

DOMESTIC VIOLENCE REPORT TO PARLIAMENT

FOR THE PERIOD

JULY TO DECEMBER 2005

TABLE OF CONTENTS

1. INTRODUCTION.....	3
2. THE MANDATE OF THE ICD IN RESPECT OF INCIDENTS OF NON-COMPLIANCE WITH THE DOMESTIC VIOLENCE ACT, 116 OF 1998	3
3. STATISTICS RELATING TO CASES OF NON-COMPLIANCE WITH THE DVA AND THE PARTICULARS THEREOF	4
3.1 CASES OF NON-COMPLIANCE WITH THE DVA.....	4
3.1.1 GAUTENG.....	4
3.1.2 WESTERN CAPE.....	6
3.1.3 KWAZULU NATAL	7
3.1.4 EASTERN CAPE	7
3.1.5 LIMPOPO.....	7
3.1.6 MPUMALANGA.....	8
3.1.7 NORTH-WEST.....	8
3.1.8 FREE STATE.....	10
3.1.9 NORTHERN CAPE	11
4. AWARENESS CAMPAIGNS	12
5. WORKSHOPS.....	14
6. PROACTIVE OVERSIGHT	14
6.1 GAUTENG.....	14
6.2 WESTERN CAPE	17
6.3 KWAZULU NATAL	18
6.4 EASTERN CAPE.....	19
6.5 LIMPOPO.....	20
6.6 NORTHERN CAPE	20
6.7 NORTH WEST.....	22
7. CONCLUSION.....	24
8. GLOSSARY AND ABBREVIATIONS.....	25

1. INTRODUCTION

This 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, failure to furnish a subpoena, and failure to serve a protection order. The highest number of these cases was received in Free State with a total number of 17. Gauteng recorded the second highest number of cases of non-compliance with a total of 15, followed by North West with a total of 12. Western Cape recorded total of 9 cases. Northern Cape recorded total of 6 cases, followed by Kwazulu Natal with total of 5 cases. Only 4 cases were recorded in Limpopo. Followed by Mpumalanga with a total of 2 cases and lastly is Eastern Cape which recorded 1 case of non-compliance. It is, however, interesting to note that while a total of 70 cases of non-compliance with the DVA were recorded across all provincial offices, only 1 applications for exemption from internal prosecution were received and dealt with.

Also, 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. These activities were in the form of awareness campaigns, workshops, station visits and station audits. The ICD will continue to embark on these activities to enhance its efforts towards ensuring a 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 Municipal Police Services (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 the member, such as a spouse.
- III. Where a member 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 68 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 the SAPS to investigate with the ultimate purpose of holding a disciplinary hearing. The ICD power to investigate incidents of non-compliance with the DVA is derived from the SAPS Act referred to above. Non-compliance is 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 of such matters.

The following statistics relate to cases of non-compliance received from 1 June 2005 to 31 December 2005 and are analyzed according to provinces.

3.1.1 GAUTENG

Gauteng received 15 complaints of non-compliance with DVA. The particulars thereof are as follows:

a. Failure to effect the arrest of the Respondent

CCN NO	POLICE STATION	RECOMMENDATION	STATUS
2005070266	Pretoria Central	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
2005070249	Johannesburg Central	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
2005080042	Mondeor	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
2005080097	Villieria	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
2005110257	Muldersdrift	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action

2005110416	Yeoville	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
200110500	Bosksburg	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
2005110559	Lenasia	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action

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

CCN	POLICE STATION	RECOMMENDATION	STATUS
2005070484	Yeoville	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Case dismissed due to complainant's lack of cooperation
2005090204	Mamelodi	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
2005110410	Meadowlands	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
2005110503	Atteridgeville	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
2005110517	Naledi	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action
2005120050	Kliptown	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action

c. Failure to serve protection order to the Respondent

CCN	POLICE STATION	RECOMMENDATION	STATUS
2005080096	Yeoville	Matter referred to the SAPS for disciplinary action to be instituted against the officer	Matter pending institution of disciplinary action

Out of 15 cases of non-compliance received by Gauteng Province, no applications for exemption were received by the ICD.

3.1.2 WESTERN CAPE

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

a. Failure to effect the arrest of the Respondent

CCN NO	POLICE STATION	RECOMMENDATION	STATUS
2005070489	Mitchell's Plain	Matter referred to SAPS for investigation	Matter pending outcome of investigation
2005080016	Steenberg	Matter referred to SAPS for investigation	Closed as unfounded
2005110012	Grassy Park	Matter referred to SAPS for investigation	Matter pending outcome of investigation
2005110210	Elsies River	Matter under ICD investigation	Matter still under ICD investigation
2005110393	Bellville	Matter referred to SAPS for investigation	Matter still pending the outcome of investigation
2005120308	Kuils River	Matter referred to SAPS for investigation	Matter pending outcome the of investigation

b. Failure to serve protection order to the Respondent

CCN NO	POLICE STATION	RECOMMENDATIONS	STATUS
2005080379	Steenberg	Matter referred to SAPS for investigation and disciplinary action to be taken against the member	Matter pending the outcome of investigation and institution of disciplinary action
2005110116	Cape Town	Matter referred to SAPS for investigation and disciplinary action to be instituted against the member	Matter pending the outcome of investigation and institution of disciplinary action

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 NO	POLICE STATION	RECOMMENDATIONS	STATUS
2005080352	Ravensmead	Matter referred to SAPS for investigation and disciplinary action to be taken against the member	Matter pending the outcome of investigation and institution of disciplinary action

Out of 9 cases of non-compliance received by Western Cape Province, there were no applications for exemption reported.

3.1.3 KWAZULU NATAL

KwaZulu Natal received 5 complaints of non-compliance with the DVA. The particulars thereof are as follows:

a. Failure to assist to open a Domestic Violence case

CCN NO	POLICE STATION	RECOMMENDATION	STATUS
2005070016	Dundee	Member be prosecuted	Case closed as substantiated and member was found guilty given a fine
2005080200	Wentworth	Matter was referred to SAPS for disciplinary action to be instituted against the member	Matter pending institution of disciplinary action
2005080503	Newlands East	Matter was referred to SAPS for investigation and disciplinary action to be instituted against the member	Matter pending the outcome of investigation and institution of disciplinary action
2005090214	Newcastle	Matter was referred to SAPS for disciplinary action to be instituted against the member	Matter pending institution of disciplinary action
2005110049	Elangslaate	Matter was referred to SAPS for investigation and disciplinary action to be instituted against the member	Matter pending the outcome of investigation and institution of disciplinary action

3.1.4 EASTERN CAPE

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

a. Failure to effect arrest of the Respondent

CCN NO	POLICE STATION	RECOMMENDATION	STATUS
200509307	Port St Johns	Matter referred to SAPS for disciplinary action to be taken against the member	Matter pending the institution of disciplinary action

3.1.5 LIMPOPO

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

a. Failure to effect arrest of the Respondent

CCN NO	POLICE STATION	RECOMMENDATION	STATUS
2005030201	Bandelierkop	Matter referred to SAPS for investigation	Case closed as unfounded
2005090380	Acornhoek	Matter referred to SAPS for investigation and disciplinary action to be instituted against the	Application of exemption was received from the SAPS and exemption was granted

		member	
2005110306	Polokwane	Matter referred to SAPS for investigation	Matter pending the outcome of investigation
2005120307	Polokwane	Matter referred to SAPS for disciplinary action to be instituted against the member	Matter pending institution of disciplinary action

Out of 4 cases of non-compliance received by Limpopo, there was one application for exemption from internal prosecution.

3.1.6 MPUMALANGA

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

a. Failure to effect arrest of the Respondent

CCN NO	POLICE STATION	RECOMMENDATION	STATUS
2005070506	Kabokweni	Matter referred to SAPS for investigation and disciplinary action to be taken against the officer	Matter pending the outcome of investigation and institution of disciplinary action
2005120082	Standerton	Matter referred to SAPS for investigation and disciplinary action to be taken against the officer	Matter pending the outcome of investigation and institution of disciplinary action

Out of 2 cases of non-compliance received by Mpumalanga, there were no applications for exemption from internal prosecution.

3.1.7 NORTH-WEST

North West received 12 complaints of non-compliance with the DVA. The particulars thereof are as follows:

a. Failure to open a criminal case against the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2005070242	Ottosdal	Matter referred to SAPS for disciplinary action to be taken against the member	Case closed as substantiated and the member was given a written warning
2005100123	Mmabatho	Matter referred to SAPS for disciplinary action to be taken against the member	File closed as unsubstantiated as there is no prima facie case against the officer

b. Failure to keep a copy of the protection order after it has been obtained from court

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2005090547	Mmabatho	Matter referred to SAPS for disciplinary action to be taken against the member	Matter pending the institution of disciplinary action

c. Failure to affect the arrest of the Respondent

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2005080485	Christiana	Matter referred to SAPS for disciplinary action to be taken against the member	Matter pending the institution of disciplinary action
2005080572	Mothutlung	Matter be closed due to complainant 's lack of cooperative	Matter closed as unfounded
2005080613	Potchefstroom	Matter referred to SAPS for disciplinary action to be taken against the member	Matter pending the institution of disciplinary action
2005110526	Mmabatho	Matter referred to SAPS for disciplinary action to be taken against the member	Matter pending the institution of disciplinary action
2005110427	Vryburg	Matter be closed as dismissed	File closed as dismissed, there is no prima facie case against SAPS

d. Failure to advise complainant of options, such as informing her in a language she can understand

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2005070486	Ikageng	Matter referred to SAPS for disciplinary action to be taken against the member	Matter closed as dismissed due to lack of cooperation from the complainant

e. Failure to inform the victim on where and how to access a protection order

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2005070252	Mmabatho	Matter referred to SAPS for disciplinary action to be taken against the member	Matter pending the institution of disciplinary action
2005070371	Mmabatho	Matter referred to SAPS for disciplinary action to be taken against the member	Matter closed as withdrawn

f. Failure to issue a notice against the transgressor to appear before court

CCN	POLICE STATION	RECOMMENDATIONS	STATUS
2005120381	Mmabatho	Matter referred to SAPS for disciplinary action to be taken against the member	Matter pending the institution of disciplinary action

Out of 12 cases of non-compliance received by North West, there was no application for exemption received from internal prosecution

North-West received 5 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
2005070281	Economic, verbal and psychological abuse	Mmabatho	Member be charged criminally and departmentally	Member found not guilty criminally and departmentally
2005080549	Physical abuse	Potchefstroom	Matter be closed as withdrawn as requested by the complainant	File closed as withdrawn
2005090209	Physical abuse	Khuma	Matter closed as withdrawn, due to complainant lack of interest	File closed as withdrawn
2005110230	Physical abuse	Potchefstroom	Member be prosecuted	Matter finalized, docket referred to DPP for decision
2005120202	Physical abuse	Lichtenburg	Matter investigated by ICD	Matter still under ICD investigation

3.1.8 FREE STATE

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

a. Failure to arrest of the Respondent

CCN NO	POLICE STATION	RECOMMENDATION	STATUS
2005070279	Kagisanong	Matter referred to SAPS for institution of disciplinary action against the member	Matter pending the institution of disciplinary action
200508074	Kagisanong	Matter referred to SAPS for institution of disciplinary action against the member	Matter pending the institution of disciplinary action
2005090350	Tuurflagte	Matter referred to SAPS for institution of disciplinary action against the member	Matter pending the institution of disciplinary action
2005090353	Tuurflagte	Matter referred to SAPS for institution of disciplinary action against the member	Matter pending the institution of disciplinary action
2005090364	Bloemspruit	Matter investigated by ICD	Matter still under ICD investigation
2005110265	Dewetsdorp	Matter investigated by ICD	Matter still under ICD investigation
2005110330	Kagisanong	Matter referred to SAPS for investigation	Case closed as withdrawn
2005110365	Virgina	Matter referred to SAPS for institution of disciplinary action against the member	Matter still under SAPS investigation
2005120063	Mangaung	Matter investigated by ICD	Matter still under ICD investigation

2005110497	Parys	Matter investigated by ICD	Matter still under ICD investigation
2005120288	Mangaung	Matter investigated by ICD	Matter still under ICD investigation

- b. **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	RECOMMENDATION	STATUS
2005070065	Kagisanong	Matter referred to SAPS for institution of disciplinary action against the member	Matter pending the institution of disciplinary action
2005070180	Theunissen	Matter referred to SAPS for institution of disciplinary action against the member	Matter pending the institution of disciplinary action
2005110158	Parkroad	Matter investigated by ICD	Matter still under ICD investigation
2005110129	Kagisanong	Matter referred to SAPS for institution of disciplinary action against the member	Case closed as withdrawn
2005100148	Kagisanong	Matter investigated by ICD	Matter still under ICD investigation
2005110250	Batho	Matter investigated by ICD	Matter still under ICD investigation

Out of 17 cases of non-compliance received from Free State, there were no applications for exemption reported.

3.1.9 NORTHERN CAPE

Northern Cape received 6 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 and seize any dangerous weapon from the abuser**

CCN NO	POLICE STATION	RECOMMENDATION	STATUS
2005070024	Roodepan	Matter referred to SAPS for investigation	Matter withdrawn on complainant request
2005110561	Kimberly	Matter investigated by ICD	Case closed as unsubstantiated
2005090325	Roodepan	Matter investigated by ICD	Case closed as unsubstantiated
2005090400	Kakamas	Matter investigated by ICD	Case closed as unfounded
2005100507	Kimberly	Matter referred to SAPS for institution of disciplinary action against the member	Matter withdrawn by the complainant
200510306	Kimberly	Matter investigated by ICD	Case closed as unfounded

Out of 6 cases of non-compliance received by Northern Cape, there were no applications for exemption were received.

4. AWARENESS CAMPAIGNS

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

PROVINCE	DATE	VENUE	AUDIENCE	ICD ROLE
Gauteng	29 November 2005	Sicelo Informal Settlement	<ul style="list-style-type: none"> • Community 	Address the community on the mandate of the ICD and its role as far as DVA is concerned
Limpopo	28 November 2005	Northam	<ul style="list-style-type: none"> • Community • Safety & Security Liaison • Public Protector • Municipality 	Distribution of brochures and presentation on the mandate of the ICD and its role as far as DVA is concerned
	30 November 2005	Saselemani	<ul style="list-style-type: none"> • Community • Safety & Security Liaison • Public Protector • Municipality 	Distribution of brochures and presentation on the mandate of the ICD and its role as far as DVA is concerned
	01 December 2005		<ul style="list-style-type: none"> • Community • Safety & Security Liaison • Public Protector • Municipality 	Distribution of brochures and presentation on the mandate of the ICD and its role as far as DVA is concerned
	06 December 2005	Tshimbupfe	<ul style="list-style-type: none"> • Community • Safety Security & Liaison • Public Protector • Municipality 	Distribution of brochures and presentation on the mandate of the ICD and its role as far as DVA is concerned
	08 December 2005	Phokwane	<ul style="list-style-type: none"> • Community • Safety & Security Liaison • Public Protector • Municipality 	Distribution of brochures and presentation on the mandate of the ICD and its role as far as DVA is concerned
North West	06 July 2005	Letsopa	<ul style="list-style-type: none"> • Letsopa Community 	Addressed the community on the ICD mandate and its role in terms of Domestic DVA
	07 July 2005	Kareeskuil	<ul style="list-style-type: none"> • Kareeskuil Community 	Addressed the community on ICD mandate and its role in terms of DVA

	27 July 2005	Greenspark	<ul style="list-style-type: none"> Greenspark Community 	Addressed the community on the ICD mandate and its role in terms of DVA
	28 July 2005	Kokosi	<ul style="list-style-type: none"> Kokosi Community 	Addressed the community on the ICD mandate and its role in terms of DVA
	04 August 2005	Beefmaster	<ul style="list-style-type: none"> Beefmaster Community 	Addressed the community on the ICD mandate and its role in terms of DVA
	07 September 2005	Glaudina	<ul style="list-style-type: none"> Glaudina Community 	Addressed the community on ICD mandate and its role in terms of DVA
	28 September 2005	Coligny	<ul style="list-style-type: none"> Coligny Community 	Addressed the community on ICD mandate and its role in terms of DVA
	26 October 2005	Madibogo	<ul style="list-style-type: none"> Madibogo Community 	Addressed the community on the ICD mandate and its role in terms of DVA
	28 November 2005	Tsineng	<ul style="list-style-type: none"> Tsineng Community 	Addressed the community on the ICD mandate and its role in terms of DVA
	05 December 2005	Kabe	<ul style="list-style-type: none"> Kabe Community 	Addressed the community on the ICD mandate and its role in terms of DVA
	07 December 2005	Loopeng	<ul style="list-style-type: none"> Loopeng Community 	Addressed the community on the ICD mandate and its role in terms of DVA
Eastern Cape	13 July 2005	Tarkastad	<ul style="list-style-type: none"> SAPS Community 	Addressed the community on the ICD mandate and its role in terms of DVA
	21 September 2005	Keikammahoek	<ul style="list-style-type: none"> SAPS Community SANCO 	Addressed the community on ICD mandate and its role in terms of DVA
	29 December 2005	Toise	<ul style="list-style-type: none"> Government Department NGO Community 	Addressed the community on ICD mandate and its role in terms of DVA
KwaZulu Natal	25 November 2005	Utrecht Community Hall	<ul style="list-style-type: none"> SAPS Community Policing Forum 	Supporting the launch of Sixteen Days of Activism
	06 December 2005	Tugela Ferry Community Hall	<ul style="list-style-type: none"> SAPS 	Render support on sixteen Days of Activism Campaign
	08 December 2005	Escourt	<ul style="list-style-type: none"> Community Policing Forum 	Render support on sixteen Days of Activism Campaign
	02 December 2005	Folweni	<ul style="list-style-type: none"> SAPS Community Policing Forum 	Render support on sixteen Days of Activism Campaign

5. WORKSHOPS

During this period KwaZulu-Natal Province organized and conducted four workshops in various areas of Durban. The Station and Area Commissioners of various Police Stations were invited to attend the aforesaid workshop. The purpose of these workshops was to discuss problems encountered by SAPS in the implementation of the Domestic Violence Act and National Instruction. The particulars of these workshops are as follows:

04 August 2005 : Durban North Area
 25 August 2005 : Durban South Area
 15 September 2005 : Umfolozi
 05 October 2005 : Umzimkhulu

Western Cape Province was requested by NICRO to facilitate workshops for the community. Two workshops were conducted on 12 and 17 August 2005. The purpose of both workshops was to address the community about the mandate of the ICD and the role of ICD as far as DVA is concerned.

All remaining provincial offices such as Gauteng, Northern Province, North West, Eastern Cape, Mpumalanga, Limpopo and Free State did not conduct any workshops during this period.

6. PROACTIVE OVERSIGHT

The following audits were conducted by various ICD provincial offices at police stations to check compliance with National Instruction and the Domestic Violence Act.

6.1 GAUTENG

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
03 August 2005	Sebenza	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> • Handling of domestic violence was not up to standard at the Community Service Centre • 508 (a) and (b) registers were not properly completed • Copy of service providers were not found • Copies of National Instruction 7/1999 and DVA 116 of 1998 were not found • Station Order in place • Copies of protection orders and warrants of 	Recommendations were made to the police station to remedy the shortcomings

			arrest were not filed	
03 August 2005	Edenvale	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> • DVA registers 508 (a) and (b) were not properly completed • No copy of National Instruction in place • No copies of protection orders and warrants of arrest were filed • Copy of the Station Order was not available 	Recommendations were made to the police station to remedy the shortcomings
22 August 2005	Katlehong	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> • The station seemed in compliance with the DVA, the only problem was that copy of the Station Order was not properly recorded 	Recommendations were made to the police station to remedy the shortcomings
29 September 2005	Dobsonville	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> • Full compliance with the DVA and National Instruction 	None
29 September 2005	Lenasia South	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> • Full compliance with the DVA and National Instruction 	None
29 September 2005	Eldorado Park	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> • No copies of the DVA and National Instruction in the Community Service Centre • SAPS 508 (b) register was not properly completed • Other cases were not allocated with case numbers • No copies of Station Order was in place • No list of service providers was in place 	Recommendations were made to the police station to remedy the shortcomings
27 October 2005	Ladium	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> • The station is using a draft copy of the National Instruction • SAPS 508 (a) and (b) registers were not properly completed • No copy of the Station Order was in place • Copy of the list of the service providers was not updated 	Recommendations were made to the police station to remedy the shortcomings

27 October 2005	Hillbrow	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> No copy of National Instruction was found in the Community Service Centre No copies of Station Order was in place Victim Empowerment Centre was not victim friendly 	Recommendations were made to the police station to remedy the shortcomings
27 October 2005	Lyttleton	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Draft copy National Instruction is still in use Copies protection orders and warrants of arrests were not properly recorded 	Recommendations were made to the police station to remedy the shortcomings
27 October 2005	Wierdaburg	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Full compliance with the DVA and National Instruction 	None
24 November 2005	Meyerton	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> No copy of the DVA in the Community Service Centre SAPS 508 (a) and (b) registers were not properly recorded No copy of Station Order was not in place No list of service providers was not in place Victim Empowerment Centre was not victim friendly 	Recommendations were made to the police station to remedy the shortcomings
24 November 2005	Sebokeng	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Copies of warrants of arrest were not filed No copy of the DVA in the Community Service Centre 	Recommendations were made to the police station to remedy the shortcomings
24 November 2005	Kliprivier	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Full compliance with the DVA and National Instruction 	None
13 December 2005	De Deur	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Full compliance with the DVA and National Instruction 	None
29 September 2005	Eldorado Park	Cell Inspection	<ul style="list-style-type: none"> Cell inspection was conducted and cells were found to be in good condition 	None

27 October 2005	Ladium	Cell Inspection	<ul style="list-style-type: none"> Cell inspection was conducted and cells were found to be in good condition 	None
27 October 2005	Hillbrow	Cell Inspection	<ul style="list-style-type: none"> Cell inspection was conducted and cells were found to be in good condition 	None
27 October 2005	Lyttleton	Cell Inspection	<ul style="list-style-type: none"> Cell inspection was conducted and cells were found to be in good condition 	None
27 October 2005	Wierdaburg	Cell Inspection	<ul style="list-style-type: none"> Cell inspection was conducted and cells were found to be in good condition 	None
24 November 2005	Sebokeng	Cell Inspection	<ul style="list-style-type: none"> Cell inspection was conducted and immigrant inmates complained that they spent almost a week in the cells without validation of their documents 	Recommendations were made to the police station to remedy the shortcomings

6.2. WESTERN CAPE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
02 July 2005	Macassar	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> All registers were completed Victim Empowerment Centre was in place and managed properly The copies of warrants of arrest and protection orders were filed in order 	Ongoing domestic violence training was recommended
27 September 2005	Mitchell's Plain	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Registers were properly completed Copies of protection orders and warrants of arrest were filed properly 	Ongoing domestic violence training was recommended
08 December 2005	Diep River	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Full compliance with DVA and National Instruction 	Ongoing domestic violence training was recommended

6.3 KWAZULU NATAL

DATE	POLICE STATION	NATURE OF AUDIT	FINDINGS	RECOMMENDATIONS
02 July 2005	Eshowe	Cell Inspections	<ul style="list-style-type: none"> • Cells were neat and in order • There were 44 prisoners in custody and one female • No overcrowding of cells 	None
17 August 2005	Greytown	Cell Inspections	<ul style="list-style-type: none"> • The cells were neat and in order 	None
06 September 2005	Verulam	Cell Inspections	<ul style="list-style-type: none"> • The cells were neat and in order but there were insufficient staff to manage cell 	The cells were clean and habitable. It is clear that proper maintenance of the inmates can only be done if there is sufficient manpower to handle the volume of inmates in the holding cells. A permanent shift should be in place allowing at least two members to work at the cells on a permanent basis, thereby releasing other members to continue their active duties
07 September 2005	Cato Manor	Cell Inspections	<ul style="list-style-type: none"> • The cells were neat and in order 	It is clear that proper maintenance of the inmates can only be done if there is sufficient manpower to handle the volume of inmates in the holding cells. The police should take correct particulars of all inmates in order to prevent cases of mistaken identity which may results in the release of wrong person. A permanent shift should be in place allowing at least two members to work at the cells on a permanent basis, thereby releasing other members to continue their active duties
29 November 2005	Melmoth	Cell inspection	<ul style="list-style-type: none"> • The junior officers were instructing the prisoners to serve food to the inmates 	The police officers must transport the food from the kitchen to the cells. Meals provided to the prisoners should be reviewed

6.4 EASTERN CAPE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
22 July 2005	Willowvale	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Registers were in place but not always accessible when needed No Victim Empowerment Centre No list of service providers was in place National Instruction not complete 	Recommendations were made to the police station to remedy the shortcomings
02 August 2005	Stutterheim	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> DVA not available The rest is in order 	Recommendations were made to the police station to remedy the shortcomings
18 August 2005	Cofimvaba	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> No coordinator for Domestic Violence cases in the Community Service Centre SAPS 508 (a) register was not available Members were not aware of DVA matters SAPS 508 (b) register is not properly completed National Instruction & Station Order were not available No Victim Empowerment Centre 	Recommendations were made to the police station to remedy the shortcomings
26 August 2005	Cradock	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Full compliance with the DVA 	None
19 July 2005	Mtayliff	Cell Inspection	<ul style="list-style-type: none"> Cells in good condition and secured No overcrowding No assaults reported Inmates get their meals on time 	Recommendations were made to the police station to remedy the shortcomings

			<ul style="list-style-type: none"> Shoelaces and jewellery were found on other inmates 	
--	--	--	---	--

6.5 LIMPOPO

DATE	POLICE STATION	NATURE OF AUDIT	FINDINGS	RECOMMENDATIONS
02 November 2005	Thabazimbi	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Station Commissioner stopped us from continuing to conduct the audits. Up to where we conducted audits, the station seemed to be complying with the DVA 	Recommendations were made to the Area Commissioner to remedy the shortcomings
02 November 2005	Dwaalboom	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> Registers are not being utilised No training was offered to Community Service Centre members Community Service Centre is understaffed and does not have a Commander The station experience problem about protection orders of complainants/ respondents who reside outside their jurisdiction 	Recommendations were made to the police station to remedy the shortcomings

6.6 NORTHERN CAPE

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
15 November 2005	Groblershoop	Check the compliance of DVA and National Instruction	<ul style="list-style-type: none"> SAPS 508 (a) register was not properly recorded Community Service Centre Commander and other officers did not attend DVA 	Recommendations were made to the police station to remedy the shortcomings

			<p>training</p> <ul style="list-style-type: none"> No list of the service providers was in place 	
28 November 2005	Kimberly	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> SAPS (b) and (c) registers not properly recorded 	Recommendations were made to the police station to remedy the shortcomings
28 November 2005	Barkley West	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> SAPS 508 (a), (b) and (c) registers were not properly completed Copy of the DVA was not available Other officers did not receive training on Domestic Violence 	Recommendations were made to the police station to remedy the shortcomings
28 November 2005	Roodenpan	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> SAPS 508 (a) and (b) register was not properly completed Copies of National Instruction and the DVA were not available in the Community Service Centre 	Recommendations were made to the police station to remedy the shortcomings
20 November 2005	Galeshewe	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> SAPS 508 (b) register was not properly completed SAPS 508 (a) and (b) registers were not available Copies of the DVA and National Instruction were not in place 	Recommendations were made to the police station to remedy the shortcomings
29 November 2005	Warrenton	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> SAPS 508 (c) registers was not available Copies of the DVA and Station Order were not in place List of service providers was not in place 	Recommendations were made to the police station to remedy the shortcomings
06 December 2005	Modderivier	Check compliance of DVA and National Instruction	<ul style="list-style-type: none"> Copies of the National Instruction and Station Order were not available List of service providers was not in place 	Recommendations were made to the police station to remedy the shortcomings

28 November 2005	Kimberly	Cell Inspection	<ul style="list-style-type: none"> Cell inspection was conducted and one complaint was received from an inmate who was refused to contact his family to inform them about his arrest The cells were in good condition and no overcrowding was experienced 	Recommendations were made to the police station to remedy the shortcomings
28 November 2005	Barkley West	Cell Inspection	<ul style="list-style-type: none"> A shoelace was found in the cell (3) three complaints of assault were received from the inmates 	Recommendations were made to the police station to remedy the shortcomings and victims were advised to open criminal cases regarding assault case.
20 November 2005	Galeshewe	Cell Inspection	<ul style="list-style-type: none"> Cell inspection was conducted and cells as well as inmates were in good condition 	Recommendations were made to the police station to remedy the shortcomings
29 November 2005	Warrenton	Cell Inspection	<ul style="list-style-type: none"> Cell Inspection was conducted and cells were found to be in good condition 	None
06 December 2005	Modderivier	Cell Inspection	<ul style="list-style-type: none"> Cell inspection was conducted and cells were found to be in good condition 	None

6.7. NORTH WEST

DATE OF AUDIT	POLICE STATION	NATURE OF AUDITS	FINDINGS	RECOMMENDATIONS
06 July 2005	Kgomotso	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Not all registers are kept 	SAPS to arrange a workshop for its members
06 July 2005	Pampierstad	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> SAPS 508(b) register is kept but not properly recorded 	SAPS to arrange a workshop for its members
07 July 2005	Taung	Check compliance with DVA and National	<ul style="list-style-type: none"> Registers are excellently kept and completed 	None

		Instruction		
07 July 2005	Pudumoe	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Registers not properly completed No pocket book reference 	SAPS to arrange a workshop for its members
25 July 2005	Vorstershooop	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> SAPS 508(b) is kept but wrongly completed 	SAPS to arrange a workshop for its members
25 July 2005	Mokopong	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> No registers kept Phones were out of order 	SAPS to arrange a workshop for its members
25 July 2005	Bray	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Applications for protection orders not properly completed 	SAPS to arrange a workshop for its members
26 July 2005	Heuningvlei	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> No pocket book reference 	SAPS to arrange a workshop for its members
26 July 2005	Morokweng	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> SAPS 508(b) register was last checked on 11 November 2004 	SAPS to arrange a workshop for its members
26 July 2005	Ganyesa	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> No files for copies of protection orders Wrong serial numbers are recorded 	SAPS to arrange a workshop for its members
26 July 2005	Vryburg	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Protection orders served by Dept. of Justice 	SAPS to arrange a workshop for its members
10 August 2005	Batharos	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> SAPS 508(b) register was not properly completed 	SAPS to arrange a workshop for its members
10 August 2005	Mothibistad	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Compliance with the DVA 	Write a positive report to the Area Commissioner's office
10 November 2005	Phokeng	Check compliance	<ul style="list-style-type: none"> Non-compliance register does not 	SAPS to arrange a workshop for its members

		with DVA and National Instruction	exist	
10 November 2005	Tlhabane	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Compliance with the DVA 	Write a positive report to the Area Commissioner's office
10 November 2005	Rustenburg	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Compliance with the DVA 	Write a positive report to the Area Commissioner's office
24 November 2005	Lomanyaneng	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Compliance with the DVA 	Write a positive report to the Area Commissioner's office
24 November 2005	Mmabatho	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Compliance with the DVA 	Write a positive report to the Area Commissioner's office
28 November 2005	Tsineng	Check compliance with DVA and National Instruction	<ul style="list-style-type: none"> Cases are mediated and protection orders not served 	SAPS to arrange a workshop for its members

Kindly be informed that Mpumalanga and Free State did not conduct and station audits during this period.

7. CONCLUSION

During 2005, the ICD received an increase of 12% cases of non-compliance with the DVA compared to last year (2004). These cases are mainly cases from the public directly although SAPS is responsible to inform the ICD accordingly, this has not transpired. SAPS continue to submit their monthly returns to ICD indicating a nil state. Provincial Commissioners are obviously failing as well as to get cooperation from their Area Commissioner and in turn the Station Commissioners. This is not the first time that we have reported the matter and the fact that it remains unresolved indicates a lack of commitment on the part of SAPS management to properly implement the DVA. Only one application for exemption was received from SAPS and all remaining cases are still pending due to the delay by the SAPS management to institute disciplinary proceedings.

However, 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. The delay of SAPS to implement ICD recommendations in respect of violations of the Domestic Violence Act is a serious cause for concern since it hampers the effective implementation of DVA by SAPS. Justice delayed is justice denied.

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