

# **CIVILIAN SECRETARIAT FOR POLICE SERVICE**



## **REPORT ON THE IMPLEMENTATION OF THE DOMESTIC VIOLENCE ACT**

**01 April – September 2012**

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## **Abbreviations and Acronyms**

1. CSP : Civilian Secretariat for Police Service
2. CSP ACT : Civilian Secretariat for Police Service Act, 02 /2011
3. DVA : Domestic Violence Act 116 /1998
4. DVA Tool : Instrument used by the Secretariats for monitoring DVA compliance by SAPS
5. FORM 1 : Notice given to domestic violence complainants by the SAPS to explain the remedies available
6. ICD : Independent Complaints Directorate
7. IPID : Independent Police Investigative Directorate
8. IPID ACT : Independent Police Investigative Directorate Act, 01 / 2011
9. HOD : Head of a Provincial Department responsible for safety and security
10. M&E FORUM : A forum comprised of officials heading the monitoring and evaluation unit in the provincial departments responsible for safety and security
11. MOU : Memorandum of Understanding
12. NMET : National Monitoring and Evaluation Tool
13. PORTFOLIO COMMITTEE : Portfolio Committee for Police
14. PROVINCIAL SECRETARIAT : Secretariat established in terms of Sec 16 of the CSP Act
15. SAPS : South African Police Service
16. SAPS 508 : A form used to register DVA non-compliance complaints against members
17. SAPS 508 a : A form used to record all incidents of domestic violence and responses by the members
18. SAPS 508 b : Domestic violence register
19. SOP : Standard Operating Procedure
20. TOR : Terms of Reference
21. VISPOL : Visible Policing Division

## 1. INTRODUCTION

This is the 1<sup>st</sup> report produced by the Civilian Secretariat for Police (CSP) to be tabled before Parliament. This report seeks to present the operationalizing of the implementation plan by the CSP with regards to monitoring of compliance by the South African Police Service (SAPS) to the Domestic Violence Act 116 of 1998 (DVA).

In an attempt to ensure adequate implementation, the legislation required the National Commissioner of the SAPS to issue National Instructions and Policy Directives in terms of which its members must comply in the execution of their functions. The Act also provides for a positive or legal duty on the police to perform in terms of provisions of the law. The National Commissioner of the SAPS is obliged to submit a bi-annual report to Parliamentary Portfolio Committee for Police (*herein referred to as the Portfolio Committee*) regarding the number of Domestic Violence complaints received, number of complaints received against the police for non-compliance, disciplinary proceedings instituted as a result of those complaints and the outcomes of such proceedings.

The SAPS are compelled to comply with the provisions of the DVA and the National Instructions, any failure to do so constitute misconduct and must be reported to the CSP. **This mandate previously resided with the former Independent Complaints Directorate (ICD) according to Sec 18 (4 {a},{ b} and 5 {c}) of the DVA. This has since been repealed and the functions are carried out by the CSP.**

The Civilian Secretariat for Police Service Act 02 of 2011 mandates the Civilian Secretariat to:-

- Monitor the compliance with the Domestic Violence Act 116 of 1998 by the South African Police Service (sec 6 (1)(a)).
- Make recommendations to the SAPS on disciplinary procedures and measures with regards to non-compliance with the Domestic Violence Act.

The CSP is further required (*as per the mandate transferred from the former Independent Complaints Directorate and stipulated in the DVA*) to submit a bi-annual reports to Parliament regarding the number and particulars of non-compliance incidents reported against the SAPS members and recommendations made to address those cases. The Head of the Provincial Secretariat for Police must through the Head of a Provincial Department responsible for Safety and Security submit to the Member of Executive (MEC) and the Secretary of Police quarterly reports on the activities done in support of this process.

## **2. INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE: FINAL REPORT**

The former Independent Complaints Directorate (ICD) monitored the SAPS non-compliance with the implementation of the DVA until 31<sup>st</sup> March 2012. This role was transferred to the CSP according to The Civilian Secretariat for Police Service Act 02 of 2011.

The following is a summary of outstanding non-compliance cases that formed part the final report presented by IPID to the Portfolio Committee on 7<sup>th</sup> August 2012.

<b>PROVINCE</b>	<b>STATUS</b>
Eastern Cape	<ul style="list-style-type: none"> <li>• 4 cases awaiting outcome from SAPS.</li> <li>• 3 cases handed over to the Provincial Secretariat.</li> </ul>
Free State	<ul style="list-style-type: none"> <li>• 4 cases awaiting outcome from SAPS</li> </ul>
Gauteng	<ul style="list-style-type: none"> <li>• 8 cases awaiting outcome from SAPS</li> </ul>
Kwa-Zulu Natal	<ul style="list-style-type: none"> <li>• 3 cases awaiting outcome from SAPS</li> </ul>
Limpopo	<ul style="list-style-type: none"> <li>• No complaints of DVA non-compliance received.</li> </ul>
Mpumalanga	<i>All files finalized.</i>
North West	<ul style="list-style-type: none"> <li>• 5 cases awaiting outcome from SAPS.</li> </ul>
Northern Cape	<ul style="list-style-type: none"> <li>• 5 cases awaiting outcome from SAPS</li> </ul>
Western Cape	<ul style="list-style-type: none"> <li>• 13 cases awaiting outcomes from SAPS</li> </ul>

Figure 1: ICD Backlog

### **3. IMPLEMENTATION PLAN: THE CIVILIAN SECRETARIAT FOR POLICE:**

The CSP presented its implementation plan to the Portfolio Committee on the 7<sup>th</sup> August 2012 with regards to monitoring the SAPS compliance to the DVA. The plan focussed on the following areas:

- Addressing the backlog from the last IPID report presented to the Portfolio Committee.
- Transition from IPID to CSP.
- Alignment of functions between Civilian Secretariat and Provincial Secretariats.
- Capacity building for the Civilian Secretariat and the Provincial Secretariats.
- Establishment of Forums.
- Implementation of the DVA monitoring tool.
- Conduct station audits.
- Implementation of the complaints management system.
- Alignment of the CSP mandate in all relevant legislation and policies.
- Implementation of communication strategy.

#### **3.1. ADDRESSING BACKLOG FROM LAST ICD (IPID) REPORT**

Forty two (42) outstanding cases formed part of IPID's final report to the Portfolio Committee with the status of awaiting outcome from the SAPS with regards to application for exemptions or finalizing the disciplinary process. To date seventeen (17) cases have been finalised and twenty five (25) are still outstanding.

The following reasons have been identified as challenges contributing to the difficulty in finalising the backlog:

- The final report by the IPID on the non-compliance cases was not officially handed over to the SAPS management.
- The SAPS experienced difficulty in tracing the cases with the CCN numbers used by IPID.

- The Discipline Management component in the National Office experienced lengthy delays in processing cases as documents submitted by Provinces were of a poor standard and had to be returned for proper completion.
- In some cases reference is made by the SAPS to 'awaiting outcome' of application for exemption. It could not be established by the SAPS whether these application were made to the ICD or the Secretariat; however, the Secretariats had not received any applications for exemption during this period.

It is evident from the SAPS feedback and IPID final report that communication and cooperation between the SAPS and the former ICD was ineffective. This negatively impacted on the handing over process between the ICD, SAPS and the Secretariat. The task team set up to facilitate the smooth transition and deliberations on how the handover should be handled were done but not fully implemented as some of the provinces did not adhere to these provisions, hence delays are experienced in addressing outstanding complaints.

### **3.2. TRANSITION FROM ICD (IPID) TO CIVILIAN SECRETARIAT FOR POLICE**

In May 2011, a task team between former ICD, Civilian Secretariat, Provincial Secretariats and SAPS was established to facilitate a seamless transition and to build capacity within the Secretariats. This process was used to address the backlog of complaints from the ICD by the SAPS. The SAPS were represented in this task team by the Discipline Management Unit and the National Inspectorate. The task team positively contributed in the review of Standing Order 101 which is the SAPS' policy of dealing with complaints from the public.

A Memorandum of Understanding (MOU) was drafted in March 2012 between the CSP and the IPID. This document facilitated the co-operation whereby the IPID delegated personnel to assist the Civilian Secretariat in the training of the Civilian and Provincial Secretariats to ensure skills transfer in the field of DVA monitoring. Information regarding systems and tools used for capturing information was also shared and this served as a baseline for the Civilian Secretariat to develop monitoring tools that will suit its environment.



### **3.3. ALIGNMENT OF FUNCTIONS BETWEEN THE CIVILIAN AND PROVINCIAL SECRETARIATS**

The Civilian Secretariat for Police Service Act, sections 17 (1) (a) obligates the Provincial Secretariats to align its plans and operations at the Provincial sphere of government with the plans, policies and operations of the Civilian Secretariat. In fulfilling this mandate, with specific focus to monitoring the implementation of the Domestic Violence Act by the SAPS, the Civilian Secretariat has put in place the following mechanisms:

- The Heads of Department (HOD) forum was used as the platform to communicate developments on the monitoring of the DVA and for addressing, rectifying any issues of deviation by the Provinces.
- The Monitoring and Evaluation Chief Directorate has set up an M&E forum comprising of heads of M&E units from all provinces. These meetings take place on a quarterly basis. Strategic plans from all Provinces were consolidated and aligned during the last meeting held in August 2012. A presentation was made by the CSP on the standardised DVA monitoring tools, guidance was provided on the auditing of stations and the processes to be followed when reporting on non-compliance complaints against the SAPS.
- Emanating from the HOD forum, a request was made by the Eastern Cape Province for assistance with DVA alignment and this was done by the CSP on 25<sup>th</sup> July 2012.

According to the Civilian secretariat for Police Service Act, sec 16, the MEC must constitute a Provincial Secretariat for his/her Province within 18 months after commencement of the Act. The CSP Act came into operation on 01 December 2011, Provinces have until 30 May 2013 to have the Provincial Secretariats fully set up and aligned to the Civilian Secretariat. Presently Provinces have only aligned the competencies not the structure.

### **3.4. CAPACITY BUILDING**

In order for the Secretariats to be able to effectively monitor the level at which the SAPS is implementing the DVA, they needed to be well conversant with the Act and

the National Instructions guiding the implementation of the Act by the SAPS. This, therefore, required a capacity building initiative to be undertaken. As part of the transitional arrangement, through the MOU, IPID allocated personnel from the National and Provincial offices to assist in conducting workshops to the Secretariats.

The first workshop was held on 13<sup>th</sup> June 2012 in the Civilian Secretariat Boardroom, where members of the Secretariat were informed of the content of the DVA and the roll out of the monitoring process. An implementation plan for the roll out of workshops to the Provinces was developed and approved. Four (4) workshops were planned and conducted in the Provinces (Provinces were grouped according their proximity). However, due to the expressed need by Provinces a further three (3) workshops were held.

Breakdown of workshops held in July 2012 is as follows:

- Workshop one (1) was held in Gauteng for (Gauteng, Limpopo and Mpumalanga Provinces). The Mpumalanga Province could however, not join this group due to other commitments in their province.
- Workshop two (2) was held in North West for (North West, Northern Cape, and Free State).
- Workshop three (3) was held in Eastern Cape for (Eastern Cape and Western Cape).
- Workshop four (4) was held in Kwa-Zulu Natal.

Additional workshops were requested by Limpopo, Western Cape and Mpumalanga and were conducted so as to increase M&E staff capacity.

#### **3.4.1. Content of the workshops**

The content of the workshops was structured to provide knowledge and skills regarding the following:

- Cross-cultural understanding of domestic violence,
- Legislative mandate of SAPS,
- Issues faced when dealing with victims of domestic violence from a culturally diverse background ,

- To facilitate an understanding of the skills the officials should have when interacting with SAPS officials and victims of domestic violence and
- Non-compliance complaints management.

The workshops was divided into first session and second session; the first session covered the following:

- The presentation of the Civilian Secretariat Act.
- Presentation on Domestic Violence legislations
- Definition of domestic violence,
- The roles and responsibilities of SAPS as the implementers of DVA,
- Roles and responsibilities of Secretariats in monitoring DVA

The second session consisted of simulation activities that replicated station audits using DVA audit tool and DVA 508a form, 508b register and form 1 as examples.

### **3.4.2. Attendance**

A criteria for nomination of attendees for the workshop was specified in the communiqué forwarded to the provincial HOD's, the following was the criteria for nominations

- M&E managers,
- M&E supervisors
- M&E field workers
- Officials who deal with complaints

The workshops were attended by a total of 182 provincial officials who perform duties in the Monitoring and Evaluation environment. The chart below demonstrates attendance per province:

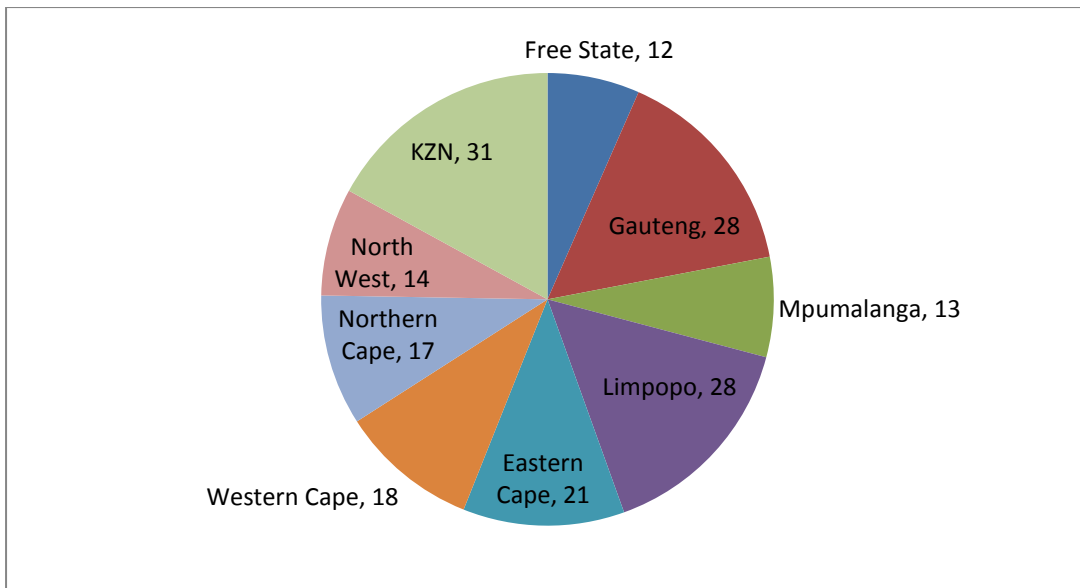


Figure 2: Attendance per province

### 3.4.3. Feedback from participants

The feedback received was supportive of the workshops and appreciative of both the information provided and the way in which it was delivered and emphasised the supportive role played by the IPID and the value it added to the workshop.

Some of the prominent responses provided by the participants:

- Improved awareness regarding the definition of domestic violence
- Better understanding of the DVA, the regulatory frameworks and the National Instructions.
- IPID presentation on the DVA was very informative.
- Facilitators were able to provide direction and guidance.
- The use of the Monitoring Tool to conduct station audits was made clear.
- DVA presenters were well prepared.
- Practical examples made it easy to understand the content.
- Participants requested that workshops be held on a regular basis to share information and best practises.

### 3.5. FORUMS ESTABLISHED

#### 3.5.1. Compliance Forum

This is a meeting between the Civilian Secretariat and the SAPS with the purpose of monitoring and improving the SAPS implementation of the DVA. In the planning stages, the meeting was scheduled for once every quarter, but however due to the significance and urgency of matters being addressed a joint decision was taken to hold this meetings on a monthly basis. Three (3) meetings were held during this reporting period, i.e. 15<sup>th</sup> May 2012, 31<sup>st</sup> July 2012, and 30<sup>th</sup> August 2012.

Represented in the meetings are the following role-players:

Unit	Responsibility
Secretariat: Compliance Directorate	Monitoring of the SAPS' implementation of DVA and making recommendations to the SAPS
SAPS: VISPOL	Reporting on the status of DVA implementation by the SAPS
SAPS: HRD	Reporting on DVA training activities conducted on monthly basis
SAPS: Personnel Services	Reporting on progress regarding disciplinary process instituted against members on monthly basis
SAPS: Inspectorate	Reporting on progress regarding investigation of cases of DVA non- compliance
SAPS: crime intelligence	Provision of stats on DVA related cases

Figure 3: Compliance Forum membership

In order to ensure commitment and accountability by all role-players a proper guiding systems clearly outlining the terms of engagement was jointly developed and approved. The Terms of Reference (TOR) and the Standard Operating Procedures (SOP) serve as guiding documents for both National and Provincial compliance forums.

#### 3.5.1.1 **Standard Operating Procedures**

The SOP clearly maps out the roles and responsibilities of each role- player. The process of handling complaints is detailed together with the reporting procedures. This document also seeks to address the process when applying for exemptions

providing directions on when and how this application process should be done. **(SOP attached)**

### **3.5.1.2. Management of DVA recommendations**

This forms an integral part of the Compliance Forum as the structure serves as an accountability platform for the SAPS to account on how the recommendations made by the Secretariat have been managed. During this reporting period, more attention was focused into addressing the backlog of cases that came from the (ICD). Official communication directly to the National Commissioner's office has been done to clearly outline how the SAPS are expected to manage recommendations made by the Secretariat and this has been sealed in the SOP.

In order to assess the level at which SAPS is implementing the recommendations, the Civilian Secretariat and the Provincial Secretariat will, over and above reports submitted by the SAPS, undertake follow up visits to all the stations that were audited during this reporting period. In addition to ensuring compliance to implementation of recommendations, this process will help in enhancing the level of DVA implementation by ensuring that stations move from low to full implementation status.

### **3.5.2. Gender and Child Justice Reference Group**

According to Regulation 41 (1) of the draft CSP regulations, the CSP may establish a Reference Group with specific focus to the implementation of the DVA. Regulation 41 (3) further states that the terms of reference of an established Reference Group for a particular focus area must be developed by each Reference Group and submitted to the Secretary of Police for approval. **(TOR attached)**

Meetings of the Reference group are held quarterly and the last meeting was held on 08 June 2012. Representation in the forum is as follows:

<b>ACADEMICS</b>	<b>CIVIL SOCIETY</b>	<b>GOVERNMENT</b>
Wits Law School	POWA	Civilian Secretariat for Police
Gender, Health & Justice Research Unit : UCT	Tshwaranang Legal Advocacy Centre	SAPS
CSIR – (Child Justice Alliance)	Women's Legal Centre	Ikhaya Lethemba (GP: Dept of Community Safety)

ACADEMICS	CIVIL SOCIETY	GOVERNMENT
	Rape Crisis Cape Town Trust	
	RAPCAN	
	Teddy Bear Clinic for Abused Children	
	Centre for Justice and Crime Prevention	
	Legal Resources centre	
	Childline South Africa	
	The Trauma Centre for Survivors of violence and torture	

Figure 4: Reference Group membership

This forum plays a vital role as a sounding board for the Secretariat’s analysis of challenges discovered through the station audits. In addition to assisting with the development of the DVA audit tool, the group is now looking at the SAPS DVA training as this seems to be the main issue coming up from all audits. Even though the SAPS are reporting an increase in the number of members being trained, the feeling of members and the level of understanding on the ground is not satisfactory.

It is for this reason that the Secretariat with the assistance of the Reference Group is looking in detail into all aspects of the DVA training in order to identify what the main gaps or challenges are in order to make an informed corrective recommendation. The outcome of this process will be reported on in the Secretariat’s second report to Parliament.

### **3.6. IMPLEMENTATION OF DVA TOOL (DVA tool attached)**

In order to ensure collection of data that gives a comprehensive outlook on how each station is performing with regard to the implementation of DVA, a DVA Audit Tool has been developed. This tool has been piloted in 155 police stations by both the Civilian Secretariat and Provincial Secretariat during the first two quarters of the current financial year. The pilot was intended to allow an opportunity to make revisions to the data collection procedures, ensuring that appropriate questions are being asked, ensuring that the right data will be collected, and the data collection methods will work.

### 3.6.1. Sampling

Three police stations were piloted by the Civilian Secretariat, Lenasia South, Lenasia and Douglasdale police station. These police stations sampled by the Civilian Secretariat were selected based on the non-compliance complaints received against members. The following police stations were piloted by the Provincial Secretariats.

Free state	Gauteng		KwaZulu natal	Mpumalanga
Bronville	Douglasdale	Lenasia	Southport	Barberton
Clarens	Orlando	Lenasia South	Paddock	Bethal
Edenville	Brackendowns	Moroka	Umzimkhulu	Carolina
Meloding	Ivory Park	Naledi	Bulwer	Ermelo
Roadside	Evaton	Protea Glen	Himeville	Lows Creek
Ventersburg	Orange Farms	Dobsonville	Emanguzi	Mhluzi
Botshabelo	The Barrage	Jabulani	Ulundi	White River
Tumahole	Vanderbijlpark	Norkem Park	Nquthu	Bethal
Viljoenskroon	Sebokeng	Tembisa	Ibisi	Sydney Choma
Fauresmith	Boipatong	Olifantsfontein	Intsiken	Kabokweni
Kagisanong	Ennerdale	Kempton Park	Swartberg	Mbuzini
Free state	Gauteng	KwaZulu natal	Mpumalanga	Free state
Memel	Evaton	Sebenza	Gowan -Lea	Tonga
Rouxville	Sharpeville	Ivory Park		
Bloemspruit	Duduza	Edenvale		
Kestell	Dunnotar	Rabie Ridge		
Tierpoort	Kwa-Thema	Kameelsdrift		
Tseseng	Nigel	Mamelodi East		
Zamdela	Sinoville	Mamelodi		
	Eersterust	Silverton		
North west	Northern cape	Western cape		
Marikana	Pampierstad	Bishop Lavis	Vredendal	Lwandle
Atamelang	Kathu	Belville	Steenberg	Rondebosch
Amalia	Nababeep	Bothasig	Graafwater	Lingeletu West
Makwasie	Gaeleshewe	Brackenfell	Lambertsbay	Da Gamaskop
Mooinooi		Plettenberg Bay	Doorringbaai	Dysselsdorp
Christiana		Cornville	Nuwerus	Calitzdorp
Stella		Durbanville	Kleivlei	Simon's Town
Pudimoe		Kraaifontein	Strand	Franshoek
Boitekong		Mitchel's Plain	Gordon's Bay	Genadendal
Ganyesa		Atlantis	Kirstenhof	Saldanha
Mahikeng		Bishop Lavis	Athlone	Vredenburg



Brits		Tableview	Lansdowne	
Zeerust		Rawsonville	Redelinghuys	
Vryburg		Suurbraak	Grassy park	
Klerksdorp		Barrydale	Lutzville	
Rustenburg		Bonnievale	Maitland	
Motswedi		Mcgregor	Somerset West	
Jouberton		De Doorns	Paarl East	
Lichtenburg		Nyanga	Philadelphia	
Wolmaranstad		Woodstock	Groot Drakenstein	
<p><b>Total number of 155 audits were conducted by 7 provinces</b></p> <p><b>Western Cape used the NMET for data collection, meaning the audits were conducted as part of NMET visits</b></p> <p><b>Eastern Cape did not conduct audits due to lack of capacity. However they have started with audits as from 01 October 2012</b></p> <p><b>Limpopo did not submit.</b></p>				

Figure 5: Stations visited

### 3.6.2. Methodology

In order to assess the level of compliance and implementation of DVA at police station level, one on one interviews were held with Station Commanders, Community Service Centre (CSC) Commanders, DVA Designated Coordinator, Disciplinary Management Head and randomly selected members at the CSC to check their understanding of the implementation of the DVA.

### 3.6.3. Oversight visits

The Civilian Secretariat and Provincial Secretariat have planned to conduct 160 DVA oversight visits in the current financial. The current DVA tool will be fully implemented by all provinces as from the 1<sup>st</sup> of October 2012. This will ensure a uniform data collection as during the current reporting period three different instruments were used for data collection, i.e. the NMET and ICD tool during the first quarter and the CSP DVA tool during the second quarter (pilot phase).

The following indicators will be used to select stations to be audited:

- Statistics from the SAPS, looking at identified patterns
- Non-compliance complaints received against members

- Poor level of compliance based on ICD audits
- Follow up on station with low compliance levels based on the previous reports
- Geographic location of the stations

A reporting template that is linked to an interim excel spread sheet database has been developed to ensure uniform capturing and recording of data by the Provincial Secretariats and the Civilian Secretariat. This is an interim measure to be used while awaiting the finalisation of the electronic database.

#### **3.6.4. General findings**

From the station audits that have been conducted as part of the pilot process the following are the general key findings that came up (**reports of all station audits conducted attached**):

AREAS OF FOCUS	FINDINGS
Regulatory Compliance	<ul style="list-style-type: none"> <li>• The file containing all the relevant documents that should be in the CSC was available and updated in most stations</li> <li>• A similar file that should be in patrol vehicles was however not available and it also became apparent that the patrolling members are not even aware they should have such a document. For example in Kraaifontein SAPS, the police officers in two different vehicles that were patrolling at were not aware that such file should be in their vehicles.</li> <li>• Each shift had at least one member deployed; this was verified through the SAPS 15 in all the station visited.</li> <li>• Protection orders and warrants of arrest were not filed at most stations and in some they were properly files</li> <li>• SAPS 508 (non – compliance register) is non-existent in all the stations visited. What was discovered in some stations like, Douglasdale SAPS was that non-compliance by members was recorded in the Disciplinary Register as a service delivery complaint not linked to domestic violence.</li> </ul>

AREAS OF FOCUS	FINDINGS
	<ul style="list-style-type: none"> <li>Filing of protection orders and warrants of arrest is also a challenge. This is mainly caused by the poor cooperation between the SAPS and the department of Justice. According to Sec 6 (6) of the DVA, the clerk of the court must forthwith in the prescribed manner forward certified copies of any protection order and of the warrant of arrest contemplated in sec 8(1)(a) to the station of the complainant's choice. This is not happening and in some stations the Commanders have designated a member who is responsible for collecting protection orders from the court.</li> </ul>
Recording of Domestic Violence Incidents	<ul style="list-style-type: none"> <li>Recording in the SAPS 508a was not done properly</li> <li>It was observed in most stations visited that there was a lack of correlation between the SAPS 508a and SAPS 508b.</li> <li>In the SAPS 508b some entries were not correctly done.</li> </ul> <p>It was also generally observed that both members and Commanders appear to have insufficient knowledge on how the registers should be properly completed. This was shown by the fact that even in cases where the Commanders have inspected and signed the registers, there were still errors identified.</p>
Implementation of the DVA	<ul style="list-style-type: none"> <li>Members interviewed in various stations displayed very little knowledge of the DVA implementation as outlined in the SAPS National Instructions.</li> <li>For example; it became apparent that the Form 1 is not issued to victims when members respond to a domestic violence incident report. This is based on the fact that interviewed members did not know what a Form 1 is.</li> <li>Members could also not clearly articulate what steps should be taken when assisting a complainant who has reported an incident of domestic violence, even though these are clearly</li> </ul>

AREAS OF FOCUS	FINDINGS
	<p>outlined in the National Instructions.</p> <ul style="list-style-type: none"> <li>• When it comes to helping the complainant find a suitable shelter, most stations indicated that they struggle as there are few shelters and in some areas, especially rural, these are non-existent.</li> </ul>
Training members	<p>of</p> <ul style="list-style-type: none"> <li>• There has been a steady increase in the number of SAPS members trained on DVA and related legislation.</li> <li>• This however, does not seem to translate into positive results as members still display very limited knowledge on how to properly implement DVA.</li> </ul>
General	<ul style="list-style-type: none"> <li>• One of the positive findings was the appointment of a designated member. In stations where there is a designated DVA member maintenance of files and recording was of good quality. Coordination with other stakeholders like the other government departments and Civil Society Organisations was also good, making the referral of victims more efficient. The disadvantage of this method however could be that other members may feel less obliged to correctly handle DVA related cases.</li> <li>• There were quite a few incidents of members who had been reported to have domestic violence cases against them. The shortfall of the tool was that it did not provide space for recording of details of those particular members, as well as recording of members who themselves have been victims of domestic violence; however this will be rectified during the review of the tool.</li> </ul>

Figure 6: General Findings

Recommendations for corrective measures to be implemented have been made and through the Compliance Forum progress reports will be discussed. Progress on implementation will be tabled in the second report as sufficient time has to be given to the SAPS to implement the recommendations.

One of the overarching recommendations is for the Station Commanders to enhance and strengthen their management and supervisory role. Most of the non-compliance findings are due to lack of inspection and follow up by the Station Management.

The other recommendation is at a cluster level which talks to poor coordination of domestic violence issues in the JCPS cluster. Whilst it is not the mandate of the CSP to interact with other departments in the cluster, the lack of participation of other role players continues to stifle compliance to the DVA. In order for the SAPS to be fully able to implement the DVA and play their role, the other government department's needs to also put systems that indicate they are serious about implementing the DVA. For instance, the DVA makes provision that application for a protection order can be done anytime and any day. This is not adhered to as the SAPS cannot access clerks of the court or the magistrates after hours and on weekends, indicating that a complainant has to wait until working hours before the application can be processed even after being assisted to complete the form by the SAPS. The Department of Justice needs to be made aware of this and the dangers it pose for the victim.

The Department of Social Development also needs to find means of establishing more places of safety especially in the rural areas to assist the women in need.

### **3.7. DVA NON COMPLIANCE MANAGEMENT SYSTEM**

According to Section 6 (1) (j) of the Civilian Secretariat Act, the CSP is to assess and monitor the police service's ability to receive and deal with complaints against its members. Currently the SAPS does not have a standardised system of handling complaints nor a central point for receiving complaints. In an attempt to address this challenge, the SAPS have reviewed Standing Order 101, which provides guidelines on how the SAPS should deal with complaints against members. The Secretariat will monitor this process and make the necessary recommendations for improvement

throughout its implementation. Further, the Standard Operating Procedures developed between the CSP and the SAPS stipulates clearly how the DVA complaints, specifically should be dealt with by the SAPS.

The Civilian and Provincial Secretariats are amongst the main sources of receiving complaints regarding non-compliance from the SAPS. For this reason, in the CSP draft regulations, Regulations 15; 24; 26 and 31 provide guidance on how the Secretariats should handle non- compliance complaints received from the public. The flow chart below summarises the management of complaints between the SAPS and the Secretariats.

## COMPLAINTS MANAGEMENT FLOW CHART

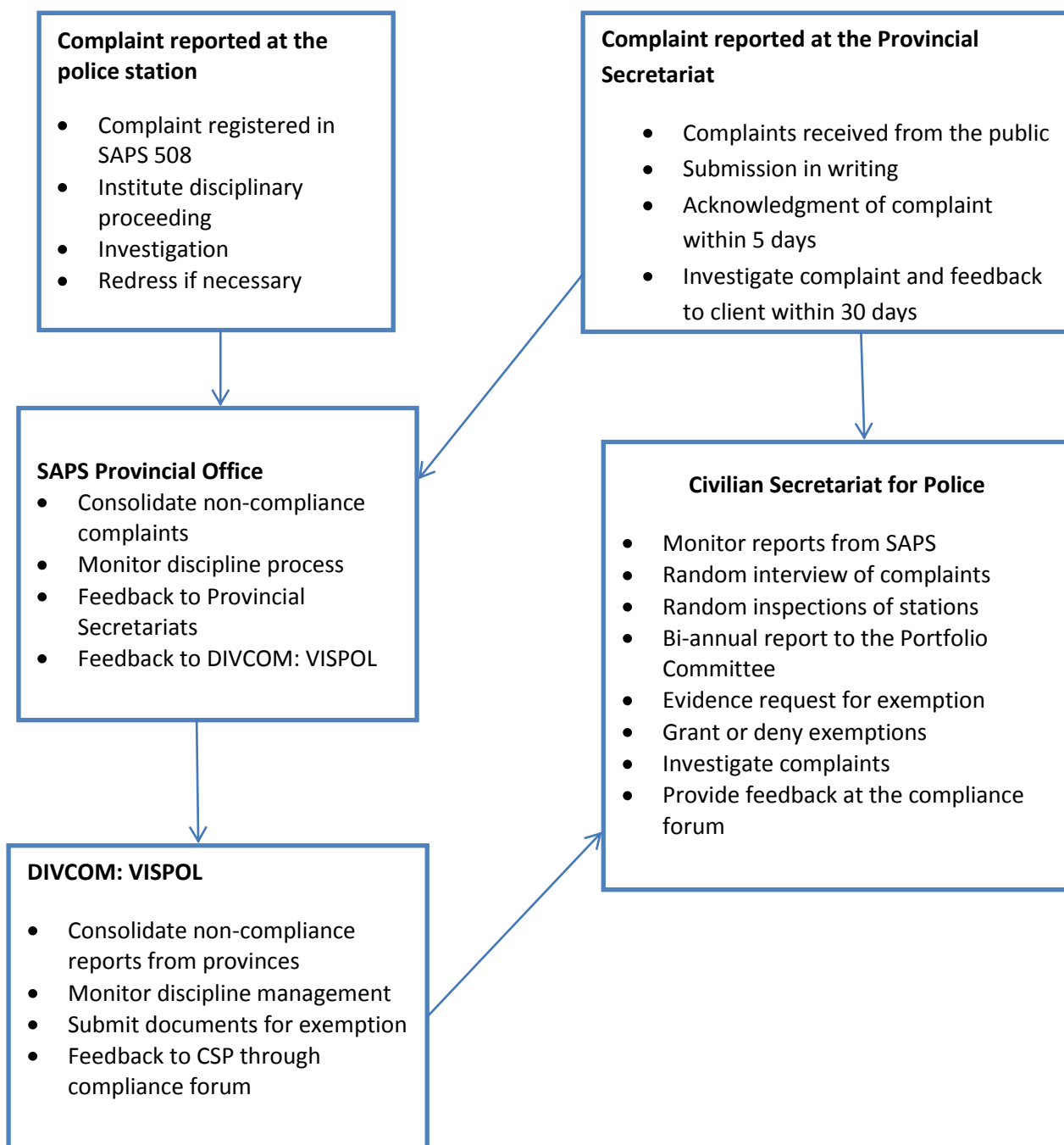


Figure 7: Complaints management flowchart

### 3.7.1. Non – Compliance Complaints

The following non-compliance complaints we received from three provinces and from the Civilian Secretariat for Police for the reporting period.

Province	Station	Nature of complaint	Outcome
Civilian Secretariat	Lenasia South	Perpetrator of rape released before appearing in court and the complainant not informed	The responsible member has been charged both departmentally and criminally for aiding escape and the matter is not finalised yet.
	Douglasdale	Failure to provide necessary assistance to the complainant after reporting a domestic violence incident	Matter investigated and the SAPS were found to have acted accordingly however the complainant requested that the Investigating officer be changed and this was done.
Eastern cape	Alice	Failure to assist the complainant	An investigation into the allegations was conducted and it turned out that the police followed proper procedures in handling the complaint.
North west	Lomanyaneng	Poor feedback	It was established that the SAPS is still waiting for DNA results from forensic laboratory, hence the complainant was of the opinion that her matter was no longer investigated. No wrong doing on the side on SAPS was established. Complainant updated accordingly. Matter was finalised and file closed.
Western cape	Caledon	The complainant alleges that police failed to comply with Domestic Violence Act.	Disciplinary action was initiated against the member
	Lingelethu west	The police failed to arrest her husband	Matter was withdrawn by the complainant.
	Langa	The victim states that her husband contravened the Domestic Violence Act and that she opened a case Langa CAS 62/02/2012, has reference. She further alleges that her husband due to being a police official was not arrested and kept in custody and that he is still issued with a firearm	Disciplinary action was initiated against the member
	Kuilsriver	The complainant alleges that police member failed to deliver protection order to protect complainant from abusive husband.	Unfounded



Province	Station	Nature of complaint	Outcome
	Harare	Complainant alleges that her domestic violence case against her husband is not investigated properly and no feedback is given to her	Unfounded

Figure 8: Non-compliance complaints

### 3.8. LEGISLATION

Section 18 (4 a, b and 5c) of the DVA has been repealed through the implementation of the CSP Act and the IPID Act and this amendment still needs to be addressed in the DVA. The SAPS National Instructions needs to be amended so as to clearly capture the changes in functions, from the ICD to the CSP. The SAPS has planned a workshop scheduled to take place on the 14-15 of November 2012 to start the process of alignment of all relevant legislation and also to look at the challenges within the legislation itself that might be hindering effective implementation.

### 3.9. COMMUNICATION

A broad communication strategy has been developed by the Civilian Secretariat's communications office. The following area regarding DVA monitoring is covered in the strategy:

- Information sessions with the SAPS – this is to inform and educate SAPS members at police station level about the Secretariat's role in monitoring the implementation of the DVA and managing non-compliance.
- Design and development of posters and pamphlets that will be distributed to police stations and other public areas.
- Collaboration with the Partnerships Chief Directorate – information sessions through the Community Police Forums and IMBIZO as platforms to reach all levels of our communities.
- Information sharing through the Reference group in order to disseminate information to a wider Civil Society Organisations forum.
- The compliance forum to secure a slot for POLTV in order to ensure a wider coverage to the SAPS members.

## 4. CONCLUSION

4.1 The implementation of the Compliance Forum at National Level to monitor the SAPS compliance to the DVA is bearing fruit. This approach should be replicated at Provincial Level.

4.2 The capacity building initiatives at the CSP and the Provincial Secretariat should be continuous so that personnel stay in touch with the latest developments.

4.3 The role of the CSP in monitoring the SAPS implementation of the DVA has made a positive impact in ensuring that Domestic Violence cases are taken seriously at station level.

4.4 Recommendations made by the CSP to the SAPS management should be integrated into the Performance Agreements of the relevant Divisional Commissioners to ensure that inputs made can be translated into concrete deliverables.

4.5 The CSP will focus on the following activities during the next reporting period:

4.5.1 Reduce the levels of Secondary Victimization that victims of domestic violence may experience when being attended to by members of the SAPS by:

- Monitoring the progress made by the SAPS in ensuring that every police station has a fully operational Victim Friendly Room.
- Increase access points for all victims.
- Review the current training programme through the Reference Group to ensure a more effective training intervention to capacitate the SAPS members to serve the community.
- Strengthen the working relationship of other Government Departments with the SAPS.

4.5.2 Establish a data base of cases of Domestic Violence where the SAPS members are involved either as perpetrators or as victims and the management thereof.