

DVA MONITORING REPORT

Report on the status of DVA implementation and compliance by the SAPS from
October 2014 – March 2015.

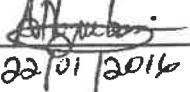


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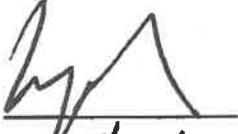
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Abbreviations and Acronyms

1. **CSP** - Civilian Secretariat for Police Service
2. **CSP ACT**- *Civilian Secretariat for Police Service Act, 02 /2011*
3. **CSO** – *Civil Society Organisations*
4. **DVA** - *Domestic Violence Act 116 /1998*
5. **DVA Audit Tool**- *Instrument used by the Secretariats for monitoring DVA compliance by SAPS*
6. **EHW** – *Employee Health and Wellness*
7. **PROVINCIAL SECRETARIAT** - *Secretariat established in terms of Section 16 of the CSP Act*
8. **SAPS** - *South African Police Service*
9. **SAPS 508** - *A form used to register DVA non-compliance complaints against members*
10. **SAPS 508 a** - *A form used to record all incidents of domestic violence and responses by the members*
11. **SAPS 508 b** - *Domestic violence register*
12. **SOP** - *Standard Operating Procedure*
13. **VFR** – *Victim Friendly Room*

1. INTRODUCTION

The Domestic Violence Act, No116 of 1998 (DVA) places a number of obligations on members South African Police Service (SAPS) with regard to providing service to the victims who report incidents of domestic violence. Furthermore, the SAPS developed a set of instructions intended to provide clear direction to members on how to respond to complainants of domestic violence whilst at the same time ensuring compliance with the DVA.

Despite having the legislation and the national instruction to give guidance, there are still challenges in how police respond to domestic violence; hence there is no significant improvement in compliance levels. Various studies have showed that the inaction of the police in handling domestic violence cases is influenced by the traditional view on domestic violence. The unwillingness of the police to take action is affected by private attitudes and sex role stereotypes (Browne, 1995; Dobash & Dobash, 1980; Edwards, 1987; Whetstone, 2001). As a result of treating domestic violence as a private family matter, the police are likely to take a passive approach to such cases, as shown by the great reluctance to record domestic violence as a crime (Edwards, 1986). Stokoe's study (2010) discovered that denials of violence toward women are prevalent within police interrogations. Police are often apathetic to the victims and address their problems inadequately (Dobash & Dobash, 1992), thus discouraging arrest and promoting counselling (Martin, 1997). Adopting a "mediation" approach to law enforcement aims to preserve the "family as a unit" (Burton, 2008)¹.

The report will cover implementation of the DVA by the SAPS from period 01 October 2014 until 30 March 2015. The following areas, in relation to the police stations visited during this period; will be looked at:

- Compliance level with regard to adherence to regulatory prescripts
- Availability and accessibility of victim friendly service
- Non- compliance by SAPS members
- Incidents of domestic violence reported against members
- Training and

¹ Lai-ching Leung; *J Interpers Violence* published online 31 October 2013: It's a Matter of Trust: Policing Domestic Violence in Hong Kong

- Recommendations that will contribute to improving compliance levels

2. METHODOLOGY

During this period a total of 187 police stations were visited throughout the country. It should be noted that the number of stations visited by each Province still varies considerable. The Civilian Secretariat for Police (CSP) is currently developing a sampling methodology that will ensure that all provinces are able to cover a reasonable amount of police stations per province. The main reason indicated by Provinces who have not been able to fully cover all police stations in their provinces within the past three years was lack of capacity. The lack of capacity is mainly due to that the DVA monitoring came as an additional mandate to Provinces and it was not costed before implementation. In developing the methodology, the issue of capacity will be taken into consideration.

The following 187 police stations were visited:

Province	Stations	No. of Stations	Compliance level
Eastern Cape	Willowmore		76.4%
Eastern Cape	TSOLO		94.4%
Eastern Cape	Ntabankulu		81.9%
Eastern Cape	Afsondering		81.9%
Eastern Cape	Keiskamahoek		72.2%
Eastern Cape	Kwanobuhle		98.6%
Eastern Cape	Dordrecht		36.1%
Eastern Cape	Matatiele		72.2%
Eastern Cape	Maluti		77.8%
Eastern Cape	Port Alfred		88.9%
Eastern Cape	Fleet Street	20	97.2%
Eastern Cape	Mzamba		83.3%
Eastern Cape	Tsomo		69.4%
Eastern Cape	Dimbaza		62.5%
Eastern Cape	Mt fletcher		72.2%
Eastern Cape	Jeffreys Bay		56.9%
Eastern Cape	Paterson		69.4%
Eastern Cape	Bridge Camp		22.2%
Eastern Cape	Mpisi		77.8%
Eastern Cape	Mtontsasa		80.6%
Eastern Cape		Average compliance level 73.6%	
Free State	Memel	25	66.7%

Province	Stations	No. of Stations	Compliance level
Free State	Paul Roux		61.1%
Free State	Bethlehem		87.5%
Free State	Petrus Steyn		79.2%
Free State	Deneysville		54.2%
Free State	Oranjeville		62.5%
Free State	Zamdela		84.7%
Free State	Edenburg		48.6%
Free State	Gariepdam		69.4%
Free State	Dealesville		90.3%
Free State	Henneman		86.1%
Free State	Allanridge		84.7%
Free State	Namahadi		79.2%
Free State	Kestell		59.7%
Free State	Harrismith		88.9%
Free State	Selosesha		58.3%
Free State	Bethulie		84.7%
Free State	Wesselsbron		54.2%
Free State	Philippolis		77.8%
Free State	Bothaville		70.8%
Free State	Rouxville		62.5%
Free State	Steynsrus		44.4%
Free State	Koppies		63.9%
Free State	Smithfield		52.8%
Free State	Hobhouse		75.0%
Free State		Average compliance level 69.9%	
Gauteng	Khutsong	42	94.4%
Gauteng	Bekkersdal		88.9%
Gauteng	Carletonville		87.5%
Gauteng	Fochville		81.9%
Gauteng	Wedela		90.3%
Gauteng	Westonaria		86.1%
Gauteng	Moroka		83.3%
Gauteng	Dobsonville		77.8%
Gauteng	Jabulani		76.4%
Gauteng	Lenasia		90.3%
Gauteng	Lenasia South		77.8%
Gauteng	Naledi		88.9%
Gauteng	Protea Glen		90.3%
Gauteng	Alexandra		76.4%
Gauteng	Bramley		93.1%
Gauteng	Midrand		93.1%
Gauteng	Sandton		93.1%
Gauteng	Sandringham		90.3%

Province	Stations	No. of Stations	Compliance level
Gauteng	Bronkhorstspruit		88.9%
Gauteng	Boschkop		81.9%
Gauteng	Cullinan		83.3%
Gauteng	Ekangala		90.3%
Gauteng	Welbekend		94.4%
Gauteng	Mamelodi		83.3%
Gauteng	Eersterust		84.7%
Gauteng	Kameeldrift		81.9%
Gauteng	Mamelodi East		86.1%
Gauteng	Silverton		93.1%
Gauteng	Sinoville		90.3%
Gauteng	Ga-Rankuwa		79.2%
Gauteng	Akasia		86.1%
Gauteng	Mabopane		81.9%
Gauteng	Pretoria North		68.1%
Gauteng	Soshanguve		79.2%
Gauteng	Hillbrow		94.4%
Gauteng	Cleveland		91.7%
Gauteng	Jeppe		93.1%
Gauteng	Linden		81.9%
Gauteng	Norwood		90.3%
Gauteng	Parkview		88.9%
Gauteng	Rosebank		81.9%
Gauteng	Yeoville		65.3%
Gauteng		Average compliance level 85.7%	
KwaZulu-Natal	Mbawana		37.5%
Kwazulu-Natal	Ezibayeni		26.4%
KwaZulu-Natal	Phoenix		62.5%
KwaZulu-Natal	Glencoe		90.3%
KwaZulu-Natal	Umzimkhulu		86.1%
KwaZulu-Natal	Greytown		86.1%
KwaZulu-Natal	Mtunzini		76.4%
KwaZulu-Natal	Pinetown		50.0%
KwaZulu-Natal	Harding		63.9%
KwaZulu-Natal	Bergville		31.9%
KwaZulu-Natal	Ezinqoleni		70.8%
KwaZulu-Natal	Alexandra		72.2%
KwaZulu-Natal	WEMBEZI		84.7%
KwaZulu-Natal	Jozini		55.6%
KwaZulu-Natal	Gowanlea		47.2%
KwaZulu-Natal	Dundee		97.2%
KwaZulu-Natal	Evatt		31.9%
KwaZulu-Natal	KINGSLEY		98.6%

Province	Stations	No. of Stations	Compliance level
KwaZulu-Natal	Newark		63.9%
	KwaZulu-Natal		Average compliance level 64.9%
Limpopo	Marble Hall		73.6%
Limpopo	Mecklenburg		62.5%
Limpopo	Sebayeng		47.2%
Limpopo	Lebowakgomo		61.1%
Limpopo	Waterpoort		43.1%
Limpopo	Makuya		84.7%
Limpopo	Phalaborwa		94.4%
Limpopo	Maake		58.3%
Limpopo	Bulgerivier		52.8%
Limpopo	Masemola		52.8%
Limpopo	Elanskraal		36.1%
Limpopo	Mogwadi		66.7%
Limpopo	Polokwane		73.6%
Limpopo	Thohoyandou		45.8%
Limpopo	Musina		88.9%
Limpopo	Giyani		72.2%
Limpopo	Malamulele		70.8%
Limpopo	Cumberland		48.6%
Limpopo	Mokopane		70.8%
	Limpopo		Average compliance level 63.4%
Mpumalanga	Hazyview		77.8%
Mpumalanga	Elukwatinini		66.7%
Mpumalanga	Kaapmeulden		61.1%
Mpumalanga	masoyi		55.6%
Mpumalanga	Matsulu		69.4%
Mpumalanga	Schoemansdal		75.0%
Mpumalanga	Secunda		48.6%
Mpumalanga	Standerton		70.8%
Mpumalanga	Embalenhle		38.9%
Mpumalanga	Balfour		54.2%
Mpumalanga	Kriel		70.8%
Mpumalanga	Kwamhlanga		68.1%
Mpumalanga	Siyabuswa		84.7%
Mpumalanga	Piet Retief		76.4%
Mpumalanga	Amsterdam		70.8%
Mpumalanga	Mhluzi		81.9%
Mpumalanga	Middleburg		56.9%
Mpumalanga	Acornhoek		86.1%
Mpumalanga	Bushbuckridge		84.7%
Mpumalanga	Ermelo		54.2%
Mpumalanga	Skukuza		61.1%

Province	Stations	No. of Stations	Compliance level
Mpumalanga	Kanyamazane		72.2%
Mpumalanga	whiteriver		70.8%
Mpumalanga	kabokweni		59.7%
Mpumalanga	Ngodwana		70.8%
Mpumalanga	Nelspruit		88.9%
Mpumalanga		Average compliance level 68.3%	
Northern Cape	CALVINIA	2	83.3%
Northern Cape	HANOVER		43.1%
Northern Cape		Average compliance level 63.2%	
North West	Lehurutshe	18	72.2%
North West	Mothutlong		51.4%
North West	Wolmaranstad		90.3%
North West	Mmabatho		69.4%
North West	Phokeng		65.3%
North West	Makwasie		90.3%
North West	Ipelegeng		65.3%
North West	Swartruggens		58.3%
North West	Leeudoringstad		95.8%
North West	Ganyesa		75.0%
North West	Tlhabane		79.2%
North West	Potchefstroom		77.8%
North West	Madibogo		76.4%
North West	Marikana		62.5%
North West	Ottosdal		70.8%
North West	Lomanyaneng		88.9%
North West	Amalia		93.1%
North West	Motswedi		90.3%
North West		Average compliance level 76.2%	
Western Cape	Elsies River	16	83.3%
Western Cape	Paarl East		83.3%
Western Cape	Villiersdorp		88.9%
Western Cape	Beaufort West		84.7%
Western Cape	Bonnievale		91.7%
Western Cape	Plettenberg Bay		79.2%
Western Cape	Langa		86.1%
Western Cape	Vredenburg		77.8%
Western Cape	Stellenbosch		80.6%
Western Cape	Parow		94.4%
Western Cape	George		95.8%
Western Cape	Conville		87.5%
Western Cape	Kraaifontein		88.9%
Western Cape	Philadelphia		66.7%
Western Cape	Table View		95.8%

Province	Stations	No. of Stations	Compliance level
Western Cape	Leeu Gamka		79.2%
Western Cape		Average compliance level 85.2%	

Table 1 Police stations visited

3. FINDINGS

3.1. *Regulatory Compliance*

Regulatory compliance looks at how the station is complying with the administrative requirements as provided for in the National Instructions (No 7/1999). These include the following:

- Keeping files at the CSC
- Having a list of services accessible to the precinct
- Recording in the SAPS register, forms and the OB
- Filing of Protection Orders
- Availability of documents in patrol vehicles

During this period there was no police station that received 100% compliance, however it must be noted that majority of the police stations, 83%, fell within the partial compliance level as shown in the table below.

Prov	Average Compliance				Average compliance per province
	No. of Stations	Full Compliance (100%)	Partial Compliance (60-99%)	Non Compliance (0-59%)	
EC	20	0.0%	85.0%	15.0%	63.2%
FS	25	0.0%	72.0%	28.0%	63.4%
GP	42	0.0%	100.0%	0.0%	64.9%
KZN	19	0.0%	63.2%	36.8%	68.3%
LP	19	0.0%	57.9%	42.1%	69.9%
MP	26	0.0%	73.1%	26.9%	73.6%
NW	18	0.0%	88.9%	11.1%	76.2%
NC	2	0.0%	50.0%	50.0%	85.2%
WC	16	0.0%	100.0%	0.0%	85.7%
Grand Total	187	0.0%	81.3%	18.7%	74.3%

Table 2 Compliance level

Proper recording in the DVA register (SAPS 508b) and in the SAPS 508a as well as the maintenance of documents in the CSC is still the main challenge that negatively impacts on compliance level. SAPS national office has issued numerous directives on how DVA files and registers should be kept, but we are seeing very little

improvement on this regard. It remains a question of whether the communication from the National Office is reaching the intended recipients on the ground. The CSP is in the process of exploring this further.

3.2. *Victim Friendly Services*

The Victim Empowerment National Instruction stipulates that every police station must have a VFR to interview *victims* of crime in privacy. Should a police station not have a VFR then they must arrange to interview the *victim* in private, by using the interview cubicles or an available office².

Despite the above clause, there are stations that still do not have a VFR nor adequate access to private interviewing space. In some police stations it was found that victims are interviewed at the CSC in public view which is in breach or not in line with adequate provision of victim support services.

The figure below shows availability and status of VFR within the 187 stations visited.

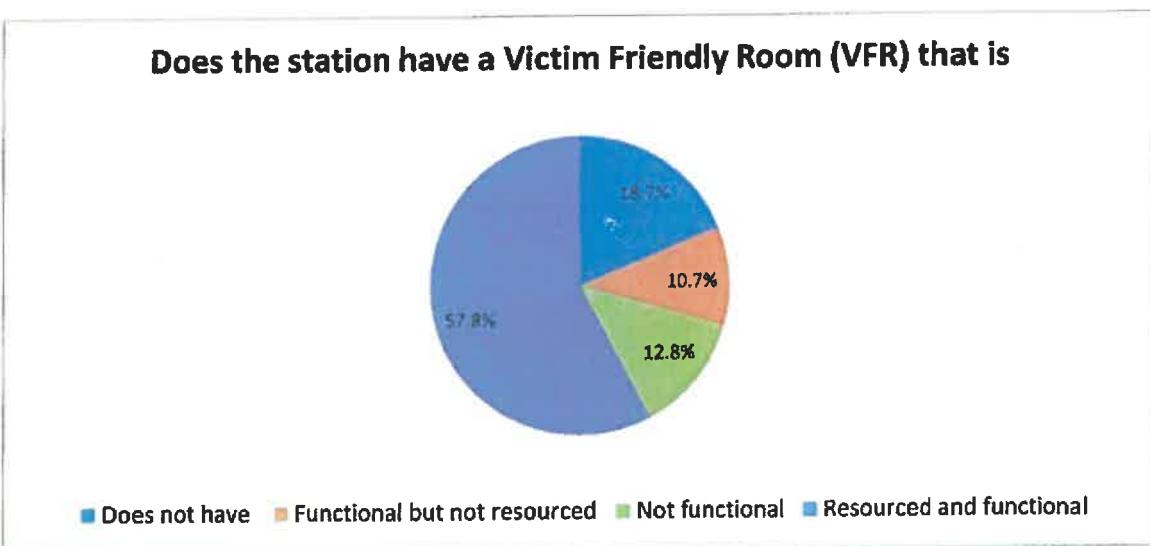


Figure 1 Availability of VFR

Police stations that reported a VFR that is not functional, cited lack of adequate office space as the main reason leading to the VFR being turned into an office.

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

3.3. Non Compliance cases

In terms of the DVA, failure by SAPS members to comply with the duties as outlined in the Act constitute misconduct and the Station Commander is expected to institute disciplinary action against such a member, unless such member has been granted for exemption by the CSP.³ The National Instructions further urges SAPS to submit returns of non-compliance cases received each month and to register such cases on the SAPS 508.

There has been a challenge with regard to reporting of non-compliance by SAPS to the CSP. In order to address the challenge a set of Standard Operating Procedures (SOP) were developed in order to clearly outline the roles and responsibilities of both the CSP and the SAPS after the mandate of monitoring DVA implementation was transferred to the CSP. These SOPs have been recently signed as official guidelines after a lengthy period of waiting. This will then, ensure that CSP is able to hold SAPS accountable when it comes to reporting of non-compliance.

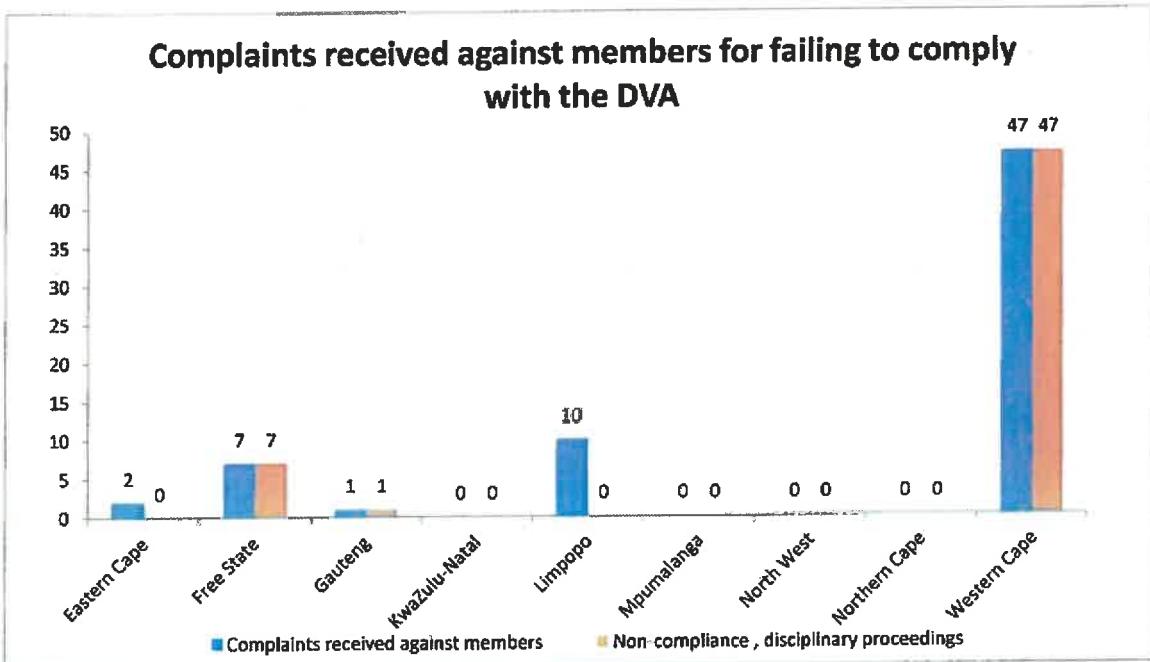


Figure 2 Non compliance

During this reporting period, 67 non-compliance cases were identified in the police stations that were visited. The CSP still cannot provide a national picture as the

³ Section 18 (4) (a) – Domestic Violence Act (116 of 1998)

SAPS is not providing the statistics as yet. It is however envisaged that this will be the last report that does not contain the statistics from all provinces.

3.4. DVA incidents reported against members

Out of the 187 police stations visited, 58 incidents were reported against SAPS members as offenders of domestic violence. These 58 members came from the 7 provinces indicated in the figure below.

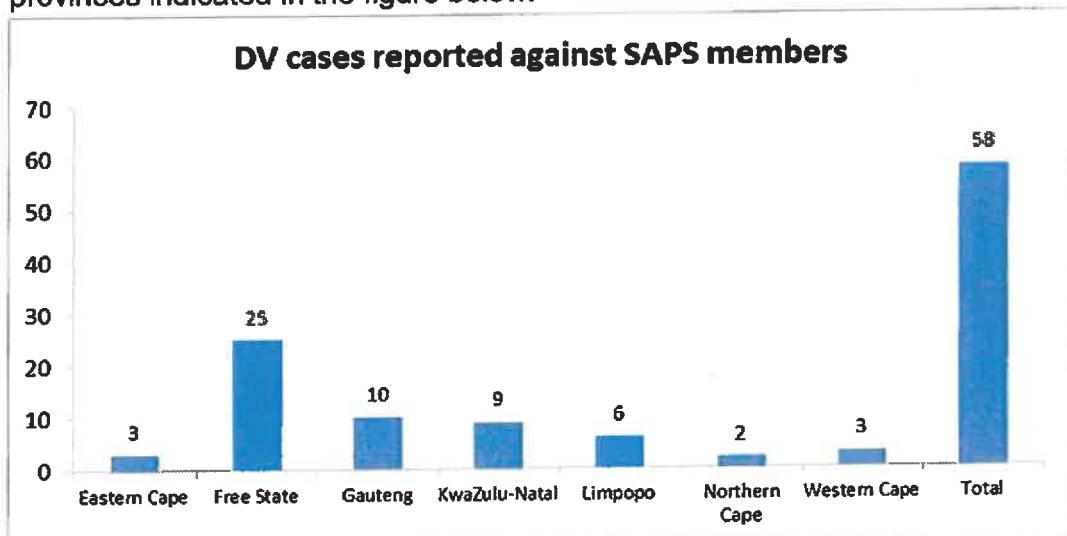


Figure 3 Members as offenders

A victim of domestic violence has an option to open a criminal case against the perpetrator or apply for a protection order to ensure that the perpetrator does not continue with the abuse. If willing, the victim can also do both, i.e. criminal case and a protection order.

Below is a figure detailing the breakdown of actions taken by the complainants against the SAPS members in question. The findings clearly show that the majority of complainants decided to lay criminal charges against the offenders. It however, still remains a concern that, even though a small number, 5 complainants decided to withdraw the cases.

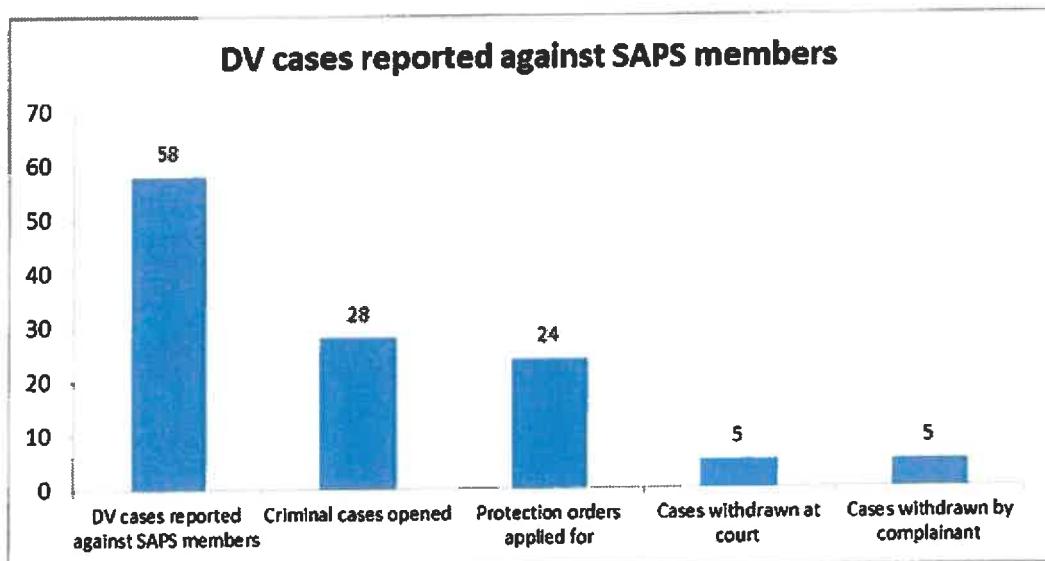


Figure 4 Actions by complainants

In terms of the Firearms Control Act, No 60 of 2000 (FCA) a person who has in the past five years been served with a protection order in terms of the DVA or visited by a police official concerning allegations of violence in the applicant's home, does not qualify to possess a firearm⁴. The findings in the report show that out of the 58 reported incidents, only 26 firearms were seized. The figure below provides a breakdown of the seizures per province, indicating that in Gauteng all of the firearms of the 8 respondents were seized.

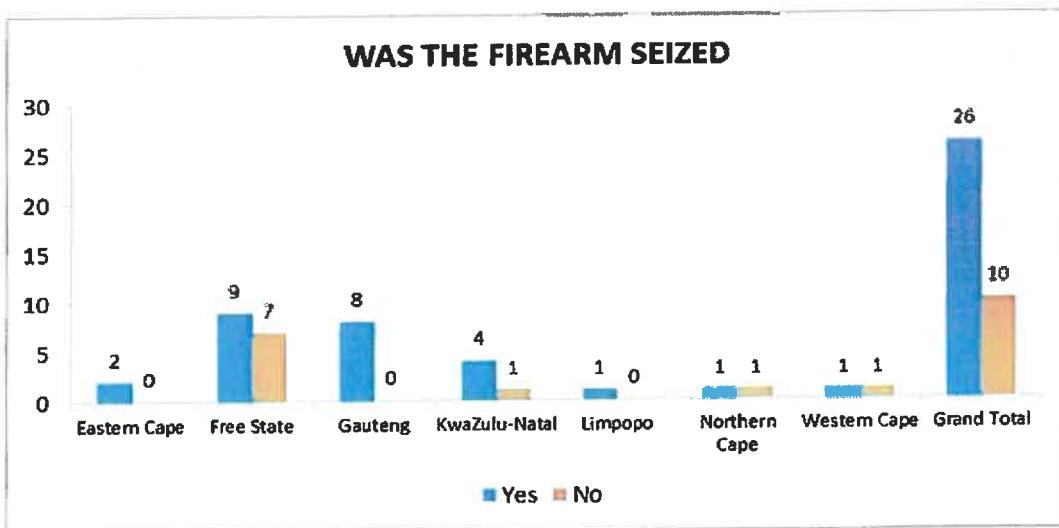


Figure 5 Seizure of firearms

⁴ Regulation 14(1)(a) – FCA regulations. 26 March 2004

In terms of the findings, out of the 26 firearms that were seized, no member was yet declared unfit to possess a firearm as the cases were still in progress. It should also be noted that one of the members (offenders) has since committed suicide which clearly indicates the need for strengthening of Employee Health and Wellness (EHW) services for both members that are perpetrators of domestic violence and those that are victims.

The table below also shows members that have reported to be victims of domestic violence and the assistance provided. 11 members have reported in the 187 police stations visited, however one cannot rule out the possibility of underreporting. This clearly indicated the need for SAPS to prioritise EHW services.

Province	Number of members	What assistance has been provided to these members	Current placement in the station
Eastern Cape	1	Referred to Social worker for Therapeutic sessions	placed in shifts, shift b
Eastern Cape	1	Referred to EHW	CSC
Free State	1	None	CSC
Gauteng	1	EHW	
KwaZulu-Natal	2	Member was referred to Social workers & Chaplain in Port Shepstone	Clerk in HR & Visible policing
Limpopo	1	The member handed in her firearm	Courts
Western Cape	1	EHW	Vispol
Western Cape	2	EHW	Vispol
Western Cape	1	EHW	MIO

Table 3 Members as victims of DV

3.5. Training

Since the DVA training has been included as part of basic training, the number of members that have been trained has increased. The table below shows the status of training in the 187 police stations visited, of which majority have undergone the full DVA training programme which is 5 days.

Training	DVA		
	1 day	2 days	5 days
VISPOL	1176	226	3530
Detective Service	340	46	726
Support Service	75	12	174

Table 4 Training

4. CONCLUSION

The findings in this report show that there is still a lot that needs to be done to improve SAPS compliance with the DVA. There have been initiatives in the past that included critically looking at the legislation to assess whether there are any gaps or challenges that makes it difficult for SAPS to comply. One of the key elements identified was the support by other government departments like Department of Justice and Department of Social Development. The other main issue identified that was the need for change in attitude of the members and this still remains a challenge.

The CSP is engaging in a project that is exploring issues that impact on non-compliance like dissemination of information and handling of non-compliance complaints by station management. The findings of this study will be contained in end of year DVA report.

It is also evident that the SAPS need to strengthen the provision of EHW services for its members. The number of members involved in domestic violence as either offenders or victims should not be taken lightly and there should be sufficient psychological and emotional support for those who have been identified.

5. RECOMMENDATIONS

- 5.1. SAPS needs to conduct continuous information sessions with members at police station level in order to ensure that information reaches all. The station lectures might not be providing sufficient time to address DVA implementation matters, meaning the Station Commanders need to commit specific time slots on quarterly basis for information session
- 5.2. SAPS also needs to establish relationships with local Civil Society Organisations that can assist in capacity building initiatives
- 5.3. Finalisation of the amendment of the National Instructions still remains a challenge. This needs to be prioritised.

5.4. 24 hour access to EHW services should be put in place and be well marketed by the SAPS. It should also be enforced that all members attend the compulsory EHW sessions at least once every six months.