.
- 12.3 Local multi-sectoral engagements, forums and relations should be strengthened to improve referral systems and response.
- 12.4 The SAPS should put in place stringent measures on access to firearms for members whose firearms have been seized for being offenders of domestic violence.
- 12.5 Section 102 inquiries should be conducted for all members whose firearms have been seized in line with the FCA.

- 12.6 SAPS should engage in multi stakeholder awareness campaigns including education on the repercussions of false reporting as state resources are wasted in these cases.
- 12.7 A refresher training course on DVA should be provided to Station Commanders in order to strengthen compliance and supervision.