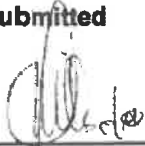


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TABLE OF ACRONYMS

ACRONYM	DESCRIPTION
CAS	Crime Administration System
CSC	Community Service Centre
CSPS	Civilian Secretariat for Police Service
DV	Domestic Violence
DVA	Domestic Violence Act No. 116 of 1998
FCA	Firearms Control Act No. 60 of 2000
NATIONAL INSTRUCTION	DVA National Instruction No 7 of 1999
SAPS	South African Police Service
SAPS 508	A form used to register DVA non-compliance complaints against members
FCS	Family Violence, Child Protection and Sexual Offences Unit
NSP ON GBVF	National Strategic Plan on Gender Based Violence and Femicide
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. INTRODUCTORY BACKGROUND

Gender Based Violence (GBV) is recognised both within South Africa and internationally as a profound violation of women's human rights and a major barrier to social and economic development. Studies conducted in South Africa indicate the ever increasing levels of domestic violence in the country. A 1998 study conducted by the South African Medical Research Council released indicated that out of the 1,394 men interviewed, 50% of them physically abused their female partners at their homes¹. A study by Gender Links and the Medical Research Council (2011) in Gauteng found that over half of the women in Gauteng alone (51.2%) have experienced some form of violence (emotional, economical, physical and sexual) in their lifetime. It is clear that domestic violence in South Africa is a continuing problem with long term ramifications for victims. The problem gets aggravated when victims do not receive adequate services from the Criminal Justice System.

As a way of trying to deal with domestic violence, the Domestic Violence Act , No 116 of 1998 (DVA) was introduced with the purpose of affording victims protection from domestic violence by creating obligations on law enforcement bodies, such as the South African Police Service (SAPS), to protect victims as far as possible. The Act attempts to provide victims of domestic violence with an accessible legal instrument to prevent further abuses from taking place within their domestic relationships. The definition of a victim of domestic violence, according to the DVA does not only refer to women or married people, but 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. The Domestic Violence Amendment Bill (2020) has further extended the definition of domestic violence to include elderly abuse; coercive behaviour; controlling behaviour; and exposing or subjecting children to any form of domestic violence, like physical abuse, sexual abuse, verbal abuse and others.

The DVA places a number of obligations on the SAPS to assist a person who has reported to be a victim of domestic violence. These obligations are accompanied by

¹ Jewkes, Rachel, Jonathan Levin, and Loveday Penn-Kekana. "Risk factors for Domestic violence: findings from a South African cross-sectional study." *Social Science & Medicine* 55 (2002)

consequences, should the SAPS members fail to implement them properly. In terms of Section 18(4)(a) of the DVA, it is a misconduct, as contemplated in the SAPS Act, for a SAPS member to fail to comply with the obligations imposed by the DVA or the Domestic Violence National Instruction No 7 of 1999 (National Instruction). According to this section, the Civilian Secretariat for Police Service (CSPS) must be informed of all incidents of DVA non-compliance by SAPS members.

The CSPS which is established in terms of Section 208 of the Constitution of the Republic of South Africa, 1996, has been tasked with the mandate to monitor compliance and implementation of the DVA by the SAPS. Additionally, as mandated by the Civilian Secretariat for Police Service CSPS Act, (No 2 of 2011), the CSPS has a responsibility to make recommendations to the police service on disciplinary procedures and measures with regard to non-compliance with the DVA. The CSPS is further mandated by the CSPS Act to monitor and evaluate the SAPS' compliance with the DVA and, as obligated by Sec 18(5)(c) of the DVA, to submit reports to Parliament on SAPS non-compliance with the DVA every six months.

This report provides information on non-compliance by SAPS members during the period 01 October 2020 to March 2021. Information provided by the SAPS for this period is analysed to determine how SAPS deal with and manage non-compliances reported and the number of disciplinary steps taken against its members; number of members who were perpetrators of domestic violence and how these cases were managed; and number of members who were reported as victims of domestic violence. The report further looks into the resourcing of the FCS units by the SAPS, as the Units play a very crucial role in investigating of all rape cases (including those in domestic relationships and those that involve children). Finally an account of all the GBV response initiatives conducted by both CSPS and SAPS is reported on.

2. OBJECTIVES

The objective of the report is to provide information on the status and management of non-compliance by the SAPS management during the period October 2020-March 2021. Furthermore the report provides feedback on awareness campaigns conducted by the CSPS on the top 30 areas with high GBV incidents as reported by the JCPS cluster departments. Finally it provides an overview on the resourcing of the FCS Units

in response to Pillar 2 (Prevention and restoration of social fabric) and Pillar 3 (Protection, safety and justice) of the National Strategic Plan on Gender Based Violence and Femicide (NSP on GBVF). It is important to also note that the resourcing of the FCS Units is one of the key priorities for the Ministry of Police in ensuring the implementation of the NSP on GBVF. The CSPS has monitored resource allocation during the period between January 2020 and November 2020. The project sought to determine the effectiveness of the FCS units in line with their mandate and compliance to the legislative prescripts governing the units. It also seeks to establish if the units are well resourced to be able to function effectively. There are currently 185 FCS units across the country. However, due to limited resources and time constraints, 27 units have been visited by CSPS thus far.

3. SCOPE

This report contains information that is based on data received from the SAPS regarding the total number of reported DVA non-compliances by SAPS members nationwide; 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. It also report on the activities and initiatives taken by the CSPS, including the awareness campaigns which were conducted in eight (8) provinces in order to educate communities on the role of both the SAPS and CSPS with regard to DVA. It should be noted that the selected areas are located in areas with high rate of DVA and GBV cases. The report further provides an overview on the resourcing of the 27 FCS units visited by the CSPS. As physical access to police stations became a challenge due to COVID 19 regulations, the CSPS and Provincial Secretariat were unable to conduct oversight visits. Consequently this report only gives an analysis of non-compliance information reported from SAPS in line with Section 18(4)(a) and (b) of the DVA.

4. NON-COMPLANCE TO DVA

4.1. 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

actions against such a member unless an exemption has been applied to and granted by the CSPS

In accordance to section 18(4)(a) of the DVA and DVA National Instruction 7/1999 Amended by Consolidation Notice 15 of 2020 SAPS is required to report all non-compliance complaints to the CSPS in order for the CSPS to make recommendations on what steps to be taken. The report should include details of SAPS members who failed to comply by not fulfilling the administrative obligations (administrative non-compliance) as outlined in the National Instruction and in the DVA. Additionally, 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 (operational non-compliance), that information should also be captured in the consolidated report by SAPS.

Table 1 below provides a breakdown of the number of SAPS members who were reported to have failed to comply with the DVA obligations across all provinces during the reference period.

Table 1: Number of SAPS members who failed to comply with the DVA (based on data provided by SAPS)

Provinces	Oct20	Nov20	Dec20	Jan21	Feb21	Mar21	Total
EC	0	0	0	0	0	0	0
FS	0	0	6	0	0	0	6
GP	1	0	0	0	0	0	1
KZN	0	0	0	1	2	0	3
LP	0	0	0	0	2	0	2
MP	0	0	0	0	0	0	0
NC	0	0	0	0	0	0	0
NW	0	0	0	0	0	0	0
WC	5	1	0	0	10	0	16
Total number of complaints received	6	1	6	1	14	0	28

As per the illustration in Table 1 above, a total of 28 members failed to comply with the DVA and National Instruction during the period October 2020 to March 2021. These

members were reported from five (5) provinces namely; FS; GP, KZN, LP; and WC. The other four (4 provinces, namely, EC, MP, NW and NC) submitted a zero (nil) return on non-compliance. The highest number of non-compliances was reported in the WC with 16 members, followed by FS with six (6) members, KZN had three (3) members, while LP and GP reported the lowest numbers, with two (2) and one (1) members respectively.

When comparing with other reporting periods; the WC continues to report high number of members who have failed to comply with the provision in the DVA and NI. This could mean that the province have more stringent and more accessible complaints mechanism in place. As such, more vigorous public education and awareness campaigns should be continuously conducted on the role of the CSPA and the responsibilities of SAPS as enshrined in the DVA and NI in other provinces.

Table 2 below reflects the number of actual non-compliance categories by SAPS members recorded during this reporting period.

Table 2: Categories of non-compliance by SAPS members (based on data received from SAPS)

Categories	EC	FS	GP	KZN	LP	MP	NC	NW	WC	Total
Failure to complete SAPS 508(a) and 508(b)	0	1	1	1	2	0	0	0	16	21
Failure to record DV incidents in the Occurrence Book (OB) and in the Pocket book (SAPS 206)	0	4	0	0	0	0	0	0	16	20
Failure to conduct first level inspection	0	0	0	0	0	0	0	0	0	0
Failure to arrest the perpetrator	0	0	0	0	0	0	0	0	0	0
Failure to assist a complainant to open a case	0	0	0	2	0	0	0	0	0	2
Failure to serve a Protection Order	0	0	0	0	0	0	0	0	0	0
Failure to confiscate a firearm of a perpetrator	0	0	0	0	0	0	0	0	0	0
failure to render a satisfactory service to the victim	0	2	0	0	0	0	0	0	0	2
Total number of complaints received	0	7	1	3	2	0	0	0	32	45

Table 2 above shows the number of both administrative and operational non-compliances committed by SAPS members in the five (5) different provinces. It should be noted that the number of the actual cases is more than the number of members

who failed to comply with DVA, and this is due to the fact that some of the members have committed more than one offence (repeat offenders).

Administrative non-compliance continues to be a serious challenge for the SAPS with majority (41) of the reported non-compliances relating to this nature. The administrative non-compliances report include 21 cases of failure to complete SAPS 508a forms and 508b registers; 20 cases of failure to record DV incidents in the Occurrence Books or Pocket Books. Not adhering to the provisions of both the DVA and the National Instruction can be damaging to both the SAPS and victims of DV; as members should work in a way that protects victims at all times and ensure that they do not experience secondary victimisation. Failing to fully comply with the set of administrative responsibilities such as proper completion of relevant DV registers, poses a question of whether SAPS has the ability or capacity to respond effectively to cases and incidents of domestic violence. Proper administration can assist both SAPS and the victims in successful prosecution should a victim opt to open a criminal case.

Out of the four (4) reported operational non-compliances, two (2) cases were due to failure by SAPS member to render a satisfactory service to the victim and the other two (2) were failure to assist a complainant to open a criminal case. Operational non-compliance can be injurious to the lives of victims; for instance, in a case where the perpetrator is not arrested due to failure to open a criminal case may result in further victimisation of the complainant.

Similarly, failure to render a satisfactory service to the victim deprives the victim a fair access to justice. When a victim reports a domestic violence incident at a police station; they have an option to lay a criminal charge should they wish to do so. A domestic violence incident is not considered a criminal offence unless the victim chooses to open a criminal case or there is a breach or contravention of a Protection Order in terms of Section 17 of the DVA (whereby a domestic violence case can be registered in the Crime Administration System (CAS)). Therefore, if a victim 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, and the police have the duty to assist with this process. The elements of operational non-compliances that still exists could be an

indication that there is re-victimisation that the victims have to endure and further points out to elements of poor first response by SAPS members.

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 Instruction. 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 3 below provides information on disciplinary steps taken against the identified members who failed to comply.

Table 3: Disciplinary steps taken

Action taken	Number of members involved
DS1 Remedial steps after initial interview (not serious)	7
DS2 Verbal warning after initial interview (not serious)	8
DS3 Written warning (not serious)	2
DS4A Departmental Investigation (serious)	3
DS4B Departmental investigation (serious)	8
Application for exemption	0
Exemption granted	0
Total	28

Table 3 above displays the departmental steps taken by station commanders to address the above mentioned cases of non-compliances. Disciplinary proceedings were initiated for all the 28 members with departmental steps taken and there were no applications for exemption that were made to the CSPA or Provincial Secretariats. There were three (3) members subjected to DS4 A, and eight (8) members subjected to DS4B which are serious misconducts that require departmental investigation. The outcome of these investigations are still pending. The remaining 17 incidents were considered non-serious and steps taken ranged from remedial steps (DS1) for seven (7) members; verbal warning (DS2) for eight (8) members; and written warning (DS3) for two (2) members. There appears to be some positive strides that SAPS is making in dealing and managing non-compliance as disciplinary processes were initiated for

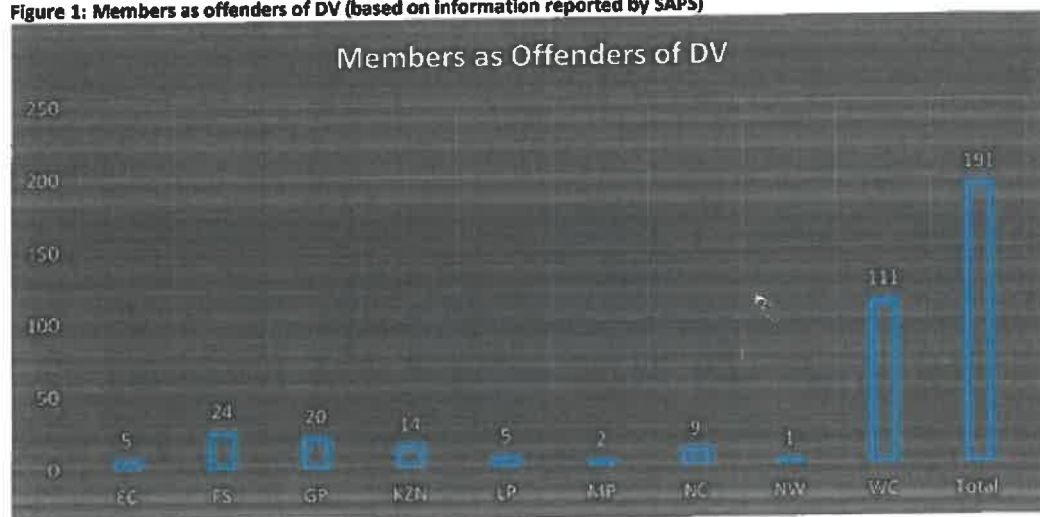
all members that failed to comply. This can also be attested to in the previous report from SAPS where 26 out of 34 cases that were under investigation have been finalised and the remaining eight (8) have not been finalised due to application for exemptions not granted.

4.2. SAPS MEMBERS AS OFFENDERS OF DV

SAPS has a responsibility 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 law². Despite having this responsibility to serve and protect, some SAPS members are found to be perpetrators of domestic violence in their respective domestic relationships. 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.

Figure 1 below shows the total number of members that were reported to have been offenders of domestic violence across all police stations during the reporting period.

Figure 1: Members as offenders of DV (based on information reported by SAPS)



There was a total of 191 members that were reported to be offenders of domestic violence with the highest number of reported members in WC with (111) members, followed by FS with 24, GP with 20, KZN with (14), NC with nine (9) members, EC and

² Constitution of the Republic of South Africa : Section 205 (3)

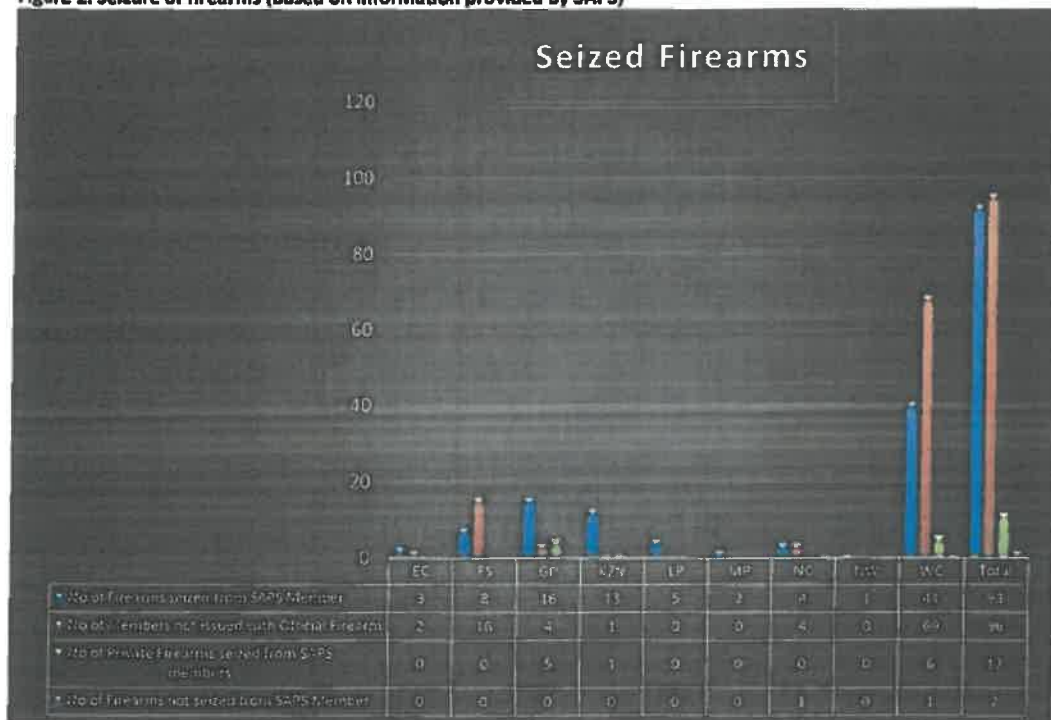
LP reported with five (5) each, and MP and NW reported the lowest number of members with two (2) and one (1) respectively.

The increasing number of domestic violence cases perpetrated by the police is unbecoming and worrisome as many of the same qualities valued in on-duty police officers can make those same officers dangerous perpetrators of domestic violence. Research shows that all abusers use similar methods to control and abuse those in domestic relationship with. Police officers however, have an arsenal of skills and tactics as compared to civilians. The nature of professional training received by the police, such as the use of force and weapons, intimidation, interrogation and surveillance techniques along with the organizational cultural practices can be potentially disastrous combination in a domestic situation. Victims face the bias of law enforcement agencies and the legal system, psychological intimidation, and high risk of lethality.

The dynamics of police-perpetrated domestic violence and its impacts on the victims is far reaching not only to SAPS as an organisation, but to the community at large. Furthermore, police officials who commit domestic violence offences are in violation of the SAPS code of conduct and should be subjected to disciplinary proceedings. The SAPS records do not provide an indication of whether there were any disciplinary proceedings initiated against these members or not. The number of members that commit acts of domestic violence continues to rise and there is a need for an internal intervention by the SAPS management and to also explore how a police officer's training and professional life contributes to domestic violence abuse.

The DVA requires that dangerous weapons be seized from a person that committed an act of domestic violence in line with the Firearms Control Act (No. 60 of 2000) (FCA), which requires that an inquiry into fitness to possess a firearm be conducted for any person found to be a perpetrator of domestic violence. Figure 2 below reflects the number of firearms seized from the 191 members.

Figure 2: Seizure of firearms (Based on information provided by SAPS)



There were 105 firearms seized from the 191 members during the reference period, as reflected in Figure 2 above. Of the 105 firearms seized, a total of 12 were firearms privately owned by SAPS members while the remaining 93 were official allocated firearms to the members and total of 96 members were not issued with official firearms. The WC province reported a high number of firearms seized from members with 41, followed by GP with 16 firearms, then KZN with 13, followed by FS eight (8), and the lowest provinces were LP with five (5), NC with four (4), EC reported three (3), and MP and NW had two (2) and one (1) firearms seized respectively. The majority of firearms were seized including those that are privately owned, thus meaning SAPS is managing the perpetration of domestic violence internally and the protection of victims being prioritised. This however needs to be combined with disciplinary proceedings and Section 102 inquiries to ensure limited exposure of these members to firearms.

Figure 2 above further shows that two (2) firearms were not seized from members in each of the Northern Cape and Western Cape Provinces. The reason being that no threats of physical violence were posed to the victims or any other person during the DV3 (emotional, verbal or psychological abuse) and DV9 (trespassing) incidents.

However this amounts to non-compliance to the provisions in the FCA and DVA as firearms have to be seized in any form of domestic violence reported.

4.3. MEMBERS AS VICTIMS OF DOMESTIC VIOLENCE

The notion of police perpetration of domestic violence is multifaceted and is even more baffling when the victim is also in the law enforcement. Such situations require understanding of why the standard remedies may not be useful within SAPS as expectations and workplace culture may influence the behaviour and decisions regarding the abusive relationship. As such, cautious management of these cases is imperative. During the reporting period, SAPS reported (90) members who have been reported as victims of domestic violence nationally as reflected in Figure 3 below.

Figure 3: Members as victims of domestic violence (based on data reported by SAPS)



Most of the members were reported in the WC with 45 members, followed by the FS with 15 members, NC and KZN with seven (7) members respectively, EC with six (6) members, GP with five (5) members; and MP with 3 members. The LP and NW provinces each reported one (1) member. 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 and their reaction might be more injurious as compared to civilians.

5. GBV RESPONSE

5.1. Implementation of the GBV desk by SAPS

With the intention of improving compliance and ensuring effective response to the victims of GBV; SAPS is in the process of establishing Gender Based Violence Desks at police stations through Organisational Developmental Component. This is in the interest of facilitating effective and efficient support to victims of Gender Based Violence Crimes. This function will be under the Crime Prevention Sub-Section that is directly accountable to the Section Commander. Moreover, the GBV desks will assist in the management of the customer flow, improving both efficiency and customer satisfaction, and also to implement the queue management system and floor management at all police stations. This function will be piloted at the top 30 GBV hotspot police stations and aims to:

- Coordinate awareness raising campaigns on gender-based violence at station level;
- Coordinate the implementation, monitoring and evaluation of gender-based violence programmes at station level, including quality control of gender-based violence registers;
- Strengthen personnel capacity to deal with gender-based violence at police stations, including mentoring and coaching of front line members;
- Improve police response to reports of gender-based violence at police stations;
- Collect and analyse data and information related to gender-based violence and processing of reported gender-based violence cases;
- Assist victims of gender-based violence to access health, shelter, and psycho-social support;
- Strengthen collaboration with other local external role players to address gender-based violence;
- Manage and ensure the effective utilisation of the Victim Friendly Rooms at police stations;
- Coordinate the provision of Victim Friendly Services at police stations, including liaising with Division: Human Resource Development to ensure that members at police station are trained in victim impacting programmes, such Domestic

Violence Learning Programme, First Responder to Sexual Offences Learning Programme, Victim Empowerment, Vulnerable Groups Learning Programme; Vulnerable Children Learning Programme, etc.; and

- Communicate complaints mechanism to victims of GBV.

5.2. DVA awareness campaigns

The CSPS together with civil society organisations in the identified areas conducted awareness campaigns in 12 communities across eight (8) provinces which are FS; GP; LP; MP; NC; NW; KZN and WC. These were conducted as part of the campaigns for 16 days of no violence against women and children. These campaigns were aimed at educating communities on the role of SAPS in responding to reported incidents of domestic violence and also to make communities aware of the role the CSPS plays in monitoring SAPS compliance with the DVA.

The campaigns also sought to make communities aware of the intervention measures by the CSPS based on obligations imposed by section 18 of the DVA and section 6 of the CSPS Act. The campaigns involved radio interviews on one (1) national and eight (8) regional radio stations and community activation sessions whereby pamphlets were distributed at identified hotspots within the targeted communities.

Engagement with the communities highlighted the need for the CSPS and Provincial Secretariats to be more visible in the communities. There were community members who were assisted on the spot during the engagement session, e.g. in Bloemspruit, Kopanong and in Sebokeng where community members were taken to the police station to open criminal cases. The campaigns also confirmed the view that the absence of recorded non-compliance complaints is not an indication of full compliance by the police. Furthermore, some community members are generally not aware of any available channels or mechanisms in place to lodge complaints against the police.

5.3. CSPS GBV interventions

The CSPS has formally consulted the Division Visible Policing on the proposed response to GBV and also the Crime Register section was engaged regarding the top 30 police stations statistics in order to streamline GBV reporting. The CSPS will further conduct oversight visits at the top 30 police stations during the 2021/22 financial year.

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5.3. CSPA GBV interventions

The CSPA has formally consulted the Division Visible Policing on the proposed response to GBV and also the Crime Register section was engaged regarding the top 30 police stations statistics in order to streamline GBV reporting. The CSPA will further conduct oversight visits at the top 30 police stations during the 2021/22 financial year.

The focus will be on response to GBV (what is in place, how are police responding, any complaints relating to poor response, etc.) through the implementation of improvement plans on individual sampled police stations.

6. FCS RESOURCE ALLOCATION

As part of monitoring SAPS' implementation of pillar three in the National Strategic Plan on GBVF (NSP on GBVF), oversight visits to 27 FCS units were conducted to monitor resourcing (human and material) of the units in line with the NSP on GBVF. It was found that like in other countries the effectiveness of specialised units have been hampered by staff shortages; inadequate infrastructure and under-funding; and a lack of social and psychological support³. Similar challenges have confronted other specialised units. For instance, the functioning of the Namibian Women and Child Protection Units (WCPU) and the Brazilian Model have been constrained by a lack of facilities and resources. Many WCPU staff had received no specialised training, which contributed to their ill-informed treatment of rape complainants in some instances.⁴ There seem to be general neglect of specialised units that deal with GBV related crimes. Resource allocation is fundamental if the FCS units are to perform at a required level and effectively respond to GBV. Resources refer to tools and equipment that police need and utilize to perform their duties on a daily basis for example, vehicles, cellphones and crime kits

SAPS is also experiencing similar challenges as those in other countries. The FCS units visited reported the following:

6.1 Shortage of Vehicles: Police vehicles are central in discharging the mandate of the police. This is more so in ensuring timely response to crime scenes, tracing suspects, conducting further investigations and accessing the victims as well as witnesses. The nature of the FCS work requires sufficient vehicles that are readily available to assist the victims of domestic violence and sexual offences. The shortage

³ Larrain, 1999; Santos, 2004; Hautzinger, 2002
⁴ (Legal Assistance Centre, (2006) *Rape in Namibia An assessment of the Operation of the Combating of Rape Act 8 of 2000*

of vehicles could undermine the FCS units in fully implementing their prescribed

mandate.

The allocation of vehicles to some of the FCS district pays little or no consideration to the geographical terrain of communities that the FCS units are supposed to reach. The respondents articulated that the current resource allocation is not commensurate with the need of reaching victims in areas where roads are in a bad condition. A serious shortage of vehicles was also reported. It was clear that FCS officers had to take turns in using the vehicles. Furthermore, in one district, 15 detectives share three (3) vehicles among themselves, which frustrates most FCS officers. Even those vehicles that were available were not in a good condition. The inadequacy of vehicles has serious repercussions in terms of expediting and finalizing investigations.

The allocation of vehicles that are not suitable to reach certain areas could be an indication of misalignment between what is required by the FCS units and what SAPS management provides. When vehicles are being allocated to the FCS units, two main aspects should be considered: firstly, the geographical setting of the area, including the density of the population and secondly, the nature of vehicles that are suitable to access the victims.

6.2. Cellphones: cellphones are a very important tool of trade for police officers as they conduct investigations and most importantly communicate with victims about the status of their cases and timely conduct investigations. The FCS officers were hamstrung by insufficient or unavailability of cellphones and this was regarded as a major impediment by the FCS investigators in discharging their duties. Cellphones play a significant role in communicating with the victims, witnesses, families and even among colleagues for purposes of sharing information. Cellphones remains a huge challenge as some of FCS officers rotate in utilising cellphones. "It should not be made a luxury to have but a necessity", one FCS officer added. The implications of sharing cellphones are that victims may not readily access the officer who is dealing specifically with their case when they need to make contact.

There seems to be a disparity in resource allocation among FCS units countrywide based on the seniority of the unit commander. For instance, where a Captain is the commander of the unit, the resources are inadequate in terms of cellphones and

vehicles. On the other hand, where a unit commander is a Lieutenant Colonel, the

resources are in most instances adequate.

For the FCS units to function optimally, resources allocation is essential. FCS officers or any other police officer will not perform at the desired and expected level with minimal resources. The resources serve as enablers and facilitate the process of discharging the mandate as stipulated in the National Instruction of 2012 on FCS units. The shortage of vehicles within the sampled FCS units reflects poor coordination and planning within SAPS. The allocation of vehicles to a particular unit should be commensurate with the number of human resources allocated to that unit.

In addition to inadequate resources, the shortage of Forensic Social Workers (FSW) is also negatively impacting on the functioning of the units. The success factor of the FCS units also depends on the availability FSW. The central role of the Forensic Social Worker is the assessment of child victims in order to provide expert evidence in court. In placing the FSWs, the language has to be one of the key elements to be considered as they have to be able to converse with the children in languages that they (children) can understand. In all the provinces visited there were few units that had their own dedicated FSW that was not shared with other units.

7. CONCLUSION

SAPS, being the first responder to deal with incidents of domestic violence, have a vital role in assisting victims of domestic abuse to follow through on their decision to seek recourse for the abuse. Not only does SAPS represent state policy but also act as an important connection to both the prosecution process and to the provision of services to victims. Thus playing an important role in shaping the initial experience of the entire criminal justice system.

Most of the literature describing police responses internationally to incidents of domestic violence is critical of police practice (Berk & Loseke, 1981; Buzawa & Austin, 1993; Worden & Pollitz, 1984). The few local research reports that provide insight into the policing of domestic violence in South Africa (Padayachee, 1989; Pretorius, 1987; Van der Hoven, 1989) indicate a high level of dissatisfaction with police assistance and negativity towards the response of police officers. However this is not reflected in

the report from SAPS as there are very few number of non-compliance complaints (operational) reported against SAPS members. Accordingly pointing out to the concerns on the availability of complaints mechanisms in place and also the knowledge of such mechanisms by the public.

Having pointed out the above implementation challenges, the SAPS has however managed to institute disciplinary proceedings for all members that had failed to comply with the DVA and National Instructions during this reporting period. This is a positive step and an indication that the SAPS management takes non-compliance seriously. Notwithstanding this positive developments, it is also evident that there are still gaps in the implementation of DVA at police station level as shown by the high number of administrative non-compliances.

In terms of dealing with members that are perpetrators of domestic violence, the SAPS management complied with the DVA obligations aligned to the FCA as firearms of members involved were seized. It is however, concerning that there were no disciplinary proceedings instituted against members who committed acts of domestic violence and it is not clear whether the S102 inquiries were conducted for members whose firearms were seized or not. There are members who are not issued with SAPS 108 firearms, however, they are allowed to book a firearm when conducting operations, meaning that they still have access to firearms. This is an area that requires to be regulated.

The poor resourcing of FCS units is adding to poor response to some of the cases of domestic violence. These units investigate sexual offences including those in a domestic violence setting and those involving children. Research has shown that most of the SAPS strategies tend to fail due to inadequate resources and poor planning, for example, insufficient vehicles, which have a serious bearing on the timely finalisation of cases (Burger, 2007; Montesh, 2007 and Buthelezi, 2010). Manamela, Smith and Ngantweni (2010) indicate that the availability of resources is essential to strategy implementation by the police. It is also important to increase community awareness on understanding their rights and responsibilities when reporting a domestic violence incident at a police station.

8. RECOMMENDATIONS

- 8.1. 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 as they can continue to book firearms from the CSC inventory.
- 8.2. In line with the SAPS disciplinary regulations, all members that are offenders of domestic violence should be subjected to disciplinary proceedings.
- 8.3. Section 102 inquiries should be conducted for all members whose firearms have been seized in line with the FCA.
- 8.4. The SAPS needs to work jointly with the CSPS to increase awareness on domestic violence response.
- 8.5. In order to improve functioning of the FCS and to ensure effective response to GBV by SAPS, resourcing of the FCS should be prioritised.
- 8.6. To address the shortages of FSW, SAPS should consider declaring FSW a scarce skill with benefits as a means to attract and retain the skill within the FCS.