

DOMESTIC VIOLENCE REPORT TO PARLIAMENT

FOR THE PERIOD

JANUARY TO JUNE 2004

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1. INTRODUCTION

This is the eighth report produced by the Independent Complaints Directorate (ICD). The report seeks to present a factual analysis of cases of non-compliance with the Domestic Violence Act (DVA) by the South African Police Service (SAPS) and the recommendations made to address same. The types 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 such as applying for a protection order, laying a criminal charge or both, violation of protection orders, failure to assist complainants to open cases, failure to issue or furnish a subpoena to the respondent, failure to refer the victim to a place of safety, failure to seize firearms and failure to serve a protection order. The highest number of these cases was received in the Western Cape with 24 complaints, followed by Gauteng with 20. North West recorded the third highest number of non-compliance with a total of 17. KwaZulu Natal again recorded a nil return. Both Free State and Limpopo recorded 6 cases each, followed by Mpumalanga and Northern Cape with 2 cases each. Finally, Eastern Cape only had 1 case.

Finally, this report seeks to highlight various proactive oversight engagements undertaken by the ICD during the period under review, with a view to promote compliance with the DVA. Activities were in the form of awareness campaigns, workshops, station visits and station audits.

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, including 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 with a member, 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 ICD all misconduct cases pertaining to non-compliance with the DVA. The ICD could in turn exempt members where a valid explanation for non-compliance is offered. Where exemption is refused, the 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.

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

3.1 CASES OF NON-COMPLIANCE

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 of such matters.

The following statistics relate to cases of non-compliance received from 1 January 2004 to 31 June 2004 and broken down according to provinces.

3.1.1 GAUTENG

Gauteng received 20 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
2004010088	Benoni	Case referred to the SAPS for departmental steps to be instituted against the officer.	SAPS made application for exemption. ICD is waiting for supporting evidence for the said application.
2004010483	Eldorado	Case referred to the SAPS for departmental steps to be instituted against the officer.	The matter is still pending in the Area Commissioner's office.
2004010479	Linden	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter still pending due to delay of SAPS to institute disciplinary hearing.
2004020187	Katlehong	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter still pending due to delay of SAPS to institute disciplinary hearing.
2004020205	Vereeniging	Case referred to the SAPS for departmental steps to be instituted against the officer.	Member was acquitted in the disciplinary hearing.
2004030108	Parkview	Member resigned before disciplinary action.	Closed as substantiated
2004030153	Sunnyside	Case referred to the SAPS for departmental steps to be instituted against the officer.	Case was withdrawn by the complainant.
2004030187	Jabulani	Case referred to the SAPS for departmental steps to be instituted against the officer.	The Senior Public Prosecutor made queries for further investigation.
2004030480	Rietgat	Case referred to the SAPS for departmental steps to be instituted against the officer.	The Senior Public Prosecutor made queries for further investigation.
2004030560	Protea Glen	Case referred to the SAPS for departmental steps to be instituted against the officer.	In view of SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for receipt of a formal application for exemption from internal prosecution.
2004050286	Eersterust	Case referred to Area Commissioner for departmental steps to be instituted against the officer.	In view of non-cooperation from the Area Commissioner's office, the matter was referred to the Provincial Commissioner. SAPS delay to institute disciplinary hearing.
2004060148	Protea Glen	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter still pending due to delay of SAPS to institute disciplinary hearing.
2004020240	Roodepoort	Unfounded allegations.	Closed as dismissed.
2004920092	Vanderbiljpark	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter still pending due to delay of SAPS to institute disciplinary hearing.

b. Failure to advise complainant to apply for a restraining order

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004010103	Randburg	Case referred to the SAPS for departmental steps to be instituted against the officer.	The Senior Public Prosecutor made queries for further investigation.
2004010478	Jeppe	Closure of matter.	Complainant uncooperative.
2004010504	Roodepoort	Case referred to Area Commissioner for departmental steps to be instituted against the officer.	In view of non-cooperation from the Area Commissioner's office, the matter was referred to Provincial Commissioner.
2004020455	Jabulani	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter still pending in the Area Commissioner's office.
2004030601	Silverton	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter still pending due to delay of SAPS to institute disciplinary hearing.
2004050155	Vosloorus	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter still pending due to delay of SAPS to institute disciplinary hearing.

c. Failure to serve protection order on the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004040442	Nigel	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter was closed as unfounded.

Out of 20 complaints, there were 2 applications for exemption received by this office during this period.

There were no disciplinary outcomes during this period.

3.1.2. WESTERN CAPE

Western Cape received 24 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
04 WC 79	Delft	Matter referred to SAPS for investigation.	Case closed as unsubstantiated.
04 WC 07	Khayelitsha	Matter referred to SAPS for investigation.	Case closed as unsubstantiated.
04 WC 190	Kirstenhof	Matter referred to SAPS for investigation.	Case was withdrawn at complainant's request.
04 WC 204	Strandfontein	Matter referred to SAPS for investigation.	Case was withdrawn at court at complainant's request.
04 WC 278	Delft	Matter referred to SAPS for investigation.	Finalization of this matter and progress report by SAPS is still awaited.
04 WC 331	Ocean View	Matter referred to SAPS for investigation.	Matter closed as unsubstantiated.
04 WC 438	Kraaifontein	Matter referred to SAPS for investigation.	Matter closed as unsubstantiated.

04 WC 450	Nyanga	Matter referred to SAPS for investigation.	Matter closed as unsubstantiated.
04 WC 549	Paarl	Matter referred to SAPS for investigation.	Finalization of this matter and progress report by SAPS is still pending.
04 WC 666	Kleinvei	Matter referred to SAPS for investigation.	Finalization of this matter and progress report by SAPS is still pending.
04 WC 723	Houtbay	No disciplinary hearing to be instituted against the officers.	Matter closed as unsubstantiated.
04 WC 739	Houtbay	No disciplinary hearing to be instituted against the officers.	Matter closed as unsubstantiated.
04 WC 661	Kirstenhof	No disciplinary action to be instituted against the officers.	Matter closed as unsubstantiated.
04 WC 320	Phillipi	Matter referred to SAPS for investigation.	Matter closed as unsubstantiated.
04 WC 440	Manenberg	Matter referred to SAPS for investigation.	Matter closed as unsubstantiated.
04 WC 93	Ravensmead	Matter referred to SAPS for investigation.	Matter closed as unsubstantiated.

b. Failure to advise complainant to apply for protection order

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
04 WC 682	Mitchell's Plain	No disciplinary hearing against the officer.	Matter closed as unsubstantiated.
04 WC 08	Mitchell's Plain	Case referred to the SAPS for departmental steps to be instituted against the officer.	Matter closed as unsubstantiated.

c. Failure to assist complainant to open a case of alleged domestic abuse

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
04 WC 207	Brackenfell	In view of the SAPS refusal to institute departmental steps against the officer, the ICD is waiting for application of exemption from internal prosecution.	Exemption granted by the ICD.
04 WC 255	Delft	Matter referred to SAPS for investigation.	Matter closed as unsubstantiated.
04 WC 357	Woodstock	Matter referred to SAPS for investigation.	Matter closed as unsubstantiated.
04 WC 750	Mitchell's Plain	No disciplinary hearing to be instituted against the officer.	Matter closed as unsubstantiated.
04 WC 22	Langa	Matter referred to SAPS for investigation.	Finalization of this matter and progress report by SAPS is still pending.

d. Failure to accompany the complainant to collect personal belongings

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
04 WC 455	Delft	Matter referred to SAPS for investigation.	Matter still pending due to SAPS delay to institute a disciplinary hearing.

Out of 24 cases of non-compliance there was only 1 application for exemption received. No cases of domestic abuse allegedly committed by SAPS members were reported.

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

3.1.3 KWAZULU NATAL

KwaZulu Natal received no complaints of non-compliance with the DVA during the current reporting period but it is envisaged that this situation will improve following the DVA station audits being conducted at all stations in KwaZulu Natal.

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

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

CNN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2004050210	Assault	Verulam	Referred to SAPS for investigation.	Case closed.
2004020381	Assault	Phoenix	Referred to SAPS for investigation.	Case closed.
2004020474	Pointing of firearm	Phoenix	Referred to SAPS for investigation.	Case closed.
2004010260	Murder	Durban Central	Referred to SAPS for investigation.	Trial is still pending.

3.1.4 EASTERN CAPE

Eastern Cape received 1 complaint of non-compliance with the DVA .The particulars are as follows:

a. Failure to serve a protection order on the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004020537	Umzimkulu	Matter referred to Station Commissioner for investigation.	In view of lack co-operation of the Station Commissioner's office the matter was referred to the Area Commissioner's office for decision.

The following category relates to cases of domestic abuse allegedly committed by SAPS members as suspects. The particulars are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2004030550	Verbal and emotional abuse	Butterworth	Matter referred to Station Commissioner for departmental steps to be instituted against the officer.	In view of lack of cooperation of the Station Commissioner's office, the matter was referred to the Area Commissioner's office for decision.
2004040258	Verbal and emotional abuse	East London	In view of the SAPS refusal to institute departmental steps against the officer, the ICD is awaiting for the application of exemption from internal prosecution.	Still waiting for receipt of formal application for exemption from internal prosecution.
2004050233	Physical, emotional and verbal abuse.	Butterworth	Matter referred to the Station Commissioner for departmental steps to be instituted against the officer.	Matter is still pending due to delay of the SAPS institute a disciplinary hearing.

Out of the 1 case of non-compliance received by this province, there were no applications for exemptions received.

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

3.1.5 LIMPOPO

Limpopo received 6 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
2004040149	Nebo	Referred to SAPS for investigation.	Case closed as unsubstantiated.
2004050495	Mankweng	Disciplinary steps recommended to be instituted against the officer.	Member was warned verbally in a disciplinary hearing.
2004060246	Matlala	Referred to SAPS for investigation.	Matter is pending due to delay of SAPS to institute a disciplinary hearing.
2004040139	Mankweng	Disciplinary steps recommended to be instituted against the officers.	Case closed as unsubstantiated.

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

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004040064	Mankweng	Matter referred to Station Commissioner for investigation.	Case closed as withdrawn.
2004030468	Motetema	Matter referred to Station Commissioner for investigation.	Closed as unfounded.

Only 1 case of domestic abuse allegedly committed by a SAPS member was reported. The particulars of the said case are as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2004030230	Murder	Lebowakgomo	Matter referred to Station Commissioner for investigation.	Trial is still pending.

Out of the 6 cases of non-compliance with the DVA received by this province, there were no applications for exemption received. Results of disciplinary proceedings are still awaited.

3.1.6 MPUMALANGA

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

a. Failure to advise complainant to apply for protection order

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004020276	Vaalbank	Matter referred to Station Commissioner for investigation.	Member was found guilty at the disciplinary hearing and suspended for two months.

b. Failure to issue a notice to appear in court on charges of contravening a protection order

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004030031	Tonga	Disciplinary steps recommended to be instituted against responsible officer.	Matter referred to the Area Commissioner's Office for further investigation.

No applications for exemption were received during this period. Furthermore, there were no disciplinary proceedings reported during this period.

3.1.7 NORTH-WEST

North West received 17 complaints of non-compliance with the DVA. The particulars thereof are as follows:

a. Failure to advise complainant to apply for a protection order

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004010561	Motswedi	Recommended disciplinary action to be instituted against the officer.	Matter is still pending due to delay of SAPS to institute disciplinary hearing.
2004010070	Temba	Recommended disciplinary action to be instituted against the officer.	Exemption granted by the ICD, file closed as unsubstantiated.

b. Failure to effect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004010066	Lethabile	Recommended disciplinary action to be instituted against the officer.	File closed as unsubstantiated.
2004010663	Tlhabane	Recommended disciplinary action to be instituted against the officer.	File closed as unsubstantiated.
2004010679	Temba	Recommended disciplinary action to be instituted against the officer.	Exemption granted by the ICD in respect of one member and the remaining member was warned verbally.
2004020519	Lomanyaneng	Recommended disciplinary action to be instituted against the officer.	File closed as withdrawn.
2004020565	Ga-Rankuwa	Recommended disciplinary action to be instituted against the officer.	Exemption granted by the ICD, file closed as unsubstantiated.
2004020595	Temba	Recommended disciplinary action to be instituted against the officer.	Exemption granted by the ICD, file closed as unsubstantiated.
2004030294	Mafikeng	Recommended disciplinary action to be instituted against the officer.	Matter is still pending due to delay of SAPS to institute a disciplinary hearing.
2004030493	Klipgat	Recommended disciplinary action to be instituted against the officer.	Matter is still pending due to delay of SAPS to institute a disciplinary hearing.
2004030430	Mafikeng	Recommended disciplinary action to be instituted against the officer.	Matter is still pending due to delay of SAPS to institute a disciplinary hearing.
2004030511	Lethabile	Recommended disciplinary action to be instituted against the officer.	Exemption was granted by the ICD, file closed as unsubstantiated.
2004030623	Orkney	Recommended disciplinary action to be instituted against the officer.	Matter is still pending due to delay of SAPS to institute a disciplinary hearing.
2004050083	Bedwang	Recommended disciplinary action to be instituted against the officer.	File closed as dismissed.
2004050245	Heiningvlei	Recommended disciplinary action to be instituted against the officer.	Exemption was granted by the ICD, file closed as unsubstantiated.
2004050413	Mabopane	Recommended disciplinary action to be instituted against the officer.	Exemption was granted by the ICD, file closed as unsubstantiated.
2004060274	Mabopane	Recommended disciplinary action to be instituted against the officer.	Matter is still pending due to delay of SAPS to institute a disciplinary hearing.

North-West received 6 cases relating to domestic abuse allegedly committed by SAPS members as suspects. The particulars were as follows:

CCN	NATURE OF OFFENCE	POLICE STATION	RECOMMENDATIONS	STATUS
2004020548	Intimidation	Mafikeng	Case under ICD investigation.	File closed as unsubstantiated.
2004030487	Physical abuse	Mafikeng	No disciplinary action to be	Closed as withdrawn.

			instituted against the officer.	
2004030629	Physical abuse	Kgomotso	No disciplinary action to be instituted against the officer.	Closed as withdrawn.
2004030637	Physical abuse	Potchefstroom	No disciplinary action to be instituted against the officer.	Closed as dismissed
2004060382	Physical abuse	Stilfontein	No disciplinary action to be instituted against the officer.	Closed as withdrawn.
2004050160	Physical abuse	Stilfontein	Case under ICD investigation.	File closed, member charged departmentally and criminally.

Out of all cases received for non-compliance, no applications for exemption have been received.

17 Disciplinary actions and 2 Criminal cases are still pending.

3.1.8 FREE STATE

Free State received 6 complaints of non-compliance with the DVA. The particulars thereof are as follows:

a. Failure to effect arrest for violation of a protection order

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004060227	Heidedal	Referred to SAPS for investigation.	Finalization of this matter and progress report by SAPS is still pending.
2004010135	Thabong	Member charged departmentally.	Matter finalised. Member not dismissed but suspended for 12 months.
2004020153	Selosesha	ICD investigating the matter.	Matter as unsubstantiated.
2004020255	Bethulie	ICD still investigating the matter.	Matter closed as unsubstantiated.
2004040108	Batho	ICD still investigating the matter.	Finalization of this matter is still pending.

b. Failure to assist complainant to obtain protection order against the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004060583	Batho	ICD investigating the matter.	Matter mediated by the ICD.

Only 1 case relating to domestic abuse allegedly committed by a SAPS member as suspect 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.	Referred to SAPS for investigation.	Matter closed as unsubstantiated.

No applications for exemption were received.

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

3.1.9 NORTHERN CAPE

Northern Cape received 2 cases of non-compliance with the DVA .The particulars are as follows:

a. Failure to assist the complainant to open a case against the abuser.

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004030237	Kimberley	Matter referred to SAPS to institute departmental steps against the officer.	Closed as unsubstantiated.

b. Failure to effect arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2004040223	Galeshewe	Matter referred to SAPS for investigation.	Member was given a verbal warning.

Only 1 case of domestic abuse allegedly committed by a SAPS member as a suspect was reported .The particulars are as follows:

CCN	NATURE OF COMPLAINT	POLICE STATION	RECOMMENDATIONS	STATUS
2004020602	Pointing of firearm, violation of a protection order.	Barkley West	Matter referred to SAPS for investigation.	Complainant withdrew charges. File closed.

No application for exemption has been received.

There were no disciplinary steps or disciplinary outcomes during this period

4. AWARENESS CAMPAIGNS

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

PROVINCE	DATE	VENUE	AUDIENCE	ICD ROLE
Gauteng	30 April 2004	Johannesburg City Hall	Government Departments and Community	Render support on celebration of Ten Year Democracy focusing on gains and challenges for women
KwaZulu Natal	10 June 2004	Hopeville Primary School	Local Community	Community informed about ICD's mandate. Women and child abuse issues were also discussed
	10 June 2004	George Campbell High School	Local Community	Presentation about the mandate of ICD and DVA
	26 June 2004	Amatikhulu Primary School	ICD and local Medical Doctors	Community informed about ICD's mandate and DVA
Eastern Cape	13 March 2004	Queenstown	ICD, SAPS, Local Municipal Councillors, CPF's and NGOs	Render support on community outreach organized by Safety and Liaison and made

				presentation about the mandate of ICD and DVA
	23 June 2004	Keiskammahoek	ICD, SANCO and SAPS	Presentation on the mandate of ICD and DVA
North West	23 June 2004	Pitsedisulejang Village	Pitsedisulejang Community	Addressed the community on ICD's mandate and its role in terms of Domestic Violence Act
	24 June 2004	Siga Village	Siga Community	Addressed the community on ICD's mandate and its role in terms of Domestic Violence Act
	25 June 2004	Molatedi Village	Molatedi community	Addressed the community in ICD's mandate and its role in terms of Domestic Violence Act
Free State	26 February 2004	Kroonstaad	NGO's, ANC Women's League and members of the community	Community informed about ICD's mandate and DVA
		Tseseng	Members of the community	Community informed about ICD's mandate and DVA
Northern Cape	16 March 2004	Kamieskroon (Namaqualand)	ICD, SAPS as well as the community	Community addressed on ICD's mandate and DVA

The following provincial offices did not conduct any DVA Community Outreach programmes during this period, namely:

- Limpopo;
- Western Cape; and
- Mpumalanga.

5. WORKSHOPS

5.1 EASTERN CAPE

- On 6 February 2004, a workshop was conducted by ICD for the Area Commissioner and Station Commissioners in Uitenhage. The purpose of the workshop was to discuss about the role of ICD relating to domestic violence cases, applications for exemptions and the monthly returns.
- On 11 March 2004, a workshop was conducted with the Area Commissioner and Station Commissioners in Queenstown. The purpose of the workshop was to discuss about the role of the ICD relating to domestic violence cases, applications for exemption and the monthly returns.

5.2 NORTHERN CAPE

- On 5 February 2004, a workshop was conducted at Kimberly police station to address Station Commissioners on how to comply with the National Instructions on the DVA.

5.3 FREE STATE

The following workshops were coordinated by the Motheo District Council and conducted by the ICD to explain their mandate in terms of the Domestic Violence Act:

- On 29 March 2004, a workshop conducted at Phahameng. This workshop was attended by District Council and Ward Committees of Phahameng.
- On 30 March 2004, a workshop was conducted at Botshabelo and attended by District Council and Ward Committees of Botshabelo.
- Again, on 3 May 2004, a workshop was conducted at Rocklands and it was attended by District Council and Ward Committees of Rockland.
- The last workshop was conducted on 4 May 2004, at Batho and attended by Batho District Council and Ward Committees.

The following provincial offices did not conduct any workshops during this period:

- Gauteng;
- Mpumalanga;
- North West;
- KwaZulu Natal;
- Limpopo; and
- Western Cape.

6. PROACTIVE OVERSIGHT

Various ICD provincial offices conducted the following audits at police stations to check compliance with the National Instruction and the DVA.

6.1 GAUTENG

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
27 January 2004	Yeoville	DVA readiness	<ul style="list-style-type: none"> • The handling of the domestic violence process is not functioning well at the Community Service Centre. • Members are citing that they were not trained on the Domestic Violence Act and the National Instruction. • No copy of Station Orders. • No list of Domestic Violence incidents and complaints of non-compliance against members. • The SAPS 508 (6) register is not completed properly. • The application for protection order file is not in order as it contains correspondence which has no relevance. • No copies of Domestic Violence warrants of arrest are recorded. • The victim empowerment centre has no relevant information that would be of 	ICD gave specific indications of what mechanisms to be put in place to remedy the identified shortcomings.

			assistance to the person manning the centre such as a list of support services for the victim.	
27 January 2004	Bramley	DVA readiness	<ul style="list-style-type: none"> The station was found to be adhering to prescripts. 	None.
10 February 2004	Midrand	DVA readiness	<ul style="list-style-type: none"> The handling of the domestic violence process is not functioning well at the Community Service Centre. Members are citing that they were not trained on the Domestic Violence Act and the National Instruction. No copies of Station Orders, Domestic Violence Act and National Instruction in the Community Service Centre. The SAPS 508 (6) register is not completed properly. The applications for protection orders are not in a file, and this does not tally with the number of cases listed in the 508(b) register. No copies of Domestic Violence warrants of arrest are recorded. The station has no victim empowerment centre, as well as relevant information that would be of assistance to the person assisting the domestic violence victims. 	ICD gave specific indications of what mechanisms to be put in place to remedy the identified shortcomings.
12 February 2004	Sandringham	DVA readiness	<ul style="list-style-type: none"> The handling of the domestic violence process is not functioning well at the Community Service Centre. Members are citing that they were not trained on the Domestic Violence Act and the National Instruction. Instead of a 508(b) register, a case control register was used that could not accommodate everything that has to be registered. No copy of Station Orders. No list of Domestic Violence incidents and complaints of non-compliance against members. The SAPS 508 (6) register is not completed properly. No application for protection order file nor copies of these orders were found. No copies of Domestic Violence warrants of arrest were found nor recorded. The member dealing with Domestic Violence was on leave, so this was cited as the reason for unavailability of station records. No member was seconded to deal with cases pertaining to Domestic Violence or recordings thereof. ICD also had no access to the victim empowerment centre. 	ICD gave specific indications of what mechanisms to be placed to remedy the identified shortcomings.

12 February 2004	Sandton	DVA readiness	<ul style="list-style-type: none"> • The Domestic Violence registers were not properly completed. • Copies of protection orders are kept in an envelope and not in a file. • There were no copies of warrants of arrest filed. 	ICD gave specific indications of what mechanisms to be put in place to remedy the identified shortcomings.
8 June 2004	Norwood	DVA readiness	<ul style="list-style-type: none"> • The handling of the domestic violence process is not functioning well at the Community Service Centre. • Members are citing that they were not trained on the Domestic Violence Act and the National Instruction. • Instead of a 508(b) register, a case control register was used that could not accommodate everything that has to be registered. • No copy of Station Orders. • Copies of protection orders and warrants of arrest were found in one file and are supposed to be kept in separate files. • No member is seconded to deal with cases pertaining to Domestic Violence or recordings thereof, after hours or during the absence of the relevant member. 	ICD gave specific indications of what mechanisms to be put in place to remedy the identified shortcomings.
8 June 2004	Alexandra	DVA readiness	<ul style="list-style-type: none"> • The handling of the domestic violence process is not functioning well. • No privacy when interviewing complainants of Domestic Violence. • The relevant SAPS 508 (b) register was not properly completed. • There are no recordings of received protection orders or case numbers in the SAPS 508(b) register. • The SAPS 508(b) register cannot be reconciled with case dockets. • Copies of protection orders and warrants of arrest were not filed in arch lever files, but were found in one pile and are supposed to be kept in separate files. • DVA unit concerned about community members being turned away after hours, as the Community Service Centre members are not willing to contact the standby member. • Victim Empowerment Centre not prepared to share offices with the DVA unit in a crisis situation • Lack of support from other SAPS members especially the Detective Head. 	ICD gave specific indications of what mechanisms to be put in place to remedy the identified shortcomings.

6.2 NORTHERN CAPE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
16 February 2004	Pofadder	Check compliance with DVA and National Instructions	<ul style="list-style-type: none"> All three domestic violence registers were fully completed. Only one case of non-compliance was effectively dealt with by the Station Commissioner. The member who failed to comply received a written verbal warning. 	None
17 February 2004	Kammieskroon	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Only one register is used for domestic violence complaints. No register is kept for complaints involving SAPS members as suspects in criminal domestic abuse. 	None
18 February 2004	Olifantshoek	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> One register was used for domestic violence complaints. There were no separate registers for complaints of non-compliance. 	None

6.3 NORTH WEST

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
26 January 2004	Mmabatho	Check compliance with DVA and National Instructions.	<ul style="list-style-type: none"> Registers not properly completed. 	ICD to arrange workshops with the Area Commissioner's office.
29 January 2004	Ottosdal	Check compliance with DVA and National Instructions.	<ul style="list-style-type: none"> Registers not properly completed. Registers not properly completed. 	ICD to arrange workshops with the Area Commissioner's office.
25 March 2004	Potchefstroom	Check compliance with DVA and National Instructions.	<ul style="list-style-type: none"> Registers not properly completed. 	ICD to arrange workshops with the Area Commissioner's office.
07 April 2004	Mabopane	Check compliance with DVA and National Instructions.	<ul style="list-style-type: none"> Registers not properly completed. 	ICD to arrange workshop with the Area Commissioner's office.

6.4 FREE STATE

DATE OF AUDITS	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
26 February 2004	Kroonstaad	Checked compliance with the DVA and the National Instruction.	<ul style="list-style-type: none"> Registers were not updated and cases where members are suspects were not updated despite the fact that some members violated the National Instruction. 	Continuous training to be conducted for SAPS members.

26 February 2004	Allanridge	Checked compliance with DVA and the National Instruction.	<ul style="list-style-type: none"> There was only one register which was not updated. Cases where members are suspects were not updated despite the fact that some members violated the National Instruction. Members have no idea about the Domestic Violence Act and its application. 	Continuous training to be conducted for SAPS members.
26 February 2004	Viljoenskroon	Checked compliance with the DVA and National Instruction.	<ul style="list-style-type: none"> Registers were not updated and cases where members are suspects were not updated despite the fact that some members violated the National Instruction. 	Continuous training to be conducted for SAPS members.
04 March 2004	Petrusburg	Checked compliance with the DVA and National Instruction.	<ul style="list-style-type: none"> Registers were not updated and cases where members are suspects were not updated despite the fact that some members violated the National Instruction. 	Continuous training to be conducted for SAPS members.
04 March 2004	Reedsburg	Checked compliance with the DVA and National Instruction.	<ul style="list-style-type: none"> Registers were not updated and cases where members are suspects were not updated despite the fact that some members violated the National Instruction. 	Continuous training to be conducted for SAPS members.

6.5 EASTERN CAPE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
24 May 2004	Maclear	Checked compliance with DVA and National Instructions.	<ul style="list-style-type: none"> The registers are properly maintained and completed. 	None
25 May 2004	Fleet Street	Checked compliance with DVA and National Instructions.	<ul style="list-style-type: none"> The registers are properly maintained and completed. 	None
27 May 2004	Alice	Checked compliance with DVA and National Instructions.	<ul style="list-style-type: none"> The registers are properly maintained and completed. 	None

6.6 LIMPOPO

DATE OF AUDITS	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
25 May 2004	Mankweng	Checking the registers and interviewing members.	<ul style="list-style-type: none"> • There is gross non-compliance at this station. • Registers were not put in place and were also found not to be in order. • Members do not know about the DVA and this contributes to a large number of DVA complaints against Mankweng Police Station. • Although there is a room used for interviewing all DVA victims, the said room is nonetheless neglected. • One DVA victim was interviewed during the audits, and it was found that, the station does not comply with the DVA at all. • The Community Service Centre Relief Commander was interviewed and was found to be fully conversant with the DVA and so is the Community Service Centre Commander. However, the rest of the members, are still in the dark regarding DVA. 	Training or lecture needed for the member Rooms for interviewing sensitive complainants should be kept clean.
27 May 2004	Seshego	Checking compliance with DVA National Instructions	<ul style="list-style-type: none"> • The registers were in order. • Not all members are conversant with DVA. • There is not a good relationship between the station and Social Services members working at the Empowerment Centre. • There is no good relationship between the station and Magistrate's Court. • The room used for interviewing domestic violence victims is not victim friendly and it is not fully utilized. 	<p>Most members still need training.</p> <p>The working relations between the courts, Social Services and SAPS members at the station should be improved.</p> <p>The room used for interviewing sensitive victims should be cleaned, filled with informative posters and fully utilized.</p> <p>The station was commended for compliance with the DVA, especially regarding the manner and standard in which registers are kept.</p>

6.7 KWAZULU NATAL

DATE OF AUDITS	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
18 June 2004	Phoenix	Check compliance with DVA and National Instructions	<ul style="list-style-type: none">Records not properly kept in that not all cases are being registered. There is no copy of the DVA and National Instruction and list of service providers at the Community Service Centre.	Recommendations made to the SAPS and ICD to remedy the situation.
20 June 2004	Tongaat	Check compliance with DVA compliance and National Instruction	<ul style="list-style-type: none">Registers not properly completed.	Recommendations made to the SAPS and the ICD to remedy the situation.

The following provincial offices did not conduct any audits during this period:

- Western Cape; and
- Mpumalanga.

7. CONCLUSION

The remit of Domestic Violence and the monitoring of SAPS compliance in terms of the Domestic Violence Act 116 of 1998 was an area that was revitalized by the ICD. This is evident in the number of station audits conducted by the ICD during the period under review. It is envisaged that this will go a long way towards ensuring that the implementation of the Act becomes a reality. The conducting of station audits was an eye opener to all involved and clearly showed both the progress made thus far as well as the efforts that still need to be made. The issue of training SAPS members through conducting of workshops is also an area that will be given attention in the future.

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 Service