

DOMESTIC VIOLENCE ACT (DVA) MONITORING REPORT

Report on the status of DVA implementation and compliance by the SAPS
from April to September 2021.



**civilian secretariat
for police service**

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TABLE OF ACRONYMS

ACRONYM	DESCRIPTION
CSC	Community Service Centre
CSPS	Civilian Secretariat for Police Service
DV	Domestic Violence
DVA	Domestic Violence Act 116 /1998
EHWP	Employee Health and Wellness Programme
NATIONAL INSTRUCTIONS	DVA National Instruction No 7 of 1999
OB	Occurrence Book
PS	Provincial Secretariats
SAPS	South African Police Service
SAPS 508	A form used to register DVA non-compliance complaints against members
VFR	Victim Friendly Room
DISCIPLINARY CODES	
DS1	Remedial steps after initial interview (not serious)
DS2	Verbal warning after initial interview (not serious)
DS3	Written warning (not serious)
DS4A	Departmental investigation (serious): still under investigation
DS4B	Departmental investigation (serious): guilty (state sentence)
DS4C	Departmental investigation (serious): not guilty
PROVINCES	
EC	Eastern Cape
FS	Free State
GP	Gauteng
KZN	KwaZulu-Natal
LP	Limpopo
MP	Mpumalanga
NC	Northern Cape
NW	North West
WC	Western Cape

1. INTRODUCTION

The Domestic Violence Act, 1998 (Act No.116 of 1998) herein referred to as DVA, is aimed at providing victims of domestic violence with the maximum protection from domestic abuse. A victim of domestic violence as defined in the DVA does not only refer to women or married people. The definition is extended to include any person who is in a domestic relationship with another through marriage, a romantic or intimate relationship, sharing a place of residence, family ties, and parental responsibility irrespective of gender and age.

In fulfilling its main objective, the DVA places a number of obligations on the South African Police Service (SAPS) and other state departments with regard to its implementation and specific services that should be rendered to victims of domestic violence. These obligations have consequences should the SAPS members fail to implement them properly. Section 18(4)(a) of the DVA makes it a misconduct, as contemplated in the SAPS Act, for a SAPS member who fail to comply with the obligations placed by the DVA or the National Instruction on Domestic Violence. According to this section, all cases of identified non-compliance by SAPS members should be reported to the Civilian Secretariat for Police Service (CSPS).

The CSPS is mandated by the Civilian Secretariat for Police Service Act, 2011 (Act No. 2 of 2011) to monitor and evaluate the SAPS' compliance with the DVA, and make recommendations to the police service on disciplinary procedures and measures with regard to non-compliance. Furthermore, in line with Sec 18(5)(c) of the DVA, the CSPS is obligated to submit reports to Parliament on SAPS non-compliance with the DVA every six months. In putting this mandate to effect, the CSPS in collaboration with the Provincial Secretariats (PS) conduct police station monitoring visits in order to assess the compliance to and implementation of DVA by the SAPS at police station level. The focus of the monitoring visits is on both regulatory compliance and execution of the DVA by police stations.

During the period under review, the CSPS together with PS conducted 460 police station oversight visits with special focus on police stations that are located in areas that are in the national and provincial top 30 areas with high Gender Based Violence (GBV) related crimes. It should be noted that Gauteng Province (GP) covered more police stations while the Free State (FS) province submitted data in a narrative form

that covered 28 police stations, however some of the variables could not be used for statistical analysis. The oversight process entailed administering police station specific improvement plans to track progress and to effectively monitor implementation of recommendations and measure improvement of performance by police stations. Follow-up visits were further conducted by provinces with the aim of monitoring non-compliance and implementation of recommendations. In addition to the oversight visits, information on the management of non-compliance was received from SAPS and assessed.

2. OBJECTIVE

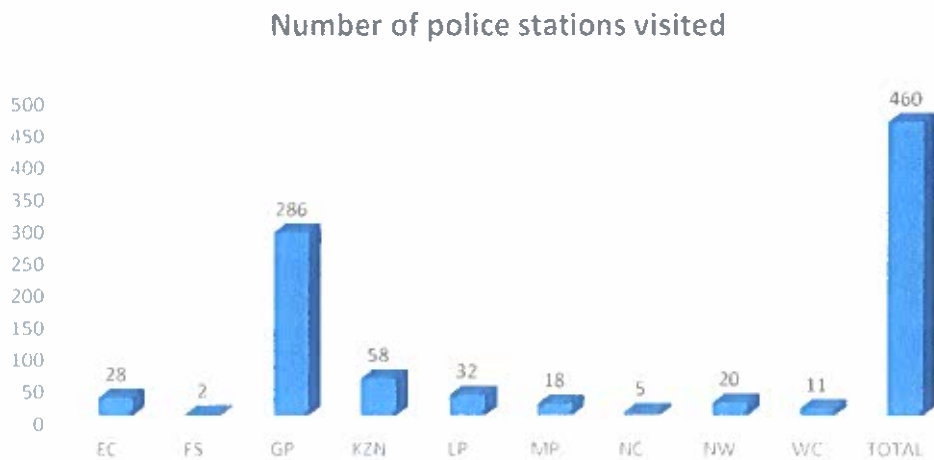
The objective of the report is to provide information on the status and management of non-compliance by the SAPS management and the findings on oversight visits conducted by the CSPS and PS to monitor implementation of the DVA.

3. SCOPE

This report focuses on monitoring of implementation of the DVA between April and September 2021 by the CSPS and Provincial Secretariats (PS). The report also covers information collected by the SAPS during the same period. The findings are limited to 460 police stations (including the top 30 high GBV crime stations in all provinces and nationally).

A break-down of number the of police stations visited is illustrated in figure 1 below. The figure shows that GP has the highest number of police stations visited because all police stations were visited twice during the reporting period.

Figure 1: Number of police station visited



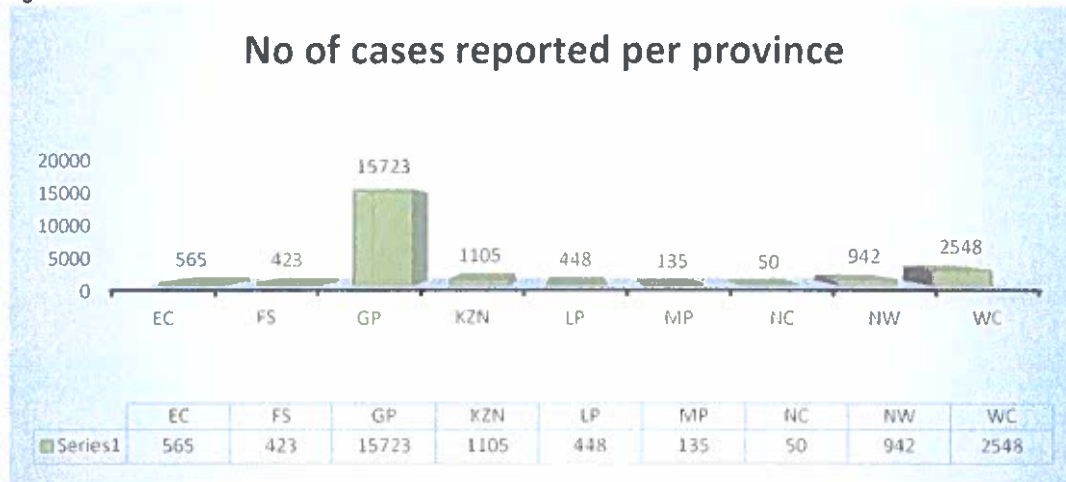
4. PREVALENCE OF DOMESTIC VIOLENCE (DV)

Domestic violence (DV) continues to be amongst the highest contributors to contact crime in the country, even though various studies indicate that it is highly under reported due to its nature, as it is a crime that mostly happens behind closed doors and between people that are closely related. The reporting of DV incidents to the police can be influenced by a number of factors which include the prevalence of cases in a particular community and the level of trust in the police by the community. For instance when communities are not confident in the police response they tend not to report cases as they feel nothing would be done¹.

During the reporting period, SAPS recorded 21939 cases and 37940 incidents of domestic violence across the visited police stations.

¹Statistics South Africa, 2018 - In depth analysis of Victims of Crime Data Survey: Crimes against women in South Africa

Figure 2: Prevalence of Domestic Violence



The provinces that have reported the highest number of cases as reflected in figure 2 above are GP with 15723, Western Cape (WC) with 2548 followed by KwaZulu-Natal (KZN) with 1105. Northern Cape (NC) was the province with the least number of cases reported with 50 cases. Looking at these figures, it can be inferred that an average of 2621 DV cases were reported in GP alone on a monthly basis during this six-month period. Seeing that there is generally under reporting of DVA², the actual numbers of people exposed to DV might be much higher than those reflected above, which is a very concerning issue. Despite WC being reported as the second-most violent province in South Africa, GP being the first according to SAPS crime statistics, GP and WC consistently have the highest DV rate in the country. Even more troubling, it was found that the percentage and total number of cases closed as undetected has continued to climb over the years.

Figure 3 below depicts that out of the 21939 reported cases at the 460 police stations; 2752 (12, 5%) of the cases were closed as undetected, which are cases that could not be resolved due to suspects not found. Furthermore, 170 (0, 77%) were closed as unfounded (false reporting of cases) for instance in cases involving teenagers who claim to be raped when they do not go home on time. These are false accusers who have no interest in pursuing charges after the lie has served its purpose.

² Statistics South Africa, 2018 - In depth analysis of Victims of Crime Data Survey: Crimes against women in South Africa

Figure 3: Cases closed as undetected and unfounded



5. NON COMPLIANCE BY SAPS MEMBERS

According to section 18(4) (a) and (b) of the DVA, failure by SAPS members to comply with the duties or any obligations as imposed in the DVA and National Instruction constitutes misconduct. The Station Commander is expected to institute disciplinary action against such a member unless an exemption has been granted by the CSPA³. The first form of non-compliance is when SAPS members fail to comply with the DVA by not fulfilling the administrative obligations (administrative non-compliance) as outlined in the National Instructions and in the DVA. The second form of non-compliance is when a complaint from the public (operational non-compliance) is received when a member fails to provide the required service as prescribed by both the DVA and the National Instructions. The third form of non-compliance is when police stations fail to comply with obligations as set out in the National Instructions and other relevant SAPS policies (Regulatory compliance).

The CSPA measures the level of non-compliance by SAPS through non-compliance cases reported to the CSPA and Provincial Secretariats, analysis of consolidated return of non-compliance cases, and findings from police station oversight visits.

³ The DVA still refers to the ICD, however the mandate has been transferred to the CSPA in terms of the IPID Act (No 1 of 2011)

5.1. Non-Compliance report based on SAPS records

The SAPS has a responsibility to submit a consolidated return of non-compliance cases to the CSPS for submission to Parliament as required by section 18(5)(d) of the DVA. Table 1 below provides a summary of reported non-compliance against SAPS members according to information received from the SAPS National Office.

Table 1: Summary of non-compliance based on SAPS records

Categories	EC	FS	GP	KZN	LP	MP	NC	NW	WC	Type of non-compliance	Total
Failure to complete SAPS 508(a) and 508(b)	0	5	0	0	0	0	0	0	30	Administrative	35
Failure to record DV incidents in the Occurrence Book or Pocket Book	0	2	0	0	0	0	0	0	1	Administrative	3
Failure to file/ register Protection Order	0	2	0	0	0	0	0	0	0	Administrative	2
Failure to arrest the perpetrator	0	0	0	0	0	0	0	0	0	-	0
Failure to assist a complainant to open a case	0	3	0	0	0	0	0	0	12	Operational	15
Failure to serve a protection Order	0	0	0	0	0	0	0	0	0	-	0
Failed to submit pocket book entry and endorse case number	0	1	0	0	0	0	0	0	0	Administrative	1
Failure to confiscate a fire arm of a perpetrator	0	0	0	0	0	0	0	0	0	-	0
Failure to do 1 st level inspection	0	0	1	0	0	0	0	0	0	Administrative	1
Failure to render a satisfactory service to the victim	0	0	2	0	0	0	0	0	0	Operational	2
Total number of complaints received	0	13	3	0	0	0	0	0	43		59

It is evident that there are still gaps in the implementation of the DVA at police station level as shown by the high number of administrative non-compliances as reflected in the table above. A total of 59 non-compliance incidents were reported from three (3) provinces which are FS, GP and WC. The rest of the provinces submitted a zero return on non-compliance. The highest number of non-compliances was reported in the WC with 43 cases.

Administrative non-compliance continues to be the most reported type of non-compliance within SAPS with 42 reported non-compliance incidents. The administrative non-compliance incidents involve 35 cases of failure to complete SAPS 508a and 508b; failure to record DV incidents in the OB or Pocket Book with three (3)

incidents, failure to file/ register a Protection Order with two (2) incidents and one (1) incident of failure to submit pocket book entry and endorse case number.

Failure to fully comply with the administrative obligations like proper recording and filling, raises a question in terms of the ability to effectively provide services to the complainants. Proper recording of reported incidents assists in the safekeeping of information relating to the reported incident which can be used in a court of law should the need arise.

There was one (1) recorded case of failure by either the CSC or VISPOL commander to carry out the first level inspection as prescribed. In order to ensure that members at the CSC are adhering to their obligations and are provided with proper guidance, first level inspections are crucial. Failure to conduct these, deprives the frontline members of the opportunity to identify their mistakes, correct them and in the process learn so that the mistakes are not repeated.

In addition to administrative non-compliance, operational non-compliance (when a complaint from the public is received due to failure by a member to provide the required service as prescribed by both the DVA and the National Instructions), should also be captured in the consolidated report by SAPS. During the period under review, SAPS recorded 17 incidents of operational non-compliance, where 15 incidents fell under the category of failure to assist a complainant to open a case and the other two (2) were incidents where members failed to render a satisfactory service to the victim. Over the past five-year period, monitoring findings have suggested that personal and cultural factors may negatively impact on police officers' handling of complaints of domestic violence hence offsetting policy directives. This was confirmed by evaluation findings in 2017/18, when the CSPA was exploring causes to DVA non-compliance by SAPS.

Paragraph 13(1) of the National Instruction indicates that disciplinary proceedings must be instituted in line with the SAPS Discipline Regulations for any member who has failed to comply with any obligation as imposed in terms of the DVA or National Instructions. Should the Station Commander, after investigation be convinced that the member involved should not be subjected to the disciplinary process, they need to submit an application for exemption to the Provincial Secretariat through the Provincial Commissioner's Office.

Table 2: Departmental steps taken and outcomes

Categories	EC	FS	GP	KZN	LP	MP	NC	NW	WC	Total
DS1: Remedial Steps (after initial interview – Not serious)	0	1	0	0	0	0	0	0	28	29
DS2: Verbal warning (after initial interview)- Not serious	0	7	0	0	0	0	0	0	7	14
DS3 Written warning (Not serious)	0	2	1	0	0	0	0	0	2	5
DS3A Final Written warning	0	0	0	0	0	0	0	0	0	0
DS4A: Departmental Investigation (Serious) : still under investigation	0	3	2	0	0	0	0	0	6	11
DS4B: Departmental Investigation (serious): guilty (state sentence)	0	0	0	0	0	0	0	0	0	0
DS4C Departmental investigation (serious): not guilty	0	0	0	0	0	0	0	0	0	0
Application for exemption	0	0	0	0	0	0	0	0	0	0
Exemption granted: Failure to complete SAPS 508(a) and 508(b)	0	0	0	0	0	0	0	0	0	0
Total number of complaints received	0	13	3	0	0	0	0	0	43	59

Table 2 above shows the departmental steps taken by Station Commanders to address the above mentioned non-compliances. Out of the 59 non-compliances recorded, there were 59 members involved, which indicates that there are no members who committed more than one offence. Disciplinary proceedings were initiated for all the 59 members with departmental steps taken and there were no applications for exemption submitted. There were 11 members that were subjected to DS4 A, which is a serious misconduct that requires departmental investigation. The outcome of these investigations are still pending. The remaining 48 incidents were considered non-serious and steps taken range from remedial steps (DS1), verbal warning (DS2), and written warning (DS3) with 29, 14 and five (5) members respectively.

Despite DVA implementation challenges, the SAPS is however improving in managing disciplinary proceedings on members that are failing to comply with the DVA and National Instructions during this review period. Similarly, in the previous reporting period, SAPS received 28 non-compliance complaints and on all the complaints received, disciplinary steps were taken. This is a positive step and an indication that

the SAPS management takes non-compliance seriously. Previously, disciplinary steps would not be taken in all reported complaints.

5.2. Non-Compliance report based on police station visits

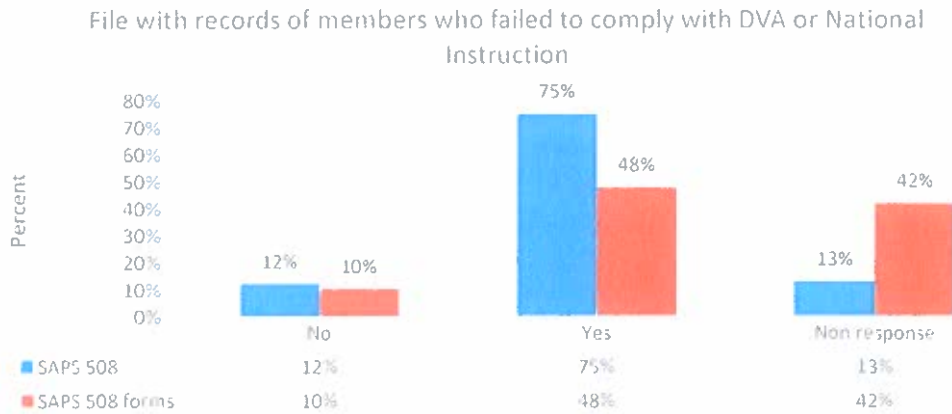
This section will discuss the level of non-compliances as found during police station oversight visits and how the police station management have managed these cases.

5.2.1. Record keeping of non-compliance information

In accordance with paragraph 17(4) of the National Instruction on Domestic Violence 07/1999 (National Instruction), the Station Commander is obliged to keep a record of the number of complaints received against members under his/her command for failing to comply with any of the obligations in terms of the DVA or the National Instruction.

As depicted in figure 2 below, some of the police stations visited still do not keep the files with records of members that failed to comply with the DVA and National Instruction.

Figure 4: Availability of record keeping files



As reflected above, the SAPS 508 was found in 75% of police stations and the SAPS 508 (e &f) forms were found in 48% of the police stations. Despite having these documents in majority of the police stations, some police stations were found to be using outdated forms that are not in line with the reviewed NI. This is an indication of poor management of non-compliance by Station Commanders.

5.2.2. Non-compliance by members

Table 3: Non-compliance by members

Province	Police station	Number of members	Nature of Non-compliance	Disciplinary steps taken	Outcomes
EC	Cradock	1	Operational (It is alleged that the member refused to assist the complainant as the complainant was speaking in Afrikaans)	Yes	Submitted to the Provincial Office for further handling
FS	Excelsior	1	Administrative (member failed to complete SAPS 508(b) correctly, time of incident was omitted)	Yes	Verbal warning
GP	Tembisa	1	Administrative (member failed to sign on the 508a form)	No	-
	Duduza	1	Administrative (Failure to make an entry)	No	-
			Administrative (failure to record OB number)	No	-
LP	Lulekani	9	Operational (improper conduct by mocking the complainant when she wanted to open case)	Yes	Verbal warning
WC	Kraaifontein	1	Administrative (failure to make an entry)	Yes	Corrective measures

During this reporting period, a total of 15 non-compliance incidents were recorded. Out of the 15, five (5) were administrative non-compliances and 10 were operational non-compliances. Contrary to what is reflected on the SAPS report, administrative non-compliance was identified as the least common non-compliance within the police stations visited. The administrative non-compliances were recorded by four (4) police stations as follows: Excelsior (FS) – one (1) incident, Duduza (GP) – two (2) incidents, Tembisa (GP) and Kraaifontein (WC) with one (1) incident respectively. Operational non-compliance incidents were recorded by two (2) police stations, namely, Cradock (EC) reported one (1) incident and Lulekani (LP) reported nine (9). Disciplinary proceedings were initiated in 12 of the 15 reported incidents and all the cases have been finalised. The CSPA will determine the cause of the high number of non-compliance incidents at Lulekani police station and ensure that corrective action is implemented.

All the non-compliance incidents recorded above, were found from the police station records, however they were never referred to the CSPA for recommendations on

disciplinary processes to be initiated, nor were there any applications for exemption received. This is in contradiction with section 18(4)(b) of the DVA which requires the SAPS to report all non-compliance complaints to the CSPA in order for the CSPA to make recommendations on what steps to be taken.

The CSPA has had some reports of incidents of operational non-compliance through complaints lodged at the department, however these have been very few. The following were the cases reported to the CSPA during this period.

Table 3: Non-compliance reported at the CSPA

PROV	POLICE STATION	NATURE OF NON-COMPLIANCE	DISCIPLINARY STEPS TAKEN	OUTCOME
GP	Akasia	Failure to make an arrest	No	No recommendation was made as multiple cases were opened and arrests were effected
FS	Kopanong	Failure to follow a lawful instruction which led to the perpetrator not being arrested involving 3 members, the Visible Policing Commander and the Station Commander	Yes (on 1 member) 4 applications for exemption were applied for and granted by the CSPA	1 Pending

Contrary to the previous reporting periods, operational non-compliance cases reported at police stations are more than the administrative ones identified during oversight visits. The number of operational non-compliance complaints indicate high levels of dissatisfaction by community members, and it might further be an indication that communities are becoming aware of the available opportunities for reporting police non-compliance. Furthermore, it may also be an indication that awareness campaigns by the CSPA at some of the top 30 police station precincts recording high in GBV areas are yielding positive results.

This therefore puts responsibility on the CSPA to continue to make communities aware of available options for reporting domestic violence non-compliance complaints against the police and further hold SAPS accountable for poor service.

5.2.3. Management of non-compliance by Station commanders

When a member has been identified to have failed to comply with the DVA and National Instruction, the relevant Station Commander has the responsibility to institute disciplinary proceedings against that particular member. The SAPS discipline regulations allows police management to use their discretion, "in a responsible manner

to ensure that instances of misconduct are appropriately addressed⁴. This, therefore indicates that it becomes the prerogative of the station management, based on evidence presented to determine whether the nature of misconduct can be categorised as serious or non-serious.

Moreover, in terms of section 18(4)(b) of the DVA and section 6(1)(d) of the CSPA Act, the CSPA must make recommendations for disciplinary actions to be taken against each member reported to it for failing to comply with the DVA. In an attempt to coordinate this reporting process, a Compliance Forum was established between the CSPA and the SAPS. The structure has not fully operated at the desired level, but has helped in improving communication channels regarding DVA monitoring and implementation between the CSPA and the SAPS. Once fully functional, the reporting of non-compliance will be seamless and proper management of non-compliance by members will be effectively implemented.

The table below shows number of members that have been identified as repeat offenders of non-compliance within a one-year period during this reporting phase.

Table 4: Repeat non-compliance offender within a 1 year period

Province	Name of police station	Members who committed non-compliance more than once
Gauteng	Duduza	1

Amongst the police stations visited, there was a member (Constable) identified to have committed administrative non-compliance (failure to make an OB number entry in the 508b register) offences more than once in GP (Duduza police station) within a one-year period. However, disciplinary proceedings were not initiated on those cases. Considering that the member has re-offended, it is concerning that neither disciplinary actions nor application for exemption were initiated. This therefore goes against the principle of progressive or corrective discipline as outlined by the SAPS discipline regulations. This principle describes discipline as, "means for employees to know and understand what is required of them⁵". This also calls for refresher training on DVA to be a continuous norm at the police station level. The CSPA will make a follow-up with

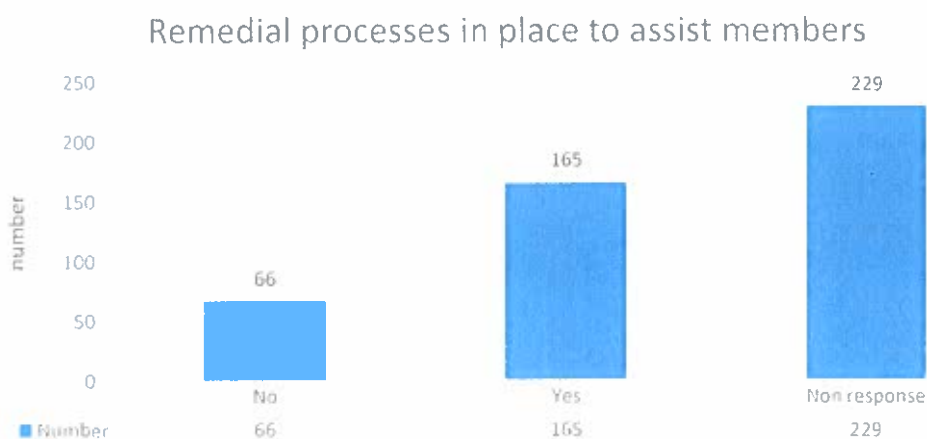
⁴ SAPS Discipline Regulations, 2016

⁵ SAPS Discipline Regulations, 2016

the police station in order to correct this anomaly and ensure that the member is aware of his/her obligation and consequences.

In assessing the management of non-compliance further, the monitoring process assessed whether the police have measures in place to deal with reoffending and whether there are remedial processes in place to assist members who have committed administrative non-compliance. Figure 3 below shows the findings on availability of these measures.

Figure 5: Police stations with measures to deal with re-offending



There were 165 of the stations visited that indicated to have measures in place to curb repeat non-compliance by members through remedial process. Figure 5 above shows that 66 of the police stations do not have remedial processes to assist members affected by non-compliance; while 229 did not give a response or were not sure. These measures include information sessions by VISPOL Commanders and in-service training by the DV Coordinator and the VISPOL Commanders.

In trying to eliminate the high rates of non-compliance by members, the SAPS national office have issued out numerous circulars aimed at ensuring that Station Commanders are held accountable for non-compliance in their stations. Station Commanders are supposed to act swiftly on cases of domestic violence non-compliance and lack of proper management of these cases may result in steps taken against the Station Commander.

6. MEMBERS AS OFFENDERS OF DOMESTIC VIOLENCE

The main objective of the police service is to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property, and to uphold and enforce the law⁶. Despite having this responsibility to serve and protect, some SAPS members are found to be perpetrators of domestic violence. The DVA requires that a domestic violence offender should be subjected to the same process irrespective of whether they are a police official or not. The first part of the section will analyse information received through the SAPS records and the second part will present findings from police station oversight visits. It should be noted that figures reported by the SAPS provides a national picture whereas those obtained through police stations visits are limited to the 460 police stations visited, therefore a comparison cannot be made.

6.1. *Members as offenders of domestic violence according to SAPS records*

Table 6 below reflects the total number of members that were reported to have been offenders of domestic violence across all police stations during the reporting period.

Table 5: Number of members who are alleged DV offenders according to SAPS records

Province	No of DV perpetrators	Number of firearm seized
Eastern Cape	2	1
Free State	45	16
Gauteng	43	17
KwaZulu-Natal	12	6
Limpopo	4	2
Mpumalanga	7	4
Northern Cape	6	2
North West	3	1
Western Cape	117	26
Total	239	75

There was a total of 239 members that were reported to be offenders of domestic violence with the highest number of reported members in WC (117), followed by FS (45) and GP (43). Provinces that reported the least members are Eastern Cape (EC) with two (2) members, NW three (3) and LP four (4). The records do not indicate

⁶ Constitution of the Republic of South Africa: Section 205 (3)

whether disciplinary proceedings were initiated in line with the SAPS Disciplinary Regulation.

The Firearms Control Act (FCA) 60 of 2000 requires a Section 102 inquiry to be held to determine the fitness of a domestic violence offender to carry a firearm. It is not clear whether the Section 102 enquiry has been conducted on the 239 cases of SAPS members that carry firearms while carrying out their duties. Table 6 above also illustrates a total number of 75 official firearms that were seized from 239 members who are offenders. Out of the 167 firearms that were not seized, 72 members were not issued with official firearms.

6.2. *Members as offenders of domestic violence according to station visits*

Table 7 below reflects the number of members that were reported to have been offenders of domestic violence in the sampled stations.

Table 6: Number of members who are alleged DV offenders

Province	Police station	No. of offenders	Seizure of firearms	S102 inquiry conducted	Outcome of S102 Inquiry
EC	Qumbu	1	Yes	No	
FS	Bloemspruit	1	No	No	
	Ventersburg	1	Yes	Yes	The matter is still under investigation
	Smithfield	1	No	No	
	Ficksburg	1	Yes	Yes	The matter is still under investigation
GP	Tsakane	1	Yes	No	
	Eden Park	1	Yes	No	
	Meadowlands	1	Yes	No	
	Honeydew	1	No	No	
NW	Klerksdorp	2	No	No	
	Taung	1	Yes	No	
	Rustenburg	1	Yes	N/A	
WC	Mitchells Plain	5	3 Firearms	No	
	Kraaifontein	1	No	N/A	
	Khayelitsha	1	No	N/A	
	Delft	1	No	No	
	Mfuleni	2	No	no	
Total	17	23	11	2	

There were 23 members that were reported to be offenders of domestic violence and these members were based in 17 police stations. WC had the highest number of reported members with nine (9) from five (5) police stations.

From the 23 members reported, 11 firearms were seized and two (2) sec 102 inquiries were held, and outcome for both cases still pending. Reasons given for not conducting Section 102 enquiry on seized firearms ranged from members who brought the firearm for safekeeping prior to the reporting of the incident, in two (2) incidents the firearms were not used, while the other three (3) members do not have personal firearms or state firearms issued to them. However, considering that these members might either have access to firearms, it would still be important to conduct an inquiry into their fitness to hold a firearm. According to the FCA, a person against whom an incident of domestic violence has been reported, may be declared unfit to possess a firearm by the Registrar through the Sec 102 inquiry. This therefore implies that for every reported domestic violence incident, a Section 102 inquiry must be conducted to determine a person's fitness to possess a firearm. In one case the firearms were not seized nor Section 102 enquiry was conducted, it was then reported that members disappeared. According to the CSPS, this cannot be acceptable as a member who is employed within SAPS, can be traced and the relevant disciplinary processes should be instituted.

7. MEMBERS AS VICTIMS OF DOMESTIC VIOLENCE ACCORDING TO STATION VISITS

Domestic violence is a problem which does not affect the underprivileged, poor and unemployed only, but cuts across race and occupational classes. Police officers are not immune to the scourge. The report will provide figures of members who have been identified as victims of DV based on SAPS records and afterwards will provide information as found during oversight visits. It should be noted that figures reported by the SAPS provides a national picture whereas those obtained through police stations visits are limited to the 460 police stations visited, therefore a comparison cannot be made.

7.1. Members as victims of domestic violence according to SAPS records.

During the reporting period, SAPS indicated that 122 members who were reported to be victims of domestic violence nationally as reflected in Figure 6 below.

Figure 6: Members as victims of domestic violence (based on data reported by SAPS)

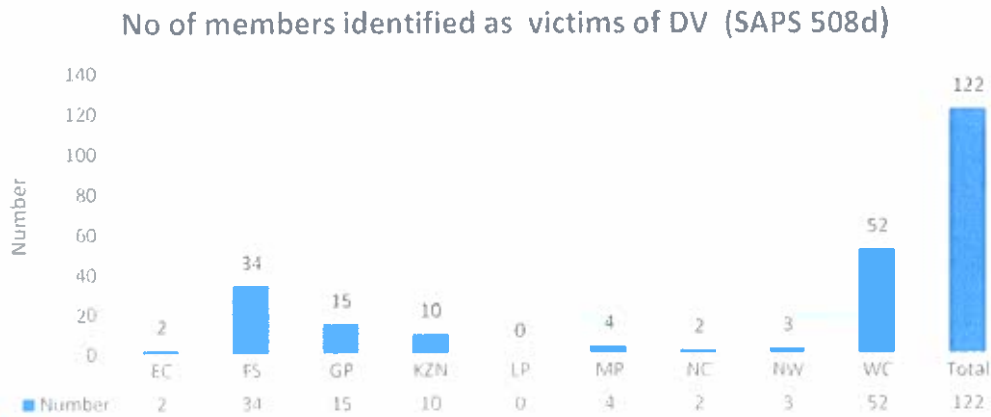


Figure 6 indicates that the province with the most members identified as victims of domestic violence is WC with 52 followed by FS with 34 members. The least number of members were reported in EC and NC with 2 members each. This is an indication that there is a need to increase the provision of psychosocial support within SAPS as the police are not immune to societal problems and their reaction might be more detrimental as compared to civilians.

7.2. Members as victims of domestic violence according to station visits

Table 9 below reflects the number of members that have been reported to be victims of domestic violence during the reporting period.

Table 7: Number of members who are victims of DV according to station visits

Name of province	Name of police station	Number of members	Gender of the member
EC	Mthatha	1	M
	Qumbu	1	F
GP	Akasia	2	F
	Honeydew	3	M
	Nigel	1	F
		1	M
	Daveyton	1	M
	Sophiatown	1	M
	Tsakane	1	F
Dunnotar	1	F	
KZN	Cato Manor	1	M
		1	F
LP	Hlogotlou	1	F
	Motetema	1	F
	Malipsdrift	1	F
NW	Rustenburg	1	M
	Potchefstroom	1	F
WC	Mitchells Plain	1	F
	Philadelphia	1	F
	Kraaifontein	1	F
	Mfuleni	2	M
Total	19	25	

There were (25) members who were reported to have been victims of domestic violence between April 2021 to September 2021. In terms of gender, eight (8) were male members and the others were females (17). The most incidents were recorded in GP with 11 incidents. All the members have been referred for EHWP services in order to assist in strengthening their coping mechanism.

8. DVA IMPLEMENTATION AND COMPLIANCE

This section assesses the police station's compliance to obligations as set out in the National Instructions and other relevant SAPS policies (Regulatory compliance). A number of recommendations were made in the Police Station Census report in order to improve compliance by police stations and the findings in this section are an indication of implementation of those recommendations. In line with that, regulatory compliance in this report relates to compliance with the following:

- a) Inspection of registers;
- b) Availability of private interviewing space;
- c) Availability and inspection of pocket books and

d) Availability of female members.

8.1. Inspections

The SAPS policies obligate police station management to regularly conduct two levels of inspections on all registers in the CSC and this includes the domestic violence registers. The first level of inspection should be conducted by the Relief Commander, as prescribed by the Standing Order 225. The Station Commander, or delegated Officer has to conduct second level inspection on all registers in line with NI 13/2016.

Additionally, Standing Order 301 clearly stipulates that, "At the completion of an inspection, the inspecting officer or member must make an entry in that regard in the Occurrence Book (SAPS 10). The entry must reflect all the mistakes identified in the inspected registers, as well as the particulars of the member(s) who must rectify each mistake. During each shift, the Relief Commanders must read the Occurrence Book from where he or she reported off duty from the previous shift and react on the entries as mentioned above. The member who rectifies the mistake(s), must make a counter entry in the Occurrence Book with regards to actions taken".

One of the recommendations from the Census report was on improvement of inspections with the aim to reduce non-compliance. Figure 7 below shows the level of inspection of registers at the visited police stations.

Figure 7: Inspection of registers



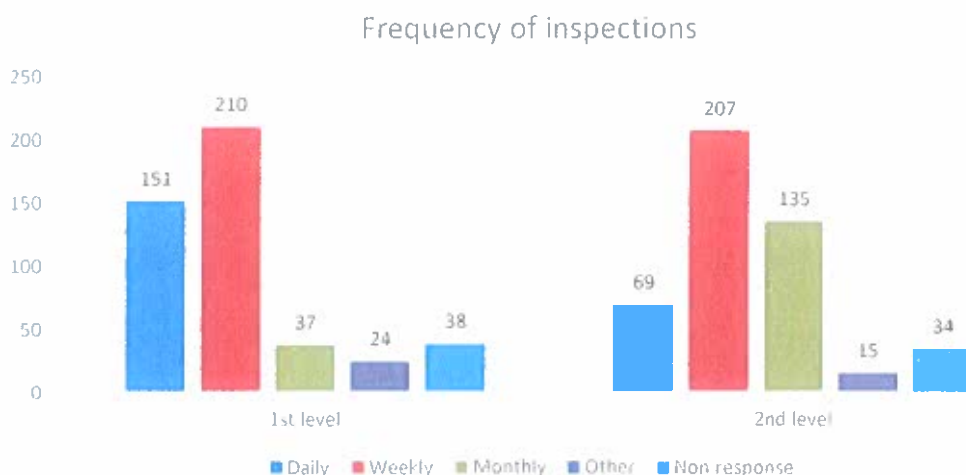
The figure above reflects that both first level and second level inspections are regularly conducted in majority of the police stations (408), and (415) respectively. Despite this

good reflection it is still a concern that there are 45 police stations where first level inspections are not regularly conducted. In about 415 of police stations, second level inspections were conducted and in the remaining 34 there were no consistent records of second level inspection.

Despite consistency in inspections, it still appears that it is only a matter of compliance rather than using inspections as a corrective and management tool. This is based on the fact that registers are signed by Commanders, but mistakes are not identified. In instances where mistakes are identified and instructions given, there is no follow up to ensure implementation of those instructions. This results in the same mistakes being repeated by the same members throughout the registers. There is a general observation of poor guidance and supervision in most police stations which defeats the purpose of regular inspections and also leaves junior members exposed to administrative non-compliance.

It should be noted that the assessment focused on the consistency of inspections over a period of time. As a result, police stations that do not consistently conduct inspections as prescribed in the SAPS regulations, fall within the stations reflected as not conducting inspections. This therefore implies that in these identified police stations, inspections were conducted on an ad hoc basis. Figure 8 below, shows the consistency of inspections in line with the prescripts.

Figure 8: Frequency of inspections



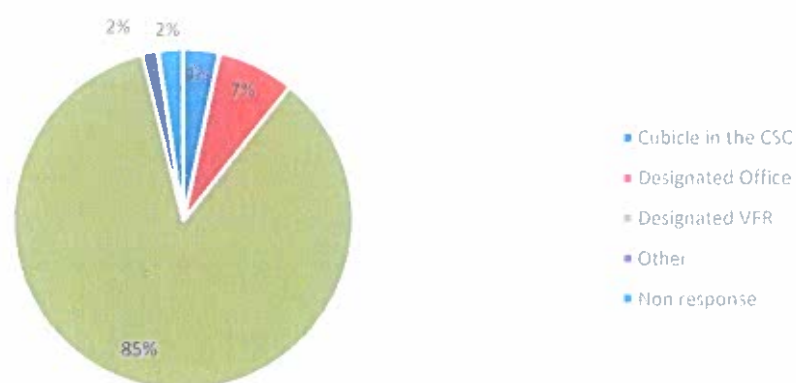
The DVA registers and files are mostly inspected by Relief and/or CSC Commanders on weekly basis, as reflected above with 210 police stations conducting weekly first level inspections. The second level inspection as conducted by Station Commanders or delegated Officers are to be done on monthly basis, however Station Commanders at majority of police stations (207) conduct weekly inspections. This is commendable as it is mandatory in terms of SO (G) 252, 256, 301 to conduct daily (Relief Commander) and weekly (CSC Commander) first level inspections and NI 2/2015 and N1 13/2016 prescribes that second level inspection should be done monthly. Even though the consistency of inspections is good, it still appears to only be a matter of compliance rather using inspections as a corrective tool.⁷

8.2. Availability of private interviewing space

The Victim Empowerment National Instruction stipulates that every police station must have a Victim Friendly Room (VFR) to interview victims of crime in privacy. Should a police station not have a VFR, arrangements should be made to interview the victim in private by using the interview cubicles or an available office⁸. This is part of the SAPS strategy to ensure provision of a victim friendly service to all victims of gender based violence. The figure below shows the availability of private interviewing space in the 460 police stations visited.

Figure 9: Availability of private interviewing space

Private interviewing space for DV victims



⁷Standing Order 225 (7)(5)

Standing Order 301 (5)

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

Majority of the police stations reported to have a private interviewing space. Eighty-five percent (85%) had a designated VFR, 7% were using an office which is specifically designated for private interviewing when there is a need, 4% were utilising the cubicles at the CSC and the other 2% would make means to ensure privacy when there is a need. There were 10 police stations (Annexure B), that indicated not to have any private space due to lack of office space.

According to SAPS data, there are 1097 SAPS policing sites that have a private interviewing space, either through a designated VFR or alternative rooms. All these private spaces are based in the following policing sites: police stations, satellite police stations, contact points, FCS units, and international airports. The availability of victim friendly facilities at airports is a step in the right direction as these are ports of entry into the country. However, not all the airports have this facility and expansion to other airports throughout the country would ensure easy access by all victims or potential victims of gender based violence related crimes.

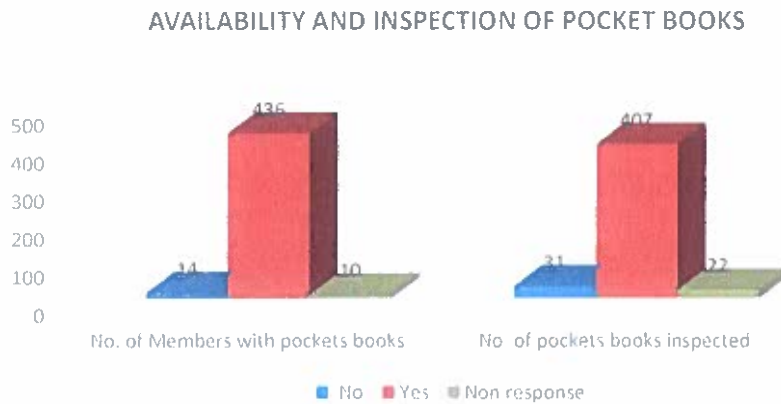
8.3. Availability and inspection of pocket books

The National Instruction stipulates that any assistance rendered to the complainant in response to a domestic violence complaint must be recorded in detail. If that response or assistance is provided at another place outside the CSC, it must be recorded in the pocket book of the member rendering the assistance⁹. Furthermore, in line with the prescripts regulating inspections within the SAPS, pocket books must be regularly inspected by the Relief Commanders.

All members of the SAPS, especially those placed at the CSC must always have pocket books in order to ensure that incidents of domestic violence are properly recorded even when a member is working outside the CSC. All information recorded in the pocket book must also appear in the domestic violence register (SAPS 508b) and the SAPS 508a form. According to SO (G) 252, the pocket books must be inspected by relief commanders. Figure 10 below shows the availability and inspection of pocket books in the 460 police stations visited.

⁹ Paragraph 7 (4)(b) – National Instruction 7/1999

Figure 10: Availability of pocket books



In 436 police stations, all members posted at the CSC had pocket books whilst in 14 police stations some members did not have pocket books (Annexure C). According to the members that did not have, they were still awaiting the issuing of the pocket books from the SAPS provincial office as the requests had already been made. In 407 police stations, pocket books were consistently inspected on daily basis by the Relief Commanders.

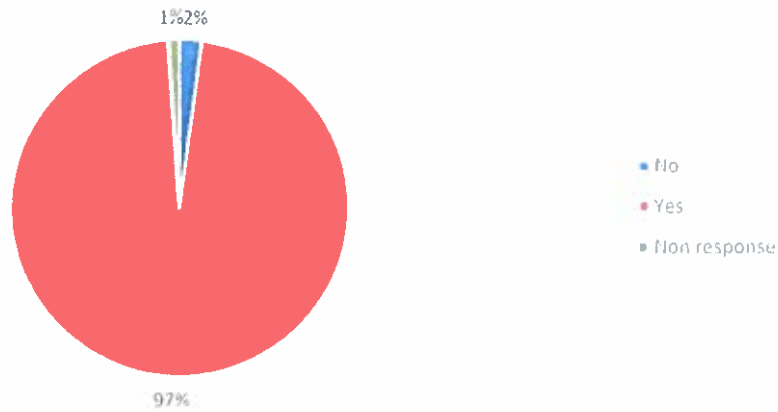
8.4. Availability of female members

In an effort to enhance SAPS response to GBV related crimes, the Minister of Police developed a 6-point plan as a blueprint for police response. One of the 6 points entails ensuring that there is a female member posted in each shift to be able to assist victims who prefer to be assisted by a female person. This view is supported by a number of research studies which showed that a number of victims of GBV prefer to be served by a female as this is likely to reduce the risk of secondary traumatisation.

The availability of female members in each shift, therefore provides the complainant with an opportunity to choose an official they would feel more comfortable with. Figure 11 below shows the availability of female members in the visited police stations.

Figure 11: Availability of female members

Female members deployed in all shifts



The findings indicate that in 449 (97%) of the police stations visited there were female police members deployed in all shifts while in 10 (2%) of the police stations female members were deployed in some of the shifts but not in all the shifts due to shortages of female members.

This lack of deployment is due to the actual shortages of female members in these identified police stations which is something that the SAPS needs to take into consideration during their recruitment and deployment processes. As indicated earlier, the sufficient availability of female members in all police stations is critical to SAPS response to GBV related crimes and shows compliance to the Ministerial 6-point plan that urges all police stations to have a female member deployed in all the shifts.

9. SUPPORT SERVICES

The DVA places obligations in a number of government departments within the Justice Crime Prevention and Security (JCPS) cluster and civil society. The ability or inability of these stakeholders to carry out their obligations impacts on SAPS response to reported incidents of domestic violence and other GBV related crimes. The SAPS is the first point of entry within the criminal justice system, however in order to be effective in rendering the required service, access to various psycho-social support services is important.

Amongst the support looked at, the monitoring visits explored whether police stations have access to social workers, shelters, health facilities, courts and interpreters for sign language and foreign languages.

Figure 12: Access to psycho-social services

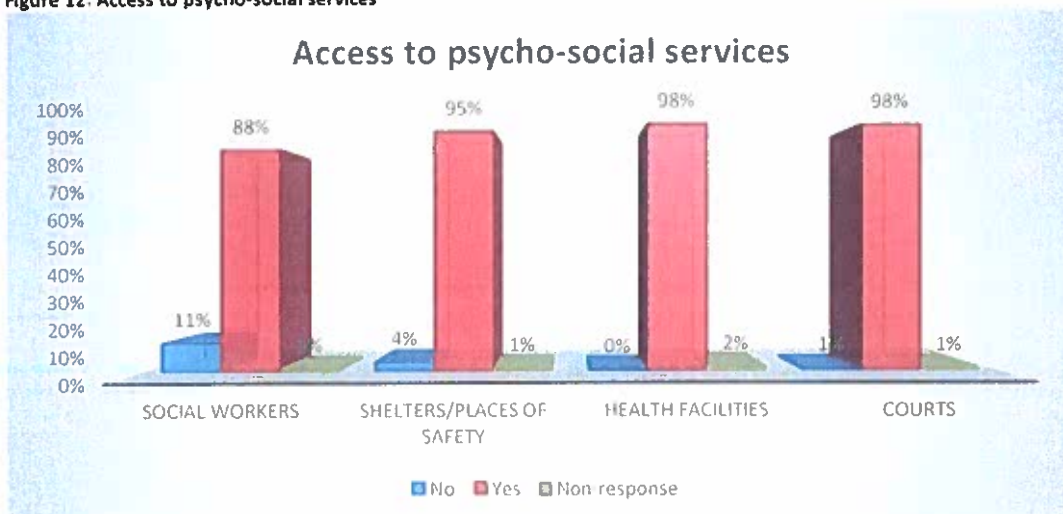


Figure 12 above indicates that majority of police stations visited have access to the basic support services required to assist the police in effectively implementing the DVA. Police stations that do not have adequate access to services are mainly those that are in rural areas and are less resourced as compared to those in urban areas.

The support services that appears to be mainly lacking is access to social workers whereby 11% of police stations indicated not to have access to this service. This requires the strengthening of the multi-disciplinary working relations in order to ensure that victims who may require counselling can be assisted.

Figure 13 below, shows police station's access to sign language and foreign language interpretation services.

Figure 13: Access to interpretation services

Access to sign language interpreters



Access to interpretation services is improving as compared to the previous reporting periods. There were 52% of police stations that had access to sign language interpretation services. This is praiseworthy as previously it was only 18% of the 317 stations that could access this service. There were 68% that had access to interpretation of languages other than the local languages predominant in the policing precinct. Police stations mainly use relatives of the complainants for translations or local foreign nationals' forums, however in some areas these services are accessible through the local courts. This is an area that needs to be capacitated as there is an increase of foreign nationals in all parts of the country. Sign language interpretation also needs to be enhanced as people who use sign language also fall victim to GBV incidents. The police need to be able to respond effectively and support all victims of crime within their policing precincts.

10. CONCLUSION

It has been generally observed that personal and cultural factors may negatively impact on police officers' handling of complaints of domestic violence. This is evident in the poor implementation of the policies that guide officers in engaging with victims of domestic violence. The DVA places an emphasis on first response officers to effectively deal with offenders without societal stereotypes, manage victim safety and gather evidence.

The SAPS has managed to institute disciplinary proceedings for all members that had failed to comply with the DVA and National Instructions during this reporting period. This is a positive step and an indication that the SAPS management takes non-compliance seriously. Despite the positive strides, it is evident that there are still gaps in the implementation of DVA at police station level. This is shown by the high number of administrative non-compliances as well as the increasing number of operational non-compliances which are serious matters that can endanger the lives of the victims.

Having perpetrators of domestic violence within SAPS is concerning and further pointing out to challenges with the provision of psychosocial support within SAPS. This is an area that require further assessment. In terms of dealing with members that are perpetrators of domestic violence, the SAPS management is lagging behind with the DVA obligations aligned to the FCA as the majority of firearms of members involved were not seized. Moreover, it is not clear whether the Sec 102 inquiries were conducted for members whose firearms were seized. There are members who are not issued with firearms on their personal inventory (SAPS 108), however, they are allowed to book a firearm when conducting operations irrespective of domestic violence incidents reported against them. Furthermore, it is concerning that there were some cases where no disciplinary proceedings instituted against members who committed acts of domestic violence.

It is evident in this report that commanders within police stations are not fully conversant with the contents of the DVA hence in some instances inspections are conducted yet mistakes are not identified for corrections. This further calls for refresher training to be provided for commanders.

11. RECOMMENDATIONS

Based on the above mentioned shortcomings, the following are recommended for implementation:

- 11.1. Local multi-sectoral engagements, forums and relations should be strengthened to improve referral systems and response.
- 11.2. The SAPS should put in place stringent measures on access to firearms for members whose firearms have been seized for being offenders of domestic violence.

- 11.3. In line with the SAPS disciplinary regulations, all members that are offenders of domestic violence should be subjected to disciplinary proceedings.
- 11.4. Section 102 inquiries should be conducted for all members whose firearms have been seized in line with the FCA.
- 11.5. Awareness campaigns should also include education on the repercussions of false reporting as state resources are wasted in these cases.
- 11.6. A refresher training course on DVA should be provided to Station Commanders in order to strengthen compliance and supervision.

12. ANNEXURES

ANNEXURE A: LIST OF POLICE STATIONS VISITED

EC	Sebenza	Cosmo city	Randfontein
Hofmyer	Crystal Park	Kliprivier	Diepsloot
Middelburg (EC)	Tembisa	The Barrage	Doornkop
Cradock	Springs	Boipatong	Booysens
Willowvale	Eden Park	De Deur	Jeppe
Doringkloof	Brakpan	Sebokeng	Norwood
Mooiplaas	Thokoza	Vaal Marina	Randburg
Punzana	Dunnotar	Heidelberg	Yeoville
King William's Town	Ivory Park	Vereeniging	Eldorado Park
Dimbaza	Edenvale	Ratanda	Rooderpoort
Kwanobuhle	Devon	Eersterust	Sandton
Mbizeni	Tembisa South	Villieria	Orlando
Lady Grey	Daveyton	Garsfontein	Diepkloof
Floukraal	Khutsong	Mabopane	Naledi
Baviaanskloof	Hekpoort	Welbekend	Linden
	Randfontein	Nigel	Dobsonville
FS	Fochville	Tsakane	Moffatview
Kopanong	Krugersdorp	Kwa-Thema Saps	Alexandra
Bloemspruit	Magaliesburg	Pufffontein Saps	Mondeor
	Tarlton	Reiger Park	Midrand
GP	Dunnotar	Dawn Park	Protea Glen
Vanderbijlpark	Ivory Park	Etwatwa	Meadowlands
Meyerton	Edenvale	Norkem	Hillbrow
Orange Farm	Devon	Benoni	Cleveland
Evaton	Tembisa South	Elsburg	Bramley
Pretoria west	Daveyton	Boksburg	Ekgangala
Boschkop	Khutsong	Katlehong North	Pretoria Central
Lytelton	Hekpoort	Thokoza	Mamelodi East
Pretoria Moot	Sophiatown	Brakpan	Temba
Cullinan	Fairlands	Olifanstfontein	Hercules
Wonderboomport	Parkview	Boksburg North	Sinoville
Garankuwa	Florida	Vosloorus	Rietgat
Sunnyside	Rosebank	Brackendowns	Bronkhorstpruit
Wierdabrug	Brixton	Duduza	Olievenhoutbosch
Akasia	Sandringham	Zonkiziwe	Laudium
Soshanguve	Langlaate	Diepsloot	Kempton Park
Loate	Jabulani	Doornkop	Alberton
Brooklyn	Kliptown	Booysens	Actonville
Atteridgeville	Moroka	Jeppe	Hammankraal
Mamelodi West	Lenasia	Norwood	Pretoria north
Dube	Honeydew	Randburg	Silverton
Katlehong	Lenasia South	Yeoville	Kameeldrift
Germiston	JHB Central	Eldorado Park	Erasmia
Rabie Ridge	Ennerdale	Rooderpoort	
Primrose	Douglasdale	Sandton	

KZN	Paulpietersburg	Saamboubrug	Mahikeng
Wasbank	Umzimkhulu	Tolwe	Lomanyaneng
Muden	Swartberg	Alldays	Mooinooi
Utrecht	Harburg		Mmabatho
Normandien	Emanguzi	MP	Rustenburg
Winterton	Kwamsane	Standerton	Phokeng
Ekuvukeni	New Hanover	Embalenhle	Potchefstroom
Nkandla	Wartburg	Trichardt	
Eshowe	Mpophomeni	Machadodorp	WC
Empangeni	Evatt	Bushbuckridge	Bellville
Glendale	Kokstad	Val	Nyanga
Mandeni	INGwavuma	Sheepmoor	Kraaifontein
Port Edward	Ezibayeni	Piet Retief	Gugulethu
Amanzimtoti	Mahlabathini	Verena	Mitchells Plain
Chatsworth		Vosman	Khayelitsha
Mpumalanga	LP	Hazyview	Delft
Pinetown	Mankweng	Maartenshoop	Mfuleni
Cato Manor	Sebayeng	Mbuzini	Bishop Lavis
Pongola	Magatle	Siyabuswa	Philadelphia
Ntuzuma	Polokwane	Armeersfort	
Sydenham	Maleboho	Mayflower	
Marranhil	Hlogotlou	Perdekop	
KwaNdengezi	Nebo	Lothair	
Umbumbulu	Apel		
Isipingo	Sekhukhune	NC	
Ntabamhlophe	Leboeng	Pampierstad	
Van Reenen	Burgersfort	Paballelo	
Nquthu	Mphephu	Williston	
Glencoe	Waterval	Severn	
Osizweni	Mutale	Victoria West	
Madadeni	Siloam		
Ezinqoleni	Vhulaudzi	NW	
Umzinto	Zaaiplaas	Hebron	
Harding	Driekop	Boitekong	
Dududu	Jane Furse	Hartebeespoort	
Kwambonambi	Motetema	Ganyesa	
Sundumbili	Marble Hall	ipelegeng	
Nsuze	Matlerekeng	Ikageng	
Plessieslaer	Bolobedu	Itsoseng	
Umlazi	Haenertsburg	Jouberton	
Inanda	Lulekani	klerksdorp	
Kwa Mashu	Hoedspruit	Brits	
Umbilo	Moetlane	Taung	
Gluckstadt	Seshego	Tlhabane	
Hlobane	Malipsdrift	Vryburg	

ANNEXURE B: POLICE STATIONS PRIVATE INTERVIEWING SPACE

Table below show how many stations does not have a private interviewing space for victims

EC	GP	KZN	LP	MP
Joza	Vaal Marina	Mandeni	Mankweng	Lothair
			Sebayeng	Ganyesa
			Bolobedu	
			Moletlane	
			Alldays	

ANNEXURE C: POLICE STATIONS WITH SOME MEMBERS WITHOUT POCKET BOOKS

EC	GP	KZN	LP	MP	NC	NW
Mount Ayliff	Akasia	New Hanover	Magatle	Piet Retief	Pampierstad	Tlhabane
	Boksburg	Sundumbili	Motetema	Perdekop		
			Bolobedu			
			Haenertsburg			
			Leboeng			

ANNEXURE D: POLICE STATIONS THAT DO NOT HAVE FEMALE MEMBERS IN ALL SHIFTS

EC	GP	KZN	LP	NC	NW
Doringkloof	Ratanda	Winterton	Saambouburg	Williston	Ipelegeng
Baviaanskloof		Ukuvukeni			
		Umzinkhulu			
		Nsuze			