

DOMESTIC VIOLENCE REPORT TO PARLIAMENT

FOR THE PERIOD

JULY TO DECEMBER 2003

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1. INTRODUCTION

This is the seventh report produced by the Independent Complaint Directorate (ICD) and tabled before Parliament. The report seeks to present a factual analysis of cases of non – compliance with the Domestic Violence Act (DVA) by members of the South African Police Service (SAPS) and the recommendations made to address same. The type of cases of non – compliance with the DVA covered in this report include failure to effect warrants of arrest, failure to advise complainants of options (e.g failure to advise complainant to lay a criminal charge, or apply for a protection order, or both) failure to assist complainants to open cases, failure to issue or furnish a subpoena, failure to refer the victim to a place of safety, failure to seize firearms, and failure to serve protection orders. The highest number of these cases was received in the Western Cape with 42 complaints, followed by Gauteng with a total number of 38. KwaZulu Natal again recorded a nil return. The lowest number of cases was recorded in Mpumalanga with a total of 2. North West recorded the third highest number of cases of non – compliance with a total of 19, followed by Northern Cape with 9. Both Free State and Limpopo recorded a total of 7 each. Lastly, Eastern Cape recorded only 4 cases.

Finally, this report seeks to highlight various proactive oversight engagements undertaken by the Independent Complaints Directorate during the period under review, with a view to promote compliance with the DVA. These activities were in the form of awareness campaigns, workshops, station visits and station audits. The ICD will continue to embark on these activities with a view to ensure successful implementation of the Domestic Violence Act, 116 of 1998.

2. THE MANDATE OF THE ICD IN RESPECT OF INCIDENTS OF NON-COMPLIANCE WITH THE DOMESTIC VIOLENCE ACT, 116 OF 1998

In terms of the South African Police Service Act 68 of 1995, the ICD is empowered to investigate all cases of misconduct against the SAPS and the MPS. Arguably, the ICD could also investigate the SAPS and the MPS in respect of the following category of offences and misconducts:

- I. Where a member kills or causes the death of any person involved with him/her in a domestic relationship such as a spouse.
- II. Where a member commits an offence such as assault, rape, etc. against a person in a domestic relationship such as a spouse.
- III. Where a member neglects or refuses to assist a victim of domestic abuse.

In terms of the Domestic Violence Act 116 of 1998, failure by a member of the South African Police Service to comply with an obligation imposed in terms of this Act or the National Instructions referred to in subsection (3), constitutes misconduct as contemplated in the South African Police Service Act, of 1995 and the Independent Complaints Directorate, established in terms of the said Act must forthwith be informed of any such failure reported to the South African Police Service. Furthermore, the ICD must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of subsection (4)(a) setting out the recommendations made in respect of such matters.

In essence, the SAPS are obliged to report to the Independent Complaints Directorate all misconduct cases pertaining to non-compliance with the DVA. The ICD could in turn exempt members where valid explanation for non-compliance is offered. Where exemption is refused ICD could investigate or ask SAPS to investigate with the ultimate purpose of holding a disciplinary hearing. The ICD's power to investigate incidents of non-compliance with the DVA is derived from the SAPS Act referred to above. Non-compliance is a misconduct and the Act empowers the ICD to investigate both offences and misconducts. In other words, non-compliance misconducts are equivalent to misconducts categorized as Class 4 cases by the ICD.

3. STATISTICS RELATING TO CASES OF NON-COMPLIANCE WITH THE DVA AND THE PARTICULARS THEREOF

3.1 CASES OF NON-COMPLIANCE WITH THE DVA

In terms of the Domestic Violence Act, the ICD is obliged to report to Parliament regarding the number of cases of non-compliance with the DVA received and the particulars thereof and also set out how it dealt with recommendations in such matters.

The following statistics relate to cases of non-compliance with the DVA received from 1 July 2003 to 31 December 2003 and broken down according to provinces.

3.1.1 GAUTENG

Gauteng received 38 complaints of non-compliance with the DVA. The particulars thereof are as follows:

a. Failure to effect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003071057	Atteridgeville	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003070631	Sinoville	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	In view of the SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for formal receipt of application for exemption from internal prosecution.
2003070619	Kliptown	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003080387	Sandringham	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
20030090189	Jabulani	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
20030090447	Vosloorus	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
20030990106	Ivory Park	Case closed.	Case was withdrawn by the complainant.
2003100085	Orange Farm	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003100459	Actonville	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.

2003110478	Kagiso	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003110689	Lenasia	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003110026	Laudium	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003120309	Rosslyn	Matter referred to the SAPS for disciplinary steps to be instituted against the officer.	In view of the SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for formal receipt of an application for exemption from internal prosecution.
2003120120	Eesterust	Matter referred to the SAPS for disciplinary steps to be instituted against the officer.	Matter referred to the Area Commissioner for decision on disposal of this matter. Final decision is still being awaited.
2003120123	Atteridgeville	Matter referred to the SAPS for disciplinary steps to be instituted against the officer.	Due to lack of response from the Station and Area Commissioner's offices, the case was referred to the Provincial Commissioner's office.
2003120241	Soshanguve	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	In view of the SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for formal receipt of an application for exemption from internal prosecution.
2003100462	Evaton	Matter referred to the SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.

b. Failure to advise complainant of options such as applying for a protection order, laying a charge or both

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070113	Tokoza	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Pending for departmental steps to be instituted in the Area Commissioner's office.
2003070403	Eldorado	Request for more information from the complainant.	Complainant was not co-operative.
2003070276	Roodepoort	Matter referred to the SAPS for disciplinary steps to be instituted against the officer.	In view of the SAPS refusal to institute departmental steps against the officer, the ICD recommended that SAPS apply for exemption from the internal prosecution.
2003070720	Sunnyside	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Matter withdrawn by the complainant.

2003080440	Silverton	Matter referred to the SAPS for disciplinary steps to be instituted against the officer.	In view of the SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for formal receipt of application for exemption from internal prosecution.
2003090321	Pretoria Central	Matter referred to the SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
20030090175	Naledi	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003090096	Mamelodi	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003110474	Mamelodi	Requested more information from the complainant.	Awaiting for complainant response.
2003110522	Pretoria North	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003110651	Kagiso	Matter referred to the SAPS for disciplinary steps to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003120167	Meadowlands	Matter referred to SAPS for disciplinary steps to be instituted against the officer to be instituted against the officer.	Departmental steps against the officer are still pending in the Area Commissioner's office.

c. Failure to assist the complainant such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property and seize any dangerous weapon from the abuser

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070776	Putfontein	Matter referred to the SAPS for investigation.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003100038	Atteridgeville	Matter referred to the SAPS for investigation.	Departmental steps against the officer are still pending in the Area Commissioner's office.
200310088	Meadowlands	Matter referred to the SAPS for investigation.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003100460	Rietgat	Matter referred to the SAPS for investigation.	Departmental steps against the officer are still pending in the Area Commissioner's office.
2003100461	Moroka	Matter referred to the SAPS for investigation.	Departmental steps against the officer are still pending in the Area Commissioner's office.
20031101104	Booyens	Matter referred to the SAPS for investigation.	Departmental steps against the officer are still pending in the Area Commissioner's office.

2003120097	Atteridgeville	Matter referred to the Area Commissioner for disciplinary steps to be instituted against the officer.	In view of the SAPS refusal to institute departmental steps against the officer, the ICD recommended that SAPS apply for exemption from internal prosecution.
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Gauteng received one case of domestic abuse allegedly committed by a SAPS member and the particulars thereof are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003080069	Assault	Lenasia	Inquest court proceedings recommended.	Case came back from Inquest Court with queries.

3.1.2 WESTERN CAPE

Western Cape received 42 cases of non-compliance with the DVA. The particulars thereof are as follows:

- a. **Failure to assist the complainant, such as finding a suitable shelter, obtaining medical treatment , accompany him/her to collect personal property and seize any dangerous weapon from the abuser**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
03 WC 1164	Athlone	No disciplinary action to be instituted against the officer.	The complaint was unfounded.
03 WC 800	Athlone	No disciplinary action to be instituted against the officer.	Matter was withdrawn by complainant.
03 WC 1035	Atlantis	No disciplinary action to be instituted against the officer.	Matter closed because it was found to be unsubstantiated.
03 WC 1013	Bothasig	No disciplinary action to be instituted against the officer.	Matter closed because it was found to be unsubstantiated.
03 WC 625	Diepriver	Disciplinary action to be instituted against the officer.	Member was reprimanded and given training.
03 WC 836	Grassy Park	No disciplinary action to be instituted against the officer.	Matter closed because it was found to be unsubstantiated.
03 WC 684	Ravensmead	No disciplinary action to be instituted against the officer.	Matter withdrawn by complainant.
03 WC 494	Athlone / Lansdowne	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 1070	Kensington	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 961	Kensington	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 446	Atlantis	No disciplinary action to be instituted against the officer.	Matter closed because complaint was unfounded.

03 WC 695	Parow	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 986	Ocean View	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 917	Mitchell's Plain	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 516	Kuilsriver	No disciplinary action to be instituted against the officer.	Matter found unsubstantiated.
03 WC 974	Sea Point	No disciplinary action to be instituted against the officer.	Matter found unsubstantiated.
03 WC 770	Nyanga	Disciplinary action to be instituted against the officer.	Matter found substantiated and member counselled.
03 WC 1094	Muizenberg	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 1013	Bothasig	No disciplinary action to be instituted against the officer.	Matter found unsubstantiated.

b. Failure to effect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
03 WC 801	Cape Town Central	No disciplinary action to be instituted against the officer.	Complaint unfounded.
03 WC 874	Ashton	No disciplinary action to be instituted against the officer.	Complaint unfounded.
03 WC 730	Guguletu	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 873	Langa	No disciplinary action to be instituted against the officer.	Complaint unfounded.
03 WC 815	Atlantis	No disciplinary action to be instituted against the officer.	Complaint unfounded.
03 WC 808	Table View	No disciplinary action to be instituted against the officer.	Complaint unfounded.
03 WC 1191	Manenberg	No disciplinary action to be instituted against the officer.	Complaint unfounded.
03 WC 867	Elsiesriver	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 693	Goodwood	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 1008	Phillipi	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 1036	Parow	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.

03 WC 727	Ocean View	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 914	Kuilsriver	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 988	Mitchell's Plain	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 601	Strandfontein	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 837	Somerset West	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 1209	Nyanga	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 817	Parow	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 468	Steenberg	No disciplinary action to be instituted against the officer.	Matter found unsubstantiated.
03 WC 1005	Rondebosch	Disciplinary action to be instituted against the officer.	Matter is still pending in the Area Commissioner's office.
03 WC 884	Muizenberg	Disciplinary action to be instituted against the officer.	Matter closed as substantiated after the officer was warned verbally.

c. Failure to serve the protection order on the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
03 WC 508	Wynberg	No disciplinary action to be instituted against the officer.	Complaint unfounded.
03 WC 636	Claremont	No disciplinary action to be instituted against the officer.	Complaint unfounded.

Out of 42 cases of non-compliance with the DVA, no applications for exemption were submitted or dealt with. Furthermore, no cases of domestic abuse were reported against SAPS members.

With regard to disciplinary proceedings, a member was given a verbal warning for failing to assist the complainant while another member was reprimanded and given training for a similar misconduct. These cases were reported under **CCN numbers 03 WC 770** and **03 WC 625** referred to above.

3.1.3 KWAZULU NATAL

KwaZulu Natal again received no cases of non-compliance with the DVA. This was the same situation during the period January to June 2003. Consequently no applications for exemption were received either.

There were no disciplinary proceedings or outcomes reported during this period.

There were however 4 cases of domestic abuse involving SAPS members as suspects, which were received. The particulars thereof are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003070933	Assault GBH	Phoenix	Case referred to SAPS for investigation.	Matter still under SAPS investigation.
2003080367	Assault GBH	Phoenix	Prosecution recommended against the officer.	Still awaiting senior public prosecutor 's decision.
2003080380	Assault GBH	Phoenix	Disciplinary proceedings recommended against the officer.	Matter was withdrawn by the court.
2003120245	Murder and negligent handling of a fire-arm	Kwadukuza	Case referred to SAPS for investigation.	Matter still under SAPS investigation.

3.1.4 EASTERN CAPE

Eastern Cape received 4 complaints of non-compliance with the DVA. The particulars thereof are as follows:

- a. **Failure to assist the complainant such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property, seize any dangerous weapon from the abuser**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070044	Cambridge	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Matter still pending in the Area Commissioner's office.
2003070313	King William's Town	Matter referred to SAPS for investigation.	Matter closed due to complainant's lack of co-operation.

- b. **Failure to effect the arrest of the Respondent**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070532	Bisho	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	SAPS's decision is still pending.
2003070590	Glen Grey	Matter referred to SAPS for investigation.	File closed because the allegations were unsubstantiated.

Out of the above cases of non-compliance received by this office, no applications for exemption have been received from the SAPS on behalf of members.

There were no disciplinary steps or disciplinary outcomes during this period.

Apart from cases of non-compliance with the DVA, this office received 4 cases where members were alleged to be involved as suspects in domestic abuse cases. The particulars of the said cases are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003100425	Assault	Ntabethemba	Matter was referred to SAPS for disciplinary steps to be instituted against the officer.	The matter was withdrawn by the Prosecutor at the request of the victim. No departmental steps taken.
2003120015	Harassment	Queenstown	Matter referred to SAPS for disciplinary steps to be instituted against the officer.	Departmental steps were instituted against the member who was subsequently warned. The DPP declined to prosecute in the criminal case.
2003120128	Assault	Duncan Village	Matter referred to SAPS for disciplinary action to be instituted against the officer.	Decision as to whether to conduct disciplinary hearing is still pending.
2003120182	Attempted murder	Cala	Matter referred to SAPS for investigation.	Matter withdrawn in court at victim's request. Departmental steps are still pending.

3.1.5 LIMPOPO

Limpopo received 7 complaints of non-compliance with the DVA. The particulars thereof are as follows:

- a. **Failure to assist the complainant such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property, seize any dangerous weapon from the abuser**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003120221	Seshego	Disciplinary steps to be instituted against the officer.	Matter still pending from Area Commissioner's office.
2003110381	Bolobedu	Disciplinary steps to be instituted against the officer.	Matter still pending from Area Commissioner's office.
2003080330	Elandskraal	Disciplinary steps to be instituted against the officer.	Matter still pending from Area Commissioner's office.
2003070065	Mankweng	Matter referred to SAPS for disciplinary action to be instituted against the officer.	Matter closed by the court at complainant's request.

- a. **Failure to effect the arrest of the Respondent**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070428	Polokwane	Disciplinary steps recommended against the officer.	Case closed.
2003070131	Maleboho	Disciplinary steps recommended against the officer.	Matter still pending in the Area Commissioner's office.

- b. **Failure to serve a protection order on the Respondent**

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003090184	Dendron	Disciplinary steps recommended against the officer.	Matter still pending in the Area Commissioner's office.

Out of the above number of cases of non-compliance received by this office, no applications for exemptions have been received. Furthermore, there were no disciplinary proceedings reported during the period under review

Only 1 case of domestic abuse involving SAPS member as a suspect, was received. The particulars thereof are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003120221	Harassment	Seshego	Disciplinary steps recommended against the officer.	Matter still pending in Area Commissioner's office.

3.1.6 MPUMALANGA

Mpumalanga received 2 complaints of non-compliance with the DVA. The particulars thereof are as follows:

a. Failure to effect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003090181	Kwaggafontein	Matter referred to SAPS for investigation.	Matter still under SAPS investigation.
2003100077	Siyabuswa	Matter referred to SAPS for investigation.	Matter still under SAPS investigation.

There were neither applications for exemption nor disciplinary proceedings reported during this period.

There was 1 case of domestic abuse involving a SAPS member as a suspect which was reported and the particulars thereof are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003070668	Pointing of a fire-arm	Kabokweni	The ICD recommended that the SAPS management should disarm the member.	The member was disarmed pending finalization of the criminal and disciplinary cases.

3.1.7 NORTH WEST

North West provincial office received 19 cases of non-compliance with the DVA. The particulars thereof are as follows:

a. Failure to effect the arrest against the respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070633	Mabopane	Matter should be dismissed.	Exemption from internal prosecution granted by ICD.
2003071094	Mmabatho	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.
2003080618	Mabopane	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office
2003090335	Garankuwa	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.
2003090403	Mooifontein	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.

2003100010	Garankuwa	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.
2003100046	Mafikeng	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.
2003100545	Lomanyaneng	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.
2003110602	Mmabatho	Exemption from internal prosecution granted by ICD.	Matter closed.
2003110735	Ga-Rankuwa	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.

b. Failure to refer the victim to a place of safety

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070136	Lomanyaneng	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.
2003070789	Klerksdorp	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.
2003080290	Mafikeng	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.
2003120175	Ga-Rankuwa	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.

c. Failure to assist the complainant such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property and seize any dangerous weapon from the abuser

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003080285	Fochville	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.
2003100556	Mafikeng	Matter unsubstantiated.	File closed.

d. Failure to issue notice to appear before court

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070721	Kgomotso	Disciplinary action recommended against officer.	Matter still pending in the Area Commissioner's office.

e. Failure to serve the protection order on the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003120250	Mmabatho	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.

f. Failure to seize a firearm from the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070937	Lomanyaneng	Disciplinary action recommended against the officer.	Matter still pending in the Area Commissioner's office.

Out of 19 cases of non-compliance with the DVA, there were 2 applications for exemption which were submitted and granted by ICD, 16 disciplinary proceedings are still pending.

2 cases pertaining to domestic abuse involving SAPS members as suspects were received and the particulars thereof are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2003100046	Assault GBH	Mafikeng	Matter referred to SAPS for investigation.	Matter still pending in the Area Commissioner's office.
2003100030	Common Assault	Potchefstroom	Matter referred to SAPS for investigation.	Matter still pending in the Area Commissioner's office.

3.1.8 FREE STATE

Free State received 7 complaints of non-compliance with the DVA. The particulars thereof are as follows:

a. Failure to assist the complainant such as finding a suitable shelter, obtaining medical treatment, accompany him/her to collect personal property, seize any dangerous weapon from the abuser

CCN	POLICE STATION	RECOMMENDATION	STATUS
2003090146	Jan Hofmeyer (Welkom)	None.	Matter withdrawn at the request of the complainant.
2003090436	Clarens	Matter was referred to SAPS for investigation.	Matter closed because complainant lost interest and refused to co-operate.

b. Failure to effect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003090368	Batho	Matter was referred to SAPS for investigation.	Matter was closed.
2003100212	Turflaagte	None.	The complaint was unsubstantiated because the existing warrant of arrest was not issued against the suspect but against someone else.
2003110307	Kagisanong	Matter referred to SAPS for investigation.	A report from the Station Commissioner is still awaited.
2003110294	Botshabelo	Matter referred to SAPS for investigation	Investigation is still continuing.
2003110267	Botshabelo	Matter closed.	Complaint was unfounded.

Out of 7 cases of non-compliance received by this office, no application for exemption has been received. Furthermore, there were no disciplinary proceedings arising out of cases of non-compliance that took place during the said period.

Only 1 case relating to cases of domestic abuse allegedly committed by a SAPS member was reported and particulars thereof are as follows:

CCN	POLICE STATION	NATURE OF OFFENCE	RECOMMENDATIONS	STATUS
2004010128	Botshabelo	A police suspect murdered his wife and thereafter committed suicide	None.	Matter closed.

3.1.9 NORTHERN CAPE

Northern Cape received 9 cases of non-compliance with the DVA. The particulars thereof are as follows:

a. Failure to effect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070023	Roodepan	Matter referred to SAPS after ICD intervention.	Case closed. Transgressor arrested.
2003070242	Kuruman	Disciplinary steps recommended.	Disciplinary hearing held. Members found not guilty and discharged.
2003080068	Kimberly	No disciplinary action recommended against officer.	Case closed. Transgressor was already arrested and had appeared in court. Therefore, complaint was unsubstantiated.
2003080280	Galeshewe	Matter referred to SAPS for further investigation.	Outcome of the investigation is still being awaited.
2003080345	Kimberly	Matter referred to SAPS for further investigation.	Outcome of the investigation is still being awaited.
2003120234	Kimberly	Matter referred to SAPS for further investigation.	Case closed. Victim advised to seek protection order.

b. Failure to assist complainant to open case of alleged domestic abuse

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003070260	Kagiso	None. Member was arrested.	Case closed. Complainant withdrew the charges.
2003080459	Douglas	Matter referred to SAPS for investigation.	Outcome of the investigation is still awaited.

c. Failure to advise the complainant to apply for protection order

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2003100001	Kimberly	None.	Preliminary investigations revealed that the matter was never reported or registered at SAPS Greenpoint satellite station. Pending further investigation.

Out of 9 cases of non-compliance with the DVA, no applications for exemption were submitted. Accordingly, no exemptions were granted. During this period, a member was suspended from service in respect of a misconduct pertaining to Assault GBH which was reported to the ICD under CCN number 2003100228.

3 cases of criminal domestic abuse involving members were reported as follows:

CCN	POLICE STATION	NATURE OF OFFENCE	RECOMMENDATIONS	STATUS
2003090442	Kimberly	Assault GBH	None.	Case closed.
2003100228	Roodepan	Assault GBH	Criminal prosecution recommended.	Court proceedings still pending.
2003100230	Roodepan	Assault GBH	Criminal prosecution recommended.	Senior public prosecutor declined to prosecute.

4. AWARENESS CAMPAIGNS

The following awareness campaigns were either organized or attended by ICD on invitation:

PROVINCE	DATE	VENUE	AUDIENCE	ICD ROLE
Gauteng	28 August 2003	Vaal Police Resort	SAPS	Presentation on ICD mandate and the SAPS understanding in relation to DVA and National Instruction
	10 September 2003	Vaal Police Resort	SAPS	Presentation on DVA and the ICD's mandate, discussion on problems pertaining to DVA monthly returns
	16 September 2003	Civic Centre, Braamfontein	ICD,NGO,CGE and HRC	Discuss preparations for summit on Gender Based Violence to be spearheaded by the Commission on Gender Equality
	13-15 October 2003	Civic Centre, Braamfontein	ICD,NGOs,CGE,HRC	Invited to participate in the CGE summit on Gender Based Violence
	25-28 November 2003	Kimberly	CGE, Government Departments and NGOs	Attended the launch of 16 Days of Activism. Distribution of brochures
	25 November 2003	Chris Hani Stadium	Government Departments and NGOs	Fundraising for widows and orphans of SAPS members
	27 November 2003	Kempton Park	Minister, MEC, Provincial and Area Commissioners as well as Business	Participation in a discussion about the implementation of DVA by SAPS
	04 December 2003	MEC's Office	ICD Provincial Head, the Secretariat and Government Departments	Distribution of ICD brochures and generate the increase of awareness about violence directed to women and children
	28 November 2003	Johannesburg Magistrate's Court	Safety and Liaison, NGOs and Government Departments	Distribution of ICD brochures and participating in door to door Campaign on Violence against Women and Children

	04 December 2003	Randfontein Police Station	ICD,SAPS,NGO's and Community	Attending the Candlelight vigil organized by CSVR to highlight the plight of putting abused women behind bars for killing their abusive partners in self-defence
	29 December 2003	Repatriation Centre, Krugersdorp	Chief Immigration Officer and management of Repatriation center	Advise the community about the mandate of ICD regarding DVA
Eastern Cape	11 July 2003	Tsomo	Community	Advise the community about the ICD mandate and DVA
	23 September 2003	Peddie	Peddie Community	To advise and consult with the community about the complaints against the SAPS and DVA
Northern Cape	20 July 2003	Nababeep	Nababeep Community	To address the community about Domestic Violence Act
North West	08 August 2003	Makgobistad Tribunal Authority	Makgobistad Tribe	Addressing the Community about the mandate of ICD and DVA
	17 October 2003	University of North West	Law students and University staff	To address the community about Domestic Violence Act

Mpumalanga	16 November 2003	Siyabuswa Detective Services Hall	NGOs,SAPS and Community	To present about ICD mandate and DVA
	04 December 2003	Secunda: FAMSA	Church leaders and Community	To present about the mandate of ICD and DVA
Limpopo	03 December 2003	Ga- Kgoshi Seleka	Ga- Seleka Community	To participate in a DVA information session with other Departments
	11 December 2003	Bushbuckridge MPCC	Community	Participate in the launch regarding Gender Equality
KwaZulu Natal	25 November 2003	Durban City Hall	All Government Departments	Invited to participate in the support of women who have been victims of Domestic Violence
	27 November & 08 December 2003	Nqutu Police Station	Community	Address the community about No Violence against Women
	28 November 2003	Stamford Hill Road (Durban)	Community	To present a video on Domestic Violence and have discussions with abused victims
	01 December 2003	ICD Boardroom	ICD staff	Presentation of a video on Domestic Violence
	03 December 2003	Harding Stadium	Rural disadvantaged Community, CPF, SAPS	Address the community on 16 Days of Activism
	09 December 2003	Primary School in Pongola	Rural disadvantaged Communities, Amakhosi and SAPS Pongola	Address the community on 16 Days of Activism
	10 December 2003	Tugela Ferry Community Hall	Community, CPF, and SAPS Tugela Ferry	Address the community on 16 Days of Activism

It should be noted that two provinces did not organize any DVA Community Outreach programmes during this period under review. The provinces are:

- Western Cape; and
- Free State.

5. WORKSHOPS

5.1 EASTERN CAPE

On 08 July 2003, Eastern Cape provincial office attended a workshop with SAPS members and the Station Commissioner of Zwelitsha, to discuss about the importance of the provisions of the DVA and the National Instruction.

5.2 NORTH WEST

On 31 July 2003, North West provincial office attended a workshop at Molopo Area Commissioner's Office .The theme of the workshop was the Employee Assistance Programme for both perpetrator and victim of domestic violence as well as the handling of applications for exemption from internal prosecution. Again on 02 October 2003, this office further attended a workshop at Mafikeng Crisis Center. The purpose of this workshop was to present on the mandate of the ICD in respect of the DVA. From 5–7 November 2003 this office attended a workshop at Taung. The purpose of this workshop was to discuss about the obligations imposed on the SAPS by the DVA, in relation to violence against women and children. On 26 November 2003, the said office further attended a workshop in Rustenburg .The purpose of this workshop was to discuss about the obligations imposed on SAPS by the DVA and the National Instructions in relation to Domestic Violence. During the month of December 2003, this office attended two workshops, one of which was attended on 4 December 2003 at Potchefstroom. The theme of this workshop was also about the obligations imposed on SAPS by DVA and the National Instructions. Lastly, this office attended a workshop at Mafikeng, on 08 December 2003. The purpose of this workshop was to discuss about the mandate of the ICD in respect of Domestic Violence.

5.3 LIMPOPO

During the 16 Days of Activism Campaign, this office attended a workshop on gender issues, which was held on 8 December 2003, at Lebowakgomo Show Grounds.

5.3. MPUMALANGA

Mpumalanga provincial office attended two workshops during the 16 Days of Activism campaign.

On 25 October 2003, this office attended a workshop on gender issues in the Bundu Inn in Nelspruit. The purpose of the workshop was to make a presentation about the ICD mandate in respect of the DVA.

On 2 December 2003, this office hosted a workshop about Domestic Violence, at Area Commissioner's Boardroom.

5.4. REMAINING ICD PROVINCIAL OFFICES

The following provincial offices have not conducted any workshops during the period under review:

- Gauteng;
- Northern Cape;
- Free State;
- Western Cape; and
- KwaZulu Natal.

6. PROACTIVE OVERSIGHT

Various ICD provincial offices conducted the following audits at Police Stations to check compliance with National Instructions and the DVA:

6.1 GAUTENG

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
31 July 2003	Magaliesburg	Referred by the SAPS National Evaluation Service, to audit the DVA resources	Registers not completed properly and copies of warrants of arrest as well as protection orders were not properly filed	Recommendations were made to the police station to remedy the problems encountered during the audit
31 July 2003	Krugersdorp	Referred by the SAPS National Evaluation Service to audit the DVA resources	Registers not completed properly and copies of warrants of arrest as well as protection orders were not properly filed	Recommendations were made to the police station in order to remedy the shortcomings
04 December 2003	Randfontein	Inspection of DVA registers and DVA forms	Registers not completed properly and copies of warrants of arrest as well as protection orders were not properly filed	Recommendations were made to the police station in order to remedy the shortcomings

6.2 NORTHERN CAPE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
20 July 2003	Springbok	Inspection of DVA forms and registers	Conditions were in compliance with the DVA	None
20 July 2003	Campbell	Inspection of DVA forms and registers	DVA registers were in good condition. The copies of the National Instruction and DVA were not available	Recommendations were made to the police station that copies of both Acts be placed at the Community Service Centre at all times

30 September 2003	Roodepan	Inspection of DVA forms and registers	Registers were in good condition and copies of DVA were also available. The station complied with provisions of DVA	None
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6.3 NORTH WEST

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
19 August 2003	Mmabatho	Inspection of DVA forms and registers	Registers were not properly completed	Recommendations were made to arrange for a workshop in consultation with the Area Commissioner's office
	Klerksdorp	Inspection of DVA forms and registers	Registers were not properly completed	Recommendations were made to arrange for a workshop in consultation with the Area Commissioner's office
09 December 2003	Lomanyaneng	Inspection of DVA forms and registers	The Station Commissioner does not execute his duties with regard to the implementation of DVA. The registers were not properly completed	Recommendations that disciplinary action be instituted against the Station Commissioner and a workshop be arranged for the members

6.4 FREE STATE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
11 July 2003	Maokeng	Inspection of DVA forms and registers	Registers not properly completed	Recommendations were made that SAPS members undergo training and files to be checked regularly
28 July 2003	Villiers	Inspection of DVA forms and registers	No registers kept at Community Service Centre and members were not trained	Recommendations were made that registers be placed at the Community Service Centre at all times and the SAPS members undergo training
02 October 2003	Smithfield	Inspection of DVA forms and registers	DVA cases registered as assault cases because members are not clear on what is expected from them	Training for SAPS members was recommended
02 October 2003	Zastron	Inspection of DVA forms and registers	Members are not aware of what is expected of them. Cases were not registered	Training for SAPS members was recommended

03 October 2003	Edenburg	Inspection of DVA forms and registers	Cases were not registered properly	Training for SAPS members was recommended
03 October 2003	Trompsburg	Inspection of DVA forms and registers	Cases were not properly registered	Training for members was recommended
03 October 2003	Phillipolis	Inspection of DVA forms and registers	The station does not have proper registers	Training was recommended for SAPS members
03 October 2003	Jaggersfontein	Inspection of DVA forms and registers	No registers placed. Very small number of SAPS members trained in 2001 for approximately 1h30 minutes	Training was recommended for SAPS members

6.5 REMAINING ICD PROVINCIAL OFFICES

The following provinces have not conducted any audits during the period under review:

- Western Cape;
- KwaZulu Natal;
- Limpopo; and
- Mpumalanga.

7. CONCLUSION

In conclusion, although there appears to be a small improvement in terms of bringing individual investigations against perpetrators of the DVA to finality, more still needs to be done. The ICD pledges its commitment to continue to assist SAPS in implementing the DVA and this we will continue to do in a variety of ways including station audits, awareness campaigns and constant direct engagement with SAPS management.

8. Glossary and Abbreviations

DPP : Director of Public Prosecutions
DVA : Domestic Violence Act, 116 of 1998
ICD : Independent Complaints Directorate
MPS : Municipal Police Service
SAPS : South African Police Services
CPF : Community Policing Forum